



FULL BOARD MEETING

FRIDAY, 12 JUNE 2009

9:00 A.M.

FLORIDA INTERNATIONAL UNIVERSITY

UNIVERSITY PARK CAMPUS

GRAHAM CENTER BALLROOMS

MIAMI, FLORIDA

AGENDA

- | | |
|---|------------------------------|
| 1. CALL TO ORDER AND CHAIR'S REMARKS | CHAIRMAN DAVID PARKER |
| 2. FOUNDATION REPORT | JOSEPH L. CARUNCHO |
| 3. PUBLIC APPEARANCES | DAVID PARKER |
| 4. PRESIDENT'S REPORT | MODESTO MAIDIQUE |
| 5. ACTION ITEMS – CONSENT AGENDA | DAVID PARKER |
- BT1. Minutes, 31 March 2009
 - BT2. Minutes, 25 April 2009
 - AW1. FIU Athletics Finance Corporation Amended And Restated Articles of Incorporation and Amended Bylaws
 - EW1. Honorary Alumni Recognition
 - CW1. Performance Excellence Process Policy
 - CW2. University Equity Reports
 - FA3. Signature Authority – Authorization to Sign Checks For the FIU College of Medicine Health Care Network Faculty Group Practice, Inc.
 - FA4. Donation of Woman's Club Property from Wolfsonian, Inc. to the FIU Board of Trustees
 - FA5. Investment Policy Statement
 - AP1. Tenure Nominations
 - AP2. Tenure as a Condition of Employment Nominations
 - AP5. Golden Panther Enterprises Corporation

6. ACTION ITEMS/STATUS REPORTS, BOARD COMMITTEES AND WORKGROUPS

▪ **COMPENSATION WORKGROUP REPORT**

DAVID PARKER

ACTION ITEM (TAB CW)

CW3. UNIVERSITY PRESIDENT-DESIGNATE EMPLOYMENT AGREEMENT

CW4. PROPOSED EXTENSION TO THE EMPLOYMENT AGREEMENT FOR PRESIDENT MODESTO A. MAIDIQUE

▪ **FINANCE AND AUDIT COMMITTEE REPORT**

KIRK LANDON

ACTION ITEMS (TAB FA)

FA1. PROPOSED 2009-2010 OPERATING BUDGET

- a. RESOLUTION FOR OPERATING BUDGET
- b. RESOLUTION FOR UNIVERSITY TUITION FEE RULE
- c. STUDENT FEE – ACTIVITY & SERVICE
- d. RESOLUTION FOR APPLICATION AND ADMISSIONS DEPOSIT
- e. AMENDMENT OF UNIVERSITY TRAFFIC AND PARKING REGULATIONS

FA2. LEGISLATIVE BUDGET REQUEST 2010-2011 - FIXED CAPITAL OUTLAY

▪ **ACADEMIC POLICY COMMITTEE REPORT**

PATRICIA FROST

ACTION ITEMS (TAB AP)

AP3. BA IN MATHEMATICS WITH A MAJOR IN MATHEMATICS EDUCATION

AP4. REQUEST TO TERMINATE ACADEMIC PROGRAMS

▪ **ATHLETICS WORKGROUP REPORT**

ALBERT DOTSON

▪ **EXTERNAL RELATIONS WORKGROUP REPORT**

CLAUDIA PUIG

7. ELECTION OF OFFICERS

DAVID PARKER

8. NEW BUSINESS (IF ANY)

DAVID PARKER

9. CONCLUDING REMARKS AND ADJOURNMENT

DAVID PARKER

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: CALL TO ORDER AND CHAIR'S REMARKS

PROPOSED BOARD ACTION

None. Information only.

AUTHORITY FOR BOARD ACTION

N/A

BACKGROUND INFORMATION

David Parker, FIU Board of Trustees Chair, will convene the meeting with opening remarks.

EXHIBITS/SUPPORTING DOCUMENTATION: ■ N/A

FACILITATOR/PRESENTER: ■ David Parker

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: FOUNDATION REPORT

PROPOSED BOARD ACTION

None. Information only.

AUTHORITY FOR BOARD ACTION

N/A

BACKGROUND INFORMATION

Joseph L. Caruncho, FIU Foundation, Inc. Board of Directors Chair, will report on the activities of the Foundation Board since the last meeting of the Board of Trustees.

EXHIBITS/SUPPORTING DOCUMENTATION: ■ N/A

FACILITATOR/PRESENTER: ■ Joseph L. Caruncho

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: PUBLIC APPEARANCES

PROPOSED BOARD ACTION

None. Information only.

AUTHORITY FOR BOARD ACTION

N/A

BACKGROUND INFORMATION

Public Comment Period (if timely requested and approved)

EXHIBITS/SUPPORTING DOCUMENTATION: ■ N/A

FACILITATOR/PRESENTER: ■ David Parker

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: PRESIDENT'S REPORT

PROPOSED BOARD ACTION

None. Information only.

AUTHORITY FOR BOARD ACTION

N/A

BACKGROUND INFORMATION

Modesto Maidique, President, will provide the University report.

EXHIBITS/SUPPORTING DOCUMENTATION: ■ N/A

FACILITATOR/PRESENTER: ■ Modesto Maidique

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: CONSENT AGENDA

PROPOSED BOARD ACTION:

Adopt the following Resolution:

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

BOARD OF TRUSTEES

BT1. Minutes, 31 March 2009

BT2. Minutes, 25 April 2009

ATHLETICS WORKGROUP

AW1. FIU Athletics Finance Corporation Amended And Restated Articles of Incorporation and Amended Bylaws

EXTERNAL RELATIONS WORKGROUP

EW1. Honorary Alumni Recognition

COMPENSATION WORKGROUP

CW1. Performance Excellence Process Policy

CW2. University Equity Reports

FINANCE AND AUDIT COMMITTEE

FA3. Signature Authority – Authorization to Sign Checks For the FIU College of Medicine Health Care Network Faculty Group Practice, Inc.

FA4. Donation of Woman's Club Property from Wolfsonian, Inc. to the FIU Board of Trustees

FA5. Investment Policy Statement

ACADEMIC POLICY COMMITTEE

AP1. Tenure Nominations

AP2. Tenure as a Condition of Employment Nominations

AP5. Golden Panther Enterprises Corporation

FURTHER RESOLVED that Exhibits "H," "I," "J," "K," "N," "O," "P," "Q," "R," "S," "T," "U," and "V" are attached to this Resolution and made part of the minutes for this meeting.

EXHIBITS/SUPPORTING DOCUMENTS:

- BT1. Board of Trustees Minutes 3.31.09 - *(Exhibit "P")*
- BT2. Board of Trustees Minutes 4.25.09 - *(Exhibit "Q")*
- AW1. FIU Athletics Finance Corporation Amended and Restated Articles of Incorporation and Amended Bylaws *(Exhibits "R" & "S")*
- EW1. Honorary Alumni Recognition *(Exhibit "T")*
- CW1. Performance Excellence Process Policy *(Exhibit "U")*
- CW2. University Equity Reports *(Exhibit "V")*
- **Finance and Audit Committee items**
(Information behind the Finance and Audit Committee tab)
- **Academic Policy Committee items**
(Information behind the Academic Policy Committee tab)

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: FULL BOARD MEETING MINUTES, 31 MARCH 2009

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 31 March 2009, attached to this Resolution as Exhibit "P," are hereby approved.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT "P": 31 March 2009 Full Board meeting minutes

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**



**BOARD MEETING
MINUTES
31 MARCH 2009**

1. Call to Order and Chair's Remarks

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 9:02 a.m., on Tuesday, 31 March 2009, at University Park Campus, Graham Center Ballrooms, Miami, Florida.

The following attendance was recorded:

Present:

David Parker, Chair	Miriam López
Albert Dotson, Vice Chair	Albert Maury
Cesar Alvarez	AJ Meyer
Jorge Arrizurieta	Claudia Puig
Betsy Atkins	Rosa Sugrañes
Thomas Breslin	Modesto Maidique
Patricia Frost	
Kirk Landon	

Chairman Parker welcomed all Trustees, University faculty and staff. He also recognized Foundation Director Noel Guillama-Alvarez, noting that he would represent the Foundation Board of Director's in Chairman Caruncho's absence.

Chairman Parker noted that this would be the last Board meeting for Ms. Rosa Sugrañes as a Trustee. On behalf of the Board, Chairman Parker thanked Ms. Sugrañes for her leadership, commitment and service to the Board, to the University and to the community. He recognized Ms. Sugrañes for the hard work and invaluable contribution for almost 7 years as a member of the Foundation Board, for her guidance as a founding member of the Board, and for her work on the Academic Policy Committee.

Chairman Parker provided an update on the Presidential Search process, reporting on a number of areas including the Committees work, open forums and the Presidential Search website.

Chairman Parker reported on the success of the South Beach Wine and Food Festival held in cooperation with Southern Wine and Spirits of America.

2. FIU Foundation Report

FIU Foundation Board of Directors Treasurer Noel Guillama-Alvarez presented the Foundation Report, providing an update on the Foundation's finances, investments performance and fundraising efforts. He announced the resignation of Directors Jim Mandich and Ted Spak and thanked them for their service and support of the University. He welcomed newly elected Director Kathryn Dinkin.

3. Public Appearances

There were no requests to address the Board.

4. President's Report

President Modesto Maidique reported on a number of University topics including the recently released economic impact study, the Geo-Political Summit and the current work of University researchers in the area of safer food supply. He also reported that the University was among the top 100 schools in BusinessWeek's "2009 Ranking of Top Undergraduate Business Programs."

5. Budget Reduction Methodology

President Maidique led the discussion on the Budget Reduction Methodology, providing a legislative update. Executive VP and Provost Ronald Berkman and Senior VP for Administration and University Chief Financial Officer Vivian Sanchez led the Board members through the proposed E&G budget reduction plans and methodology.

Sr. VP and CFO Sanchez presented the planning methodology for the University's budget gap, noting that investments would still be made to fund critical areas. She reported that growth was experienced in the areas of graduate enrollment and student scholarships and grants. She also reported that a savings was experienced due to vacant positions, a percentage of which were not under recruitment. She added that all areas and divisions were submitting 3-year plans that would incorporate the lowering of operational costs, the creation of new business models and the consolidation and restructuring of existing operations.

Executive VP and Provost Berkman presented the proposed academic restructuring plan, noting that it incorporated the recommendations received from University deans and vice presidents. He added that all were in alignment with the University's mission, priorities and strategic themes.

6. Action Items – Consent Agenda

Chairman Parker noted that the Pre-employment Requirements Policy was amended to reflect that the University shall also conduct more in-depth criminal checks on all employees of the Athletics Department who travel with students to events. He also noted that the amendment was approved by the Finance and Audit Committee. The amended Policy was adopted and submitted as part of the consent agenda.

Chairman Parker also noted that additional amendments to the College of Medicine Faculty Practice Plan Bylaws were reviewed and approved by the Academic Policy Committee. The amendments to the College of Medicine Faculty Practice Plan Bylaws were adopted and submitted as part of the 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:

BT1. Minutes, 14 November 2008

BT2. Minutes, 23 December 2008

FA1. Identity Theft Prevention Program

FA2. Recruitment and Selection Policy

FA3. Pre-employment Requirements Policy

FA4. Investment Policy Statement

AP1. Tenure as a Condition of Employment

AP2. College of Medicine Faculty Practice Plan – Amendments to Bylaws

7. Action Items, Board of Trustees

BT3. Amendment to the Operating Procedures of the Florida International University Board of Trustees

Chairman Parker introduced the proposed amendments to the Operating Procedures, noting the substantive changes to the document.

After discussion, the Board approved 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; and

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 "N."

BT4. Ratification of Collective Bargaining Agreement Between the Florida International University Board Of Trustees And the Dade County Police Benevolent Association (Lieutenants)

Chairman Parker introduced the Ratification of Collective Bargaining Agreement between the Florida International University Board of Trustees and the Dade County Police Benevolent Association (Lieutenants) for Board consideration and approval. He provided the key terms of the

agreement, noting that the members unanimously ratified the contract and policies on March 18, 2009.

After discussion, the Board approved the following Resolution:

WHEREAS, the Florida International University Board of Trustees ("the BOT") is the public employer of all employees of the University and is obligated to engage in collective bargaining with any employees who are represented by a union; and

WHEREAS, certain employees of the University Police department are members of a bargaining unit represented by the Dade County Police Benevolent Association ("PBA-Lts."); and

WHEREAS, representatives of the BOT and the PBA-Lts. have engaged in collective bargaining and have reached an agreement on the terms of the 2007-2010 BOT-PBA-Lts. Collective Bargaining Agreement ("Agreement") and Policies, attached hereto as Exhibit "O"; and

WHEREAS, the overwhelming majority of the members of the bargaining unit represented by PBA-Lts. voted to ratify the Agreement and Policies on March 18, 2009;

NOW, THEREFORE BE IT RESOLVED, that the BOT hereby ratifies the 2007-2010 BOT-PBA-Lts. Collective Bargaining Agreement and Policies attached hereto as Exhibit "O";

BE IT FURTHER RESOLVED, that the University Administration takes all actions necessary to give effect to this Resolution.

8. Action Items/ Status Reports, Board Committees

Finance and Audit Committee

Finance and Audit Committee Chair Kirk Landon reported on items heard by the Committee and introduced the University Technology Fee and the Authorization for the Issuance of Debt to Finance the Construction of Parking Garage V at University Park Campus for Board consideration and approval.

FA5. University Technology fee

Sr. VP and CFO Sanchez presented the University Technology Fee for Board review, noting that the Board of Governors and the Florida State Legislature provided that each university board of trustees may establish a technology fee of up to five percent. She added that the University's Technology Fee Committee held open student forums and reviewed and approved the establishment of the Technology Fee. She also added that future meetings would be held to discuss and provide recommendations on the use and allocation of the Technology Fee funds.

Trustee AJ Meyer noted that while he was in favor of the implementation of the fee, he would be voting against the implementation at the full five percent.

After discussion, the Board approved the following Resolution:

WHEREAS, the Florida International University Board of Trustees ("the BOT") has the power to establish a Technology Fee for the University pursuant to the Board of Governors Regulation 7.003, and F.S. 1009.24, amended by the Florida Legislature during the spring 2007 session; and

WHEREAS, the Board of Governors Regulation and F.S. 1009.24 authorize each state university board of trustees to establish a technology fee of up to 5% of the tuition per credit hour, beginning with the fall term of the 2009-2010 academic year; and

WHEREAS, the University's Technology Fee Committee, composed of fifty percent students and fifty percent staff reviewed and approved the proposal to establish this fee, and their final report is attached hereto as Exhibit "A"; and

WHEREAS, the Technology Fee Committee held open student forums and provided general recommendations regarding the process and use of the technology fee;

THEREFORE BE IT RESOLVED that the BOT approves the Technology Fee of 5% of the tuition per credit hour, effective the beginning of the Fall term, 2009;

BE IT FURTHER RESOLVED that the increase will fund enhanced instructional technology resources for faculty and students; and

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

FA6. Authorization for the Issuance of Debt to Finance the Construction of Parking Garage V at University Park Campus

Sr. VP and CFO Sanchez presented the Authorization for the Issuance of Debt to Finance the Construction of Parking Garage V at University Park Campus for Board review, noting that the University requested to construct Parking Garage V to add additional parking spaces to the University's parking system in order to satisfy the current and continued expected demand. She added that Garage V, if approved, would serve as a multi-purpose facility, which would include retail space as well as house the University's Police operations.

After discussion, the Board approved the following Resolution:

WHEREAS, enrollment growth at the Florida International University ("University") over the last several years has created ever increasing demands for parking; and

WHEREAS, when the last garage, Red Parking Garage, was opened in Fall 2003, University

student headcount was 32,885. By Fall 2008, headcount increased to 39,093, and as a result the current 5,000 structured and 5,104 surface parking spaces at the University's main campus are inadequate to meet demand; and

WHEREAS, the University desires to construct Parking Garage V to add a net additional 1,750 parking spaces to the University's parking system.

NOW, THEREFORE, BE IT RESOLVED by the Florida International University Board of Trustees ("the BOT") as follows:

Section 1. The BOT hereby requests the Florida Board of Governors to request the Division of Bond Finance of the State Board of Administration of Florida (the "Division") to issue bonds in an amount not exceeding \$32,000,000 (the "Bonds") for the purpose of financing a portion of the construction of Parking Garage V on the campus of the University, to fund a debt service reserve fund and to pay certain costs of issuing the bonds.

Section 2. The University currently has four parking garages on its main campus providing 5,000 structured parking spaces. The proposed Parking Garage V would add a net additional 1,750 parking spaces to the University's parking system. Parking Garage V will include approximately 30,000 gross square feet of shell space. In addition approximately 11,000 gross square feet of Public Safety Offices will be housed within the structure. The portion of Parking Garage V that will house the Public Safety Offices will be funded with approximately \$3.2 million in Public Education Capital Outlay ("PECO") funds previously authorized by the State of Florida and approximately \$700,000 in other sources. Parking Garage V (the "Project") is reflected on the approved master plan for the University and is consistent with the mission of the University because it will provide additional parking spaces to meet the ever increasing demands for parking created by growth in enrollment over the past several years. Construction of the Project is expected to begin in June, 2009, and to be completed by August, 2010. Proceeds of the Bonds, along with PECO and University funds, are anticipated to be sufficient to complete the construction of the Project. Legislative approval of the Project has been obtained pursuant to section 1010.62, Florida Statutes. No proceeds of the Bonds will be used to finance operating expenses of the University.

Section 3. The Bonds are to be payable from and secured by a lien on the revenues of the parking system of the University and will be payable on a parity basis with the outstanding Parking Facility Revenue Bonds, Series 1995, Series 1999 and Series 2002, all of which were issued through the Division. Parking system revenues include mandatory student fees, decal sales, fines, and meters. Expenses include operating, maintenance and administrative costs. The University is legally authorized to secure the Bonds with the revenues to be pledged pursuant to section 1010.62, Florida Statutes. The University is also committed to ensuring that sufficient revenues will be generated to fulfill the University's obligations with respect to the Bonds.

Section 4. The Bonds will mature not more than 30 years after issuance, including any extensions or renewals thereof. The Project has an estimated useful life of 50 years, which is

beyond the anticipated final maturity of the Bonds. The Bonds will bear interest at a fixed interest rate.

Section 5. The Bonds will be sold by the Division through either a competitive or negotiated sale. A negotiated sale may be desirable due to the uncertainty in the financial markets. An analysis showing that a negotiated sale is desirable is attached in Appendix A. Any selection of underwriters or financial advisors should be accomplished through a competitive selection process. Any bond insurance or other credit enhancement should be chosen through a competitive selection process analyzing the cost of the insurance or credit enhancement and the expected interest cost savings resulting from their use.

Section 6. The BOT will ensure that the University complies with all requirements of federal and state law relating to the Bonds, including but not limited to, laws relating to maintaining the exemption from taxation of interest payments on the Bonds and continuing secondary market disclosure of information regarding the Bonds.

Section 7. The President of the University, Chief Financial Officer, and/or Treasurer of the University are hereby authorized to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other actions consistent with the terms of this resolution in connection with the execution, sale and delivery of the Bonds.

Section 8. In making the determination to finance the Project, the BOT, through a presentation to the BOT by University staff, has reviewed the information attached to Appendix A and finds that the issuance of the Bonds is in compliance with the Debt Management Guidelines, the University's debt management policy, and applicable law.

Section 9. This Resolution shall take effect immediately upon its adoption.

Academic Policy Committee

Academic Policy Committee Chair Patricia Frost reported on items heard by the Committee and introduced the SACS Quality Enhancement Plan, the University Mission Statement, the Limited Access Designation for Theatre and the Programs Terminations for Board consideration and approval.

AP3. SACS Quality Enhancement Plan for FIU

Executive VP and Provost Berkman presented the SACS Quality Enhancement Plan for FIU for Board review, noting that the proposed structure for the global learning curriculum ensures that every FIU graduate will have the educational opportunity to achieve the knowledge, skills, and attitudes of global citizenship in an interconnected world.

Trustee Rosa Sugrañes suggested that the proposed plan encourage students to become knowledgeable in a second language.

After discussion, the Board approved the following Resolution:

WHEREAS, each board of trustees has the authority to adopt regulations and policies as appropriate in matters pertaining to Academic Programs;

THEREFORE BE IT RESOLVED that the Florida International Board of Trustees endorses the FIU Quality Enhancement Plan, attached hereto as Exhibit "H."

AP4. University Mission Statement

Committee Chair Frost presented the University Mission Statement for Board review, noting that the mission statement was amended and approved by the Academic Policy Committee. She also noted that the amendment was distributed to all of the Trustees.

FIU Foundation Treasurer Noel Guillama-Alvarez requested that the Board consider including "Innovation" to the University's Mission Statement. Chairman Parker noted the request and stated that the request would be considered and analyzed further for discussion at a later meeting.

After discussion, the Board approved the following Resolution:

WHEREAS, each board of trustees shall be responsible for the administration of its university in a manner that is dedicated to, and consistent with the university's mission, which shall be consistent with the mission and purposes of the State University System as defined by the Board of Governors;

THEREFORE BE IT RESOLVED that the Florida International University Board of Trustees reaffirms the University's mission set forth below:

Florida International University is an urban, public, multi-campus research university serving South Florida, the state, the nation, and the international community. Our mission is to impart knowledge through excellent teaching, promote public service, discover new knowledge, solve problems through research, and foster creativity.

AP5. Limited Access Designation for Theatre

Committee Chair Frost presented the Limited Access Designation for Theatre, noting that the program is of such a nature that applicants must demonstrate through an audition or submission of a portfolio that they already have the minimum skills necessary for them to benefit from the program.

After discussion, the Board approved the following Resolution:

WHEREAS, the nature of the study of theatre requires a small class environment, an audition for placement, and a great deal of one-on-one work by the faculty for proper development of the student; and

WHEREAS, the Florida Board of Governors Regulation BOG 8.013 allows a limited access designation for performing arts programs requiring an audition;

THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees ("the BOT") hereby approves the request, attached hereto as Exhibit "I", for the Limited Access status and designation for:

Theatre: Bachelor of Arts and Bachelor of Fine 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.

AP6. Program Terminations

Committee Chair Frost presented the Program Terminations for Board review, noting that the terminations were proposed due to program inactivity.

After discussion, the Board approved the following Resolution:

RESOLVED that the Florida International University Board of Trustees ("the BOT") hereby approves the request for the termination of the following academic degree programs. This request, attached hereto as Exhibit "J", shall be effective at the end of the spring 2009 term as the following programs are currently inactive:

Accelerated Combined Degree Programs, Seven-Year Programs for BS/DO,
BS/DPM and BS/DMD

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.

AP7. Honorary Degree Nominations

Committee Chair Frost presented the Honorary Degree Nominations for Board review, noting that all of the nominees were approved by the President and Provost to receive an honorary degree at Commencement.

After discussion, the Board approved the following Resolution:

RESOLVED that the Florida International University Board of Trustees endorses the Honorable William M. Hoeveler, Mr. Dean Colson and Mr. Steven Green, as recipients of a doctoral degree *honoris causa* from Florida International University and whose nomination letters are attached to the Resolution as Exhibit "K".

9. Status Reports, Board Workgroups

Athletics Workgroup

Athletics Workgroup Chair Albert Dotson reported on items heard by the Workgroup and provided the Athletics update. He noted the exceptional performances of the Men's Baseball and Women's tennis teams. He also noted the positive progress on fundraising efforts. He also reported on the University's radio agreement which provided greater exposure at a no charge basis.

External Relations Workgroup

External Relations Workgroup Co-Chair Miriam López reported on items heard by the Workgroup and provided the External Relations update, reporting on FIU Day. She noted the importance of this FIU Day as the University prepares for the impact and repercussions of the State's economic crisis for the upcoming 2009-2010 fiscal year. She thanked Trustees Cesar Alvarez, Thomas Breslin, Albert Maury, AJ Meyer and Claudia Puig for their participation. She also thanked the President of the Alumni Association J. Perez de Corcho, members of the President's Council Rich Candia, Sergio Abreu and Vicky Garcia-Toledo for their participation. She also recognized FIU Foundation, Inc. Board of Directors Chairman Joseph Caruncho for his sponsorship of the FIU Day reception.

10. New Business

Florida International University Foundation Inc. Bylaws as Amended and Restated on the 24th day of March 2009

Chairman Parker noted that a new business item required Board review and approval. Foundation Treasurer Guillama-Alvarez presented the FIU Foundation, Inc. Bylaws as Amended and Restated on the 24th Day of March 2009 for Board review, noting that the proposed amendments were distributed to the Board.

After discussion, the Board approved the following Resolution:

WHEREAS, pursuant to Regulation FIU – 1502, the Florida International University Board of Trustees ("the BOT") must approve any amendments to the FIU Foundation, Inc. Bylaws before their becoming effective; and

WHEREAS, the Florida International University Foundation, Inc.'s Board of Directors ("the BOD") has approved the amendments, which are attached hereto as Exhibit "P";

THEREFORE BE IT RESOLVED, that the BOT hereby approves the attached Amended Foundation Bylaws and authorizes the Executive Director of the Foundation to take all actions necessary pertaining to these Amended Bylaws.

Chairman Parker noted that this was the last Board meeting for Student Trustee and Student Government President for University Park Campus AJ Meyer. On behalf of the Board of Trustees, the Chairman extended his gratitude to Trustee Meyer for his leadership, commitment and dedication to the Board, to the University and to students. Trustee Meyer requested that, as he could not stay for the remainder of the meeting, he may address the Board at the next regularly scheduled Board meeting. Chairman Parker approved the request.

On behalf of the Board, Chairman Parker thanked Dr. Bruce Hauptli for his four years of service to the Board. The Chair added that although Dr. Hauptli no longer served as a Trustee, he looked forward to his continued work as a distinguished and accomplished professor in the University's department of Philosophy.

On behalf of the Board, Chairman Parker also thanked Ms. Rosa Sugrañes for her guidance and leadership as a founding member of the Board. He recognized Ms. Sugrañes for her service on the Foundation's Board as well as her dedication to the University, to the students and to the community. He added that although this would be the last Board meeting for Ms. Sugrañes as a Trustee, he looked forward to her continued involvement with the University in the future.

President Maidique noted that the vacancy on the Board of Trustees was announced by the Board of Governors and applications have been received. He added that no further information regarding the appointment has been provided.

11. Concluding Remarks and Adjournment:

Since there was no other business, the meeting of the Florida International University Board of Trustees was adjourned on Tuesday, 31 March 2009, at 11:43 a.m.

David Parker
Chairman
FIU Board of Trustees

Modesto A. Maidique
Corporate Secretary
FIU Board of Trustees

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

MB
4.8.09

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: FULL BOARD MEETING MINUTES, 25 APRIL 2009

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 25 April 2009, attached to this Resolution as Exhibit "Q," are hereby approved.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT "Q": 25 April 2009 Full Board meeting minutes

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**



**BOARD MEETING
MINUTES
25 APRIL 2009**

1. Call to Order and Chair's Remarks

Chairman David Parker convened the meeting of The Florida International University Board of Trustees at 11:30 a.m., on Saturday, 25 April 2009, at University Park Campus, Graham Center Ballrooms, Miami, Florida.

The following attendance was recorded:

Present:

David Parker, Chair
Albert Dotson, Vice Chair
Cesar Alvarez
Jorge Arrizurieta
Betsy Atkins
Thomas Breslin
Patricia Frost

Miriam López
Albert Maury
AJ Meyer
Claudia Puig

Excused:

Kirk Landon

Chairman Parker welcomed all Trustees, University faculty and staff.

Chairman Parker provided a review of the Presidential Search process for Board consideration and approval, adding that the Board was faced with the significant task of finding a worthy successor to Dr. Modesto A. Maidique, who has guided FIU for more than two decades. He noted that the Board's goal and focus throughout the process was to recruit highly qualified candidates while ensuring efficiency and transparency.

Chairman Parker stated that the Board's consultants on the search process, former university presidents and nationally renowned search executives, Jan Greenwood and Betty Asher, assisted the University in developing a process and timeline, which was approved by the Board of Governors.

Chairman Parker noted that the process was all-inclusive, adding that open lines of communication were maintained while broad community involvement was achieved. He reported that he routinely communicated through email updates to the community regarding the status of the presidential search. In addition to these updates, he noted that a Presidential Search Website was launched in order to keep the public at large informed.

Chairman Parker expressed his gratitude to the Search Committees members for their hard work and dedication in ensuring that the process was maintained at a standard worthy of the University. Trustees also noted their support of the process and expressed their respective gratitude towards the work achieved by the Search Committees and Greenwood/Asher.

After discussion, the Board approved the following Resolution:

WHEREAS, pursuant to Florida Board of Governors (the BOG) Regulation 1.001, the Florida International University Board of Trustees (the BOT) has been vested with the authority to select the University president subject to ratification of the candidate by the BOG; and

WHEREAS, the BOT shall select a candidate for ratification by the BOG; and

WHEREAS, prior to ratification, the BOT shall submit a written description of the selection process and criteria to the BOG for approval; and

WHEREAS, the BOG approved the BOT's selection process and criteria on April 16, 2009;

THEREFORE BE IT RESOLVED that the BOT hereby approves the Presidential Search Process and Criteria attached hereto as Exhibit "A", and

BE IT FURTHER RESOLVED that the University Administration provides all necessary documentation to the BOG for ratification of the presidential candidate.

Chairman Parker noted that the Term Sheet of Employment Agreement for President of Florida International University leveraged the insights from experts in the field as well as Greenwood/Asher & Associates, and tailored market standards to FIU's employment policies, culture and financial limitations. He added that the Term Sheet was reviewed and approved by the Board's Presidential Search Committee with the participation of the Foundation's Board of Directors' officers. He added that subsequently, the Foundation Board's Executive Committee met to review and approve the Term Sheet.

Chairman Parker asked if there were any questions or changes to the employment term sheet. Hearing none, the Board adopted the following Resolution:

WHEREAS, pursuant to the Board of Governors, University Boards of Trustees powers and duties, the Board is the employer of all University employees; and

WHEREAS, the mandate of the Florida International University Board of Trustees' Presidential Search Committee ("the PSC") includes approval of employment terms for Florida International University's fifth president; and

WHEREAS, a national compensation study focused on presidential compensation of benchmark universities was conducted to help thoroughly understand the elements needed to create a competitive compensation package and used in creating the employment term sheet; and

WHEREAS, the Term Sheet of Employment Agreement for President of Florida International University, attached hereto as Exhibit "B", was approved by the PSC on April 13, 2009; and

WHEREAS, subsequent to the PSC's approval, the FIU Foundation Board of Directors' Executive Committee met on April 20, 2009 and approved the Term Sheet of Employment Agreement for President of Florida International University;

THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees hereby approves the Term Sheet of Employment Agreement for President of Florida International University.

2. Review/Discussion Items

BT1. Presidential Search Committee Feedback

Chairman Parker noted that the BOT Presidential Search Committee (BOT-PSC) selected three final candidates and as a result invited each to the University's campuses for interviews. He stated that the candidates, each with identical schedules, went through a day-long process of meeting with students, faculty, administrators, alumni and members of the community. He reported that Greenwood/Asher facilitated the accumulation and dissemination of the community feedback forms after each on-campus interview as well as facilitating reference checks of each of the final candidates.

Chairman Parker noted that, as was delineated in the Presidential Search Process, the BOT-PSC met to review the feedback from the reference checks and campus interviews as was presented by Greenwood/Asher. He reported that the feedback was positive and reflected an engaged community which was supportive of each candidate.

Chairman Parker reported that the BOT-PSC felt that all three final candidates, Dr. Ronald Berkman, Dr. Carlos Santiago and Dr. Mark Rosenberg possessed the experience in higher education and administration necessary to lead the University. Chairman Parker reported that subsequent to the on-campus interviews, two of the final candidates, Dr. Ronald M. Berkman and Dr. Carlos E. Santiago, withdrew their respective candidacies for University president. He noted that the preceding developments should not be considered a reflection of the candidates or the process.

Chairman Parker reported that the BOT-PSC recommended and submitted Dr. Mark B. Rosenberg as president of Florida International University to the Board for ratification.

3. Action Item

BT3. Selection of University President

Trustee Albert Dotson thanked President Modesto Maidique for his leadership, commitment and service to the students, University and to the community. He recognized President Maidique for the substantial contributions made during his presidency which have benefited Florida International University in countless areas. Trustee Dotson commended President Maidique for providing strong and unfailing leadership to the University, especially during its most critical times in history.

After discussion, the Board approved the following Resolution:

WHEREAS, pursuant to Florida Board of Governors (the BOG) Regulation 1.001, the Florida International University Board of Trustees (the BOT) has been vested with the authority to select the University president subject to ratification of the candidate by the BOG; and

WHEREAS, the members of the BOT wish to express their deep appreciation to the Presidential Search Advisory Committee and to the Presidential Search Committee for the investment of time each member made in the process of identifying, reviewing, interviewing, and evaluating the prospective candidates; and

WHEREAS, this challenging responsibility was carried out with admirable cooperation and alacrity by the Committees;

BE IT RESOLVED that the excellent advice of the Committees enabled the BOT to reach the very successful conclusion of selecting Dr. Mark B. Rosenberg as the fifth President of Florida International University;

BE IT FURTHER RESOLVED that the BOT feels that Dr. Rosenberg embodies all of the qualities necessary in a university president and is confident that he has the knowledge, experience and leadership skills critical to the University's advancement.

Trustee Jorge Arrizurieta noted that the recent candidacy withdrawals from Dr. Ronald Berkman and Dr. Carlos Santiago, respectively, should not diminish the Board's selection of Dr. Mark Rosenberg as University President. He added that while all three final candidates possessed the necessary experience and knowledge necessary to lead the University, he emphasized his support and confidence in Dr. Rosenberg.

Dr. Mark B. Rosenberg accepted the Board's nomination to serve as Florida International University's fifth president. He thanked the Board members for their support and extended his gratitude to President and Mrs. Maidique for the continued commitment and determination they have provided to the University, to the students, to the community and to the State.

Chairman Parker requested the Board grant him sole authority to negotiate the contract terms with President-designate Dr. Rosenberg. The request was unanimously approved. He noted that the final contract terms would be presented to the Board for ratification at the next regularly scheduled Board meeting.

4. New Business

No new business was raised.

5. Concluding Remarks and Adjournment:

Since there was no new business, the meeting of the Florida International University Board of Trustees was adjourned on Saturday, 25 April 2009, at 11:56 a.m.

David Parker
Chairman
FIU Board of Trustees

Modesto A. Maidique
Corporate Secretary
FIU Board of Trustees

Attachments: Exhibits "A"

MB
5.5.09

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

**SUBJECT: FIU ATHLETICS FINANCE CORPORATION AMENDED AND RESTATED
ARTICLES OF INCORPORATION AND AMENDED BYLAWS**

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, on December 5, 2006, the Florida International University Board of Trustees ("the BOT") approved the Articles of Incorporation and Bylaws of the FIU Athletics Finance Corporation ("the Corporation") and designated the Corporation as a direct support organization of the University to undertake the financing of the construction of the FIU Football Stadium; and

WHEREAS, in an effort to conform to current IRS requirements relating to not-for-profit corporations and to make other revisions relating to the composition of the Board and the conduct of meetings in the best interest of the Corporation, on April 30, 2009, the Board of Directors of the Corporation approved the Amended and Restated Articles of Incorporation attached hereto as Exhibit "R," and on May 19, 2009 approved the Amended Bylaws attached hereto as Exhibit "S;" and

WHEREAS, FIU Regulation FIU-1502 provides that amendments to the Articles of Incorporation or Bylaws must be approved by the BOT prior to becoming effective;

NOW, THEREFORE, BE IT RESOLVED by the BOT as follows:

The BOT hereby (i) approves the Amended and Restated Articles of Incorporation and Amended Bylaws of the Corporation, in the form attached as Exhibits "R" and "S" hereto.

STATUTORY AUTHORITY:

This resolution is being adopted pursuant to the provisions of Section 1004.28, Florida Statutes, and FIU Regulation FIU-1502, relating to direct support organizations of the University.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT "R": Articles of incorporation for FIU athletics finance corporation
- EXHIBIT "S": Bylaws of FIU Athletics Finance Corporation

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**AMENDED AND RESTATED ARTICLES OF INCORPORATION
OF
FIU ATHLETICS FINANCE CORPORATION**

The undersigned, acting as incorporator of FIU Athletics Finance Corporation under the Florida Not-For-Profit Corporation Act, adopts the following Articles of Incorporation.

ARTICLE I.

NAME

The name of the Corporation is: FIU Athletics Finance Corporation.

ARTICLE II.

PRINCIPAL OFFICE

The initial principal place of business and mailing address of the Corporation shall be 11200 S.W. 8th Street, PC511, Miami, Florida 33199.

ARTICLE III.

PURPOSES AND POWERS

1. The Corporation is organized as a Corporation not-for-profit pursuant to, and shall possess all of the powers enumerated in, Chapter 617, and Section 1004.28, Florida Statutes. The purposes and powers of the Corporation include, but are not limited to the following:
 - A. The Corporation is organized and shall be operated exclusively to receive, hold, invest, and administer property and to make expenditure to or for the benefit of Florida International University. The Corporation is organized exclusively for charitable, educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) or Section 115(1) of the Internal Revenue Code, or corresponding section of any future federal tax code.
 - B. The Corporation shall facilitate the financing of projects related to the FIU football stadium. The Corporation shall manage and operate the FIU football stadium, and shall administer all revenues received from stadium activities including, but not limited to, the sale of suites, club seats, general stadium seating, special events, concessions, novelty sales, etc.
 - C. The Corporation may hold any property, or any undivided interest therein, without limitation as to amount or value; may dispose of any such property and invest, reinvest or deal with the principal or the income in such manner as, in the

judgment of the Corporation's board of directors, will best promote the purposes of the Corporation without limitation, except such limitations, if any, as may be contained in the instrument under which such property is received, these Articles of Incorporation, the Bylaws of the Corporation or any applicable laws or rules.

- D. The Corporation may transact any and all lawful business, subject to the limitations contained herein.
2. No part of the net earnings of the Corporation shall inure to the benefit of any member, director or officer of the Corporation or any other private individual (except that reasonable compensation may be paid for services rendered to the Corporation and reasonable amounts expended by reason of the Corporation's effecting one or more of the purposes), and no member, director, or officer of the Corporation or any other private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Corporation. No substantial part of the activities of the Corporation shall be carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall neither participate nor intervene in (including the publication or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.
3. Notwithstanding any other provision of these Articles of Incorporation, the Corporation shall carry on only activities permitted to be carried on by (i) an organization exempt under Section 501(c)(3) of the Internal Revenue Code of 1986 and pertinent Treasury Regulations as they now exist or as they may be amended or (ii) any organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986 and pertinent Treasury Regulations as they now exist or as they may be amended.

ARTICLE IV.

MEMBERS

The members of the Corporation shall consist of the members of the Corporation's board of directors.

ARTICLE V.

INITIAL REGISTERED OFFICE AND AGENT

The street address of the initial registered office of the Corporation is 11200 S.W. 8th Street, PC511, Miami, Florida 33199 and the name of the Corporation's initial registered agent at the address is Cristina L. Mendoza, Esq., General Counsel.

ARTICLE VI.

BOARD OF DIRECTORS

Management of Corporate Affairs. The Corporation shall be managed, its properties controlled, and its affairs governed under the direction of its board of directors. The terms and manner of election of the Directors shall be as provided in the Bylaws.

ARTICLE VII.

NAME AND ADDRESS OF INCORPORATOR

The name and address of the incorporator is:

<u>Name</u>	<u>Address</u>
Cristina L. Mendoza, Esq. General Counsel	11200 S.W. 8 th Street PC511 Miami, FL 33199

ARTICLE VIII.

DISSOLUTION

Upon the dissolution of the Corporation or the winding up of its affairs, the assets of the Corporation remaining after the payments of the Corporation's lawful debts shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, to the Florida International University Foundation, Inc., a Florida corporation not-for-profit, if then qualified under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986 and pertinent Treasury regulations as they now exist or as they may be amended, or if not, to The Florida International University Board of Trustees, a public body corporate of the State of Florida, or to the State of Florida, the federal government, or a local government, for a public purpose. as directed by the President of Florida International University. Any such assets not disposed of shall be disposed of by a court of competent jurisdiction within Miami-Dade County, Florida, exclusively for one or more exempt public purposes, or to such organization or organizations, as the court shall determine, which are organized and operated exclusively for such purposes.

IN WITNESS WHEREOF, the undersigned incorporator has executed these Articles of Incorporation the _____ day of November, 2006.

Cristina L. Mendoza, Esq., General Counsel

**CERTIFICATE OF DESIGNATION
REGISTERED AGENT/REGISTERED OFFICE**

Pursuant to the provisions of Section 617, Florida Statutes, FIU Athletics Finance Corporation, organized under the laws of the State of Florida, submits the following statement in designating the registered office/registered agent in the State of Florida.

1. The name of the Corporation is FIU Athletics Finance Corporation.
2. The name and address of the registered agent and office are Cristina L. Mendoza, Esquire, General Counsel, 11200 S.W. 8th Street, PC511, Miami, Florida 33199.

REGISTERED AGENT'S ACCEPTANCE

Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this certificate, the undersigned hereby accepts the appointment as registered agent and agrees to act in this capacity. The undersigned further agrees to comply with the provisions of all statutes relating to the proper and complete performance of her duties, and is familiar with and accepts the obligations of her position as registered agent.

Cristina L. Mendoza

Date: _____

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**AMENDED BYLAWS OF
FIU ATHLETICS FINANCE CORPORATION**

**ARTICLE I
MEMBERSHIP**

The Board of Directors (the “Board”) of the FIU Athletics Finance Corporation (the “Corporation”) shall constitute the members of the Corporation.

**ARTICLE II
BOARD OF DIRECTORS**

Section 1. Governance. The business affairs of the Corporation shall be managed by and under the direction of the Board and by various Officers and Committees thereof as powers may be delegated to such Officers and Committees by these Bylaws or by Resolution of the Board. Members of the Board shall be the sole voting members of the Corporation and shall be called “Directors”.

Section 2. Membership. The Board shall consist of no less than five (5) and no more than nine (9) voting members.

The following persons shall be directors of the Corporation:

A. The Chairperson of the University Board of Trustees (“BOT”) Athletics Workgroup or his or her designee.

B. The President of Florida International University (the “University”) or the President’s designee.

~~CB.~~ The Treasurer of the University.

~~DC.~~ The Athletics Director or designee.

~~Executive Director of the Athletic Association~~

~~ED.~~ The Associate Athletics Director, External Operations.~~Chairman of the Athletic Association Board~~

~~FE.~~ At least one (1) and no more than five (5) Community Members with a demonstrated commitment to FIU Intercollegiate Athletics who shall not be employees of FIU and who are nominated either by the Nominating Committee or any member of the Board and elected by a majority vote of the Board (hereinafter "Elected Directors").~~The Athletics Director or designee~~

All Directors in Subsections A through ~~DE~~ above shall be known as "Appointed Directors".

~~F. All other members of the Board shall be nominated and elected pursuant to the provisions set forth in Article VI, Section 2 (iii), and shall be known as the "Elected Directors". The Elected Directors shall have the qualifications specified from time to time by the Nominating committee.~~

Section 3. Election. Elected Directors shall be selected to fill expiring and vacant terms at the Annual Meeting of the Board. Elected Directors may also be elected at any other regular or Special Meeting of the Board. Nominations for Elected Directors shall be made by the Nominating Committee as described in Article VI, Section 2 (iii) of these Bylaws or from nominations made from the floor at any regular or Special Meeting of the Board.

Section 4. Vacancies of Elected Directors. Vacancies occurring during a term of an Elected Director may be filled ~~by~~ the Board at any regular or Special Meeting of the Board. The Elected Directors so chosen shall hold such office until the next regular Annual Meeting of the Board at which time his or her successor shall be elected.

Section 5. Vacancies of Appointed Directors. In the case of a vacancy of an Appointed Director, the person who is acting as the Chairperson of the BOT Athletics Workgroup or his/her

~~designee, the~~ President or his/her designee, the University Treasurer, the ~~Executive Director of the Athletic Association Associate Athletics Director for External Operations, the Chairman of the Athletic Association Board~~, and the Athletics Director or designee, shall fill the vacancy until the permanent appointment is made at which time the person appointed to hold the position shall be named as the new Appointed Director for that position. Any vacancy among the Elected Directors may be filled by a majority vote of the remaining members of the Board. The term of office of an Elected Director chosen to fill a vacancy shall expire at the latter of the next Annual Meeting of the Board or at such time as a successor shall be duly elected and qualified.

Section 6. Resignation or Removal. A Director may resign at any time by giving written notice to the Chairperson or to the Secretary of the Board. Any such resignation shall take effect at the time specified therein or, if no time is specified therein, upon its acceptance by the Board. Any Elected Director who is not present for three (3) consecutive regular meetings of the Board, and whose absences are not excused by the Chairperson, shall be deemed to have submitted his/her resignation, subject to reinstatement by a majority vote of the other Directors. In addition, any Elected Director may be removed from office by a two-thirds vote of all of the Directors, effective as of the date of such vote.

Section 7. Term of Office. The Chair of the BOT Athletics Workgroup or his/her designee, the President of FIU or his/her designee, the University Treasurer, the ~~Executive Director of the Athletic Association Associate Athletics Director for External Operations, the Chairman of the Athletic Association Board~~, and the Athletics Director or designee, shall serve as Directors for such time as each respective individual continues to serve as Trustee-, President, University Treasurer, ~~Executive Director of the Athletic Association Associate Athletics Director for External Operations~~, ~~Chairman of the Athletic Association Board~~, or Athletics Director.

~~Elected Directors shall serve for a term of five (5) years and shall be eligible for re-election for no more than two (2) additional five-year terms. The Elected Directors shall serve a two-year term and shall be eligible for re-election for no more than two (2) additional two-year terms.~~

Section 8. Powers and Duties of the Board of Directors. The property, affairs, activities, and concerns of the Corporation shall be vested in the Board. All ~~corporate management~~ functions shall be exercised by the Board, and by various Officers and Committees thereof as powers may be delegated to such Officers and Committees by these Bylaws or by action of the Board.

ARTICLE III MEETINGS

Section 1. Meetings. Regular meetings of the Board shall be held from time to time at least two (2) ~~four~~ times a year, at such times as may be specified by the Chairperson. One such meeting shall be held in either April, May or June~~July~~ of each year and such meeting shall be the Annual Meeting of the Board when new Directors and Officers shall be elected and take office, subject to other provisions of these Bylaws. Written notice of each meeting shall be faxed or emailed by the Secretary, to each Director at the last recorded University address, fax number of email address of each Director not less than seven (7) calendar days prior to the meeting. The notice and agenda containing the general subject matters to be considered at the meeting shall also be posted on an appropriate FIU website and faxed to a newspaper of general circulation not less than seven (7) days before the meeting, in compliance with the requirements of the Sunshine Law. The Secretary must provide written notice, by fax or email, to all Directors of any changes to the meeting schedule at least seven (7) calendar days prior to the date of the originally scheduled meeting day or of the new meeting date, whichever date occurs earlier. Special Meetings may be called by the Chairperson, the President of the University in his capacity as

University President, or by any two (2) Directors with at least seven (7) calendar days written notice provided to all of the Directors by fax or email. The agenda for Special Meetings shall be limited to matters listed in the written notice of the Special Meeting. ~~A Director may waive any required notice of an Annual, Regular or Special Meeting. The waiver must be in writing, signed by the Director, entitled to the notice, and filed with the minutes or Corporate records. A Director's attendance at or participation in a meeting waives any required notice to the Director of the meeting unless the Director at the beginning of the meeting or promptly upon the Director's arrival, objects to holding the meeting or transacting business at the meeting and does not vote for or assents to action taken at the meeting.~~

Section 2. Quorum. A quorum of the Directors shall be a majority of the voting Directors ~~in office~~ at the time of the vote. A quorum must be present to transact any business of the Corporation at a meeting.

Section 3. Voting. Each Director shall have one vote. When a quorum is present at the meeting, all questions shall be decided by majority vote of the voting Directors present, except as otherwise provided in these Bylaws, by law or by the Articles of Incorporation.

Section 4. Proxies. Proxies, general or special, shall not be accepted for any purpose in Board or Committee meetings.

Section 5. Telephone Meetings. Board and Committee meetings may be conducted by telephone conference or similar communications facilities if the Chairperson of the Board or the Chairperson of the Committee determines it is appropriate and is in full compliance with all requirements of the Sunshine Law~~if all persons participating in such meetings are able to hear each other.~~ The notice of any meeting conducted by means of telephone or similar

communication facilities will state where and how members of the public may gain access to the meeting.

Section 6. Emergency Meetings. An emergency meeting of the Board may be called by the Chairperson or the Vice Chairperson in the Chairperson's absence, upon no less than forty-eight (48) hours notice whenever, in the opinion of the Chairperson or Vice Chairperson, an issue requires immediate Board action. Whenever such emergency meeting is called, the Chairperson will notify the Secretary. The Secretary will immediately serve either verbal or written notice upon each member of the Board, and shall provide notice to the public, by any procedure that is fair under the circumstances, stating the date, hour and place of the meeting and the purpose for which the meeting has been called. No other business will be transacted at the meeting unless additional emergency matters are agreed to by a majority of those Board members in attendance. The minutes of each emergency meeting will show the manner and method by which notice of such emergency meeting was given to each member of the Board and to the public.

ARTICLE IV OFFICERS OF THE CORPORATION

Section 1. Number. The Officers of this Corporation shall be a Chairperson, a Vice Chairperson, a Secretary, and a Treasurer. They also shall serve as Officers of the Board of Directors. The Officers shall be elected by the Board as described in Section 2 below.

Section 2. Method of Election of Officers. Officers shall be elected at the Annual Meeting of the Board, from nominations submitted to the Directors by the Nominating Committee or from nominations from the floor. No Officer may hold more than one Corporation office concurrently. Officers shall serve for a term of ~~three~~ one years and shall be eligible to

succeed himself/herself for no more than two (2) additional terms. ~~A majority of a quorum present shall be necessary to constitute an election.~~

Section 3. Vacancies. In case any vacancy occurs in an elected office, an election shall be held at the first Regular or Special Meeting of the Board after such vacancy occurs and nominations may be received directly from the floor to fill such vacant positions. Notice of such vacancy and scheduled election must be given in the prior written notice for the regular or Special Meeting at which such election shall take place.

Section 4. Compensation. Neither the Officers nor the Directors shall receive compensation for being Officers or members of the Board other than their usual salaries as employees of FIU, for those members who also are employed by FIU.

Section 5. Resignation and Removal. An Officer of the Corporation may resign at any time by giving written notice to the Chairperson or the Secretary of the Board. Any such resignation shall take effect at the time specified therein or, if no time is specified therein, upon its acceptance by the Board. Any Officer may be removed from office by a two-thirds vote of all of the Directors in office, effective as of the date of such vote.

ARTICLE V DUTIES OF OFFICERS

Section 1. Chairperson of the Board. The Chairperson of the Board shall be a Director and a member of the Executive Committee. He/She shall preside at all meetings of the Board and of the Executive Committee. He/She shall communicate to the Board such matters and make such suggestions as may in his/her opinion tend to promote the business and affairs of the Corporation. The Chairperson shall act as the Chief Executive Officer of the Corporation and shall do and perform such other duties as may be assigned to him/her by the Board. ~~The Chief Executive Officer shall report directly to the President of the University.~~ He/She shall set the

agenda for all meetings. The Chairperson is authorized to execute in the name of the Corporation, with the Secretary attesting, all certificates, contracts, deeds, notes and other documents or legal instruments authorized or issued by the Board. Among the Chairperson's powers and duties, without limitation, are the power to appoint the members and Chairpersons of all Standing Committees established by the Board, except when members or Chairpersons are designated by these Bylaws; to name Special Committees and appoint their members and Chairpersons; from time to time, to represent the Corporation at official functions of the University and elsewhere as he/she may determine proper; and to present a report of the activities of the Corporation and the conduct of his/her office at each Annual Meeting. The Chairperson shall report to the Board and the President of the University on all matters pertaining to the Corporation.

Section 2. Vice Chairperson. The Vice Chairperson shall be responsible for assisting the Chairperson in any way so designated by the Chairperson and shall serve as temporary Chairperson in the Chairperson's absence. He/she shall perform such other duties as may from time to time be assigned to him/her by the Chairperson, the Board or the Executive Committee.

Section 3. Secretary. The Secretary shall keep full and accurate minutes of all meetings of the Board, all meetings of the Executive Committee and all Committee meetings in a book provided for that purpose and shall transmit all notices required by the Bylaws of the Corporation. The Secretary shall have custody of the corporate seal of this Corporation. The Secretary may attest to documents with the Chairperson in the name of this Corporation and, when required, shall affix thereto the seal of the Corporation. The Secretary shall have charge of all official records of this Corporation, which shall be at all reasonable times open for the inspection of any Director, and the Secretary shall in general perform all duties incident to the

management of the office of Secretary for the Board. The Secretary shall present an annual operations report at the Annual Meeting and shall perform such other duties as may be assigned to him/her by the Chairperson, the Board or the Executive Committee.

Section 4. Treasurer. Except as may be otherwise specified by resolution of the Board, ~~The~~ Treasurer and his or her designee(s) shall receive and keep the funds of the Corporation and pay out the same ~~only~~ in accordance with the requirements of any Trust Indenture or related bond documents and/or applicable University policies and procedures with respect to expense reimbursements. ~~the guidelines established by the Board.~~ The Treasurer shall ensure that consistent and reliable financial practices are followed, and that any Corporation investments are made and managed in accordance with the terms of any applicable Trust Indenture or related bond documents and/or the investment policy of the FIU Foundation, Inc, pursuant to any such strategic allocation ranges as may be established by this Board. The duties of the Treasurer shall include, but not be limited to, the following:

(a) The deposit of all monies, checks, and other credits to the account of this Corporation in such bank or banks or other depositories as the Board may designate; to review all receipts and vouchers for payment made to and all vouchers and checks made by this Corporation; to regularly maintain a full and accurate account of all monies received and paid out on accounts administered by this Corporation; and to render to the Board an account and statement of all the Treasurer's transactions at each meeting of the Board and at such other times as the Board may determine;

(b) To prepare with the Chairperson an annual budget for the coming year to be approved by the Board at the last meeting held before the end of the fiscal year. Said budget shall be submitted to the President of FIU for approval and recommendation to the FIU Board of

Trustees each year no later than sixty (60) days following the beginning of the Corporation's fiscal year;

(c) To prepare a quarterly expenditure plan to be reviewed and approved quarterly by the President of FIU or his or her designee who shall be a Vice President or other senior officer of FIU reporting directly to the President. The plan shall separately delineate planned actions which result in a commitment of FIU resources or which represent significant commitment of the resources of the Corporation;

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

(e) The Treasurer shall at all reasonable times ~~exhibit~~make available his or her books and accounts to any Director of this Corporation and shall in general perform all duties incident to the management of the office of Treasurer for the Board.

Section 5. Checks. Checks or drafts on the funds of this Corporation shall be signed by any two of the Officers or Directors authorized to do so by the Board.

ARTICLE VI COMMITTEES OF THE BOARD OF DIRECTORS

Section 1. Designation and Appointment of Committees. Committees of the Board shall either be Standing Committees, as designated by these Bylaws, or Special Committees, as established by the Chairperson. The Chairperson shall appoint the members of all Committees and designate their chairpersons, except as otherwise specified by these Bylaws. All members of the Committees shall have equal voting rights. ~~Two voting members of any Committee, except the Executive Committee as provided for below in these bylaws, shall constitute a quorum and a majority vote of the voting members of the Committee present, after a quorum has been declared, shall be required to enact business of the Committee.~~ The actions of any Committee shall be subject to review and approval by the Board at its next ensuing meeting, except when the power to act is specifically granted to a Committee by these Bylaws or by action of the Board or the Executive Committee. Each Committee shall keep approved minutes and submit them to the ~~Board for review and to the~~ Secretary for record-keeping.

Section 2. The Board shall have the following ~~Standing~~ Committees:

(i) Executive Committee. The ~~Board may elect at its Annual Meeting an~~ Executive Committee ~~shall consisting of the Officers of the Corporation~~ ~~ree Directors, which committee shall have such powers as may be delegated to it by the Board.~~ Three members of the Executive Committee shall constitute a quorum. ~~A majority of the Executive Committee shall be sufficient to exercise all of its powers.~~ The Executive Committee of the Board shall have and may exercise all powers and authority of the Board when the Board is not in session, subject only to such restrictions or limitations as the Board may, from time to time specify, except that the Executive Committee shall have no authority to alter, amend, or repeal the Articles of Incorporation or Bylaws of the Corporation, to remove Directors or Officers or to elect Directors or Officers. All actions of the Executive Committee shall be reported in writing to the Board at

the next ensuing meeting of the Board. All actions of the Executive Committee shall be ratified and included in the minutes of the Board.

(ii) Finance and Audit Committee. The Finance and Audit Committee shall consist of up to five (5) members appointed by the Chairperson subject to the approval of the Board, of which three members also must be Directors. The Committee shall advise the Board and the Chairperson on all financial matters related to this Corporation, including annual budgeting, equity holding, fund management, securities liquidation, license agreements, insurance needs, audits and financial statements, taxes, and other issues relating to the financial stability of the Corporation. The Finance and Audit Committee may also be called upon for advice in the consideration of major expenditures and capital outlays. The Finance and Audit Committee shall be responsible for the preparation and periodic review of the Corporation's annual budget in compliance with the provisions set forth in Article IV, and it shall review the yearly audit done by the outside auditors. It shall monitor the work of the Corporation's Treasurer and shall review and report to the Board on the Corporation's financial statements. It shall ensure that all financial reports are filed in a timely manner.

The Finance and Audit Committee shall develop and review financial policies and procedures and make detailed reports to the Board of Directors.

The Finance and Audit Committee shall cause an audit of the books and records of this Corporation to be made at least once each fiscal year in accordance with Article V, Section 4(d) of these Bylaws, together with a management letter, including the response from management, conducted by a firm of independent Certified Public Accountants selected by the Board, whose engagement letter shall provide that it render an opinion on the financial statements

in accordance with generally accepted accounting principles and to have the results of the audit reported to the Board of Directors.

(iii) Nominating Committee. The Nominating Committee shall receive recommendations for nominees to the Board and to act as Officers. It shall evaluate such recommendations, and present nominations for open positions to the Board, as well as a slate of officers, at least fifteen (15) days prior to the Annual Meeting.

Section 3. Other Standing Committees. At the first meeting of the Board, or as soon thereafter as is practical, the Chairperson shall, subject to the approval of the Board, appoint such other Standing Committees as he/she may deem necessary and advisable to assist in the conduct of the Corporation's affairs.

Section 4. Special Committees. The Chairperson may, from time to time, establish Special Committees to assist the Board in carrying out the purposes of the Corporation. The Chairperson shall report the establishment of all Special Committees ~~which the Chairperson has appointed, and the names of their Chairpersons~~ and members thereof to the ~~Executive Committee and the~~ Board at the next ensuing regular meeting of the ~~Executive Committee and the~~ Board.

Section 5. Committee Quorum. A majority of any Committee of the Corporation shall constitute a quorum ~~for the transaction of business~~, except as otherwise noted in these Bylaws, and a majority vote of the voting members of the Committee present, after a quorum has been declared, shall be required to enact business of the Committee. All other terms and conditions set forth in these Bylaws pertaining to Board meetings shall also apply ~~to Standing and Special~~ Committee meetings.

ARTICLE VII INDEMNIFICATION

This Corporation shall, to the extent legally permissible, indemnify and defend each of its directors, officers, employees, or other agents against all liabilities and expense, including, where applicable, amounts paid in satisfaction of judgments in compromise of actions, suits, claims or other proceedings, as fines or penalties, or as counsel fees, actual and reasonable paid or incurred in connection with the defense or disposition of any action, suit or other proceeding, whether civil or criminal, in which such person may be involved by reason of employment by the Corporation or by Board service, except with respect to any matter as to which such person shall have been adjudicated in any proceeding not to have acted in good faith, or not to have acted in the reasonable belief that such action was in the best interest of the Corporation; provided that any payment by the way of settlement, compromise, or consent decree shall be indemnified there under only to the extent that it shall be determined by the Board to have been made in the best interest of the Corporation; and further provided that no settlement hereunder shall be entered into without the prior consultation and approval of a duly authorized representative of the Board. Any person believing himself to be entitled to indemnification or defense under this article, in order to qualify for indemnification or defense hereunder, shall notify the Chairperson immediately upon the occurrence giving rise to said entitlement.

ARTICLE VIII SEAL

The seal of this Corporation shall bear the words "FIU Athletics Finance Corporation.", as more particularly shown in the following impression:

ARTICLE IX AMENDMENTS TO BYLAWS

Section 1. Amendment to Bylaws. The Bylaws of this Corporation may be altered, amended, rescinded or repealed by a two-thirds vote of the Board at any Regular or Special Meeting of the Board. All amendments must be approved by the Board of Trustees of FIU, upon recommendation by the President of FIU prior to their effective date.

Section 2. Amendments to the Articles of Incorporation. The Articles of Incorporation of the Corporation may be altered or amended at any regular or Special Meeting of the Board by resolution approved by the affirmative vote of a majority of the voting Directors present, subject to approval by the Secretary of State of Florida as required by law and subject to any approval which may be required by the Board of Trustees of FIU . Written notice of any proposed amendment of the Articles of Incorporation shall be mailed to each Director not less than fifteen (15) days prior to any meeting at which such proposed amendment is to be considered.

Section 3. Requirements of Florida Law. All amendments to the Bylaws and Articles of Incorporation of the Corporation shall comply with Florida law and appropriate state rules and policies.

ARTICLE X MISCELLANEOUS

Section 1. Use of University Resources and Name. Any use by the Corporation of FIU resources or FIU's name shall be approved by the President of FIU .

Section 2. Employees. No employee of this Corporation shall be considered to be an employee of the State of Florida solely by virtue of his/her employment by the Corporation. Any employee of the State of Florida who is assigned to work on Corporation matters shall not be considered an employee of the Corporation.

Section 3. Checks and Depositories. Except as may otherwise be specified in these Bylaws, the Board shall provide, by Resolution, which Officers or Directors are authorized to

draw checks on the accounts of the Corporation and may impose any reasonable terms, conditions or limitation on such authority. Checks or drafts of the Corporation shall be signed by any two of the Officers or Directors, authorized to do so by the Board or by these Bylaws. Funds of the Corporation shall be deposited to the credit of the Corporation only in institutions approved by the Board by resolution and only in financial institutions insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

Section 4. Fiscal Year. The fiscal year of the Corporation shall be consistent with the fiscal year of the University.

ARTICLE XI NONDISCRIMINATION

The Corporation is committed to non-discrimination with respect to race, color, religion, age, disability, gender, marital status, national origin, sexual orientation or veteran status.

ARTICLE XII CONFLICT OF INTEREST

Directors stand in a fiduciary relationship to the University and the Corporation.
Therefore, Directors shall act in good faith, with due regard to the interests of the University and the Corporation, and shall comply with the fiduciary principles and law set forth in the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes. Directors shall comport themselves in accord with the statutory Code of Ethics and the Conflict of Interest Policy attached to these Bylaws as Appendix "A". Each Director shall annually complete and sign a disclosure form as required by said policy. All actual or potential conflicts of interest involving directors of the Corporation shall be disclosed and addressed in accordance with the Corporation's Conflict of Interest Policy. The Corporation shall maintain the highest ethical standards in all of its operations in order to protect and preserve the Corporation's good name and

business interests, and accordingly, it is the policy of the Corporation to adhere to the requirements of the Florida Whistle-blower's Act, Sections 112.3187 – 112.31895, Florida Statutes.

ARTICLE XIII PUBLIC RECORDS

Public access to the Corporation's records shall be governed by Section 1004.28, Florida Statutes. It is the policy of the Corporation to maintain and/or dispose of all records made or received in connection with Corporation business in accordance with a document retention schedule as the Board may adopt from time to time.

ARTICLE XIV POWERS OF THE PRESIDENT OF THE UNIVERSITY

The President of the University shall have the following powers and duties: (1) Monitor and control the use of university resources by the Corporation; (2) Control the use of the university name by the Corporation; (3) Monitor compliance of the Corporation with state and federal laws; (4) Recommend to the Board of Trustees of FIU an annual budget; (5) Review and approve expenditure plans at least quarterly; (6) Approve salary supplements and other compensation or benefits paid to university faculty and staff from the Corporation assets; and salaries, benefits, and other compensation paid to employees of the Corporation, consistent with the policies of the FIU Board of Trustees; and (7) Approve contribution of funds or supplements to support intercollegiate athletics.

ARTICLE XV PARLIAMENTARY PROCEDURE

Where not addressed by these Bylaws, the Articles of Incorporation, or Florida law, all matters of procedure shall be governed by Roberts Rules of Order (latest edition).

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FIU ATHLETICS FINANCE CORPORATION
CONFLICT-OF-INTEREST POLICY

1. Scope. The following statement of policy applies to each member of the FIU Athletics Finance Corporation ("Corporation") Board of Directors and all subsequent Committees.

2. Fiduciary Responsibilities. Section 8 of Article II of the Constitution of the State of Florida states: "A public office is a public trust." Board and Committee members of the Corporation serve the public trust and have a clear obligation to fulfill their responsibilities in a manner consistent with this fact. All decisions of the Corporation Board and Committees are to be made solely on the basis of a desire to advance the best interests of the institution and the public good.

Corporation Board and Committee members are generally involved in the affairs of other institutions and organizations. Effective boards and committees will include individuals who have relationships and affiliations that may raise questions about perceived conflicts of interest. Although many such potential conflicts are and will be deemed inconsequential, each Corporation Board member has the responsibility to comply with the Code of Ethics for Public Officers and Employees which is contained in Chapter 112, Part III (Sections 112.311 – 112.326) of the Florida Statutes.

3. The Code of Ethics for Public Officers and Employees. The Code of Ethics provides definitions and sets forth the various contexts in which conflicts arise. As defined in the Code,

a "conflict of interest" arises in a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Particular attention is required when public officers are in situations involving:

- solicitation and acceptance of gifts;
- favours or compensation;
- contracts and transactions with the Corporation;
- unauthorized compensation;
- misuse of public position or confidential information;
- conflicting employment or consulting contractual relationships; and
- employment of relatives.

Thus, each Corporation Board and Committee member has a continuing obligation to:

- _____ (a) be familiar with the Florida Statutes regarding ethics and conflicts of interest and the terms of this Policy;
- _____ (b) disclose to the Corporation Board and/or Committee Chair any possible personal, familial, or business relationships that might reasonably give rise to a conflict involving the Corporation; and
- _____ (c) acknowledge by his or her execution of the attached "Conflict of Interest Disclosure Form" that he or she is in compliance with the letter and spirit of this Policy and applicable laws.

4. Disclosure. All Corporation Board and Committee members shall list on the attached Conflict of Interest Disclosure Form, at least once a year, those relationships

- (a) that they or members of their family maintain with organizations that do business with the Corporation, or
- (b) that could be construed to affect their independent, unbiased judgment in light of their decision-making authority and responsibility.

If a Corporation Board or Committee member is uncertain as to whether to list a particular relationship, the Corporation Board and/or Committee Chair and the General Counsel of the University should be consulted. Information shared or gathered as a result of such consultations (including information provided on the attached form) shall not be released except

- in accordance with applicable public records laws, or
- when the institution's best interests would be served by disclosure, or
- as required by court order.

Any such required disclosure will be made only after informing the affected Corporation Board or Committee member.

5. Definitions:

The following definitions apply to this policy:

Business Relationship – A business relationship is one in which a Corporation Board or Committee or a Corporation Board or Committee's spouse or child serves as an officer, director, or proprietor of, or has a material interest in, an organization that does business with the Corporation or Florida International University.

Material Interest - a direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity constitutes a material interest.

Attached is The Corporation Conflict of Interest Disclosure Form which each Corporation Board and Committee member must file with the Corporation Secretary on or before July 1st of each year, unless a change necessitating an amendment occurs prior to July 1st of the following year.

FIU ATHLETICS FINANCE CORPORATION
CONFLICT OF INTEREST DISCLOSURE FORM

This Conflict of Interest Disclosure Form is intended to protect the Corporation Board and Committees, and the Corporation, by affording the Corporation ample opportunity to forestall any potential conflicts and assure that all Board decisions are above reproach.

To allow the Corporation Board and Committees, and the Corporation to monitor and promptly address any potential conflicts, please (i) identify below any relationships, financial or personal, that may constitute conflicts or potential conflicts of interest, or (ii) confirm that no such conflicts or potential conflicts are known to exist:

The following represent interests or relationships that are or may be in conflict with my position as Board or Committee member of the Corporation:

1. Personal, familial or business relationships that might reasonably give rise to a conflict involving the Corporation or University.

2. Outside employment or service (any outside employment or provision of outside services by you or any member of your family that may be in conflict with your position as a Board or Committee member of the Corporation.

3. Outside interests, financial and other (any interests or position which you or any member of your family hold in any outside concern from which the Corporation or University obtains goods or services, or which provides services competing with the Corporation or University):

4. Any other potential issues or conflicts:

OR

As of today's date, I have no financial, professional, or personal relationships that reasonably hold the potential for a conflict of interest involving my service as a Corporation Board or Committee member.

I am familiar with the Corporation's Conflict of Interest Policy pursuant to which this Disclosure Form is filed. I have disclosed all potential conflicts of interests of which I am aware, and I agree to promptly file a further Disclosure Form if any additional matters subject to disclosure arise before my next annual Disclosure Form is due.

Signature _____ Date _____

Print Name _____

Please FAX or mail this form to FIU Athletics Finance Corporation Secretary, at 11200 SW 8 Street, GPA 201, Miami, FL 33199 or to 305-348-0247.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: HONORARY ALUMNI RECOGNITION

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, as part of its community outreach efforts, the FIU Alumni Association has adopted a program to identify and confer “Honorary Alumni” status on certain individuals in the South Florida community who have made significant contributions to the University and/or the advancement of its mission, even though such individuals are not graduates of the University; and

WHEREAS, on May 21, 2009, the Board of Directors of the FIU Alumni Association recommended that the University designate the individuals listed below as Honorary Alumni of The Florida International University, in appreciation of each individual’s outstanding service and/or contributions in support for the University;

NOW, THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees designate the following individuals, whose biographical information is included in Exhibit “T”, as Honorary Alumni of Florida International University:

Jeffrey H. Atwater
Betty Chapman
John Dasburg
Mario Diaz-Balart
Albert Dotson
Dany Garcia
Noel Guillama-Alvarez
Benjamin Leon, Jr.
Carolyn Roberts
Natacha Seijas

BACKGROUND INFORMATION:

A: AUTHORITY:

Florida Statute 1001.74(1)(c) provides each university board of trustees with “the authority to govern its university as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of Governors.”

Florida Board of Governors Regulation 1.001(1) delegates to each university board of trustees “all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.”

EXHIBITS/SUPPORTING DOCUMENTS:

- Exhibit “I”: Honorary Alumni Recognition Bios

The Honorable Jeffrey Atwater
Senate President
Florida Senate

Jeff Atwater is a fifth-generation Floridian shaped by a family long committed to serving their neighbors, their state and their country. “My values were shaped by my parents,” says Atwater. Atwater earned an MBA from the University of Florida, and has more than 25 years of community banking experience. He was elected to the Florida House of Representatives in 2000. In 2002, he earned a seat in the Florida Senate. Atwater’s District 25 Senate seat encompasses parts of Broward and Palm Beach County. Jeff Atwater was elected Senate President in 2008. Jeff Atwater has been an active member of the community serving on several advisory boards such as the United Way of Palm Beach County, Boy Scouts of America, 5-Star Magnet Program of Palm Beach Gardens High School and Roger Dean Stadium. He also served on the Board of Directors of the Northern Palm Beaches Chamber of Commerce and the Children’s Home Society of Broward County. Jeff Atwater lives in North Palm Beach with his wife, Carole, and their four children.

Betty B. Chapman
Philanthropist

Betty Chapman is the widow of the late Alvah Chapman, former Chairman and Chief Executive Officer of Knight-Ridder. The Chapman family has a long relationship with Florida International University (FIU), beginning with its establishment. Through the cultivation of this relationship, FIU has honored the Chapman family whenever there has been an opportunity to recognize the family's support of the institution. One instance of this recognition is evident in the graduate school in the College of Business Administration, named after Mr. Chapman. Another prominent example is the Betty B. Chapman Student Plaza at the University Park campus which is named in honor of Mrs. Chapman.

John Dasburg
Member, Florida Board of Governors
ASTAR Air Cargo

John Dasburg is the Chairman, President, Chief Executive Officer and co-owner of ASTAR Air Cargo, Inc. Previously, he served as Chairman, President and Chief Executive Officer of Burger King Corporation, spearheading the turnaround of the company that culminated in its 2002 sale. Dasburg has served on the Board of Governors of the State University System of Florida since 2003. Involved in numerous boards and civic organizations, Dasburg serves on the Board of Directors for The Travelers Companies and The Mayo Foundation. He is a former member of the Board of Directors for KLM Royal Dutch Airlines, Northwest Airlines, and Winn Dixie Stores, Inc. In 1991, he was appointed by President George Bush to the White House Fellows Committee. Dasburg earned a bachelor's degree in Engineering and master's degree in business administration at the University of Florida. He is also a graduate of the University of Florida Law School.

The Honorable Mario Diaz-Balart
Congressman
Florida’s 25th Congressional District

After serving 14 years in the Florida State Legislature, Mario Diaz-Balart was elected to the U.S. House of Representatives in 2002 to represent Florida's 25th Congressional District, which includes part of Miami-Dade, Collier and Monroe Counties, and is currently serving his fourth term. Since his start in Congress, Diaz-Balart has served on the Transportation and Infrastructure Committee, and he was recently appointed to serve as the Ranking Member of the Economic Development, Public Buildings, and Emergency Management Subcommittee of that Committee. He also serves on the Water Resources and Environment Subcommittee and the Highways and Transit Subcommittee. His other committee assignments include the Budget Committee and the Science and Technology Committee. Diaz-Balart was born in Ft. Lauderdale, FL on September 25, 1961. He attended the University of South Florida in Tampa where he studied Political Science before beginning his public service career as an aide to then City of Miami Mayor in 1985. The Congressman lives in Miami, FL with his wife and son.

Albert E. Dotson, Sr.
Member, FIU Board of Trustees
Puryear, Inc.

Albert Dotson, Sr. is chairman and CEO of Puryear, Inc., a consulting firm. As a business and community leader, his work in support of higher education in South Florida has been widely recognized. Dotson has served on the Committees responsible for appointing the last two (2) University presidents, the first search resulted in the selection of Dr. Modesto A. Maidique in 1986. He is an inaugural member of the FIU Board of Trustees. Dotson serves as the Vice Chair of the Board of Trustees, serving as Chair of the Athletics Workgroup and Vice Chair of the Academic Policy Committee. He also serves as an ex-officio member for the FIU Foundation, Inc. Board of Directors. He is member of the Greater Miami Chamber of Commerce Board of Governors, and serves on the boards of Barry University and the Dade County Fair and Exposition. Dotson has also been involved in a number of other civic organizations, serving as 1998 president of the Orange Bowl Committee, and in leadership roles with the NAACP, Salvation Army, Perrine Cutler Ridge Council and Baptist Health Systems of South Florida. He attended Wayne State University in Detroit, Michigan, and was awarded an honorary doctorate from Barry University in 1998.

Dany Garcia
Member, FIU Foundation, Inc. Board of Directors
JDM Partners LLC

Dany Garcia is Founder and Chief Executive Officer of JDM Partners, LLC, an investment advisory firm specializing in providing counsel to high net worth individuals, families and corporations. The firm was founded in 2002 by Garcia and provides traditional investment advisory services as well as alternative investment opportunities through the Legacy Partners Growth Fund LTD., an equity only hedge fund, JDM Development, the real estate investment arm of the firm and JDM Entertainment which focuses on investment opportunities within the entertainment industry. She earned a bachelors degree in International Marketing and Finance from the University Of Miami, and currently serves on the University’s board of trustees. Garcia is the Founder and President of the Beacon Experience, A Foundation for Success, and co-founder and vice president of the Dwayne Johnson Sock Foundation, governing board, The Vizcayans and director, Pediatrix Medical Group. She has been a member of the FIU Foundation Board of Directors since April 2006, and currently serves as Vice Chair for the Investment Special Committee. Garcia resides in the South Florida area with her daughter Simone Johnson.

Noel J. Guillama
Treasurer, FIU Foundation, Inc. Board of Directors
The Quantum Group

Noel J. Guillama is Founder, Chairman, President and CEO of The Quantum Group of Companies which include The Quantum Group (NYSE Amex: QGP), Renaissance Health Systems and Quantum Innovations. Quantum is an innovation driven healthcare solutions organization (HSO) that provides business process solutions, service chain management, strategic consulting and leading edge technology to the healthcare industry. Guillama is a nationally recognized expert in healthcare management and operations and is the creator of 14 patent applications related to healthcare processes and innovations. He has participated in a number of public companies as merchant banker, principal shareholder, founder or strategic advisor; primarily in healthcare, construction, real estate and technology. Guillama serves on the Executive Committee of the Patient-Centered Primary Care Collaborative and is a member of the American College of Health Care Executives, the Healthcare and Information Management Systems Society (HIMSS), the Medical Group Management Association (MGMA), and the American College of Medical Practice Executives (ACMPE). Guillama has served on the FIU Foundation Board of Directors since November 2002, and currently serves as Treasurer, as well as Chair for the Finance & Audit and Investment committees. Guillama was born in Havana, Cuba and has been a resident of Palm Beach County, Florida for over thirty years.

**Benjamín León, Jr.
Chairman & CEO
León Medical Centers, Inc.**

Benjamín León, Jr., is a visionary in the healthcare field and has been making a difference in the lives of seniors and families of Miami-Dade County for more than four decades. A native of Oriente, Cuba, León, Jr. has long been involved with the care of Miami-Dade’s elder population since his emigration in the 1960s. After serving as consultant to the Clínica Asociación Cubana (CAC) and upon its sale, he founded León Medical Centers in the mid 1990’s, offering health care services that are sensitive to the cultural nuances of the Hispanic Medicare population in Miami-Dade County. In 2009, he established the Benjamin León, Jr. Family Center for Geriatric Research and Education and the León Medical Centers Eminent Scholars Chair in Geriatrics at FIU’s College of Medicine. León, Jr. also serves on the University’s College of Medicine’s Advisory Board.

Carolyn K. Roberts
Member, Florida Board of Governors
Roberts Real Estate, Inc.

Carolyn K. Roberts is a resident of Ocala and president of Roberts Real Estate, Inc. In 1987, Gov. Bob Martinez appointed Roberts to the Florida Real Estate Commission, a regulatory board for all real estate licensees in Florida. She served on that board until 1989, when Governor Martinez appointed her to a six-year term on the Florida Board of Regents. Roberts served as vice chair and chair of the Florida Board of Regents and was reappointed by Governor Bush. In 2001, Governor Bush appointed her to the Florida Board of Education. In 2003, the Governor appointed her to the newly created Florida Board of Governors. She was elected vice chair and subsequently elected as chair. Roberts serves on the Shands Health Care Systems Board and on the President's Council for the University of Florida. She has served as chair of the University of Florida Foundation and on the board of Gator Boosters, Inc. Roberts is an honorary member of Florida Blue Key. Roberts received her undergraduate degree in business management from Florida Southern College in 1969.

**The Honorable Natacha Seijas
Miami-Dade County Commissioner
District 13**

Natacha Seijas was elected to the Miami-Dade Board of County Commissioners in 1993, becoming the first Hispanic woman to sit on the County Commission. She served previously on the Hialeah City Council from 1987 to 1993. Commissioner Seijas currently serves as Chairperson of the Governmental Operations and Environment Committee. In January 2006, Commissioner Seijas was appointed Chairperson of the Jay Malina International Trade Consortium, which is the official county agency responsible for developing and promoting two-way international trade through the Port of Miami and Miami International Airport. In 2003, the commissioner was appointed to the Children's Trust by the Board of County Commissioners, where she served until January 2005. She is also a past Chair of the South Florida Regional Planning Council and past Convening Chair of the Women's Hemispheric Conference. Commissioner Seijas was born in Havana, Cuba, immigrating to the United States in the late 1950's. She has three children, three grandchildren and one great grandchild. Professionally, she is Vice President of the YMCA of Greater Miami.

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: PERFORMANCE EXCELLENCE PROCESS POLICY

PROPOSED BOARD ACTION:

Adopt the following Resolution:

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

WHEREAS, the University recognizes that (1) a productive and collaborative work environment is critical in advancing the University’s mission, and (2) effective communication between employees and supervisors is necessary, and (3) timely, regular, and meaningful feedback helps to ensure a mutual understanding of performance expectations and fosters performance development; and

WHEREAS, the Performance Excellence Process (“the PEP”) promotes annual planning and assessment on a common anniversary; and

WHEREAS, the PEP Policy should be adopted to provide a process that is aligned with the University’s objectives;

NOW, THEREFORE, BE IT RESOLVED, that the BOT approves the PEP Policy attached hereto as Exhibit “U”;

BE IT FURTHER RESOLVED, that the University Administration takes all actions necessary to give effect to this Resolution.

BACKGROUND INFORMATION:

LEGAL AUTHORITY:

SECTION 1001.74, FLORIDA STATUTES (2008), K-20 GOVERNANCE, UNIVERSITY BOARDS OF TRUSTEES POWERS AND DUTIES, STATES IN PART:

(5)(a) To the extent delegated by the Board of governors . . . , each board of trustees shall establish the personnel program for all employees of the university, including the president.

EXPLANATION FOR PROPOSED BOARD ACTION:

The Human Resources division is proposing Board adoption of a University Performance Excellence Process policy to promote annual planning and assessment on a common anniversary date.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “U”: Division of Human Resources – Performance Excellence Process Policy
- ATTACHMENT A: Performance Assessment and Planning Document, Non-bargaining Unit Faculty and Employees

FLORIDA INTERNATIONAL UNIVERSITY

OFFICIAL UNIVERSITY POLICY

University Staff & Administrative Employees (non-bargaining unit faculty and employees)

SUBJECT (R*) Performance Excellence Process (PEP)	EFFECTIVE DATE (R) TBA	POLICY NUMBER DRAFT
RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT (R) Division of Human Resources Florida International University	RESPONSIBLE UNIVERSITY OFFICER (R) Jaffus Hardrick Vice President, Division of Human Resources	

POLICY STATEMENT (R)

The Performance Excellence Process (PEP) promotes annual planning and assessment on a common anniversary date. Every employee shall be assessed on an annual basis on a date established by the Division of Human Resources.

Non-bargaining unit faculty members' performance assessment shall be conducted on an annual basis in accordance with procedures as established by Academic Affairs.

REASON FOR POLICY (O*)

Florida International University recognizes that (1) a productive and collaborative work environment is critical in advancing the University's mission and (2) effective communication between employees and supervisors is necessary, and (3) timely, regular, and meaningful feedback helps to ensure mutually understanding of performance expectations and fosters performance development. The Performance Excellence Process (PEP) is aligned with the University's objectives by:

- Providing consistent criteria for enhancing and assessing employee performance on a common annual date aligned with the University's fiscal year;
- Ensuring that the quality and quantity of work performed by FIU's staff members best meets the University needs;
- Encouraging continuous communication between supervisors and employees about the employee's job performance;
- Setting **Specific, Measurable, Agreed-upon, Results-focused, and Timed goals (SMART)** to ensure that employees and supervisors are meeting the expectation of their job as well as contributing to the goals and objectives of the University;
- Providing career and/or skills development plans.

RELATED INFORMATION (O)

CONTACTS (R)

Administrative Office's Address
 Jaffus Hardrick, Ed.D.
 Vice President, Division of Human Resources
 11200 SW 8 ST – PC 224
 Miami, FL 33199

Telephone Number

(305) 348-2190

Fax Number

(305) 348-2872

DEFINITION (O)**PROCEDURES (O)****RESPONSIBILITIES (O)****FORMS/ONLINE PROCESSES (O)*****R = Required*****O = Optional**



Performance Assessment and Planning Document

Non-bargaining Unit Faculty and Employees

Review Period From: _____ To: _____

EMPLOYEE INFORMATION

Employee Name	Employee ID Number	Position Title	Hire Date
Supervisor Name	Division/Department	Department	Telephone Extension

Please check only one box from each category – To be completed by supervisorEmployee Classification: ☐ Administrative ☐ Staff ☐ FacultyType of Assessment: ☐ Mid-Year Review (optional) ☐ Annual**Instructions**

Employee and supervisor will co-assess each of the Core Competencies using the scale below. Provide comments and examples to support your assessments. If you need additional space for comments or examples, attach an additional sheet. The Performance Assessment and Planning Document must be completed and submitted to Human Resources by end of August each year.

<u>Consistently Exceeds Expectations</u>	<u>Often Exceeds Expectations</u>	<u>Meets Expectations</u>	<u>Needs Improvement</u>	<u>Consistently Does Not Meet Expectations</u>
Employee's performance consistently exceeds all job requirements and expectations. Desired values and behaviors are exemplified and always demonstrated.	Employee's performance consistently meets and occasionally exceeds job requirements and expectations. Desired values and behaviors are consistently demonstrated.	Employee's performance fulfills essential functions of the position requirements. Expectations and/or goals are met.	Employee's performance occasionally fails to meet the essential functions of the position requirements. <i>*Supervisor must notify the Department of Employee and Labor Relations of any pending performance or behavioral issues.</i>	Employee's performance regularly fails to meet the essential functions of the position requirements. Desired values and behaviors are unsatisfactory. <i>*Supervisor must notify the Department of Employee and Labor Relations of any pending performance or behavioral issues.</i>

SECTION I –CORE COMPETENCIES**A. FOR ALL EMPLOYEES****DIVERSITY AND RESPECT**

Embraces the value of diversity; Demonstrates respect for opinions and ideas of others; Shows respect and sensitivity for cultural differences; Promotes a harassment-free environment; Supports building a diverse workforce.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

KNOWLEDGE EXCELLENCE

Demonstrates an understanding of knowledge specific to field of work, and job functions; Meets performance expectations; Keeps abreast of resources, technology, and other developments that impact role and responsibilities; Applies learning from past experiences to current and future work activities; Recognizes and acts on opportunities to share knowledge and resources with others; Modifies approach or method to meet expectations and challenges with resourcefulness.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

OPERATIONAL EXCELLENCE/EFFICIENCY

Develops plans that are appropriately comprehensive, realistic and effective in meeting goals; Promotes conservation of University resources; Utilizes cost saving measures; Prioritizes, organizes and schedules multiple tasks, activities and projects to make the best use of time; Seeks ways to eliminate inefficiencies and roadblocks; Works within approved budget.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

SERVICE EXCELLENCE

Considers the impact of actions on the external and/or internal customer; Asks thorough questions to identify the service needs or expectations of customers; Takes personal responsibility for resolving service problems and works to build a win-win relationship; Looks for creative approaches to meet service objectives; Manages difficult and emotional service situations with courtesy and respect.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

ACCOUNTABILITY

Shows commitment and follows through on projects, goals, and work assignments; Completes all assigned tasks on time; Fulfills all commitments made to customers, co-workers, and supervisor; Exercises sound and ethical judgment when acting on behalf of the University; Uses appropriate confidentiality and discretion in all aspects of work; Adheres to university policies, procedures, and compliance; Adheres to work schedule to fulfill position responsibilities.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

COMMUNICATION

Selects and uses appropriate communication methods; Speaks clearly and expresses self well in groups and in one-to-one conversations; Demonstrates attention to and conveys understanding of the comments and questions of others; Expresses ideas and thoughts clearly in written documents; Organizes, reviews, and edits written work constructively.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

INTERPERSONAL/TEAM SKILLS

Works well collaboratively and/or independently to accomplish goals; Attempts to negotiate a win-win solution for disagreements and conflict; Contributes to building a positive team spirit; Relates to people in an open, friendly, accepting manner; Develops effective working relationships; Gives and welcomes feedback.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

B. FOR EMPLOYEES WITH MANAGEMENT/SUPERVISORY RESPONSIBILITIES
 (TO BE COMPLETED IN ADDITION TO SECTION I A, IF APPLICABLE TO EMPLOYEE)

PERFORMANCE COACHING

Sets expectations and goals; Gives feedback and coaches to improve performance; Provides opportunities for professional development; Documents performance, goal progress, and accomplishments; Holds timely and effective performance discussions; Provides appropriate recognition and rewards.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

LEADERSHIP

Makes mission, strategies, goals and expectations clear to others; Clarifies roles and responsibilities; Provides clear direction and defines priorities; Creates a motivating environment where people are inspired to excel; Supports the development of people through coaching and feedback; exhibits confidence in self and others; Adapts leadership style and approach to individuals' needs; Recognizes and rewards good performance.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

CRITICAL THINKING

Thinks strategically – considers a broad range of internal and external factors when solving problems and making decisions; Seeks input before making decisions; Confronts problems early, and utilizes a systematic approach to analyzing and solving them; Works well in group settings to develop innovative ideas and solutions to problems; Makes sound, timely decisions.

EMPLOYEE'S SELF ASSESSMENT

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Employee's Comments:

SUPERVISOR'S ASSESSMENT OF EMPLOYEE

- ☐ Consistently Exceeds Expectations
☐ Often Exceeds Expectations
☐ Meets Expectations
☐ Needs Improvement
☐ Consistently Does Not Meet Expectations

Supervisor's Comments:

SECTION II – GOALS AND ACCOMPLISHMENTS

(TO BE COMPLETED BY EMPLOYEE ONLY)

List your major accomplishments for the performance period.

Identify any performance and/or professional development goals you would like to achieve during the next performance period.

Identify things you would like to discuss during your performance assessment.

SECTION III – PERFORMANCE SUMMARY AND FUTURE GOALS*(TO BE COMPLETED BY MANAGER/SUPERVISOR)***Overall Performance Assessment** *(This assessment will be the assessment noted in the employee's file.)*

- | | |
|--|---|
| <input type="checkbox"/> Consistently Exceeds Expectations | <input type="checkbox"/> Often Exceeds Expectations |
| <input type="checkbox"/> Meets Expectations | <input type="checkbox"/> Needs Improvement |
| <input type="checkbox"/> Consistently Does Not Meet Expectations | <input type="checkbox"/> Employee is too new to assess* |

**If an employee has been in a position for 3 months or less, you may check this box, complete Section IV and return to the Division of Human Resources.*

Employee's Performance Summary & Recommendations <i>(This section is for the supervisor to make any final comments that may be relevant to the performance assessment.)</i>
--

<i>Identify goals for employee to achieve during the next assessment period. Goals must be S.M.A.R.T. (Specific, Measurable, Agreed-upon, Results-focused, and Timed)</i>

SECTION IV – EMPLOYEE COMMENTS

Employee comments <i>(This section is for the employee to provide any additional comments following the performance discussion meeting.)</i>

SECTION V – SIGNATURES

Employee Signature*	Date:
Supervisor Signature	Date:
Second Level Supervisor Signature (Department/Division Head or Chair/Dean)	Date:

**Employee signature acknowledges that the performance assessment has been discussed with the employee.*

Remember to submit to the Division of Human Resources by the end of August.

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: UNIVERSITY EQUITY REPORTS

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, Florida Statutes require the University to develop a Gender Equity Plan pursuant to the “Florida Educational Equity Act”; and

WHEREAS, the Chancellor of the State University System shall annually assess the progress of each state university’s plan; and

WHEREAS, the annual Florida Equity Reports encompassing enrollment, gender equity in athletics, and employment are attached hereto as Exhibit “V” and are ready for Board approval;

THEREFORE BE IT RESOLVED that the Florida International University Board of Trustees approves the Reports hereby attached;

AND BE IT FURTHER RESOLVED, that the President shall submit the Reports to the Chancellor of the State University System and shall take any further actions necessary to give effect to this Resolution.

BACKGROUND INFORMATION:

A. LEGAL AUTHORITY:

Section 1000.05 provides in part:

(2)(a) 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 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

Section 1006.71 provides in part as follows:

(1) GENDER EQUITY PLAN--

(a) Each ... state university shall develop a gender equity plan pursuant to s. 1000.05.

...

(d) The Chancellor of the State University System shall annually assess the progress of each state university's plan and advise the Board of Governors and the Legislature regarding compliance.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT "V": University Equity Reports

2009 FLORIDA EDUCATIONAL EQUITY ACT REPORT GUIDELINES



2009

Florida Educational Equity Act Report: Enrollment, Gender Equity in Athletics, and Employment **Report Year 2008 - 2009**

Florida International University

Data Year: July – June, 2007-2008

Approved by University Board of Trustees: (6/12/2009)

Approved by University President: (signature and date)

Submitted by:

Equity Officer Name: Dr. Bennie L. Osborne, Director

Address: Florida International University, Equal Opportunity Programs - PC 215,
11200 SW 8th Street, Miami, FL 33199

Phone: (305)348-2785

E-mail:

osborneb@fiu.edu

Date Sent to FIU Data

Administrator: June 26, 2009

FLORIDA EDUCATIONAL EQUITY ACT REPORT 2008-2009

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2009 FLORIDA EDUCATIONAL EQUITY ACT REPORT GUIDELINES

Enrollment, Gender Equity in Athletics, and Employment

The annual Florida Equity Reports from each state public university encompasses enrollment, gender equity in athletics, and employment as required by statute. Each parameter was selected to identify, measure, and enhance the progress toward appropriate representation. The Enrollment and Employment reports focus on women and members of four race/ethnic protected classes: Black (B), non-Hispanic; Hispanic (H); Asian/Pacific Islander (A/PI); and American Indian/Alaska Native (AI/AN). ¹ These guidelines represent elements of the reports that must be completed, at a minimum. Each university is expected to utilize whatever additional measurements and goals needed to describe progress to achieve equity.

¹ IPEDS terminology for protected classes was utilized.

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

(Status of Goal Achievements from 07-08 Equity Report)

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 - 2007-2008 Goals and Results

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

Increase FIU's Black, Asian and American Indian full-time student enrollment over the next five years.

Results

In Fall 2008, 81.1% of the full-time FTICs were students from under-represented groups, exceeding the 80% benchmark for under-represented FTIC minorities. The percentage of Black FTIC students, however, fell below the 80% benchmark. Specifically, 9.2% of FTICs at FIU were Black students whereas 14.8% of FTICs throughout the SUS were Black students. In order to have sustained the 80% benchmark, 11.8% ($14.8\% \times 80\% = 11.8\%$) of the entering FTIC class should have been represented by Black students. In Fall 2008, FIU made progress towards this goal by increasing the percentage of its Black FTIC students by 4.5% from 284 to 297 students and increasing the percentage of its Black FTIC students from 9.2% to 10.3% from the prior year.

Graduate Participation

Goal - Enrollment

We expect Hispanic enrollment to reflect the general increase in the graduate student body. We are aiming to increase African American enrollment 2% faster than the general growth of our graduate student population.

Results

The goal to increase enrollment of Black residents 2% faster than the general growth of the graduate student population was not achieved. However, since Black enrollment in

graduate programs at FIU exceeds the proportion of bachelor's degrees earned by Black residents at FIU, the previous goals may need further refinement to focus on increasing enrollment of Black students in doctoral programs. We did not have any specific goals relative to Hispanic student enrollment.

Goal - Completion

Increase the doctoral completion rates for African American and Hispanic students.

Results

Considering first the master's degrees conferred to US residents, the percentage of degrees conferred to Black students has increased by 3.0%, to 15.6%, in the past 5 years. This exceeds the percentage of Blacks earning bachelor's degrees at FIU (13.6%). In the last 5 years, the percentage conferred to Hispanic residents has increased by 3.7%, to 53.5%. This is less than the 64.3% of Hispanics earning bachelor's degrees.

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

The university is making progress with this goal. According to the following table, the gap between female athletes and female students narrowed by 2.7% between 2007-08 and 2008-09.

Women Athletes	2007-08 AY*	2008-09 AY*
% of Enrollment*	56.5%	56.7%
% of Participation	38.9%	41.8%
Gap Variance	-17.6%	14.9%

*Source: Student Data Course File (OPIE)

PART V. Employment

Florida Statute 1000.05: 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 and Dean of the Stempel School of Public Health.

Results

Filled: Vice President for Advancement and Dean of the Stempel School of Public Health.

Goal

Achieve the employment equity program goals and the accountability goals of hiring 3 female and 2 minority administrators and faculty within specific academic disciplines: Health, Science/Math and Social Science.

Table B: 2007-2008 Equity Goals for 2008-2009 Equity Report

Job Group #	Discipline	Rank	Race	Gender	Goal
2	Faculty Admin.	01, 02		Female	1
3	Faculty Admin.	01, 02	Black		1
22	Faculty –Health	03		Female	1
31	Faculty –Science/Math	03		Female	1
33	Faculty –Social Science	03	Asian		1
Total			2	3	5

Results

According to Table C, 3 of the 5 targeted goals were achieved; 4 Females and 2 Hispanics were hired or promoted. Hiring goals for job groups 3 and 33 were not met. Nonetheless, there were hires of non-targeted group members, both Hispanic.

Table C: Outcome for 2008-2009 Equity Report

Job Group #	Discipline	Rank	Race	Gender	Results
2	Faculty Admin	(no rank)	White	Female	1
22	Faculty –Health	(02)	White	Female	1
31	Faculty –Science/Math	(03), (03)	Hispanics	Female	2
Total					

Additionally, according to Table D, a total of 53 females and 60 minorities were hired or promoted into positions covered by the Equity Accountability Plan, far exceeding the projected goal.

Table D: Overall Hires/Promotions of Females and Minorities in Positions Covered by the Equity Accountability Plan

All Groups	New Hires		Promotions	
	Female	Minorities	Females	Minorities
Total	47	54	6	6

Source: 2008-2009 Affirmative Action Plan

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 Process

Overall, all protected groups did 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

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

PART	REPORTING AREA	RESPONSIBLE AREA
I	Executive Summary	Equal Opportunity Programs
II	Policies and Procedures In Support of Equity	Equal Opportunity Programs
III	Academic Program Reviews	Institutional Planning and Effectiveness, Student Affairs, Enrollment Support, University Graduate School
IV	Gender Equity In Athletics	Intercollegiate Athletics
V	Employment Representation	Institutional Planning and Effectiveness, Provost
VI	Areas of Improvement and Achievement	Provost
VII	Protected-Class Representation In The Tenure Process, 2007-2008	Provost and Academic Budget Office

VIII	Promotion And Tenure Committee Composition, AY 2007-2008	Academic Budget Office
IX	Other Requirements	Provost, Academic Budget Office, Board of Trustees

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

PART II. - Policies and Procedures in Support of Equity

- A. Review of Policies and Procedures. Identify the policies and procedures that are specifically formulated to ensure equity. Update the webpage links or provide copies of policies that relate to equity to the University Community on an annual basis.

Florida Equity Reports

Florida International University

2008-09

Table 2: Policies and Procedures in Support of Equity

Reference: I. A., Florida Equity Reports Guidelines

President's EEO Policy Statement

The University recognizes the importance of eliminating employment barriers and therefore, has established a non-discriminatory policy for its employees and applicants for employment. This policy is applied without regards to a person's race, color, sex, religion, creed, national origin, disability, marital status, political opinions or affiliations, Vietnam or disabled veteran status, sexual orientation, or age, except as provided by law. It is designed to assure each applicant or employee an equal opportunity in recruitment, examination, appointment, training, promotion, compensation, retention, and/or other employment practices.

A. Accommodation of Employees with Disabilities

Provide support and resources to departments which hire disabled persons for costs associated with providing reasonable accommodations.

B. Accommodations at University Sponsored Public Events for Persons with Disabilities

To provide a procedure for advertising the availability of and providing accommodations to eligible persons with disabilities for all programs offered to the public by the University both on and off campus.

C. AIDS/HIV

Ensuring that the University AIDS Policy is implemented, protecting persons with AIDS from illegal discrimination.

D. Severe Weather/Emergency Closing

Individuals with disabilities may require additional time to prepare for and respond to challenges presented by inclement weather conditions such as hurricanes.

<http://hr.fiu.edu/index.php?name=policies>

E. Language in the Workplace

The University acknowledges the rights of employees to speak a language other than English in the workplace. The purpose of the policy is to ensure that the University environment is free of illegal national origin discrimination based on language usage.

F. Processing of Discrimination Complaints Filed with External Compliance Agencies

To ensure that appropriate and timely responses are provided to external agencies regarding complaints filed alleging illegal discrimination.

G. Sexual Harassment

To ensure that the University environment is free of sexual harassment, and that faculty, staff and students are provided the means to seek recourse should any incidents occur.

H. Non-Discrimination Policy and Discrimination Complaint Procedures

To ensure that the University environment is free of illegal discrimination based upon race, color, creed, age, disability, sex (including sexual harassment), religion, marital status, national origin, or sexual orientation.

B. Include Documentation of Non-Discrimination Policy. Reprint in each annual document a copy of the policy adopted by the governing board. Note the date of original approval. Include in this narrative: procedures to notify campus affiliates and non-affiliates about the Sexual Harassment/Educational Equity Grievance Procedure

Purpose:

To ensure that the University environment is free of illegal discrimination based upon race, color, creed, age, handicap, sex (including sexual harassment), religion, marital status, or national origin, and that faculty, staff, and students are provided the means to seek recourse should incidents occur.

Policy:

All members of the University community are entitled to study and work in an atmosphere free from illegal discrimination. The University's equal opportunity policies prohibit discrimination against students and employees on the basis of their race, color, creed, age, handicap, sex (including sexual harassment), religion, marital status, or national origin. Under the policies, it does not matter whether the discrimination was intentional or not; rather, the focus is on whether students or employees have been treated differently or subjected to an intimidating, hostile or offensive environment as a result of their belonging to a protected class or having a protected status.

Procedure:

Students

For complaints filed under the Educational Equity Act, the complaint will be reviewed prior to action by the office of Equal Opportunity Programs to determine the validity of the complaint and the appropriate office to investigate the complaint. There are existing student complaint procedures which are in place within the Divisions of Student Affairs and Academic Affairs. In cases where either of those procedures is applicable, the student will be referred to the appropriate office.

Employees

Employees who seek to file a complaint will be invited to consider filing the complaint under the applicable union agreement, or applicable University faculty, administrative or staff grievance procedure.

In all instances, complainant will be instructed to select one grievance or complaint procedure. The Office of Equal Opportunity Programs will not act to concurrently investigate a grievance or complaint which is being pursued through another internal or external process.

Formal Complaints

- a. A complaint must be 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).
- b. 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) days from the first day of classes for the following semester.
- c. 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.
- d. 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.

- e. 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.
- f. 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 or supervisor should notify the Office of Equal opportunity Programs. The Vice President for Human Resources or a designee may then require the complaint to proceed as if conciliation had not been reached.
- g. The report of the Office of Equal Opportunity Programs shall be made known to the Vice President for Human Resources or designee, the alleged offender, the immediate supervisor of the alleged offender, and the appropriate vice president.
- h. Either party may seek review of the finding of the Office of Equal Opportunity Programs to the Vice President for Human Resources or 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.
- i. The appeal 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.
- j. The opposing party and the Director, Equal Opportunity Programs, may file a response to the appeal to the Vice President for Human Resources or designee within twenty (20) days of receipt of the appeal.

- k. The Vice President for 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.
- l. Upon final acceptance by the Vice President for Human Resources or designee of a written finding on the complaint, the immediate supervisor of the alleged offender may of a finding on the complaint, the immediate supervisor of the alleged offender 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 regulations and policies affecting the class of employee and the terms of any applicable collective bargaining agreement.
- m. 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 through any form of retaliation shall be treated as a separate allegation of discrimination.

PART III. Academic Program Reviews

- A. Under the Academic Program Reviews, as many as eight (8) areas of review are required of each university with programs at the specified levels. These annual analyses display enrollment at these eight levels for protected class students: female, and the four protected class race/ethnic codes; in addition, they display the official total including white, non-resident alien, and not reported.² Universities not offering programs at one or more levels should key the charts with zeroes to present a complete report. Measures of equity in TAB 3 with charts are:

Program Area: UNDERGRADUATE STUDENTS

ENROLLMENT

Benchmarks for enrollment of underrepresented groups, which include Black, Hispanic, Asian/Pacific Islander and Native American, are based on percentages of comparable public Title IV institutions using the most recent and relevant reports from IPEDS, the Florida Department of Education, the Florida Board of Governors, or ACT, Inc. For each indicator, the benchmark selected will be identified and comparisons analyzed. Interventions are identified if FIU performance falls below the 80% margin of the benchmark. This 80% margin assessment strategy is proposed in the guidelines for producing the Access and Equity Report.

Chart 1. First-Time-in College Enrollment, Fall 2008, Fall 2007 and Fall 2003

Chart 1. Full-time First-Time-In-College Enrollment, Fall 2008, Fall 2007 and Fall 2003								
	NRA	B	AI/AN	A/PA	H	W	Unk	T
Men	32	146	2	61	870	228	4	1343
Women	32	151	2	69	1050	248	1	1553
Total FTIC Fall 2008	64	297	4	130	1920	476	5	2896
Category % of total Fall 2008	2.2%	10.3%	0.1%	4.5%	66.3%	16.4%	0.2%	100.0%
Total FTIC Fall 2007	58	284	4	128	2110	517	0	3101
Category % of total Fall 07	1.9%	9.2%	0.1%	4.1%	68.0%	16.7%	0.0%	100.0%
Total FTIC Fall 2003	62	335	5	137	1762	544	8	2853
Category % of total Fall 03	2.2%	11.7%	0.2%	4.8%	61.8%	19.1%	0.3%	100.0%

Source: IPEDS Part A, Fall enrollment by race, ethnicity, and gender. Column 1, First time students.

*NRA = Non-resident alien

B = Black

AI/AN = American Indian/Alaskan Native

A/PA = Asian/Pacific Islander

H = Hispanic

W = White

Unk = Unknown

² This total will be supplied from the university's IPEDS report. Charts in TAB 3 will display the complete line from IPEDS including all reporting categories. Charts 1-8 will display percentage representation, calculated by formula on the table, for females and the four protected race/ethnic categories.

Benchmark for Data Assessment:

The specific comparison benchmark for FTIC enrollment is the percent of under-represented FTIC minorities at FIU versus the percent of under-represented FTIC minority students throughout the SUS. The most recent comparative data published by the Florida Board of Governors is for Fall 2007.

Data Assessment

During the five year period between Fall 2003 and Fall 2007, FTIC enrollment increased 8.7%. Under-represented minority enrollment increased 12.8%; however, Black student enrollment decreased 15.2% from 335 to 284 students. Between Fall 2007 and Fall 2008, total FTIC enrollment decreased 6.6% due to statewide budget cuts and an FTIC enrollment cap imposed by the Florida Board of Governors. Despite this reduction, the percent of under-represented minorities remained constant at 81.1% between Fall 2007 and Fall 2008.

Last year, 81.1% of the FTICs at FIU were under-represented minorities which compared favorably against the 38.6% of under-represented minorities throughout the entire SUS. Similarly, in Fall 2008, 81.1% of the full-time FTICs were students from under-represented groups. FIU significantly exceeded the 80% benchmark on percent of under-represented FTIC minorities.

The percentage of Black FTIC students, however, fell below the 80% benchmark. Specifically, 9.2% of FTICs at FIU were Black students whereas 14.8% of FTICs throughout the SUS were Black students. In order to have sustained the 80% benchmark, 11.8% ($14.8\% \times 80\% = 11.8\%$) of the entering FTIC class should have been represented by Black students. In Fall 2008, FIU made progress towards this goal by increasing the percentage of its Black FTIC students by 4.5% from 284 to 297 students and increasing the percentage of its Black FTIC students from 9.2% to 10.3% from the prior year.

Targeted Improvement

The recruitment, admission and enrollment of Black under-represented FTIC students will remain a focused and targeted area for improvement.

Chart 2. Florida Community College A.A. Transfers, Fall 2008, Fall 2007 and Fall 2003

Chart 2. Full-time Florida Community College A.A. Transfers, Fall 2008 (and Summer Continuing into Fall) Fall 2007 and Fall 2003										
	NRA	B	A/AN	A/PA	H	W	Unk	Female	Male	Total
Total Fall 2008	344	305	5	52	1010	412	21	1282	867	2149
Category % of Total Fall 2008	16.0%	14.2%	0.2%	2.4%	47.0%	19.2%	1.0%	59.7%	40.3%	100.0%
Total Fall 2007	245	220	1	62	888	292	1	1064	645	1709
Category % of Total Fall 2007	14.3%	12.9%	0.1%	3.6%	52.0%	17.1%	0.1%	62.3%	37.7%	100.0%
Total Fall 2003	206	260	2	38	672	357	9	887	657	1544
Category % of Total Fall 2003	13.3%	16.8%	0.1%	2.5%	43.5%	23.1%	0.6%	57.4%	42.6%	100.0%
Source: For Fall 2008 and Fall 2007: IPEDS Part A, Fall enrollment by race, ethnicity, and gender. Column 2, Transfer-In; For Fall 2003: Student Data Course File (Preliminary)										

Benchmark for Data Assessment: The Florida Education and Training Placement Information Program (FETPIP) is a data collection and consumer reporting system established by Florida Statutes Section 1008.39 to provide follow-up data on Associate in Arts graduates from the Florida Community Colleges and others³. The most recent report represents the post graduation placement of AA graduates from 2006/07. Specifically, this report represents the number of AA graduates, by race, which enrolled in public universities within the State of Florida. These statewide outcomes provide the benchmark for comparison purposes. FIU endeavors to enroll a minimum of 80% of new AA transfers in proportion to the number of AA graduates enrolling in public universities.

Data Assessment: According to the most recent FETPIP report, 18,915 AA graduates from 2006/07 enrolled in Florida public universities. This cohort consisted of 33.8% minority students in the following racial groups: 3% Asian, 11% Black, 19% Hispanic and .3% American Indian. In comparison, 68.5% of the full-time AA transfers at FIU in Fall 2007 were minority students consisting of 3.6% Asian, 12.9% Black, 52% Hispanic and .1% American Indian. Additionally, in Fall 2008, 63.8% of the full-time AA transfers were minority students with 2.4% Asian, 14.2% Black, 47% Hispanic and .23% American Indian. In both Fall 2007 and Fall 2008, FIU exceeded the 80% benchmark in total minority students, Asian, Black and Hispanic students (American Indian representation was less than 1% statewide and at FIU).

Targeted Improvement

No targeted improvements are required for this group.

RETENTION

Chart 3. Retention of Full-time FTICs Entering Fall 2007, Summer 2007, and Continuing into Fall After One Year

Chart 3. Retention of Full-Time FTICs (Beginners and Early Admits) Entering Fall 2007 or Summer 2007 and continuing into Fall, After One Year										
	NRA	B	AI/AN	A/PA	H	W	Unk	Female	Male	Total
Cohort	66	287	4	128	2,117	516	2	1661	1459	3,120
Category % of Total	2.1%	9.2%	0.1%	4.1%	67.9%	16.5%	0.1%	53.2%	46.8%	100.0%
After 1 year	38	234	3	107	1778	364	0	1377	1147	2,524
Retention Rate	57.6%	81.5%	75.0%	83.6%	84.0%	70.5%	N/A	82.9%	78.6%	80.9%

Source: Student Data Course File. FTICs Who Matriculated Fall 2007, plus those FTICs Who Matriculated In Summer 2007 And Enrolled in 200708. Second year retention data includes students enrolled in Fall 2008.

Benchmark for Data Assessment

The benchmark for measuring this outcome is the first year retention rate of FTIC students attending public PhD-granting institutions. This information is reported in the annual ACT Retention Trend report⁴.

³ <http://www.fldoe.org/fetpip/>

⁴ http://www.act.org/research/policymakers/pdf/retain_2008.pdf

Data Assessment

The most recent ACT Retention Trend reported that 72.9% of the first year students who enrolled in a public PHD-granting university in Fall 2007 returned to their universities for a second year in Fall 2008. FIU's overall first-year retention rate of 80.9% is 8% higher than the national average for public PhD granting universities. FIU's under-represented student groups do especially well compared against this 72.9% national first-year retention rate for this selected cohort. Specifically, Black students (81.5%) have an 8.6% higher rate compared to this 72.9% national average; Hispanic students (84%) have an 11.1% higher rate; American Indian students (75%) have a 2.1% rate; and, Asian students (83.6%) have a 10.7% higher rate.

Targeted Improvement/Intervention

No targeted improvements are required for this group. However, during the past year, a comprehensive review was conducted to evaluate and increase the overall first year retention rate, particularly the rate for Black students. In last year's Florida Equity Report, Enrollment Services recommended an analysis be conducted on the 139 Black students who did not re-enroll for Fall 2007. The study was expanded to look at all students failing to re-enroll for the second year. Results revealed that many students fell below the GPA required to sustain their Florida Bright Futures awards and/or financial aid. Of the 2007 cohort who dropped out, 51% left with a GPA of less than 2.0. Transfers to other colleges and universities were identified using the National Student Clearinghouse database showing that 307 students (9.8%) transferred to other schools with 232 or 75.6% of the transfers going to a two-year school.

Based on the above analysis, the plan designed and under implementation for the 2008 cohort includes the following key steps:

- Monitoring cohort success following both Fall and Spring term academic results to identify those needing special advising and academic intervention.
- Implementation of a pilot summer bridge program for 2008 cohort students with GPA's of 1.5 to 1.99, especially those in danger of losing financial aid. The program includes intrusive advising, extensive use of tutors and peer-led study groups, and a half day workshop on study skills.
- Extensive Financial Aid outreach to students with Spring GPAs that will result in loss of their Bright Futures scholarships or Financial Aid to promote summer registration and improved academic performance in order to save their scholarship or financial aid benefits. The Financial aid Office also ran multiple campaigns to increase the number of students filling FAFSA forms.
- Implementation of "Bring Back the Class" – a summer-long program involving all 150 staff members of the Enrollment Services area in an effort to reach out to all 2008 students and to maximize their potential for return in Fall of 2009.

In January 2009, the Director of Retention convened a new Retention Roundtable to provide key staff in Enrollment Services, Undergraduate Education and Student Affairs an opportunity to share best practices, exchange good ideas and coordinate efforts to increase first-year retention and 4-Year and 6-Year graduation rates. Plans are underway to bring about significant enhancements in Orientation, First-year Experience classes, Freshman Learning Communities, and Undergraduate Advising.

GRADUATION

Chart 4. Graduation Rate of Full-Time FTICs, Beginners and Early Admits Entering Fall 2002, Summer 2002 and Continuing into Fall After Six Years

Chart 4. Graduation Rate of Full-Time FTICs (Beginners and Early Admits) Entering Fall 2002 or Summer 2002 and continuing into Fall, After Six Years										
	NRA	B	A/AN	A/PA	H	W	Unk	Female	Male	Total
Cohort	81	339	8	154	1678	541	27	1625	1203	2828
Category % of Total After 6 years	2.9%	12.0%	0.3%	5.4%	59.3%	19.1%	1.0%	57.5%	42.5%	100.0%
Number of Graduates	43	131	3	79	846	243	19	848	516	1364
Percent Graduated	53.1%	38.6%	37.5%	51.3%	50.4%	44.9%	70.4%	52.2%	42.9%	48.2%
Category % Graduated	3.2%	9.6%	0.2%	5.8%	62.0%	17.8%	1.4%	62.2%	37.8%	100.0%
Number Retained	48	180	3	95	1109	312	22	1058	711	1769
Percent Retained	59.3%	53.1%	37.5%	61.7%	66.1%	57.7%	81.5%	65.1%	59.1%	62.6%
Category % Retained	2.7%	10.2%	0.2%	5.4%	62.7%	17.6%	1.2%	59.8%	40.2%	100.0%
Sources: BOG-IRM Retention/Progression Supplemental Report 1 and IPEDS - Section II - Graduation Rate - Transfers/exclusions (subtracted exclusions from cohort) The Retained will be at the end of the sixth year and not the beginning of the seventh as reported on the GRS.										

Benchmarks for Data Assessment

Three indicators are used to test institutional performance in the graduation of underrepresented groups:

- 1) Six-year graduation rate of under-represented minority students graduating at FIU versus the national six-year graduation rate of students attending public Title IV college/universities.
- 2) Percent of ethnicity that graduated as compared to the ethnic group's percent of the original cohort. For example, Black students were 12% of the 2002 full-time FTIC cohort, but were 9.6% of the graduating cohort.
- 3) Percent of the ethnicity that is graduated plus those still enrolled (retained) as compared to the ethnic group's percent of the original cohort. For example, Black students are 12% of the original cohort and 10.2% of those retained.

Data Assessment

- 1) Six-year graduation rate - FIU meets or exceeds the 80% benchmark on the national six-year graduation rate for total undergraduates as well as all under-represented student groups. According to the National Center of Educational

Statistics First Look, Fall 2007 report⁵ (table 5), 55% of undergraduates attending public 4-year Title IV institutions graduated in six years. FIU's 48.2% six-year graduation rate falls within 87.6% of the national average. So, too, FIU's six-year graduation rate for under-represented student groups met or exceeded the 80% benchmark of national averages as follows: Black students 38.6% FIU v. 40.1% national (96.2% of benchmark); American Indian students 37.5% FIU v. 37.2% national; Hispanic students 50.4% FIU v. 45.7% national; and, Asian students 51.3% FIU v. 64.5% national (80% of benchmark).

- 2) Percent of ethnicity graduating compared to its percent of the cohort - FIU met or exceeded the 80% margin for Black, Hispanic and Asian students. (The American Indian/Alaska Native group with only eight students is not sufficiently large for meaningful comparison). In these three under-represented student groups, the percentage of graduates within six-years met or exceeded 80% of the percentage each group represented within the entering FTIC cohort in 2002.
- 3) Percent of ethnicity retained - FIU met or exceeded the 80% margin for all under-represented student groups. In all under-represented student groups, the percentage of students retained in the seventh year met or exceeded 80% of the percentage each group represented within the entering FTIC cohort in 2002.

Targeted Improvements/Interventions

No targeted improvements are required for this group. However, the university has set an institutional strategic goal to increase its six-year graduation rate to the national average within the next five years. An aggressive online degree audit, tracking and communication program called GradXpress, will be implemented during the 2009-2010 academic year and is expected to produce improvements for all students through:

- 1) A sequenced display of course requirements in the student's major.
- 2) An Inter-active tool to tracking and personalized alerts to each student regarding their status as On Track, Off Track or Fast Track to graduation.
- 3) A Virtual advising center alerting students to key milestones along the pathway to graduation.

⁵ <http://nces.ed.gov/pubs2009/2009155.pdf>

Chart 5. Bachelor's Degrees Awarded, Academic Years 2007-2008, 2006-2007 and 2002-2003

Chart 5. Bachelor's Degrees Awarded, AY 2007-2008, AY 2006-2007, AY 2002-2003								
	NRA	B	A/AN	A/PA	H	W	Unk	T
AY 2007-2008								
Male	127	255	1	83	1341	406	11	2224
Female	130	456	0	96	2028	550	13	3273
Total	257	711	1	179	3369	956	24	5497
Category % of Total	4.7%	12.9%	0.0%	3.3%	61.3%	17.4%	0.4%	100.0%
AY 2006-2007								
Male	183	247	3	87	1230	371	8	2129
Female	159	403	6	131	1939	548	9	3195
Total	342	650	9	218	3169	919	17	5324
Category % of Total	6.4%	12.2%	0.2%	4.1%	59.5%	17.3%	0.3%	100.0%
AY 2002-2003								
Male	211	203	4	67	965	359	19	1828
Female	269	391	8	94	1513	484	34	2793
Total	480	594	12	161	2478	843	53	4621
Category % of Total	10.4%	12.9%	0.3%	3.5%	53.6%	18.2%	1.1%	100.0%
Source: IPEDS Completions, GRAND TOTAL BY FIRST MAJOR, Bachelor's degrees. Chart for 99.0000, all disciplines.								

Benchmark for Data Assessment

The benchmark selected for bachelor's degrees awarded is the percent of under-represented students at FIU compared to the percent of under-represented students throughout the entire state university system (SUS). FIU endeavors to meet or exceed 80% of the percent of under-represented students graduating in the SUS.

Data Assessment

In 2007-08, 49,776 baccalaureate degrees were awarded to undergraduates throughout the Florida State University System (SUS). Statewide, 17,117 or 34.4% of the degrees awarded were to students from under-represented groups. FIU awarded 5,497 bachelor's degrees, of which 4,260 or 77.5% were to Black, Hispanic, Asian or American Indian students. FIU exceeded the total percentage as well as the 80% benchmark for total under-represented students graduating in the SUS. FIU's total graduation rate exceeded the total SUS graduation rate by 225% (77.5% / 34.4%).

Within the under-represented student groups, FIU compares favorably over the SUS in Black, Hispanic and Asian baccalaureates. The single American Indian graduate at FIU was not significant for a meaningful comparison. As noted in the chart below, FIU met or exceeded the 80% benchmark of percent under-represented students graduating in the SUS.

Baccalaureate Degrees Awarded to Undergraduate Students

2007/08	SUS		FIU		Criterion/Outcome	
	#	%	#	%	80% SUS	FIU % Goal
Asian	2,257	4.5%	179	3.3%	3.6%	90%
Black	6,409	12.9%	711	12.9%	10.3%	126%
Hispanic	8,271	16.6%	3,369	61.3%	13.3%	461%
Native Indian	180	0.4%	1	0.02%	0.3%	6%
Non Res Alien	1,088	2.2%	257	4.7%	1.8%	NA
White	30,748	61.8%	956	17.4%	49.5%	NA
Not Reported	777	1.6%	24	0.4%	1.2%	NA
Total	49,730		5,497			

Florida Board of Governors website

On the national level, FIU holds a competitive ranking among the top 100 colleges and universities graduating students from various under-represented student groups. *Hispanic Outlook in Higher Education Magazine*⁶ FIU ranked #1 among the top producers of baccalaureate degrees to Hispanic students. And, *Diverse Issues in Higher Education*⁷ FIU ranked #3 among the top producers of total minority baccalaureates and ranked #19 among the top producers of African American baccalaureates.

Targeted Improvement

No targeted improvements are identified for this area of performance.

⁶ <http://www.hispanicoutlook.com/top100.htm>

⁷ <http://www.diverseeducation.com/Top100DegreeProducers2007undergraduate.asp>

Program Area: GRADUATE STUDENTS**ENROLLMENT**

Full-time Graduate Students Enrolled in Fall 08								
	NRA	B	AI/AN	A/PA	H	W	Unk	T
Men	569	100	0	47	408	271	6	1401
Women	500	317	3	86	765	414	9	2094
Total	1069	417	3	133	1173	685	15	3495
Category % of Total	30.6%	11.9%	0.1%	3.8%	33.6%	19.6%	0.4%	100.0%
<i>Source: IPEDS 2008-09, Part A, Fall enrollment by race, ethnicity, and gender.</i>								

Part-time Graduate Students Enrolled in Fall 08								
	NRA	B	AI/AN	A/PA	H	W	Unk	T
Men	85	151	3	75	633	289	13	1249
Women	60	380	1	75	990	458	17	1981
Total	145	531	4	150	1623	747	30	3230
Category % of Total	4.5%	16.4%	0.1%	4.6%	50.2%	23.1%	0.9%	100.0%
<i>Source: IPEDS 2008-09, Part A, Fall enrollment by race, ethnicity, and gender.</i>								

Full-time Graduate Students Enrolled in Fall 07								
	NRA	B	AI/AN	A/PA	H	W	Unk	T
Men	582	106	3	55	433	257	15	1451
Women	452	271	2	73	704	410	9	1921
Total	1034	377	5	128	1137	667	24	3372
Category % of Total	29.6%	10.8%	0.1%	3.7%	32.5%	19.1%	0.7%	100.0%
<i>Source: IPEDS 2008-09, Part A, Fall enrollment by race, ethnicity, and gender.</i>								

Part-time Graduate Students Enrolled in Fall 07								
	NRA	B	AI/AN	A/PA	H	W	Unk	T
Men	68	128	3	72	610	285	11	1177
Women	62	346	0	86	895	445	24	1858
Total	130	474	3	158	1505	730	35	3035
Category % of Total	4.0%	14.7%	0.1%	4.9%	46.6%	22.6%	1.1%	100.0%
<i>Source: IPEDS 2008-09, Part A, Fall enrollment by race, ethnicity, and gender.</i>								

Data Assessment

To assist us in evaluating our success in increasing the number of underrepresented masters and doctoral students, we have calculated the minority graduate student enrollment among US residents (See tables above). In Fall 08, 17.2% of FIU's US resident graduate student population was comprised of Black residents, an increase from 16.2% in Fall 07. The enrollment of Black graduate students compares favorably to the percentage of bachelor's degrees awarded to Blacks in 07/08, i.e., 13.6% of FIU bachelor's degrees awarded to US residents were conferred to Black residents. The graduate enrollment for Hispanics is not proportional to bachelor's degrees conferred for Hispanics. In Fall 08, 50.7% of our US Resident graduate student population was Hispanic (Fall 07 was 50.3%) which is notably less than the 64.3% of bachelor's degrees awarded to Hispanic US residents.

Our goals for 08-09 were to increase enrollment of Black residents 2% faster than the general growth of the graduate student population. We did not achieve this as the US resident population of FIU students increased by 1.5% and percentage of Black US residents increased similarly at 1.1%. However, since Black enrollment in graduate programs at FIU already exceeds the proportion of bachelor's degrees earned by Black residents at FIU, our previous goals may need further refinement to focus on increasing enrollment of Black students in doctoral programs. We did not have any specific goals relative to Hispanic student enrollment.

In regards to gender, Fall 08 graduate enrollment was 63.8% female and 36.2% male. This is similar to the gender distribution in the bachelor's degrees conferred to US residents, 60% female and 40% male.

Targeted Improvement

A close evaluation of the data indicates that FIU has a higher proportion of Black residents enrolled in graduate school and earning master's degrees than earning bachelor's degrees. Thus, our goals for recruitment and retention of Black graduate students should focus on the doctoral level. The picture is somewhat different for Hispanic residents. Graduate enrollment of Hispanics is lower than the proportion of Hispanics earning bachelor's degrees, and the shortfall is seen at both the master's

and doctoral levels. Therefore, our goal for recruitment and retention of Hispanic residents should focus on both the master's and doctoral level.

Strategies for Improvement

Most of the master's programs at FIU do not include a GRE score in their admission criteria. This admission policy allows minority students who performed well in the classroom but not necessarily on standardized exams to meet program admissions standards. In addition, FIU allows up to 10% of graduate admissions to be exceptions to the minimum criteria. This provides another admission option for minority students who did not have the required GPA or standardized test scores but who showed promise of success.

In an effort to further encourage minority graduate student applicants, the University Graduate School (UGS) has worked to strengthen its relationship with the Florida Education Fund (McKnight) over the 2008-2009 AY to increase the diversity of our graduate population. McKnight Fellowships are awarded to select Black or Hispanic doctoral-seeking students in the state of Florida. FIU had eight McKnight students enrolled in 2008-2009.

Additionally, the University Graduate School hired a new recruiter in March 2009, fluent in English and Spanish, with recruitment and leadership experience to help strengthen graduate-level recruitment efforts at the student and academic unit level.

For the upcoming academic year, the UGS plans to continue increasing enrollment of Black and Hispanic and female students at the graduate level through a variety of means. UGS will also attend recruitment fairs for other HSIs (Hispanic Serving Institutions) and HBCUs (Historically Black Colleges and Universities) with limited graduate level programs. Further, the UGS will be pursuing a partnership with the Gates Millennium Scholars Program, which promotes academic excellence and provides opportunities to minority students at the graduate level in the areas of computer science, education, engineering, library science, mathematics, public health and science. The UGS will continue the close relationship with the Florida Education Fund in attracting high-performing Black and Hispanic students through the McKnight Fellowship Program. Additionally, the UGS aims to facilitate individual relationships between faculty and prospective students over the 2009-2010 AY.

GRADUATION

Chart 6. Master's Degrees Awarded, Academic Years 2007-2008, 2006-2007 and 2002-2003

Chart 6. Master's Degrees Awarded, AY 2007-2008, AY 2006-2007, AY 2002-2003								
	NRA	B	AI/AN	A/PA	H	W	Unk	T
AY 2007-2008								
Male	256	76	1	36	335	179	3	886
Female	219	185	1	45	560	242	9	1261
Total	475	261	2	81	895	421	12	2147
Category % of Total	22.1%	12.2%	0.1%	3.8%	41.7%	19.6%	0.6%	100.0%
AY 2006-2007								
Male	164	85	0	35	293	169	7	753
Female	160	188	1	48	521	248	2	1168
Total	324	273	1	83	814	417	9	1921
Category % of Total	16.9%	14.2%	0.1%	4.3%	42.4%	21.7%	0.5%	100.0%
AY 2002-2003								
Male	190	45	1	21	291	190	45	783
Female	119	136	0	25	425	213	47	965
Total	309	181	1	46	716	403	92	1748
Category % of Total	17.7%	10.4%	0.1%	2.6%	41.0%	23.1%	5.3%	100.0%
Source: IPEDS Completions, GRAND TOTAL BY FIRST MAJOR, Master's degrees. Chart for 99.0000, all disciplines.								

Chart 7. Doctoral Degrees Awarded, Academic Years 2007-2008, 2006-2007 and 2002-2003

Chart 7. Doctoral Degrees Awarded, AY 2007-2008, AY 2006-2007, AY 2002-2003								
	NRA	B	A/AN	A/PA	H	W	Unk	T
AY 2007-2008								
Male	35	3	0	2	12	14	0	66
Female	16	5	0	3	12	20	0	56
Total	51	8	0	5	24	34	0	122
Category % of Total	41.8%	6.6%	0.0%	4.1%	19.7%	27.9%	0.0%	100.0%
AY 2006-2007								
Male	23	0	0	3	8	12	0	46
Female	18	2	0	3	14	16	1	54
Total	41	2	0	6	22	28	1	100
Category % of Total	41.0%	2.0%	N/A	6.0%	22.0%	28.0%	1.0%	100.0%
AY 2002-2003								
Male	3	1	0	0	11	10	0	25
Female	3	5	0	0	6	19	2	35
Total	6	6	0	0	17	29	2	60
Category % of Total	10.0%	10.0%	0.0%	0.0%	28.3%	48.3%	3.3%	100.0%
Source: IPEDS Completions, GRAND TOTAL BY FIRST MAJOR, Doctoral degrees. Chart for 99.0000, all disciplines.								

Chart 8. First Professional Degrees Awarded, - Academic Years 2007-2008, 2006-2007 and 2002-2003

Chart 8. First Professional Degrees Awarded, AY 2007-2008, AY 2006-2007, AY 2002-2003								
	NRA	B	A/AN	A/PA	H	W	Unk	T
AY 2007-2008								
Male	0	1	0	2	13	28	1	45
Female	0	7	0	1	19	18	0	45
Total	0	8	0	3	32	46	1	90
Category % of Total	0.0%	8.9%	0.0%	3.3%	35.6%	51.1%	1.1%	100.0%
AY 2006-2007								
Male	0	3	0	2	25	19	0	49
Female	0	4	1	0	15	17	0	37
Total	0	7	1	2	40	36	0	86
Category % of Total	N/A	8.1%	1.2%	2.3%	46.5%	41.9%	N/A	100.0%
AY 2002-2003								
Male	0	0	0	0	0	0	0	0
Female	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0
Category % of Total	0	0	0	0	0	0	0	0

Source: IPEDS Completions report, GRAND TOTAL BY FIRST MAJOR, First Professional degrees. Chart for 99.0000, all disciplines.

Data Assessment

The complete IPEDS data includes all degrees conferred, including those to non-resident aliens (NRA) (see Tables 6, 7 and 8). In order to assist us in evaluating our success in increasing the number of masters and doctorates awarded to under-represented groups, we have created additional tables that include only data from US residents (see above). Considering first the master's degrees conferred to US residents, the percentage of degrees conferred to Black students has increased by 3.0%, to 15.6%, in the past 5 years. This exceeds the percentage of Blacks earning bachelor's degrees at FIU (13.6%). In the last 5 years, the percentage conferred to Hispanic residents has increased by 3.7%, to 53.5%. This is less than the 64.3% of Hispanics earning bachelor's degrees. The number of master's degrees conferred to American Indian students has held steady at 0.1% and has increased from 3.2 to 4.8% for Asian students.

As the number of doctoral degrees conferred at FIU has more than doubled in the past 5 years, from 60 in 02/03 to 122 in 07/08, there has also been an 8.5 fold increase in the doctoral degrees conferred to non-resident aliens (from 6 doctoral degrees on 02/03 to 51 in 07/08). This is primarily due to the rapid growth of our programs in engineering and the other STEM (Science, Technology, Engineering, and Mathematics) fields that attract a large number of students from other countries. If we look only at the doctoral degrees conferred to US residents, the percentage of degrees conferred to minority students has not changed for Black residents and

increased only slightly for Hispanic residents in the last 5 years. In both 02/03 and 07/08, 11% of the residents receiving doctoral degrees were Black. The percentage of Hispanic residents receiving doctoral degrees increased from 31.5% to 33.8%. During this period, the number of doctoral degrees conferred to White residents decreased from 53.7% to 47.9%. There were no doctoral degrees conferred to AI/AN in either year, but there was an increase from 0 to 7% of doctoral degrees conferred to A/PA students in 07/08.

Our stated goals have been to increase the completion rate for both Black residents and Hispanic residents to their level of representation in the graduate student body. It was projected in 08/09 that this would translate to an increase in the number of doctorates awarded to Black students by an average of 4 doctorates per year until 2012-2013. We were able to surpass this goal, as the number of doctorates increased from 2 in 06/07 to 8 in 07/08. For Hispanic students, this would translate to a goal of an increase in 8 doctorates a year until 2012-2013. We came close to achieving this goal, as Hispanic graduates increased by 7 students between 06/07 and 07/08. These data indicate that we are achieving some success with our current strategies to achieve racial equity. However, we have decided to revise our goals to include a 20% increase in doctorates awarded to Black and a 20% increase in doctorates awarded to Hispanic residents within four years.

In regards to gender, Tables 6 and 7 indicate that the overall number of female graduates has increased in master's programs (from 55.2 in 02/03 to 58.7% in 07/08) but decreased in doctoral programs (from 58.3 in 02/03 to 45.9 in 07/08). The reduction in female doctoral graduates can likely be attributed to the rapid growth of our programs in engineering and the other STEM fields that tend to attract fewer female students. This is consistent with the fact that the decrease in doctoral degrees conferred to females is less pronounced if we look only at the degrees conferred to US residents. In 02/03, 59.3% of master's degrees conferred to US residents were conferred to women, compared to 62.3% in 07/08. There is only a modest decrease in female doctoral graduates; in 02/03 females made up 59.3% of doctoral graduates, compared to 56.3 in 07/08. However, females continue to receive the majority of doctoral degrees conferred to US residents at FIU and are not underrepresented.

FIU has only a recent history of awarding professional degrees. In 06/07 and 07/08, the only professional degree awarded at FIU is the Jurisprudence Doctorate and no professional degrees were awarded in 02/03. Between 06/07 and 07/08, the professional degrees awarded to Black residents held relatively constant at around 8% (8.1% in 06/07 and 8.9% in 07/08). On the other hand, professional degrees conferred to Hispanic students decreased from 46.5% to 35.6% between 06/07 and 07/08.

Targeted Goals

In 07/08, 11% of FIU doctoral degrees awarded to US residents were awarded to Blacks. This compares to national data for 2007 of 7% of earned doctorates

awarded to Black students (Survey of Earned Doctorates). We propose a goal of a 20% increase in doctorates awarded to Blacks by 2011/2012, which would bring us up to 13.2%. In 2007, 33.8% of doctoral degrees awarded to US residents were awarded to Hispanics. Our goal is to achieve a 20% increase in doctorates awarded to Hispanics by 2011/2012, which would bring us up to 40.6%.

Strategies for Improvement

During AY 2008-2009, the UGS funded several initiatives aimed at retaining minority graduate students and graduate students, in general. The Graduate Minority Opportunities Program (GMOP) and Willie Williams Endowment Award, in particular, assisted in the retention of Black and Hispanic students. The Graduate Minority Opportunity Program (GMOP) paired historically underrepresented students with minority faculty and representatives from the University Graduate School in providing retention-focused workshops (library research skills, the graduate experience) and networking opportunities. The Williams Award provided a cash award to students who best represented, through scholastic and community endeavors, a commitment to strengthening cultural diversity in higher education. Also, through a partnership with FIU's newly formed Center for Excellence in Writing, graduate students were able to receive assistance with graduate-level writing via workshops and one-on-one tutoring. The UGS also worked with the Office of Research Integrity to offer Responsible Conduct of Research workshops. In addition, the Graduate Advisory Board (GAB) was formed to voice concerns and ideas and to provide feedback about the graduate community to its major stakeholders (UGS, SGA, GSA, etc.).

The University Graduate School would like to increase its level of support to Black, Hispanic and female students by mirroring the GMOP and McKnight models for supporting graduate scholars. Both the GMOP and McKnight programs provide support to McKnight students via workshops, webinars and a student community that goes beyond the classroom. Over the 2009-2010 AY, the UGS will continue its retention efforts to increase outreach and support services to Black, Hispanic and female students.

- B. An analysis of the information on each chart shall be prepared annually by each university using the results of Charts 1- 8. Include in this narrative an identification of the standard for disproportionate enrollment or identification of an area for improvement. Each university shall report its definition of "disproportionate" or "area for improvement" for each level, Charts 1 - 8, offered at the respective institution.

Examples of definitions to identify disproportion include "the 80% rule," standard deviations, or other appropriate measures. A university might identify an "area for improvement" as "retention of [specific protected class] at a rate equal to least 80% of the highest retention rate."

Another example of goals set for improvement might be "increase by 0.2% per year" or "admission of protected class students at a rate exceeding representation in the

national pool of Bachelor's degree recipients from doctoral-granting universities in the prior data year."

- C. Using its own definition, each university shall identify areas for improvement for each chart that is pertinent in **TAB 3**. This narrative section shall include goals established and the programs and timeline to achieve the goals.
- D. Each university shall evaluate the university's overall effectiveness in enrollment equity in the reporting year. Consider accolades (such as Diverse magazine's reporting of top minority degree producers), statistical achievement, climate surveys, and other documentation to be added. Identify areas for improvement in the following year and the programs and timetable to achieve the improvement.

PART IV. Student Services

A. Student Services require periodic review by the institution to determine compliance with equity statutes. Non-discrimination on the basis of race, gender, national origin, marital status, or disability is required. Those services include:

1. Guidance and Counseling (in higher education: “academic advising”⁸)

Undergraduate Academic Advising Services **(University Wide and Undergraduate Studies Academic Advising Center)**

*Data gathered for **Spring 2009** enrolled students. Advising Services are available to all undergraduate students, therefore statistics presented below are based on Spring 2009 enrolled students.*

Gender Demographics

Degree Seeking Undergraduate Students

College	F	M	Grand Total
Architecture and The Arts	362	255	617
Undergraduate Academic Advising	4222	4245	8467
Arts and Sciences	3692	2096	5788
Business	2617	2384	5001
Education	1045	295	1340
Engineering	458	1698	2156
Hospitality and Tourism Management	712	332	1044
Journalism and Mass Communication	817	245	1062
Nursing and Health Sciences	886	306	1192
Public Health	380	76	456
Social Work, Justice and Public Affairs	650	423	1073
Grand Total	15841	12355	28196
Percent of Total (All Colleges)	56%	44%	100%

⁸ Definitions of the terms “guidance and counseling” differ between the K-12 sector and higher education. Review of the intent of the implementing rule indicates that the focus of this area was academic guidance, not personal counseling. The universities shall define the “Guidance and Counseling” language to refer to “academic advising,” whether centralized or provided by academic units.

*Documented Visits to University Park and Biscayne Bay Campus
Undergraduate Studies Academic Advising Center
(During Summer 2008 - Spring 2009)*

Undergraduate Academic Advising Center	Female	Male	Total
Grand Total	3958	3575	7533
Percent of Total	53%	47%	100%

Ethnicity Demographics

Degree Seeking Undergraduate Students

College	Am. Indian	Asian	Black	Hispanic	Not Reported	White	Grand Total
Architecture and The Arts	2	24	41	419	9	121	616
Undergraduate Academic Advising	13	369	911	5908	59	1206	8466
Arts and Sciences	9	217	799	3690	32	1037	5784
Business	9	194	585	3397	35	781	5001
Education	3	31	197	862	6	241	1340
Engineering	2	95	276	1434	29	318	2154
Hospitality and Tourism Management	4	92	119	336	302	191	1044
Journalism and Mass Communication	1	17	125	739	9	171	1062
Nursing and Health Sciences	6	71	226	742	2	142	1189
Public Health	1	16	131	231	1	76	456
Social Work, Justice and Public Affairs	4	18	288	638	5	120	1073
Grand Total	54	1144	3698	18396	489	4404	28185
Percent of Total (All Colleges)	0%	4%	13%	65%	2%	16%	100%

*Documented Visits to University Park and Biscayne Bay Campus
Undergraduate Studies Academic Advising Center
(During Summer 2008 - Spring 2009)*

Undergraduate Academic Advising Center	Am. Indian	Asian	Black	Hispanic	Not Reported	White	Total
Grand Total	10	324	883	5168	51	1095	7531
Percent of Total	0%	4%	12%	69%	1%	15%	100%

Analysis: Florida International University is classified as a Hispanic Serving Institution, one with at least 25% Hispanic full-time equivalent (FTE) undergraduate enrollment and of the Hispanic student enrollment at least 50% is low income. As noted in the tables above, FIU exceeds the HSI classification requirement, with a large minority population that included 65% Hispanic undergraduate enrollment and 13% Black undergraduate enrollment in Spring 2009, percentages that are typical for the institution on a given academic year.

2. Admission to Academic Program ⁹

Each year, the Office of Undergraduate Admissions implements a recruitment plan designed to provide educational opportunities to all Floridians. This plan incorporates strategies to attract and enroll minority students by generating an applicant pool that reflects South Florida's demographics. FIU's Undergraduate Admissions Office supports and collaborates with programs university-wide to implement specific goals to increase participation from minority students and their parents.

Examples of these partnerships and collaborations include the following.

- Schools with high minority enrollment are visited several times a year and students are invited to participate in on-campus events.
- Personalized communications are implemented to aid minority students throughout the admissions process.
- College awareness programs are offered in venues that serve minority students. (e.g. churches, community agencies, sororities, fraternities, etc.). There are several civic, social, religious and educational groups, which serve minority populations and are informed of our offerings through mailing and personal

⁹ The universities shall define the "Academic Program" as admission to undergraduate status and admission to graduate status.

contact. We recognize these are often the best conduits for quality minority students; therefore, we work to develop and maintain contacts in these venues.

- Through collaborative relationships with the university's various pre-college programs, minority students are recruited. These students are part of our local feeder pattern but are sometimes not present during our high school visits for a variety of reasons. We engage these students by presenting workshops, seminars and campus tours throughout the academic year.
- Outstanding minority recruitment initiatives are used to promote university wide scholarship opportunities to attract and enroll minority students. These opportunities include but are not limited to the Office of Admissions Academic Awards, Venture Scholars, Golden Drum, MAPS Scholars Award and the Invitational Scholars Award.
- In Fall 2006, FIU established a new approach to access for South Florida students through its collaborative Dual Degree Program. Instead of denying applicants entry to the university, students who do not meet FIU's entry criteria are invited to accept admissions to both the community college and FIU with the understanding that they will complete their AA degree within three years and be given automatic admission to FIU. To date, over 2,100 high school applicants have enrolled in the Dual Degree Program; over 100 candidates have completed their AA degree and transitioned to the university; another 350 candidates are expected to transition to the university by Fall 2009.

The new director of admissions, appointed in January 2009, is committed to establishing new partnerships within the university to maximize the university's investment in pre-college programs, e.g., Upward Bound, Golden Drum and MPAS. The new director will endeavor to build effective communications with colleagues, strengthening the admissions offices' liaisons role, enhancing involvement in on-campus events, and establishing a database to track and monitor high school students' progression between involvement in the university's pre-college programs, participation in an on-campus admissions tour, completion of an application for admissions and enrollment as a new FTIC student. These data will be analyzed and shared with colleagues for information and program improvement purposes. These departments have long histories (30 plus years) of serving first-generation and low-income students; the Office of Admissions---through these new partnerships---intends to build on this experience for the sake of advancing diversity and promoting student access.

3. Health Services

**University Health Services
Demographic Data -- Office visits**

Medical Clinics & Wellness Center consultations

2007-2008 – Appointments - Office encounters

(Includes all clinic appointments and wellness center consultations):

Location	Male	Female	Total	% Male	% Female
University Park	5,647	14,753	20,400	27.7%	72.3%
Biscayne Bay	1,753	4,350	6,103	28.7%	71.3%
Both campuses -- Overall total	7,400	19,103	26,503	27.9%	72.1%

Analysis: The gender ratio of patients seen at the FIU health clinics at each campus is similar and reflects the national trends for health care at colleges and universities as well as statistics in ambulatory health care settings in the community.

Ethnicity -- Encounters all campuses

Category	Number	% of total
American Indian	58	00.3%
Asian	1,978	09.7%
Black	5,508	27.0%
Hispanic	3,135	15.4%
White	6,876	33.7%
Not reported	804	03.9%
Other	2,041	10%
Total	20,400	100%

Analysis: The ethnicity of patients who receive on-campus clinical care and consultative services at University Health Services mirrors the overall ethnicity of students enrolled at the University.

4. Club and Intramural Athletics (report on gender only) ¹⁰

Club and Intramural Athletics
Demographic Data- 2007-2008

Intramural Sport Participants

Female	828
Male	2,484
TOTAL	3,512

Intramural Sports Participations

Female	3,048
Male	9,697
TOTAL	12,745

Sport Clubs (14 clubs)

Female	45
Male	165
TOTAL	210

Analysis: The 4.1 male to female IM Sports participation ratio continued this year and is lower than the national average (approx.3:1 as shown in various National Intramural Recreation Sports {NIRSA} studies). As with last year, it is in line with what is occurring on other urban, commuter campuses. Rural, residential campuses continue to have the most positive female IM Sports participation ratios. There are no national averages available through NIRSA as to what percentage of a school's total student population (male, female or combined) participates in IM Sports. National trends still show more women participating in fitness-related activities (aerobics classes, exercise workouts, etc.) than IM Sports activities. Our Recreation Center usage figures still consistently show a 2:1 male to female ratio, reflecting the national trend. National figures for sport club membership and gender breakdown are still not compiled by NIRSA, but more men's clubs than women's still exist based primarily on greater sports interest, opportunities, and support at younger ages.

¹⁰ The word "Interscholastic" is not shown here as a requirement, although it is included in the Florida Educational Equity Act. It is not a term used in higher education. Also, universities are directed to focus reports in this section on intramural and club offerings. Each university is required to provide its detailed report on intercollegiate athletics pursuant to Ch. 1006.71, Gender Equity in Athletics, in the following section.

5. Student Financial Assistance

The Office of Financial Aid administers student financial aid in accordance with federal and state laws, regulations and guidelines as well as institutional policies and procedures. The office is audited annually to ensure federal and state aid programs are properly managed and funds are timely disbursed to students.

In terms of benchmarking, the office compares its full-time, first time degree seeking undergraduates receiving aid against the national average derived for four year public Title IV institutions. The office endeavors to meet or exceed 80% of the national average in terms of total students aided and those receiving federal, state and institutional aid. The chart below illustrates that the university compares favorably when applying the 80% rule against this national averages.

IPEDS: Full-time, First-time Degree/Certificate Undergraduates Receiving Financial Aid

	% Receiving					Average \$ Amount			
	Students	Federal Grants	State Grants	Inst.	Loans	Federal Grants	State Grants	Inst.	Loans
2006: National Avg*	76	27	37	34	44	\$3,365	\$2,848	\$3,759	\$4,433
2007: FIU Avg**	86	32	73	19	21	\$3,708	\$2,818	\$1,944	\$4,721
FIU/National Avg	1.14	1.2	1.99	0.56	n/a	1.11	0.93	0.48	n/a
80% Threshold	Yes	Yes	Yes	No	n/a	Yes	Yes	No	n/a

*Source: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Spring 2007, Student Financial Aid component.

**Source: U.S. Department of Education, National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), Spring 2009 (most recent institutional data submission to NCES)

The most recent national data for 2006 shows that 76% of the full-time, first-time degree-seeking undergraduates received aid; the most recent FIU data for 2007 shows 86% of the full-time, first-time degree seeking undergraduates at FIU received aid. The institution exceeded the 80% rule in terms of percentage of total students aided (114%), students receiving federal grants (120%) and students receiving state grants (199%). The institution did not meet the 80% rule based on percent of students receiving an institutional grant.

In order to meet the 80% rule for institutional aid, the university expects to dedicate 30% of its undergraduate differential tuition revenues in the coming year to fund need-based financial aid for new and continuing need-based undergraduate students; overtime these additional funds will increase the number of new FTIC students receiving institutional aid in the near future.

6. Housing

**University Housing
Demographic Data
2007-2008**

	Fall 2007	Percent %	Fall 2008	Percent %
Occupancy Count	2799	100%	2759	100%
Gender				
Females	1603	57.28	1555	56.36
Males	1192	42.72	1204	43.64
Ethnicity				
White	713	25.49	730	26.46
Black	793	28.34	748	27.11
Hispanic	830	29.64	782	28.34
Asian	135	4.82	140	5.07
Native American	8	0.30	7	0.25
Other	320	11.41	332	12.03
Not Reported			20	0.72

Analysis: Housing utilization by gender reflects slightly higher number of females, with 56.36% female and 43.64% male, than University population as a whole. The ethnic breakdown of White, Black and Hispanic housing residents is 26.46% White, 27.11% Black and 28.34% Hispanic.

B. Each university shall design and conduct a review of the Student Service areas listed in 1-6 above. The review shall take the form of a self-assessment and may follow models established under other laws, guidelines, or requirements. Such models may include appropriate reviews performed as part of a Title IX update, annual reporting process, or institutional effectiveness assessment.

The report of this procedural review shall, at a minimum, include the website address(es) used, titles of documents used, and statement of results of the area reviews. Copies of documents are to be maintained by each university.

A. PROGRAM OVERALL EFFECTIVENESS

The information and charts referenced throughout this report demonstrate that FIU falls within the 80% corridor on the majority of indicators for the under-represented student groups. Future improvements in the area of access will be realized through special outreach for FTICs coupled with the maturation of the Dual Degree program when students will be transitioning to FIU with their AA degrees and moving toward successful graduation.

Both retention and graduation results are anticipated to increase for all students through implementation of GradXpress with its online degree audit and messaging components and its personalized contact from graduation coaches. This new degree audit system is scheduled for implementation during 2009/10.

Also important to enrollment, retention and graduation is FIU's service and communication to students. Enrollment Services is making considerable strides in these areas through the Call Center, Online Chat, Email alerts, direct and personal outreach to students falling off track towards graduation, and continual cross training of staff to ensure that students receive accurate, accessible and timely information along their graduation pathway beginning with pre-admissions and extending beyond commencement.

PART V. Gender Equity in Athletics

This report responds to requirements of Ch. 1006.71, Gender equity in intercollegiate athletics. Each university was required to develop a plan for gender equity in athletics. That plan was to include consideration of gender equity in five major areas. An annual assessment is required and each university president is to be evaluated on the extent to which gender equity goals have been accomplished.

The Florida Educational Equity Act provides for review of seven major areas, some of which overlap the five noted above. In order to provide one format fulfilling requirements for both statutes, guidelines for this section encompass both Gender Equity in Athletics (Ch. 1006.71) and the FEEA [Ch. 1000.05(3)(a)].

A. Each university shall prepare an annual update to the Gender Equity Plan and the Florida Educational Equity Act. The university shall include a description of the findings followed by an assessment of equity. Those results shall be summarized on respective charts or tables. See **TAB 4**, Chart 1 as an example. If areas for improvement are identified, the programs and timetable for achieving improvement shall be specified. The following eleven (11) areas are required in the assessment:

1. Sports offerings
2. Participation rates, by gender, compared with full-time undergraduate enrollment by gender
3. Availability of facilities, defined as locker room, practice, and competitive facilities
4. Scholarship offerings for athletes
5. Funds allocated for:
 - a) The Athletic Program as a Whole
 - b) Administration
 - c) Recruitment
 - d) Comparable Coaching
 - e) Publicity and Promotion
 - f) Other Support Costs
 - g) Travel and Per Diem Allowances
6. Provision of equipment and supplies
7. Scheduling of games and practice times
8. Opportunities to receive tutoring
9. Compensation of coaches and tutors
10. Medical and training services
11. Housing and dining facilities and services

Table 4: Gender Equity in Athletics
Reference: II.A., Florida Equity Reports Guidelines

Element	Assessment	Area for improvement?
1. Sports offerings	Interest survey completed 8/1/2007. Another to be completed August 2009.	No
2. Participation rates, male and female, compared with full-time undergraduate enrollment	Out of compliance	Yes
3. Availability of facilities, <i>defined as locker room, practice, and competitive facilities</i>	Track and Field facilities currently under review	Yes
4. Scholarship offerings for athletes	In compliance	
5. Funds allocated for:		
a) the athletic program as a whole	In compliance	
b) administration	In compliance	
c) travel and per diem allowances	In compliance	
d) recruitment	In compliance	
e) comparable coaching	In compliance	
f) publicity and promotion	In compliance	
g) other support costs	In compliance	
6. Provision of equipment and supplies	In compliance	
7. Scheduling of games and practice times	In compliance	
8. Opportunities to receive tutoring	In compliance	
9. Compensation of coaches and tutors	In compliance	
10. Medical and training services	In compliance	
11. Housing and dining facilities/services	In compliance	

- B. Each university shall identify areas for improvement from the previous year's update which included a timetable for improvement in this data year. Each university shall specify the extent to which those gender equity goals have been accomplished. You may provide the information requested by using **TAB 4**, Chart 2.

Each university shall evaluate the effectiveness of the university's programs in gender equity in athletics in the reporting year. Consider accolades, statistical achievement, climate surveys, correction of areas for improvement for prior years, and other documentation to be added. Identify areas for improvement in the following year and the programs and timetable to achieve the improvement.

Areas for improvement	Program for improvement	Timetable
Participation Rates	Female Participation Rates	Ongoing
Currently working on securing estimates to build a track around the soccer field	Track and Field Program	Ongoing

C. Each university shall check one basis below for assuring that it is in compliance with the Florida Educational Equity Act (FEEA):

- ☒ accommodation of interests and abilities
☐ substantial proportionality
☐ history and practice of expansion of sports

D. The annual review of compliance may be satisfied by processes implemented under other laws, guidelines, or requirements. Those might include campus Title IX reviews, the NCAA recertification process, analysis of the EADA, and other standard reports. The report of this procedural review shall include the website address(es) used and titles of documents used to assess compliance in each of the areas. Copies are to be maintained by each university.

Compliance Review: 2008-2009 Athletic Participation by Sport

COMPONENT 1	NUMBER OF PARTICIPANTS*					
Varsity Teams	# Males 2007-08 2008-09		# Females 2007-08 2008-09		Total 2007-08 2008-09	
Baseball	35	31	0	0	35	31
Basketball	12	11	14	13	26	24
Golf	0	0	6	7	6	7
Softball	0	0	20	20	20	20
Swimming	0	0	16	21	16	21
Tennis	0	0	7	8	7	8
Track/Field & Cross Country	26	25	30	26	56	51
Volleyball	0	0	12	12	12	12
Soccer	25	23	19	23	44	46
Football	97	91	0	0	97	91
Total Participants	195	181	124	130	319	311

**2008-09 Numbers are based on anyone who was eligible to compete the last day prior to the first date of competition in the sports' competitive season.*

Enrollment Headcount by Academic Year and Gender

Academic Year		Female	Male	Not Rpt	Grand Total
2007-2008	HEADCOUNT	28,068	21,434	128	49,630
	PERCENT OF TOTAL	56.6%	43.2%	0.3%	100.0%
2008-2009	HEADCOUNT	27,330	20,765	79	48,174
	PERCENT OF TOTAL	56.7%	43.1%	0.2%	100.0%

Source: Student Data Course File 2008-2009

Figures include Spring 2009 preliminary data.

According to the following table, in Fall 2008, females were **56.7%** of students enrolled full-time at the university compared to **41.8%** of athletics. This component remains out of compliance due to the more than 5% gap between the percentage of participants and the percentage of female students enrolled in Fall 2007.

Female Enrollment Rates Compared to Participation Rates 07-08 and 08-09 by Gender

Women Athletes	2007-2008	2008-2009
Enrollment	56.6%	56.7%
Participation	38.9%	41.8%
Gap Variance	17.7%	14.9%

The Department of Intercollegiate Athletics at Florida International University is committed to ensuring Title IX compliance. Results from an interest survey conducted by the University's Department of Institutional Research in August 2007 indicated that the sports offerings are meeting the interests and abilities of our demographic and confirmed that the University is in compliance with the Florida Educational Equity Act (FEEA). The survey will be conducted again in August 2009 at which point the department will evaluate if our current sports offerings are still meeting the interests and abilities of our demographic.

The Department has continued to make tremendous efforts to address the disparity in participation rates of males versus females. Our efforts over the past few years include the expansion of participation opportunities for females through the establishment of new women's sports programs and an increase in the number of fully funded scholarships offered for women's sports programs. Despite such efforts however, the

department has continued to have lower participation rates of females as compared to males.

In an effort to further address the disparity in participation rates however, new strategies have been implemented and have been successful in narrowing the gap— despite scholarship penalties resulting from the internal investigation of the NCAA eligibility and financial aid violations which prevented women's soccer, swimming, volleyball, and golf to achieve their participation goals. Such strategies include: enforcing roster caps to limit the squad size for the men's sports teams, encouraging additional walk-ons for women's sports teams, and hiring top-level head coaches for women's sports to attract more female student-athletes.

Last year, the Department reiterated its number goals to the coaching staff and challenged them to find innovative ways of closing the gap in participation numbers between men's and women's sports teams. Our participation numbers in women's sports increased by 2.9% from 2007-2008 to 2008-2009. Due to the tremendous efforts of the coaching staff and Department of Intercollegiate Athletics Administration, the participation numbers in men's sports also reduced by the same 2.9% percentage in the same year; an amazing achievement for the department.

While the Department was able to address the lack of adequate competition facilities for the Women's Swimming and Diving Program by completing construction of the pool at the BBC campus, the athletic facilities continue to be an area that needs improvement. Generally, the facility constraints are not gender related but are experienced by all participants equally.

The track was removed as a result of the newly constructed football stadium. The Department is exploring the feasibility of changing the orientation of the current soccer field to accommodate a track. Quotes for cost estimate are projected to be secured by August 2009.

Although always a challenge, the budget figures meet the needs of the programs. The actual amount of money spent on women's and men's programs differs but the quality of services for each program is equal.

PART VI. Employment

The guidelines for the Employment equity report measure achievement of appropriate representation in selected faculty and administrative employment categories. The guidelines for this section may be fulfilled by appropriate analyses completed for university Affirmative Action Plans or other required reports.

The basis for the Employment data is the IPEDS Fall Staff report completed annually by each university with data captured in October, final version prepared mid-January.

Complete Charts 1 – 4 of **TAB 5**. Each university shall report race and gender representation within:

1. Category Representation: Tenured faculty

PART VI: Employment Representation									
Chart 1. Category Representation – Tenured Faculty									
Indicator	NRA	B	AI/AN	A/PI	H	W	Not Reported	Female	Total
Number, Fall 2008	8	25	0	62	66	275	0	127	436
Number, Fall 2007	6	28	0	58	68	301	0	137	461
Percentage Change From Fall 2007 to 2008	33.3%	-10.7%	N/A	6.9%	-2.9%	-8.6%	N/A	-7.3%	-5.4%
Number, Fall 2003	0	27	1	47	60	306	0	122	441
Percentage Change From Fall 2003 to 2008	N/A	-7.4%	-100.0%	31.9%	10.0%	-10.1%	N/A	4.1%	-1.1%
Area for improvement, compared with national standards? (Check if yes)									
<i>Source: IPEDS Fall Staff 2008, 2007 and 2003</i>									

Analysis of the employment representation for tenured faculty demonstrates a total increase of 13% in the employment of ethnic/racial protected classes, and an increase in females of 4.1%. While the representation of Blacks in this category decreased by an N=2 as compared to Fall 2003, while total faculty for the university decreased by an N=5. For Blacks, this is a slightly greater loss, but we do believe this is a statistically significant decrease at this time. This will continue to be monitored closely.

2. Category Representation: Tenure-track faculty

Chart 2. Category Representation – Tenure-Track Faculty									
Indicator	NRA	B	AI/AN	A/PI	H	W	Not Reported	Female	Total
Number, Fall 2008	56	18	1	23	25	87	0	84	210
Number, Fall 2007	42	23	1	27	19	83	0	72	195
Percentage Change From Fall 2007 to 2008	33.3%	-21.7%	0.0%	-14.8%	31.6%	4.8%	N/A	16.7%	7.7%
Number, Fall 2003	0	11	1	33	20	100	0	65	165
Percentage Change From Fall 2003 to 2008	N/A	63.6%	0.0%	-30.3%	25.0%	-13.0%	N/A	29.2%	27.3%
Area for improvement, compared with national standards? (Check if yes)									
Source: IPEDS Fall Staff 2008, 2007 and 2003									

Analysis of the employment representation for tenure-track faculty demonstrates a significant increase for both Blacks and Hispanics in this category; increases of 63.6% and 25.5% respectively when Fall 2003 is compared with Fall 2008. This analysis also indicated a significant decrease in Asian/Pacific-Islander (A/PI) of a little over 30%. While it would be concerning to us as a stand-alone data point, we do note that this classification (A/PI) demonstrated a 30% increase in the tenured faculty representation, which is highly significant.

3. Category Representation: Faculty not on tenure track or faculty employed at a non-tenure-granting university

Chart 3. Category Representation – Non-Tenure-Earning Faculty <u>or</u> Faculty at Non-Tenure Granting Universities									
Indicator	NRA	B	AI/AN	A/PI	H	W	Not Reported	Female	Total
Number, Fall 2008	8	13	0	8	32	110	0	90	171
Number, Fall 2007	7	12	0	12	32	109	0	87	172
Percentage Change From Fall 2007 to 2008	14.3%	8.3%	N/A	-33.3%	0.0%	0.9%	N/A	3.4%	-0.6%
Number, Fall 2003	0	9	0	10	24	85	0	58	128
Percentage Change From Fall 2003 to 2008	N/A	44.4%	N/A	-20.0%	33.3%	29.4%	N/A	55.2%	33.6%
Area for improvement, compared with national standards? (Check if yes)									
Source: IPEDS Fall Staff 2008, 2007 and 2003									

Analysis of the employment representation for this category demonstrates a 23% increase in ethnic/racial protected classes from Fall 2003 to Fall 2008. Females in this category also fared significantly well with an increase of 55%. Overall the institution did quite well demonstrating increases in all categories with the exception of A/PI where the difference was N=2.

4. Category Representation: Executive/Administrative/Managerial employees

Chart 4. Category Representation – Executive/Administrative/Managerial									
Indicator	NRA	B	AI/AN	A/PI	H	W	Not Reported	Female	Total
Number, Fall 2008	13	56	1	24	224	253	0	327	571
Number, Fall 2007	11	53	1	19	196	237		283	517
Percentage Change From Fall 2007 to 2008	18.2%	5.7%	0.0%	26.3%	14.3%	6.8%	N/A	15.5%	10.4%
Number, Fall 2003	0	53	0	16	124	244	0	212	437
Percentage Change From Fall 2003 to 2008	N/A	5.7%	N/A	50.0%	80.6%	3.7%	N/A	54.2%	30.7%
Area for improvement, compared with national standards? (Check if yes)									
Source: IPEDS Fall Staff 2008, 2007 and 2003									

(NOTE: The definition of the categories above includes faculty and administrators employed full-time, and visiting appointments.)

Analysis of the employment representation for this category demonstrates no decreases at all in any of the ethnic/racial protected classes. Overall, growth in ethnic/racial protected classes is 58%. Females also represented quite well with an overall growth of 54% across the five-year span of Fall 2003 to Fall 2008.

PART VII. Protected-Class Representation in the Tenure Process.

Representation of females and protected class minorities within the tenure process at each stage shall be documented. Each university is required to address disparities identified from comparing protected-class success rates to the majority race and females to the success rate of males. Include in the narrative a description of the university's guidelines for equitable assignments for instructional faculty.

Assessment of Tenure Process

Of the total 16 faculty eligible for tenure review, half were female. Of females, 13% were Asian, 13% were Black and all females were successful in obtaining tenure. Of males, 38% were Asian, 13% were Black and all males were successful in obtaining tenure.

PART VIII. Promotion and Tenure Committee Composition

Each university is required to report the racial and gender composition of committees reviewing recommendations at each transaction level.

See TAB 8 for racial and gender composition of review committees for the various schools and colleges.

PART IX. Other Requirements

- A. The Budgetary Incentive Plan is designed to accomplish Employment Equity goals. Describe how this university deployed its resources to do so. Link the results to a discussion of goals achieved and areas for improvement. Establish timetables for achieving selected goals the following year.

The University has agreed to continue supporting the previous year's principles for allocation and use of resources for the Equity Accountability Plan. These are as follows:

The Academic Affairs Budget Office has continued to set aside funding to support faculty position for minority hires. As units identify qualified individuals, Academic Affairs will provide funding to support these hires outside of the Faculty Funding model, a distribution model for new faculty lines.

Departments have used existing resources more effectively in targeted advertising and have used web-based recruitment tools and on-line job announcements, specifically with minority publications. These initiatives have increased the growth in minority faculty over the past 5 years.

Academic Affairs also continues to support the leadership program for minority and female participants selected for the FIU Educational Enhancement Leadership Program each year. Although the University has experienced significant budget reductions over the past 2 years, we have maintained support for these initiatives. Anticipated allocations, compared to last year's allocations:

Estimated Expenditures	2008-2009 Projected	2008-2009 Actual	2009-2010 Projected
Window of Opportunity Lines	\$1,328,800	\$1,253,376	\$1,278,000
Faculty Advertising (est.)	\$ 5,000	\$5,000	\$5,000
Enhancement Leadership Grant	\$ 10,000	\$10,000	\$10,000

- B. President's Evaluation. Each university President shall be evaluated on the results of the Florida Equity Reports. Describe the process at this university for accomplishing this, as well as this year's results.

University and President goals are established each fiscal year and are approved by the Board of Trustees. After the fiscal year has ended, the results are summarized and presented to the Board of Trustees for approval during the Fall

Board meeting. The goal established for fiscal year 2008-2009 pertaining to the Florida Equity Report is as follows:

Increase the diversity of the University environment, both in ideas and in enrollment and employment equity as reflected in the Florida Educational Equity Act Report. The President has not undergone an evaluation for results stemming from fiscal year 2008-2009 goals as this customarily occurs at the Fall Board meeting.

GOAL

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

1. Florida Accountability Program (EAP): F.S. 1000.05

Table B: 2007-2008 Equity Goals for 2008-2009 Equity Report

Job Group #	Discipline	Rank	Race	Gender	Goal
2	Faculty Admin.	01, 02		1 Female	1
3	Faculty Admin.	01, 02	1Black		1
22	Faculty –Health	03		1 Female	1
31	Faculty –Science/Math	03		1 Female	1
33	Faculty –Social Science	03	1Asian		1
Total			2	3	5

RESULTS

According to Table C, 3 of the 5 targeted goals were achieved; 4 Females and 2 Hispanics were hired or promoted. Hiring goals for job groups 3 and 33 were not met. Nonetheless, there were hires in these two groups; both were Hispanic.

Table C: 2007-2008 Goals Outcome for 2008-2009 Equity Report

Job Group #	Discipline	Rank	Race	Gender	Results
2	Faculty Admin	No Rank		1Female	1
22	Faculty –Health	02		1Female	1
31	Faculty – Science/Math	03	2 Hispanic	2 Female	2
Total			2	4	4

Additionally, according to Table D, a total of 53 females and 60 minorities were hired or promoted, into positions covered by the Equity Accountability Plan far exceeding the projected goal.

Table D: Overall Hires/Promotions of Females and Minorities in Equity Accountability Plan Covered Positions According to the 2008-2009 Affirmative Action Plan

Job Groups	Group Name	New Hires		Promotion	
		Female	Minorities	Females	Minorities
1	Faculty Admin	1			
2	Faculty Admin	4	2		
3	Faculty Admin		1		
4	Faculty Admin				1
18	Business Mgmt & Law Non-Tenure Track	4	3	1	
19	Business Mgmt & Law Tenure Track	3	3		
21	Nursing & Health Sciences Non-Tenure Track	9	12		
22	Nursing & Health Sciences – Tenure Track	1			
23	Nursing & Health Sciences – Tenured	1	1		
24	Engineering / Computer Technology Non-Tenure Track	2	8		
25	Engineering / Computer Technology Tenure Track	1	5		
26	Engineering / Computer Technology Tenured				1
29	Communications/Lang. Tenured			1	1
30	Science/Math Non-Tenure Track	4	3		1
31	Science/Math Tenure Track	2	4		
32	Science/Math Tenured			1	2
33	Social Sciences Non-Tenure Track		1		
34	Social Sciences Tenure Track	1	3		
35	Social Sciences Tenured	1	1	1	

36	Education Non-Tenure Track	3	1		
37	Education Tenure Track	2	2		
38	Education Tenured			2	
39	Architecture & The Arts Non-Tenure Track	2	2		
40	Architecture & The Arts Tenure Track	2			
41	Architecture & The Arts Tenured	1			
42B	Faculty/Admin	2	2		
43B	Faculty/Admin	1			
Total		47	54	6	6

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 areas of recruitment, as well as the College of Medicine. Table E reflects goals for 2009-2010 based on the 2008-2009 Affirmative Action Plan.

Table E: 2009-2010 Goals

Job Group #	Discipline	Rank	Race	Gender	Goal
20	Business Management & Law – Tenured Faculty	03		Female	1
23	Health/Urban Affairs – Tenured Faculty	06	Minority		1
31	Science & Mathematics – Tenure-Earning Faculty	03		Female	1
33	Social Sciences – Non-Tenure-Earning Faculty	04		Female	1
34	Social Sciences – Tenure-Earning Faculty	03	Minority	Female	2
40	Performing & Visual Arts – Tenure-Earning Faculty	03		Female	1
Total			2	5	7

C. Top Administrators' Evaluations. Top administrators shall have equity accomplishments evaluated in their annual performance appraisals. Describe the process at this university for accomplishing this, as well as this year's results.

FIU has a comprehensive annual assessment program for all senior administrators. Each chairperson, dean, vice provost, and vice president are required to file a work plan for the upcoming year and an accountability report for the previous year. The accountability report specifically reviews the goals set out in the work plan.

This review process takes place in a distributed authority and responsibility framework. Chairpersons meet with their Dean, Vice Provosts meet with the Vice President for Academic Affairs, Deans and Vice Presidents reporting to the Provost meet with the Provost (and the Vice President for Academic Affairs in the case of deans), the Vice Presidents reporting to a Senior Vice President meet with the Senior Vice President, and the Provost and Senior Vice Presidents meet with the President.

Strategic direction, including direction on meeting equity goals, flows in the opposite direction: from the President down through the respective layers to the Chairpersons. Meeting equity goals is always a component of accountability evaluation. Because equity goals are important for the University, they are not discussed only in an annual evaluation. The responsible leaders review progress toward equity goals with each hire. If it appears an equity goal may not be met, the responsible leader meets with his or her superior at the time, rather than waiting for an annual review. This proactive approach means that we have not had unsatisfactory staff evaluations in this area.

The success shown in the overall University report could only be achieved through each person in a leadership role taking equity goals seriously in his or her suite of responsibilities and making sure that each person reporting to him or her does likewise.

Florida Equity Reports Florida International University 2008-2009

PART VII: Protected-class Representation in the Tenure Process, 2007-2008

Sex, Race/Ethnicity	*Eligible	Applied	Withdrawn	Denied	Deferred	Nominated
MALES						
American Indian or Alaskan Native						
Asian or Pacific Islander	5	5				5
Black, Not Hispanic	2	2	1			1
Hispanic	1	1				1
White, not Hispanic	9	9		1		8
Other, Not Reported						
Total Male (include Other, Not Reported)	17	17	1	1	0	15
FEMALES						
American Indian or Alaskan Native						
Asian or Pacific Islander	1	1				1
Black, not Hispanic	1	1				1
Hispanic	1	1		1		
White, not Hispanic						
Other, Not Reported						
Total Female (Number and Percent) (include Other, Not Reported)	3	3	0	1	0	2
GRAND TOTAL	20	20	1	2	0	17

*Eligible: Data collected only from departments with actual applicants. Does not include tenure nominations as a condition of employment.

ELIGIBLE FOR RECOMMENDATION: Faculty who have no more than six years credit toward tenure.

APPLIED: Faculty whose names have been submitted for tenure review. Sum of Withdrawn, Denied, and Nominated (or provide explanation).

WITHDRAWN: Faculty who withdrew from tenure consideration after applying for review.

DENIED: Faculty for whom tenure was denied during the review process.

NOMINATED Faculty for whom tenure is being recommended by the University.

2008 - 2009 Florida Equity Reports

COLLEGE OF ARTS & SCIENCES

PART VIII: Tenure Committee Composition, 2007-2008 AY

Type of Committees	American Indian Alaskan Native			Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
	Males	Females		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E	0	0	1	0	1	0	0	1	3	1	5	2
	S	0	0	23	4	6	3	27	10	130	53	186	70
Biology Dept.	E	0	0	2	2	0	1	3	1	15	6	20	10
	S	0	0	2	2	0	1	3	1	15	6	20	10
Chemistry Dept.	E	0	0	0	0	0	0	4	0	20	2	24	2
	S	0	0	0	0	0	0	4	0	20	2	24	2
Earth Sciences Dept.	E	0	0	1	0	1	0	0	0	7	2	9	2
	S	0	0	1	0	1	0	0	0	7	2	9	2
English Dept.	E	0	0	0	1	0	1	0	1	13	9	13	12
	S	0	0	0	1	0	1	0	1	13	9	13	12
Environmental Studies	E			2		1				5		8	0
Dept.	S			2		1				5		8	0
History Dept.	E	0	0	0	0	1	0	1	1	7	6	9	7
	S	0	0	0	0	1	0	1	1	7	6	9	7
Mathematics Dept.	E	0	0	0	0	3	0	2	0	15	1	20	1
	S	0	0	0	0	3	0	2	0	15	1	20	1

Exhibit "V"

Physics Dept.	E												
	S												
Political Science Dept.	E	0	0	0	0	0	0	2	0	7	2	9	2
	S	0	0	0	0	0	0	2	0	6	2	8	2
NOTE: E=number of faculty eligible to serve on tenure review committee. S=number of faculty who served on tenure review committee.													

2008 - 2009 Florida Equity Reports
FLORIDA INTERNATIONAL UNIVERSITY
COLLEGE OF ARTS & SCIENCES
PART VIII: Promotion Committee Composition, AY 2007-2008

		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
Type of Committees		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E	0	0	1	0	1	0	0	1	3	1	5	2
	S	0	0	23	4	6	3	27	10	130	53	186	70
Biology Dept.	E	0	0	0	1	0	0	1	0	12	4	13	5
	S	0	0	0	1	0	0	1	0	12	4	13	5
Chemistry Dept.	E	0	0	0	0	0	0	1	0	7	0	8	0
	S	0	0	0	0	0	0	1	0	7	0	8	0
Earth Sciences Dept.	E												
	S												
English Dept.	E												
	S												
Environmental Studies	E	0	0	0	0	0	0	0	0	3	0	3	0
Dept.	S	0	0	0	0	0	0	0	0	3	0	3	0
History Dept.	E												
	S												
Mathematics Dept.	E	0	0	3	0	1	0	1	0	0	0	5	0
	S	0	0	3	0	1	0	1	0	0	0	5	0
Physics Dept.	E	0	0	1	0	0	0	0	0	8	0	9	0
	S	0	0	1	0	0	0	0	0	8	0	9	0
Political Science Dept.	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.

S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
FLORIDA INTERNATIONAL UNIVERSITY
COLLEGE OF ARCHITECTURE & THE ARTS
PART VIII: Tenure Committee Composition, 2007-2008 AY

Type of Committee		Black, not Hispanic		American Indian/ Alaskan Native		Asian or Pacific Islander		Hispanic		White, not Hispanic		Other, Not Reported	
		M	F	M	F	M	F	M	F	M	F	M	F
College Committee	E	0	0	0	0	2	0	9	3	20	13	31	16
	S	0	0	0	0	0	0	1	0	2	2	3	2
Architecture Dept.	E	0	0	0	0	1	0	3	2	2	2	6	4
	S	0	0	0	0	0	0	3	1	2	2	5	3
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 COLLEGE OF ARCHITECTURE & THE ARTS
 PART VIII: Promotion Committee Composition, AY 2007-2008

		Black, not Hispanic		American Indian/ Alaskan Native		Asian or Pacific Islander		Hispanic		White, not Hispanic		Other, Not Reported	
Type of Committee		M	F	M	F	M	F	M	F	M	F	M	F
College Committee	E	0	0	0	0	2	0	9	3	20	13	31	16
	S	0	0	0	0	0	0	1	0	2	2	3	2
School of Architecture	E	0	0	0	0	1	0	3	2	2	2	6	4
	S	0	0	0	0	0	0	3	1	2	2	5	3
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
 S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 COLLEGE OF BUSINESS ADMINISTRATION
 PART VIII: Tenure Committee Composition, 2007-2008 AY

Type of Committees		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E			14	1			2	2	26	9	42	12
	S			2	0			0	0	1	2	4	2
School of Accting.	E			3						2	2	5	2
	S			2						1	1	4	1
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
 S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 COLLEGE OF BUSINESS ADMINISTRATION
 PART VIII: Promotion Committee Composition, AY 2007-2008

Type of Committees		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E												
NO PROMOTIONS	S												
IN THE COLLEGE OF													
BUSINESS ADMIN.	E												
FOR 2007-2008 AY	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
 S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
FLORIDA INTERNATIONAL UNIVERSITY
COLLEGE OF EDUCATION
PART VIII: Tenure Committee Composition, 2007-2008 AY

Committees		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E			2		3	3	1	2	9	15	15	20
for Educ. Psych. Studies	S			1			1		1	1	2	2	4
Dept. of Educ. Psych.	E					1	1		1	2	2	3	4
Studies	S					1	1		1	2	2	3	4
College Committee	E			1		3	3	2	2	8	16	14	21
for Curriculum &	S						1		1	1	2	1	4
Instruction													
Dept. of Curriculum	E			2		1	1	1		8	3	12	4
& Instruction	S			2		1	1	1		5	1	9	2
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 COLLEGE OF EDUCATION
 PART VIII: Promotion Committee Composition, AY 2007-2008

Type of Committees		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E			2		3	3	1	2	9	15	15	20
Educ. Psych. Studies	S			1			1		1	1	2	2	4
Dept. of Educ. Psych. Studies	E					1	1		1	2	2	3	4
	S					1	1		1	2	2	3	4
College Committee for Curriculum & Instruction	E			1		3	3	2	2	8	16	14	21
	S						1		1	1	2	1	4
Dept. of Curriculum & Instruction	E			2		1	1	1		8	3	12	4
	S			2		1	1	1		5	1	9	2
College Committee to full professor	E					2	1		1	2	2	4	4
	S						1		1		1	0	3
Curriculum & Instruction	E	1				1					1	2	1
Dept. to full professor	S	1				1					1	2	1
	E												
	S												
	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.

S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 COLLEGE OF ENGINEERING & COMPUTING
 PART VIII: Tenure Committee Composition, 2007-2008 AY

		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
Committees:		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E	0	0	17	1	2	0	6	1	29	2	54	4
	S	0	0	1	0	0	0	1	0	5	0	7	0
Biomedical Engineering	E							1		2		3	
Dept.	S							1		2		3	
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
 S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 COLLEGE OF ENGINEERING & COMPUTING
 PART VIII: Promotion Committee Composition, 2007-2008 AY

		American Indian or		Asian or		Black, not				White, not			
		Alaskan Native		Pacific Islander		Hispanic		Hispanic		Hispanic		Total	
Committees:		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E	0	0	17	1	2	0	6	1	29	2	54	4
	S	0	0	1	0	0	0	1	0	5	0	7	0
Biomedical Engineering	E							1		2		3	
Dept.	S							1		2		3	
Civil & Environmental	E			2	1			2				4	1
Engineering Dept.	S			1	1			2				3	1
Mechanical & Materials	E	0	0	4	0	1	0			9	0	14	0
Engineering Dept.	S	0	0	3	0	1	0			8	0	12	0
	E												
	S												
	E												
	S												
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	S												
	E												
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	S												
	E												
	S												
NOTE: E=number of faculty eligible to serve on tenure review committee.													
S=number of faculty who served on tenure review committee.													

2008 - 2009 Florida Equity Reports
FLORIDA INTERNATIONAL UNIVERSITY
COLLEGE OF LAW
PART VIII: Tenure Committee Composition, 2007-2008 AY

Committees:		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E					2		2	1	4	1	8	2
(for Tenure candidates)	S					2		2	1	4	1	8	2
	E												
	S												
	E												
	S												
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	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
FLORIDA INTERNATIONAL UNIVERSITY
COLLEGE OF LAW

PART VIII: Promotion Committee Composition, 2007-2008 AY

		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
Committees:		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee	E							2	1	3	1	6	1
(for Prof. candidate)	S							2	1	3	1	6	1
College Committee	E					2		2	1	4	1	8	2
(for Assoc. Prof. candidates)	S					2		2	1	4	1	8	2
	S												
	E												
	S												
	E												
	S												
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	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 ROBERT STEMPEL SCHOOL OF PUBLIC HEALTH
 PART VIII: Tenure Committee Composition, 2007-2008 AY

Committees:		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
School Committee	E		1							4	3	4	4
	S									2	2	2	2
Health, Promotion	E		1							1		1	1
Disease Prev. Dept.	S									2	1	2	1
Epidemiology & Bio-	E											0	0
statistics Dept.	S				1						2	0	3
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												

NOTE: E=number of faculty eligible to serve on tenure review committee.
 S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 ROBERT STEMPEL SCHOOL OF PUBLIC HEALTH
 PART VIII: Promotion Committee Composition, 2007-2008 AY

		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
Committees:		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
School	E		1							4	3	4	4
	S									2	2	2	2
Epidemiology & Bio-	E											0	0
statistics Dept.	S				1						2	0	3
	E												
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NOTE: E=number of faculty eligible to serve on tenure review committee.

S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
 FLORIDA INTERNATIONAL UNIVERSITY
 SCHOOL OF SOCIAL WORK, JUSTICE & PUBLIC AFFAIRS
 PART VIII: Tenure Committee Composition, 2007-2008 AY

		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
Committees:		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee:													
No eligible Tenure													
Candidates for	E												
the School of Social	S												
Work, Justice &													
Public Affairs	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												
	E												
	S												

*Only one promotion application considered, from associate professor to professor

**On sabbatical; did not participate

NOTE: E=number of faculty eligible to serve on tenure review committee.

S=number of faculty who served on tenure review committee.

2008 - 2009 Florida Equity Reports
FLORIDA INTERNATIONAL UNIVERSITY
SCHOOL OF SOCIAL WORK, JUSTICE & PUBLIC AFFAIRS
PART VIII: Promotion Committee Composition, 2007-2008 AY

		American Indian or Alaskan Native		Asian or Pacific Islander		Black, not Hispanic		Hispanic		White, not Hispanic		Total	
Committees:		Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
College Committee:	E												
	S												
Social Work	E							1**		2	1	2	1
Department:*	S							0		2	1	2	1
	E												
	S												
	E												
	S												
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	E												
	S												
*Only one promotion application considered, from associate professor to professor													
**On sabbatical; did not participate													
NOTE: E=number of faculty eligible to serve on tenure review committee.													
S=number of faculty who served on tenure review committee.													

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: SIGNATURE AUTHORITY – AUTHORIZATION TO SIGN CHECKS FOR THE FLORIDA INTERNATIONAL UNIVERSITY COLLEGE OF MEDICINE HEALTH CARE NETWORK FACULTY GROUP PRACTICE, INC.

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Florida International University College of Medicine Health Care Network Faculty Group Practice, Inc. (the “Health Care Network”) has been authorized to establish depositories at banking institutions at which University funds are deposited; and

WHEREAS, the Health Care Network (“HCN”) will pay its legal obligations from said depositories; and

WHEREAS, the Board of Directors of the Health Care Network unanimously passed a resolution at its May 6, 2009, Board meeting designating the following officers of the Health Care Network and officers and employees of the University as authorized signatories for Health Care Network bank accounts provided that there are two signatories on all checks and that at least one of the signatories signs all Health Care Network checks:

The Dean of the College of Medicine
The Executive Associate Dean for Clinical Affairs
The Health Care Network Chief Executive Officer
The Health Care Network Chief Operating Officer
The Health Care Network Treasurer;

WHEREAS, the Board must state with particularity the legal name and title of University employees who are authorized to sign checks to pay legal obligations of the Health Care Network; and

WHEREAS, the Health Care Network Treasurer position is currently vacant; and

BE IT RESOLVED THAT, the following officers and employees of the University are authorized to sign checks to pay legal obligations of the Health Care Network from any and all designated Health Care Network depositories provided that there are two signatories on all checks and that at least one of the signatories signs all HCN checks:

John A. Rock, M.D., Dean of the College of Medicine
J. Patrick O’Leary, M.D., Executive Associate Dean for Clinical Affairs
Fernando J. Valverde, M.D., HCN Chief Executive Officer
Stephanie Schmidt, HCN Chief Operating Officer

BACKGROUND INFORMATION:

A. Statutory Authority

Section 1011.42(7), Florida Statutes (2004), University depositories; deposits into and withdrawals from depositories, states in relevant part:

(7) The University Board of Trustees shall specifically designate and spread upon the minutes of the board the legal name and position title of any university employee authorized to sign checks to pay legal obligations of the university.

EXHIBITS/SUPPORTING DOCUMENTS:

- N/A

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

**SUBJECT: DONATION OF WOMAN’S CLUB PROPERTY FROM WOLFSONIAN, INC. TO THE
FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES**

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Wolfsonian, Inc. and its sole member, FIU Foundation, Inc., have approved the transfer of the Woman’s Club Property described on Exhibit “H” to the Florida International University Board of Trustees (“the BOT”), as a donation; and

WHEREAS, the BOT is authorized to acquire real property under the Board of Governor’s Regulation 1.001; and

WHEREAS, the BOT has determined that it would be in its best interest to accept the Woman’s Club Property as a donation from the Wolfsonian, Inc;

BE IT RESOLVED THAT, the BOT hereby ratifies and approves the acceptance of the Woman’s Club Property as a donation from the Wolfsonian, Inc.

BACKGROUND INFORMATION:

A. LEGAL AUTHORITY:

Board of governors Regulation 1.001 University Board of Trustees Powers and Duties provides in subsection (7)(b):

“Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same, and approve and execute contracts for the purchase, sale, lease, license, or services, leases of real and personal property and construction.”

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Finance and Audit Committee tab

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: INVESTMENT POLICY STATEMENT AMENDMENT

PROPOSED BOARD ACTION:

Adopt the following resolution:

WHEREAS, due to the current disruptions in the credit markets, the interest cost of variable rate bonds may dramatically increase due to declining credit ratings on the banks that secure such bonds, including bonds issued by or on behalf of two direct-support-organizations of the University, namely the FIU Athletics Finance Corporation (to finance the construction of the FIU Stadium) and the FIU Foundation, Inc. (to finance the construction of the MARC building); and

WHEREAS, substantial interest savings would be realized if the University purchases the bonds as short-term investments until stability returns to the market and the bonds are resold into the market; and

WHEREAS, consistent with the constitutional devolution of powers to the Florida Board of Governors and individual local university board of trustees, Section 1011.42 of the Florida Statutes empowered the Florida International University Board of Trustees ("the BOT") with responsibility for management of the financial affairs of the University, including the acceptance, withdrawal and investment of University funds; and

WHEREAS, the BOT is an "institution" as defined in Section 1010.10, Florida Statutes (the "Act"); and

WHEREAS, the Act allows the University to invest its funds pursuant to a prudent investor standard and in accordance with all applicable laws, rules and regulations; and

WHEREAS, the University desires to amend the University's Investment Policy Statement to adopt the proposed revisions attached as Exhibit "T", to permit the University, as the circumstances may require, to invest available Working Capital Pool funds (other than funds awaiting clearance) in bonds issued on by or on behalf of the FIU Foundation, Inc. and/or FIU Athletics Finance Corporation on a short-term basis in accordance with Sections 1010.10 and 1011.42 of the Florida Statutes;

THEREFORE, BE IT RESOLVED that the BOT hereby approves the revised Investment Policy Statement attached to this Resolution as Exhibit "I."

LEGAL AUTHORITY:

This resolution is adopted pursuant to Sections 1010.10 and 1011.42 of the Florida Statutes.

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Finance and Audit Committee tab

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: TENURE NOMINATIONS

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 for seventeen (17) nominees listed in Exhibit “J”;

THEREFORE BE IT RESOLVED that the Florida International University Board of Trustees (“the BOT”) hereby approves the granting of Tenure to the seventeen individuals listed in Exhibit “J” based on the recommendations of the University President.

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

BOG Regulation 1.001 University Board of Trustees Powers and Duties, provides in subsection (5) (a):

Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: 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. To the extent allowed by law, university employees shall continue to be able to participate in the state group insurance programs and the state retirement systems.

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Academic Policy Committee tab

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: TENURE AS CONDITION OF EMPLOYMENT NOMINATIONS

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 four (4) nominees listed in Exhibit “K”;

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 four individuals listed in Exhibit “K” based on the recommendations of the University President.

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

BOG Regulation 1.001 University Board of Trustees Powers and Duties, provides in subsection (5) (a):

Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: 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. To the extent allowed by law, university employees shall continue to be able to participate in the state group insurance programs and the state retirement systems.

BACKGROUND INFORMATION:

The Tenure as a Condition of Employment nominees had tenure at their previous institutions.

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Academic Policy Committee tab

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: APPROVAL OF GOLDEN PANTHER ENTERPRISES CORPORATION ARTICLES OF INCORPORATION AND BYLAWS; GRANT OF AUTHORITY TO GOLDEN PANTHER ENTERPRISES CORPORATION TO CREATE A WHOLLY FOREIGN OWNED SUBSIDIARY

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Florida International University Board of Trustees (“the BOT”) desires to create a direct-support organization named Golden Panther Enterprises Corporation which will, in turn, create a wholly foreign owned subsidiary to engage in management/business consulting services as well as hiring Chinese faculty to serve the University programs in the People’s Republic of China; and

WHEREAS, the BOT desires to undertake all steps necessary to create the above entities which are outlined below;

THEREFORE, BE IT RESOLVED, that the Articles of Incorporation, attached hereto as Exhibit “N” and the Bylaws, attached hereto as Exhibit “O” are hereby approved. The Articles of Incorporation and Bylaws are incorporated by reference herein; and

BE IT FURTHER RESOLVED, that the BOT authorizes Golden Panther Enterprises Corporation to take all actions necessary pertaining to these Articles of Incorporation and Bylaws; and

BE IT FURTHER RESOLVED, that the BOT authorizes Golden Panther Enterprises Corporation to take all actions necessary pertaining to creating a wholly foreign owned subsidiary, named Golden Panther Services, and to take all necessary actions to obtain approvals from the government of the People’s Republic of China to be able to operate the subsidiary in China on the terms provided in this resolution and bylaws.

BACKGROUND INFORMATION:

LEGAL AUTHORITY:

Section FIU-1502(1), relating to direct-support organizations (DSO) of the University states in relevant part:

(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”) be designated a Florida International University 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.”

Florida Statutes 1004.28(1)(a) relating to DSOs states that:

“University direct-support organization’ means an organization which is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.
2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university in Florida....”

Florida Statutes 617.0302(12) delineates some of the powers of a not for profit corporation:

“Purchase, take, receive, subscribe for, or otherwise own, hold, vest use, ...shares and other interests in, or obligations of, other domestic or foreign corporations, whether for profit or not for profit,... or of any other government, state, territory, governmental district, municipality, or of any instrument thereof.”

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Academic Policy Committee tab

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: ACTION ITEMS/STATUS REPORTS, BOARD COMMITTEES AND WORKGROUPS

▪ **COMPENSATION WORKGROUP**

David Parker, FIU Board of Trustees Chair, will report on items heard by the Workgroup and present the following item for Board consideration and approval:

Action Item (Tab CW)

CW3. UNIVERSITY PRESIDENT-DESIGNATE EMPLOYMENT AGREEMENT

▪ **FINANCE AND AUDIT**

Kirk Landon, Finance and Audit Committee Chair, will report on items heard by the Committee and present the following items for Board consideration and approval:

Action Items (Tab FA)

FA1. PROPOSED 2009-2010 OPERATING BUDGET

- a. RESOLUTION FOR OPERATING BUDGET
- b. RESOLUTION FOR UNIVERSITY TUITION FEE RULE
- c. RESOLUTION FOR STUDENT FEE – ACTIVITY & SERVICE
- d. RESOLUTION FOR APPLICATION AND ADMISSIONS DEPOSIT
- e. RESOLUTION FOR AMENDMENT OF UNIVERSITY TRAFFIC AND PARKING REGULATIONS

FA2. LEGISLATIVE BUDGET REQUEST 2010-2011 - FIXED CAPITAL OUTLAY

▪ **ACADEMIC POLICY**

Patricia Frost, Academic Policy Committee Chair, will report on items heard by the Committee and present the following items for Board consideration and approval:

Action Items (Tab AP)

AP3. BA IN MATHEMATICS WITH A MAJOR IN MATHEMATICS EDUCATION

AP4. REQUEST TO TERMINATE ACADEMIC PROGRAMS

▪ **ATHLETICS WORKGROUP**

Albert Dotson, Athletics Workgroup Chair, will report on items heard by the Workgroup.

▪ **EXTERNAL RELATIONS WORKGROUP**

Claudia Puig, External Relations Co-Chair, will report on items heard by the Workgroup.

EXHIBITS/SUPPORTING DOCUMENTS:

Compensation Workgroup

- EXHIBIT “W”: Term Sheet (*redlined*) of 2009-2012 Proposed Employment Agreement for President-Designate Mark B. Rosenberg

Finance and Audit

- *Information behind the Finance and Audit Committee tab.*

Academic Policy

- *Information behind the Academic Policy Committee tab.*

External Relations Workgroup

- 2009 Legislative Session Summary
- Post Session Thank You letter

FACILITATOR/PRESENTER:

- **David Parker**, *FIU Board of Trustees Chair*
- **Kirk Landon**, *Finance and Audit Committee Chair*
- **Patricia Frost**, *Academic Policy Committee Chair*
- **Albert Dotson**, *Athletics Workgroup Chair*
- **Claudia Puig**, *External Relations Workgroup Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: UNIVERSITY PRESIDENT-DESIGNATE EMPLOYMENT AGREEMENT

PROPOSED BOARD ACTION:

Adopt the Following Resolution:

WHEREAS, each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: compensation and other conditions of employment; and

WHEREAS, the Florida International University Board of Trustees' Presidential Search Committee approved the term sheet of the employment agreement for president of Florida International University on April 13, 2009; and

WHEREAS, the Florida International University Board of Trustees ("the BOT") selected Dr. Mark B. Rosenberg as the fifth President of Florida International University on April 25, 2009 and the selection was ratified by the Florida Board of Governors on May 7, 2009; and

WHEREAS, the BOT wishes to employ the President-Designate for a five year-term based on the term sheet, attached hereto as Exhibit "W"; and

WHEREAS, the BOT engaged the services of top experts in the field of Salary and Benefits for University Executives and the BOT has extensively studied the reports prepared by these top experts;

THEREFORE, BE IT RESOLVED THAT the BOT approves the Employment Agreement for President-Designate Mark B. Rosenberg based on the attached term sheet and incorporated by reference herein and authorizes the Chairman of the Board to execute the Agreement on behalf of the BOT.

BACKGROUND INFORMATION:

A: AUTHORITY:

Board of Governors Regulation 1.001, University Board of Trustees Powers and Duties, states in relevant part,

(5) (a) Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: 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. To the extent allowed by law, university employees shall continue to be able to participate in the state group insurance programs and the state retirement systems.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “W”: Term Sheet (*redlined*) - 2009-2012 Proposed Employment Agreement for President-Designate Mark B. Rosenberg

FACILITATOR/PRESENTER:

- DAVID PARKER, *FIU Board of Trustees Chairman*



TERM SHEET
OF EMPLOYMENT AGREEMENT
FOR PRESIDENT OF
FLORIDA INTERNATIONAL UNIVERSITY

Description	Proposed Terms
Length of Contract	Five (5) Years
Starting Date of Contract	August 3, July 1, 2009
Renewal/Extension	Parties to meet by no later than August 3, June 30, 2013 to discuss the renewal, extension or nonrenewal of the Agreement.
Compensation:	
Annual Base Salary	\$425,000 – \$500,000 <u>\$475,000</u>
Annual Increases	Base salary may be increased within the Board of Trustees' discretion, based on the Board's evaluation of the President's overall performance and the achievement of mutually agreed upon performance goals.
457(f) Plan	University to provide credit a nonqualified (ineligible) deferred compensation plan under Section 457(f) of the Internal Revenue Code with \$50,000 – \$75,000 per year during the Term of this Agreement which will vest at the end of the 5-year contract.
457(b) Plan	President shall be eligible to participate in a nonqualified (eligible) deferred compensation plan under Section 457(b) of the Internal Revenue Code; each year the President may contribute the maximum permitted by federal law (\$16,500 in 2009)
Multi-year Achievement Incentive <u>ELIMINATED AT THE REQUEST OF DR. ROSENBERG FOR POSSIBLE FUTURE REINSTATEMENT AS A TEAM INCENTIVE</u>	President shall be eligible to receive a payment of up to \$75,000 and an additional payment of up to \$100,000 if he/she successfully meets pre-established three and five year achievement goals, respectively. Each lump sum payment, if any, would be made in connection with his/her third and fifth annual evaluation but no later than September 30 following the respective fiscal years. The achievement goals will be jointly established at the start of the contract term by the President and Board of Trustees and may be jointly adjusted as circumstances change. Performance reviews for

	satisfaction of the achievement goals shall be done in connection with the third and fifth annual evaluations.
<u>Annual Physical</u>	<u>Up to \$5,000.00 year for an annual physical.</u>
Standard Benefits:	
Retirement Plan	Participation in any retirement plan provided by the University for other senior administrators. The President will be eligible for participation in a 403(b) retirement plan that provided a contribution in 2008 at 10.42% of base salary, subject to the IRS compensation limits, which would project a \$25,529 annual contribution on behalf of the employee. The state retains the right to modify such benefits program.
Group Medical/Dental/Vision	Benefits as provided for other senior administrators of the University.
Life Insurance	Benefits as provided for other senior administrators of the University.
Long Term Disability Insurance	Benefits as provided for other senior administrators of the University.
Executive Benefits:	
Housing	For the benefit and convenience of the University, President shall reside in housing provided by the University as a term and condition of his/her employment at the University's expense. University shall pay the cost of all insurance, property taxes, utilities, main floor housekeeping and maintenance of the President's residence. University shall provide support to the President in maintaining an office at the residence, including a computer, internet access and fax machine. All personal expenses relating to the President's use of the home including, but not limited to, upstairs private quarter housekeeping, insurance of his/her personal property, cooking of personal meals and laundry service shall be the responsibility of the President.
Automobile	\$10,500 per year automobile allowance.
<u>Moving Expenses</u>	<u>Up to \$20,000 at the end of his presidency to cover his reasonable moving expenses to vacate the President's Residence.</u>
Other Benefits:	
Vacation	Available pursuant to standard University policy.
Relocation Expenses	Payment of all normal and reasonable expenses associated with moving the President, his/her family and their tangible personal property to the presidential residence in the Miami, Florida area; the President shall obtain estimates from two national moving companies and shall use the company providing the lower estimate unless otherwise approved by the Board Chair.

Business and Travel Expenses	Reimbursement of reasonable University-related business and travel expenses based on annual operating budget and availability of funds pursuant to university and foundation policies. When his/her presence at events is of benefit to the University, the University shall also pay for the travel and related expenses of the President's spouse/partner. The expenses of the President and the President's spouse/partner shall be reviewed by the corresponding Chair of the BOT and BOD Finance & Audit Committees or his/her designees who does not directly report to the President.
Tenure	<p>University will continue to provide to consider a tenured appointment as Professor on the faculty for the President; while serving as President, he/she shall receive no additional compensation for the President's tenured faculty appointment. The President's faculty assignment, if any, will be mutually agreed upon by the corresponding Dean, Board of Trustees Chair and the President. Once assuming the faculty assignment, the President's compensation <u>for three years</u> will be equal <u>to the higher of \$245,000 on a twelve month basis*</u> or the average 9-month rate of the three highest paid full-time tenured Professors in the assigned college. <u>After three years the compensation will be equal to the average 9-month rate of the three highest paid full-time tenured Professors in the assigned college.</u></p> <p><u>*Existing contractual agreement with Dr. Rosenberg to come back to FIU after the termination of his role as Chancellor of the State System. Current agreement is unlimited as to term.</u></p>
Sabbatical	After completing the five year contract term and if the President is assuming a role as tenured faculty, the President will be eligible for a one semester sabbatical paid at his <u>then existing Presidential base salary.</u> /her new faculty salary.
Technology Support	The University shall provide the President with appropriate and reasonable technology support such as Blackberry, cell phone and portable computing devices needed to conduct his/her University-related activities.
Evaluation	The Board of Trustees shall conduct an annual evaluation of the President using a process mutually acceptable to the President and the Board of Trustees and based on jointly established goals that reflect progress in achieving the University's strategic plan. The evaluation process selected will be in accordance with applicable Florida laws.
Termination for Cause	The University may terminate the President's employment at any time for Cause upon a majority

	<p>vote of the Board. "Cause" shall mean conduct by the President determined by the Board to be: (a) gross negligence or willful malfeasance in the performance of his/her duties; (b) actions or omissions that harm the university and are undertaken or omitted knowingly or are criminal or fraudulent or involve material dishonesty or moral turpitude; (c) being indicted in a court of law for any felony or for a crime involving misuse or misappropriation of University funds; (d) breach of fiduciary duty to the University; or (e) breach of any material term of his/her Employment Agreement not cured within thirty (30) days from the time the President receives written notice of said breach. Tenure and professorship will be revoked <u>handled pursuant to the normal policies and procedures applicable to all tenured faculty.</u></p>
Termination without Cause	<p>University may terminate employment as President without Cause upon a majority vote by the Board; University to provide thirty (30) days notice of termination without Cause; upon termination, the President shall receive his/her then-existing Base Salary and standard University benefits for one year in equal monthly payments subject to his/her execution of a general release in a form acceptable to the University. In the event the President elects to continue employment as a member of the faculty, the severance payments shall be reduced by the base salary received by the President for his/her faculty appointment.</p>
Resignation	<p>President to provide the University three (3) months <u>one (1) at least</u> written notice of resignation from employment as President and whether he/she will elect to continue as a member of the faculty of the University; upon the effective date of his/her resignation, the President shall not be entitled to any further compensation or benefits as President from the effective date of his/her resignation.</p>
Participation on Corporate Boards and Outside Activities	<p>The President to obtain written prior approval from the Compensation Workgroup to serve on any for-profit or nonprofit boards.</p>
Dispute Resolution	<p>The Board and President shall attempt in good faith to resolve any dispute relating to this Agreement. To the extent such efforts are unsuccessful, all disputes regarding the construction, application or enforcement of the Agreement shall be sent to non-binding mediation upon fifteen (15) days prior notice by either party; thereafter, if mediation is unsuccessful, the parties may pursue their rights.</p>

AGREED TO:

Exhibit "W"

Date

Florida International University

Date

President

ACTIVE 4585024v.6

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

**SUBJECT: PROPOSED EXTENSION TO THE EMPLOYMENT AGREEMENT FOR PRESIDENT
MODESTO A. MAIDIQUE**

PROPOSED BOARD ACTION:

Adopt 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 current term of the University President’s employment agreement, as amended, ends on June 30, 2009; and

WHEREAS, University President Modesto A. Maidique feels that to successfully conclude his tenure as President and to ensure a seamless presidential transition, an extension to his current agreement is necessitated;

THEREFORE BE IT RESOLVED that the Employment Agreement, as amended, between the BOT and University President Modesto A. Maidique, attached hereto as Exhibit “X” is hereby approved.

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

BOG Regulation 1.001 University Board of Trustees Powers and Duties, provides in subsection (5) (a):

Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: 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. To the extent allowed by law, university employees shall continue to be able to participate in the state group insurance programs and the state retirement systems.

EXHIBITS/SUPPORTING DOCUMENTS:

- EXHIBIT “X”: Amendment to the Employment Agreement between the FIU Board of Trustees and President Modesto A. Maidique

FACILITATOR/PRESENTER:

- David Parker, *FIU Board of Trustees Chair*



Florida International University

Office of the President

June 1, 2009

Mr. David Parker
Chairman
The FIU Board of Trustees, PC 548
11200 SW 8 Street
Miami, FL 33199

Dear David:

As you, Mark and I have agreed my last day as FIU's President will be August 3, 2009. All terms and conditions of my Agreement dated June 13, 2006 and the First Amendment to the Employment Agreement dated March 14, 2008 shall continue in full force and effect except for Section 13.0., Expiration of Full Term. Pursuant to the Agreement, I was entitled to a one year sabbatical commencing on July 1, 2009. I was also permitted to take the one year in six months increments. Because my duties as President have taken a lot of time, I have not been able to plan a sabbatical commencing on July 1, 2009. I would like to be able to take the one year sabbatical (consisting of two semesters and one summer term) at any time during the next two years, which would end on June 30, 2011. I will notify the Chair of the Board and President Designate Rosenberg of my planned absences at the appropriate time. If this meets with your approval, please sign below.

I thank you once again for your consideration of this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Modesto A. Maidique".

Modesto A. Maidique

Agreed and Accepted

A handwritten signature in blue ink, appearing to read "David Parker".

David Parker

6/1/09
Date

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: PROPOSED 2009-2010 UNIVERSITY OPERATING BUDGET

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees (“the Board”) approves the 2009-2010 University Operating Budget and the Self Insurance Program Budget attached hereto in Exhibit “A”;

FURTHER RESOLVED that the Board approves the 2009-2010 Operating Budget of the FIU Foundation, Inc., as adopted by the FIU Foundation Inc. Board of Directors on May 27, 2009; the 2009-2010 Operating Budget for the FIU Athletics Finance Corp., as adopted by the FIU Athletics Finance Corp. Board of Directors on April 30, 2009; the 2009-2010 Operating Budget for the FIU Research Foundation, Inc., as adopted by the FIU Research Foundation, Inc. Board of Directors on May 12, 2009; and the 2009-2010 Operating Budget for the FIU College of Medicine Health Care Network Faculty Group Practice, Inc. (“FIUHCN”) , as adopted by the FIUHCN Board of Directors on May 6, 2009, each of which is attached hereto in Exhibit “A”, and

FURTHER RESOLVED that the Board 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 Board of Trustees informed of any changes in excess of 2% made to the total approved 2009-2010 Operating Budget during the operating year.

BACKGROUND INFORMATION:

A: AUTHORITY:

PURSUANT TO SECTION 1001.74(3), FLORIDA STATUTES, AND THE FLORIDA BOARD OF GOVERNORS REGULATION 1.001, THE BOARD SHALL ADOPT THE UNIVERSITY OPERATING BUDGET AND SUBMIT THE BUDGET TO THE BOARD OF GOVERNORS FOR APPROVAL.

BOARD OF GOVERNORS REGULATION 9.007 PROVIDES IN PERTINENT PART:

(2) Each University Board of Trustees shall adopt an operating budget for the general operation of the university as prescribed by the regulations of the Board of Governors. The University board of trustees-ratified operating budget is presented to the Board of Governors for approval. Each university president

shall implement the operating budget of the university as prescribed by regulations of the Board of Governors, policies of the University Board of Trustees, provisions of the General Appropriations act, and data reflected within the Allocation Summary.

FLORIDA BOARD OF GOVERNORS REGULATION 10.001, relating to Self Insurance Programs, provides in pertinent part:

(1) (d) (3) an annual budget for the Self-Insurance Program [shall be submitted] through the University Board of Trustees to the Board of Governors;

FIU REGULATION FIU-1502, RELATING TO DIRECT SUPPORT ORGANIZATIONS (“DSO”), PROVIDES IN PERTINENT PART:

(2)(d) [Each DSO shall] 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 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.

B: THE PROPOSED 2009-2010 UNIVERSITY BUDGET IS PRESENTED USING THE FOLLOWING CATEGORIES:

Exhibit “A”:

Proposed Allocations 2009-2010 by Budget Entities

- A. Overview
- B. Educational and General (E&G)
- C. Auxiliary Enterprises Proposed Budget Allocation
- D. Sponsored Research Proposed Budget Allocation
- E. Activity and Service Proposed Budget Allocation
- F. Intercollegiate Athletics Proposed Budget Allocation
- G. Concession Proposed Budget Allocation
- H. Financial Aid Proposed Budget Allocation
- I. FIU Foundation, Inc.
- J. FIU Research Foundation, Inc.
- K. FIU Athletics Finance Corp
- L. FIU Health Care Network
- M. FIU Self-Insurance Program
- N. University Treasury Operations
- O. Fixed Capital Outlay

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Finance and Audit Committee tab

FACILITATOR/PRESENTER:

- Kirk Landon, *Finance and Audit Committee Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: UNIVERSITY TUITION FEES REGULATION FIU-1101 – AMENDMENT

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 in accordance with the the Board of Governors Regulations and guidelines, and the law;

THEREFORE, BE IT RESOLVED THAT, the BOT approves of the implementation of a differential out-of-state fee in the amount of \$0.00 for nonresident graduate students receiving full fellowships, effective Fall 2009;

BE IT FURTHER RESOLVED, that the BOT approves the 2009-2010 Academic Year tuition and fees as reflected in the amendments to the Tuition Fees Schedule Regulation FIU-1101 attached hereto as Exhibit “B” with the following changes: the Undergraduate Financial Aid Fee is changed from \$4.43 to \$4.42, and the Law Financial Aid Fee is changed from \$16.70 to \$16.69;

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.

AND BE IT FURTHER RESOLVED THAT, the BOT approves the completed “Florida Board of Governors Budget, Finance and Business Operations Committee University Request for a Tuition Differential” form attached hereto as Exhibit “C” for BOG approval.

BACKGROUND INFORMATION:

A. LEGAL AUTHORITY:

BOG Regulation 1.001 University Board of Trustees Powers and Duties. provides in subsection (6)(b):

“Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.”

BOG Regulation 7.001 Tuition and Associated Fees. provides:

“(4) Each university board of trustees may set tuition for graduate and professional programs.

(5) Each university board of trustees may set out-of-state fees for undergraduate, graduate and professional programs.”

The Board of Governor’s directive issued May 7, 2009 on Tuition and Tuition Differential, which is in accord with the **General Appropriations Act for Fiscal Year 2009-2010**, provides that beginning with the Fall 2009 semester, “undergraduate tuition is \$88.59 per credit hour” and “[t]he aggregate sum of base tuition and tuition differential may not be increased by more than 15 percent over the preceding fiscal year.” The BOG directive requires that the BOT “submit its request for a tuition differential to the President in Residence” on the provided form.

Florida Statutes Section 1009.24, as amended by HB 5009, provides, in pertinent part:

“The Board of Governors, or the board's designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs... However, adjustments to out-of-state fees or tuition for graduate and professional programs pursuant to this section may not exceed 15 percent in any year.”

BOG Regulation 7.003 Fees, Fines and Penalties. provides:

“(20) Student Financial Aid Fee – Each university board of trustees is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the tuition and out-of-state fee.”

BOG Regulation 7.003 Fees, Fines and Penalties. provides, in relevant part:

“(7) The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the tuition. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized by the Board of Governors.”

BOG Regulation 7.003 Fees, Fines and Penalties. provides, in pertinent part:

“(8) Each university board of trustees may establish a technology fee to be paid by all students. The fee may be up to 5 percent of the tuition charged per credit hour.”

BOG Regulation 7.002 Tuition and fee Assessment, Collection, Accounting and Remittance. provides in pertinent part:

“(6) Course Classification – Tuition and non-resident tuition shall be assessed on the basis of course classification: ... those courses identified as medical by universities having medical programs shall be assessed as outlined in university board of trustees regulations.”

BOG Regulation 7.001 Tuition and Associated Fees provides:

“(11) Each student enrolled in the same undergraduate college-credit course more than twice shall pay tuition at 100 percent of the full cost of instruction and shall not be included in calculations of full-time equivalent enrollments for state funding purposes...Calculations of the full cost of instruction shall be based on the system-wide average of the prior year’s cost of undergraduate programs in the state university system using the expenditure analysis.”

New Florida Statute Section 1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities. provides, in pertinent part:

“(2) State universities shall require a student to pay an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.”

Revised Florida Statute Section 1009.24 State university student fees. provides, in pertinent part:

“(5) A university may implement a differential out-of-state fee for the following:

(c) A graduate student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21 and is receiving a full fellowship.”

B. EXPLANATION FOR PROPOSED BOARD ACTION:

The BOT is being requested to exercise its authority to implement a differential out-of-state fee (\$0.00) for nonresident graduate students who are receiving full fellowships. This change will have no financial impact because the out-of-state nonresident students receiving full fellowships are currently receiving waivers for this fee. The change will bring uniformity to the out-of-state fee charged to full fellowship holders and graduate assistants. In 2005 the BOT approved an out-of-state fee of \$0.00 for graduate assistants holding at least a .25 FTE appointment.

The Tuition Fees Regulation FIU-1101 is being amended to reflect the changes in tuition and fees effective the Fall of the 2009-10 Academic Year of the University that have been authorized by the Board of Governors. Specifically, the BOT is authorizing the following changes:

- An increase in undergraduate tuition from \$82.03 per credit hour to \$88.59 per credit hour

- An increase in graduate tuition from \$244.43 per credit hour to \$268.87 per credit hour and an increase in the additional Graduate Fees for students enrolled in the fall of 2006, or thereafter, from \$11.62 per credit hour to \$12.78 per credit hour, as reflected in the total of the Tuition in the chart titled “Graduate Students enrolled in Fall 2006,or thereafter”
- An increase in law school tuition from \$290.42 per credit hour to \$333.99 per credit hour and an increase in the additional Law Fees for students enrolled in the fall of 2006, or thereafter, from \$13.82 per credit hour to \$15.89 per credit hour, as reflected in the total of the Tuition in the chart titled “Law Students enrolled Fall 2006 or thereafter”
- An increase in the Undergraduate tuition differential from \$6.96 per credit hour to \$13.74 per credit hour (with the increase of \$6.78 in the tuition differential being reflected in the BOG Request For a Tuition Differential Form)
- An increase in the Student Financial Aid Fees as they are calculated as 5% of the Tuition and Out-of-State fees
- An increase in the Activity and Service Fee to from \$10.52 per credit hour to \$11.60 per credit hour
- Implementation of a Technology Services fee at 5% of Tuition
- Establishing the College of Medicine tuition and fees
- Deferring to the Board of Governors for the fee that is charged for taking a course for the third time, as the fee is established by the BOG and was not known at the time the revised regulation was posted.
- Notice of the excess hour surcharge that will be charged to students taking an excess number of credit hours.
- Reorganization of the information in the regulation into a more readable format, and revising the terminology to be consistent with the terminology used in the Board of Governor’s regulations.
- The subsequent changes to Exhibit “B” for the Undergraduate Financial Aid Fee from \$4.43 to \$4.42 and the Law Financial Aid Fee from \$16.70 to \$16.69 are necessary because of rounding up.

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Finance and Audit Committee tab

FACILITATOR/PRESENTER:

- Kirk Landon, *Finance and Audit Committee Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: ACTIVITY AND SERVICE FEE INCREASE

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Florida International University Board of Trustees (“the BOT”) has the power to establish a Student Activity and Service (A&S) Fee for the University pursuant to Board of Governors’ Regulations 1.001 and 7.003 ; and

WHEREAS, the Activity and Service Fee Committee has approved an increase in the Activity and Service Fee in the amount of \$1.08 per credit hour effective with the Fall term 2009 and their report is attached hereto as Exhibit “D”; and

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

THEREFORE BE IT RESOLVED that the BOT approves an Activity and Service Fee increase from the current \$10.52 per credit hour to \$11.60 per credit hour effective the Fall term of 2009; and

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

BACKGROUND INFORMATION:

A. LEGAL AUTHORITY

1. **Board of Governors’ Regulation 1.001 University Board of Trustees Powers and Duties.** subsection (6)(b) provides, in relevant part: “Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.”

2. **Board of Governors’ Regulation 7.003 Fees, Fines and Penalties** subsection (7)(c)1. provides:

Increases in the activity and service fee must be recommended by a fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, and

approval by the university board of trustees. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term.

B. EXPLANATION FOR PROPOSED BOARD ACTION:

The request is for Board approval of the Activity and Service Fee increase. The proposed increase will raise the Activity and Service Fee from \$10.52 per credit hour to \$11.60 per credit hour. In accordance with Board of Governors' Regulation 7.003(7)(c)2., the revenues from the fee will be used to benefit the student body in general, as recommended by the student government association, subject to the President's approval.

As per Board of Governors' Regulation 7.003 Fees, Fines and Penalties., the increase was decided by a fee committee comprised of 50% (4) students and 50% (4) faculty/staff of which one served as chairperson. The following procedure was used by the committee:

1. Two public hearings were advertised (through posters, electronic messaging and the student newspaper) and held at each campus to hear comments and address concerns from the University community.
2. Following the hearings, the fee committee convened and discussed the proposal. A vote was held with the fee committee approving the increase with a vote of six (6) in favor, none opposed, and one (1) abstention. The chairperson did not vote.
3. The recommendation was forwarded to the University President and Vice President of Student Affairs for approval and was approved.

This increase will be reflected, along with any other changes, in a revised FIU-1101 Tuition Fees Schedule regulation which will be presented to the Board of Trustees for approval. The approved regulation will then be forwarded to the Board of Governors for its approval.

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Finance and Audit Committee tab

FACILITATOR/PRESENTER:

- Kirk Landon, *Finance and Audit Committee Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: APPLICATION FEE AND ADMISSIONS DEPOSIT FIU-410 – AMENDMENT

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the Florida International University Board of Trustees (“the BOT”) is authorized to set the fee for applying to FIU and to determine the circumstances under which FIU will waive the admissions deposit within the limits provided by the Board of Governors and the law;

THEREFORE, BE IT RESOLVED, that the BOT approves the amendments to the Application Fee and Admissions Deposit Regulation FIU-410 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 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.

BACKGROUND INFORMATION:

A. LEGAL AUTHORITY:

BOARD OF GOVERNORS REGULATION 1.001 UNIVERSITY BOARD OF TRUSTEES POWERS AND DUTIES provides in subsection (6)(b):

“Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.”

BOG Regulation 7.003 Fees, Fines and Penalties. provides, in relevant part:

“(4) Application Fee -- Individuals who make application for admission to universities within the State University System shall pay a non-refundable Application Fee of not more than \$30.00.”

B. EXPLANATION FOR PROPOSED BOARD ACTION:

The Application Fee and Admissions Deposit Regulation FIU-410 is being amended to provide that all applicants, including those applying as non-degree seeking students, will pay an application fee of \$30.00, and to revise the basis for waiving the admission deposit.

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Finance and Audit Committee tab

FACILITATOR/PRESENTER:

- Kirk Landon, *Finance and Audit Committee Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: AMENDMENT OF UNIVERSITY TRAFFIC AND PARKING REGULATION

PROPOSED BOARD ACTION:

Adopt 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 include a revised FIU Parking and Transportation Lost or Stolen Decal Affidavit, and a revised Citation Appeal Form, an increase in the maximum cost per day for metered parking, and to add Carpool as a designated parking area 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 “F”:

- 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; and

BE IT FURTHER RESOLVED, that the BOT delegates authority to the University President 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.

BACKGROUND INFORMATION:

A. LEGAL AUTHORITY

Board of Governors Regulation 1.001 University Boards of Trustees Powers and Duties specifically provides:

(3)(k) “Each board of trustees may govern traffic on the grounds of the university and in other areas in accordance with law.

(6)(b) “Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds...”

Board of Governors Regulation 7.003 Fees, Fines and Penalties. provides: “(12) Parking Fines, Permits and Decals -- Each university board of trustees shall establish charges for parking decals, permits and parking fines.”

Florida Statutes 1009.24(13) provides: “Each university board of trustees is authorized to establish the following fees: (p) Traffic and parking fines, charges for parking decals, and transportation access fees.”

Florida Statutes section 1006.66(2) provides in pertinent part: “Each university board of trustees shall adopt rules that govern traffic on the grounds of the university; that provide penalties for the infraction of such traffic rules; and that the university finds necessary, convenient, or advisable for the safety or welfare of the students, faculty members, or other persons.”

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Finance and Audit Committee tab

FACILITATOR/PRESENTER:

- Kirk Landon, *Finance and Audit Committee Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: FIXED CAPITAL OUTLAY (FCO) LEGISLATIVE BUDGET REQUEST, 2010-2011

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, the University must submit to the Board of Governors its Fixed Capital Outlay Legislative Budget Request for 2010-2011;

THEREFORE BE IT RESOLVED that the Florida International University Board of Trustees (“the BOT”) hereby approves the Florida International University 2010-2011 Fixed Capital Outlay (“FCO”) Legislative Budget Request consisting of the 5-year capital improvement plan (“CIP”) for Public Education Capital Outlay (“PECO”) projects and 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 Board of Governor’s Regulation 1.001(6)(a), attached to this Resolution as Exhibit “G”;

BE IT FURTHER RESOLVED that the BOT authorizes the University President to finalize the Courtelis Facilities Enhancement Challenge Grant program list as donor contributions are completed, and that the final submitted program list will be reported to the BOT at the next regularly scheduled Board meeting; and

BE IT FURTHER RESOLVED that the BOT authorizes the University President to amend the 2010-2011 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 BOT at the next regularly scheduled Board meeting; and

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

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

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

SUMMARY:

The **Capital Improvement Plan** (CIP) is intended to present major revisions to the academic and academic support facilities needed for the next five-year period. Accordingly, each college and university's CIP should not include such projects as student unions, parking garages, athletic facilities, and housing facilities which are normally funded from revenue bonds or allocations of Capital Improvement Fees. Each institution's CIP will be used to:

1. Select projects for inclusion within the 2010-11/2012-13 Three-Year Public Education Capital Outlay (PECO) Project Priority List.
2. Prepare the Five-Year Capital Improvement Plan and,
3. Prepare the System's initial 2010-11 Courtelis Facilities Enhancement Challenge Grant Project List.

Additionally, the following must be submitted with the additional CIP request on August 1, 2009:

1. Projects funded from external institutional sources which require general revenue for operation.
2. Projects financed with long term debt or other long term obligations, including University direct support organization projects.
3. Previous legislative authorizations for which universities are requesting revisions.

The University's approved Five-Year Capital Improvement Plan (CIP) must be prioritized, in the first year, as indicated below. Any exceptions to these priorities must be justified. Each university should submit one and only one prioritized, sequentially numbered list:

- a. Matching external funds from non-private sources.
- b. Continuation projects
 - i. Funded by the Legislature in the amount and in the year as last included on the Board of Governors adopted three year list.
 - ii. Funded by the Legislature, but not on the Board of Governors adopted three year list.
 - iii. Require additional funding to complete project as originally requested.
- c. Utilities infrastructure/Capital Renewal/Roofs needs.
- d. Renovation and remodeling projects to meet current space needs, structural/mechanical repairs, and technology upgrades that are in accordance with s. 1013.64(4)(a), Florida Statutes.
- e. Instructional, then research, followed by support space needs to include projects that will bring each university to the system average percentage of formula need.
- f. Projects to provide specialized space for a newly approved academic program.
- g. Land acquisition in accordance with University Board of Trustees adopted master plans.
- h. Non-survey recommended projects

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Finance and Audit Committee Tab

FACILITATOR/PRESENTER:

- Kirk Landon, *Finance and Audit Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: BA IN MATHEMATICS WITH A MAJOR IN MATHEMATICS EDUCATION

PROPOSED BOARD ACTION:

Adopt the following Resolution:

RESOLVED that the Florida International University Board of Trustees (“the BOT”) hereby approves the Bachelor of Arts in Mathematics with a Major in Mathematics Education , attached to this Resolution as Exhibit “L”;

FURTHER RESOLVED, that the BOT authorizes the University President to file the proposal with the Division of Colleges and Universities and take all actions necessary to implement the program.

BACKGROUND INFORMATION:

STATUTORY AUTHORITY:

BOG Regulation 1.001 University Board of Trustees Powers and Duties, provides in relevant part in subsection (4) (a) (1):
(4) Academic Programs and Student Affairs.
(a) Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to:
1. authorization and discontinuance of degree programs;

EXPLANATION OF PROPOSED BOARD ACTION:

The national need for K-12 mathematics and science teachers is well documented. The dire need noted in the State of Florida is fueled predominately by voluntary terminations (including retirement). Florida’s reduced class size amendment, and growth, with the need for qualified teachers increasing each year. Current programs at many universities in Miami and around the State do not meet the demand.

The proposed Bachelor of Arts in Mathematics with a major in Mathematics Education is designed to provide majors with a strong, broad background in Mathematics while providing the necessary coursework for teacher certification on Mathematics, Grades 6-12. The program design, based on national dissemination models for teacher preparation to reform science and mathematics student instruction and teacher preparation, builds on upon the Department of Physics’ collaboration with the College of Education and complements and enhances existing

and planned education majors programs in other departments in the College of Arts and Sciences. This program will provide top-quality mathematics teachers, many of whom are expected to remain in the South Florida region. Graduates will have state certification upon graduation and the program will also be certified by NCATE. The College of Education will continue to organize the internships for seniors in this program. These internships consist of placing students in Miami-Dade County public schools and provide students with a strong connection to regional high schools upon graduation. The total number of credit hours is projected to be 120 as compared to the current Bachelor of Science in Mathematics Education which requires 131 credit hours. As part of the curriculum, students will be required to take at upper division 27 credits in Mathematics and 28 credits in Education. The typical student will be able to complete the Bachelor of Arts in Mathematics with a Major in Mathematics Education in four years.

The Mathematics Department does not anticipate the need for any new faculty for the proposed program. The proposed BA has only 3 new Math courses which can be taught by the current tenured and tenure-track faculty or instructors. New resources to support the Math BA will be minor.

The full-time undergraduate students will grow from 25 in the first year to 60 in the fifth year and part-time students from 4 in the first year to 10 in the fifth year. We expect to graduate 10 students in the second year increasing to 20 graduates per year by year 7. Given the strong success of comparable programs at University of Texas and elsewhere (see <http://www.uteach.utexas.edu/>), this increase seems very plausible.

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Academic Policy Committee tab

FACILITATOR/PRESENTER:

- Patricia Frost, *Academic Policy Committee Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: REQUEST TO TERMINATE ACADEMIC PROGRAMS

PROPOSED BOARD ACTION:

Adopt 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 "M";

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

French Education - Bachelor of Science
Mathematical Sciences - Bachelor of Science
Occupational Therapy - Bachelor of Science
Spanish Education - Bachelor of Science
English Education – Master of Arts in Teaching
French Education – Master of Arts in Teaching
Mathematics Education - Master of Arts in Teaching
Physical Therapy – Master of Science
Science Education - Master of Arts in Teaching
Social Studies Education - Master of Arts in Teaching
Spanish Education - Master of Arts in Teaching

BE IT FURTHER RESOLVED that the BOT gives the President the authority to alter any of the decisions taken by the BOT pursuant to this Resolution, subject to ratification at a subsequent BOT meeting, to close any program pending receipt of external funding sufficient to meet program costs; and.

BE IT 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.

BACKGROUND INFORMATION:

AUTHORITY:

Florida Board of Governors Regulation 1.001, University Board of Trustees Powers and Duties provides, in pertinent part:

(4) Academic Programs and Student Affairs.

(a) Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to:

1. authorization and discontinuance of degree programs;

...

Florida Board of Governors Regulation 8.012, Academic Program

Termination states in part:

(3) Each University Board of Trustees has the responsibility and authority to approve termination of degree programs at the bachelor's, master's, advanced master's, and specialist level in accordance with BOG Regulation 8.012 (1) and subsection (2).

Upon termination of a degree program, the university will notify the Board of Governors, Office of Academic and Student Affairs within four weeks of the University Board of Trustees decision.

Florida Board of Governors 8.012 subsections (1) and (2) provide:

(1) To ensure the efficient use of state resources and maintain the quality and relevancy of academic programs offered within the State University System, programs may be terminated. Reasons for terminating programs may include but are not limited to the following:

- (a) Enrollments are no longer sufficient to justify the cost of instruction, facilities, and equipment; or the program duplicates other offerings at the university.
- (b) The program is no longer aligned with the mission or strategic goals of the university, or is no longer aligned with strategic goals of the Board of Governors.
- (c) The program no longer meets the needs of the citizens of Florida in providing a viable educational or occupational objective.

(2) Each University Board of Trustees must adopt policies and procedures for degree program termination, with copies provided to the Board of Governors, Office of Academic and Student Affairs. The policies will include at a minimum:

- (a) A formal process for determining degree programs that are candidates for termination that includes review by the appropriate curriculum, financial, and administrative councils of the university; and
- (b) A plan to accommodate any students or faculty who are currently active in a program that is scheduled to be terminated; and
- (c) A process for evaluation and mitigation of any potential negative impact the proposed termination may have on the current representation of females and ethnic minorities within the faculty and students.

The Florida International University Board of Trustees, Policy on Program Termination, approved and effective 16 November 2007, states in pertinent part:

In order to promote and maintain high quality academic programs, the University may over time develop new academic degree programs or discontinue existing programs.

Program discontinuance is the formal termination of a degree program, department or division of instruction, school or college, or other program unit for educational reasons, strategic realignment, resource allocation, budget constraints, or combination of education strategies and financial reasons. A recommendation to discontinue a program, or department, or other academic unit may be made by a

department, its chair, the dean, the campus program review committee, the vice president for academic affairs, the provost, the president or the Board of Trustees.

A recommendation for program discontinuance will be reviewed by the provost with advice from the dean and faculty senate and submitted to the President and Board of Trustees.

EXHIBITS/SUPPORTING DOCUMENTS:

- Information behind the Academic Policy Committee tab

FACILITATOR/PRESENTER:

- Patricia Frost, *Academic Policy Committee Chair*

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2009 Legislative Session

BUDGET (FIU Specific)

Cuts:

Approximately 15% General Revenue Cut -\$27 million cut

Federal Stimulus - \$14.3 million non-recurring new revenue

Tuition Yield - \$11.5 million new revenue for fiscal year 2009-2010. (Available for operational support net 30% financial aid for differential tuition increase)

Salary Cuts

University employees are exempt from state employee salary cuts.

FIU College of Medicine:

New Revenue: \$10,766,565 (General Revenue and Federal Stimulus)

Tuition \$972,185

TOTAL: \$11,738,750

Hurricane Mitigation & Public Loss Model:

- ☐ Recovered \$700,000 recurring for Hurricane Mitigation Research that was in jeopardy.
- ☐ Protected \$623,512 recurring for Public Loss Model.

PECO:

- ☐ \$5.1 million for FIU Infrastructure
- ☐ \$1.7 million for FIU Student Support Complex

Courtelis Facility and Challenge Grants:

No funding for any state university.

BILLS

The following is a list of the major state university system issues that passed during the 2009 Legislative Session.

CS/CS/ SB 762- Relating to State University Tuition and Fees

- Authorizes all universities to raise tuition up to 15% and only until the national average of tuition is met.
- 70% of the tuition differential must be used to enhance undergraduate education, with the remaining 30% required for use to provide financial aid to students who exhibit a need.

SB 554- Relating to Legal Jurisdiction of Campus Police

- Recognizes mutual aid agreements and extends the jurisdiction of university police to 1,000 feet off property owned or operated by public universities.

SB 234- Relating to State University Presidents

- Authorizes all state university boards of trustees to appoint, terminate, and establish the terms and conditions of employment of their respective university presidents.

HB 7121- Relating to Postsecondary Distance Learning

- Establishes the Florida Distance Learning Consortium to manage as well as promote the Florida Higher Education Distance Learning Catalog. This will help to develop a plan to address the implementation of a streamlined, automated, on-line registration process that includes recommended fiscal and policies changes, expedited course credit transfer methods, technology security guidelines, coordinate the negotiation of statewide licensing and preferred pricing agreements for distance learning resources, develop and operate a central instructional content repository and a plan for increasing the use of open access textbooks, identify and evaluate new technologies and instructional methods that can be used for improving distance learning instruction, and to identify methods that will improve student access and completion of undergraduate distance learning courses and degree programs.

CS/CS/SB 1696- Relating to Higher Education Funding (Conforming bill)

Relating to Tuition/Resident Status Determination

- Revises residency criteria to require that a person reside in state for 12 consecutive months immediately prior to initial enrollment in an institution of higher education in Florida to qualify as a resident for tuition purposes.

Relating to Florida Bright Futures Scholarship Program

- Requires a refund of funds received for courses withdrawn after the end of the drop and add period.

Relating to State University Excess Credit Hours

- Requires students enrolled in a state university to pay an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent of the number of credit hours required to complete the baccalaureate degree program.

Relating to Graduate Tuition

- Authorizes up to 15% annual adjustments to match professional tuition flexibility already authorized.

Relating to Prepaid Tuition

- Requires that at a minimum, the board shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan.

Relating to Student Health Insurance

- Prohibits a state university from establishing a new requirement for student health insurance coverage during the 2009-2010 fiscal year.

Relating to State University Salary and Severance

- Prohibits both the Florida Board of Governors as well as individual university boards of trustees from entering into employment contracts that require the boards to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement.

Relating to State University Facility Enhancement Challenge Grants

- Allows universities to spend private money raised for Courtelis Matching prior to receiving the matching funds from the state. The private money would also remain eligible for matching after it has been spent.

HB 387- Relating to Medical Faculty Certificates

- Increases the number of renewed (or extended) medical faculty certificates for all medical schools from 15 to 30.

CS/SB 926- Relating to Cemeteries

- Allows state universities to have structures on campus to receive and maintain the ashes of deceased persons.

HB 7117- Relating to Student Records

- Aligns Florida's Student Education Records Law with the requirements of the controlling federal law, known as the Family Educational Rights and Privacy Act or "FERPA."

CS/SB 2682- Relating to Florida College System

- Implements some of the applicable recommendations of the Florida College System Task Force and the State College Pilot Project.

SB 1676- Relating to Education Funding

- Prohibits state funds appropriated to the Division of Public schools within the Department of Education to be used to pay indirect costs to any entity.

CS/CS/HB 1209 Relating to Nursing Programs

- Legislatively prescribes the approval process for practical and professional nursing programs and repeals existing laws that vest the Florida Board of Nursing (BON) with the authority to prescribe this process.

SB 2600 Relating to Appropriations

- Directs the Board of Governors to work with OPPAGA as well as each 4 year Doctor of Medicine degree program institution to develop a funding methodology for a consistent base level of state support on a per-student basis for each 4-year Doctor of Medicine degree program offered by a state university.

POST SESSION THANK YOU LETTER TO MEMBER OF THE MIAMI-DADE COUNTY
LEGISLATIVE DELEGATION

May 11, 2009

Now that the 2009 session has come to a close, I wanted to personally thank you for your continued support of Florida International University.

In these difficult economic times, I was pleased that FIU's funding was not cut as deeply as initially proposed. Your role in ensuring this result was beneficial to our students and community as a whole. For your leadership in protecting the academic opportunities available to our 38,000 students, I offer you my sincerest of thanks.

We will have to make some tough decisions in the weeks ahead. The agreement reached on tuition policy and the availability of federal stimulus funds certainly help. The university has already begun implementing cost-cutting measures to make sure that the university runs in a more cost effective manner. As we review our options, we will try to minimize the impact of the cuts on our students.

We are particularly pleased that the 2009-2010 budget provides full funding for FIU's new College of Medicine. We know that this was a big lift and especially appreciate your support. We estimate that by 2025, the College of Medicine will have an annual economic impact of over \$700 million while producing over 60,000 jobs across the state of Florida. The lives that will be impacted by the public school of medicine in our community cannot be measured, but your support sends a strong message in support of advancing and improving the health of our community and of our state.

As FIU continues to grow, the \$7 million in PECO funding allocated will be used to fund critical infrastructure needs as well as to continue planning for a new Student Support Complex. These funds help to make our university community stronger.

On a lesser, but symbolically important note, we were able to continue funding for hurricane mitigation research. This research is integral to FIU's research mission, as well as our continued efforts to strengthen the South Florida community. Our continued research on the deadly effects of hurricanes have also led to numerous advances in building materials, making us all safer and more secure.

Your efforts in assuring that Florida International University can continue to provide excellent educational opportunities, conduct world-class research and assist Miami-Dade County through public service are appreciated by our university community. With an estimated billion-dollar impact on South Florida's economy, we believe FIU is vital to the economic future of our community.

On behalf of our faculty, staff, and students, thank you for the courtesies you and your staff have extended to our governmental relations team. Please do not hesitate to contact me if I can be of any assistance to you over the next few months.

Sincerely,

Modesto A. Maidique
President

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: ELECTION OF OFFICERS

PROPOSED BOARD ACTION

Election of Officers.

AUTHORITY FOR BOARD ACTION

BOG Regulation 1.001 University Board of Trustees Powers and Duties, provides in subsection (2) (b):

Each board of trustees shall select its chair and vice chair from the appointed members. Each chair shall serve for two years and may be reselected for one additional consecutive two-year term. Any exception to this term of office must be approved by a two-thirds vote of the board of trustees. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Board of Governors or the Governor, as applicable, in writing whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal.

FIU Board of Trustees Operating Procedures, amended 31 March 2009, provides in relevant part:

The officers of the Board are the Board Chair, Board Vice-Chair, Treasurer, and the Executive Officer and Corporate Secretary. The Board shall select the Board Chair and Board Vice-Chair at the last regularly scheduled meeting of the fiscal year for a two year term to begin September 1. The Board Chair and Board Vice-Chair shall be eligible for reselection for one additional consecutive term. Any exception to this term of office must be approved by a two-thirds vote of the Board. The Treasurer shall be appointed by the Board Chair. The University President shall serve as Executive Officer and Corporate Secretary of the Board.

EXHIBITS/SUPPORTING DOCUMENTATION: ■ N/A

FACILITATORS/PRESENTERS: ■ David Parker

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: NEW BUSINESS

PROPOSED BOARD ACTION

None. Information only.

AUTHORITY FOR BOARD ACTION

N/A

BACKGROUND INFORMATION

David Parker, FIU Board of Trustees Chair, will raise new business, if any.

EXHIBITS/SUPPORTING DOCUMENTATION:

▪ N/A

FACILITATORS/PRESENTERS:

▪ David Parker

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: PRESIDENT EMERITUS

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, President Modesto A. Maidique has faithfully served as President of the Florida International University since October 1986; and

WHEREAS, Dr. Modesto A. Maidique for more than two decades has demonstrated his strong and unyielding commitment, leading the University's historic transformation; and

WHEREAS, Dr. Maidique has provided dynamic and dedicated leadership that has helped to build Florida International University into a major urban research university; and

WHEREAS, during his tenure, the University opened the College of Law, College of Engineering and the School of Architecture and most recently, Dr. Maidique spearheaded the historic opening of the University's College of Medicine, one of only three medical schools established in the last 25 years; and

WHEREAS, Dr. and Mrs. Maidique will leave the Florida International University in August 2009; and

WHEREAS, Dr. Maidique will continue his service as a Professor of Management in the College of Business;

NOW, THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees ("the BOT") at its regular meeting this 12th day of June, 2009, does hereby recognize, commend and express its gratitude to President Modesto A. Maidique and his wife Nancy for their contributions to the Florida International University,

BE IT FURTHER RESOLVED, that the BOT grants to Dr. Modesto A. Maidique the status of President Emeritus in recognition of his unfailing leadership and unparalleled dedication to the University, the students and the south Florida community; and

BE IT FURTHER RESOLVED that this Resolution be included in the minutes of this meeting, and a copy presented to Dr. Modesto A. Maidique as a token of the BOT's appreciation and thanks.

EXHIBITS/SUPPORTING DOCUMENTATION:

▪ N/A

FACILITATOR/PRESENTER:

▪ Claudia Puig

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

**SUBJECT: AMENDMENT TO OPERATING PROCEDURES OF THE FLORIDA
INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES**

PROPOSED BOARD ACTION:

Adopt 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; and

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

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

BACKGROUND INFORMATION:

LEGAL AUTHORITY:

The Florida International University Board of Trustees Operating Procedures, Article IV, states,

The Operating procedures may be altered, amended or repealed by a two thirds vote of all members of the Board at any regular meeting, when notice of the proposed amendment or repeal is provided in the meeting notice.

BACKGROUND INFORMATION:

The President is recommending changes to the BOT Operating Procedures in order to honor Trustees that have provided extraordinary service to the University.

EXHIBITS/SUPPORTING DOCUMENTS:

- Exhibit "Y" – Amendments to Operating Procedures of the Florida International University Board of Trustees

FACILITATOR/PRESENTER:

- Cesar Alvarez, *FIU Board of Trustees*

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Adopted 13 January 2003
Amended 12 March 2003
Amended 22 November 2004
Amended 19 September 2005
Amended 28 June 2007
Amended 29 February 2008
Amended 31 March 2009
Amended 12 June 2009

OPERATING PROCEDURES OF THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES

ARTICLE I ORGANIZATION

Board of Trustees

The Florida International University Board of Trustees (the "Board") is established as a body corporate, with all powers of a body corporate as provided by Florida law, acting as an instrumentality of the state, pursuant to s. 768.28, Florida Statutes, for purposes of sovereign immunity. It shall serve as the governing body of the Florida International University (the "University") and perform all duties prescribed by law and by the Board of Governors. In consultation with the University President, it shall provide for academic freedom and academic responsibility at the University.

Membership

The Board shall be composed of thirteen persons, six members appointed by the Governor of the State of Florida, five citizen members appointed by the Board of Governors, subject to confirmation by the Senate. The Chair of the Faculty Senate and the President of the Florida International University Student Government Association shall also serve as voting Trustees during their terms of office.

Board members shall be appointed for staggered 5-year terms and may be reappointed for subsequent terms, except for the faculty and student representatives who shall serve for the duration of the term of their respective elected offices. The Chair of the Faculty Senate will be appointed each year by the first of August and the President of the Florida International University Student Government Association will be appointed each year by the first of May. Members of the Board shall serve without compensation but may be reimbursed for travel and per diem expenses in accordance with state law.

All Board members are public officers subject to the requirements of the Florida Code of Ethics.

Special Members of the Board

The Board shall have the following special member categories for honorary and recognition purposes:

Chairperson Emeritus: This category honors a Chairperson of the Board, who has served as Chairperson for two complete terms, and has provided extraordinary service to the University.

Trustee Emeritus: A Trustee, who has served at least one full five year term, is no longer serving on the Board, has given distinguished service as a member of the Board and has made extraordinary contributions to the University.

Trustees shall be elected by a two-thirds vote of the Board for either of the above defined designations. Chairperson or Trustee Emeritus may be invited to attend meetings of the Board but shall not have the right to vote nor shall be considered in constituting a quorum.

Powers and Duties of the Board

The Board shall serve as the governing body of The Florida International University. It shall select the President of the Florida International University for ratification by the Board of Governors and shall hold the President responsible for the University's operation and management, performance, its fiscal accountability, and its compliance with federal and state laws and regulations of the Board of Governors. The Board shall have the authority to carry out all lawful functions permitted by the FIU BOT Operating Procedures, by regulations and policies of the Board of Governors or by law. The Board may adopt regulations and policies consistent with the University mission, with law, and with the regulations and policies of the Board of Governors, in order to effectively fulfill its obligations under the law.

Officers

The officers of the Board are the Board Chair, Board Vice-Chair, Treasurer, and the Executive Officer and Corporate Secretary. The Board shall select the Board Chair and Board Vice-Chair at the last regularly scheduled meeting of the fiscal year for a two year term to begin September 1. The Board Chair and Board Vice-Chair shall be eligible for reselection for one additional consecutive term. Any exception to this term of office must be approved by a two-thirds vote of the Board. The Treasurer shall be appointed by the Board Chair. The University President shall serve as Executive Officer and Corporate Secretary of the Board.

Board Chair: The Board Chair shall preside at all meetings of the Board, call special meetings of the Board when necessary, attest to actions of the Board, and notify the Board of Governors or the Governor, as applicable, in writing whenever a Board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal.. The Board Chair shall also appoint Committee and Workgroup Chairs, determine composition of all Board Committees and Workgroups and otherwise serve as spokesperson for the Board.

Board Vice-Chair:

The Board Vice-Chair shall act as Board Chair during the absence or disability of the Board Chair.

Adopted 13 January 2003
Amended 12 March 2003
Amended 22 November 2004
Amended 19 September 2005
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Treasurer: The Treasurer shall be responsible for oversight of all policies relating to the financial affairs of the University; may present a financial report to the Trustees at each meeting of the Board; and perform such other duties as may be assigned to him/her by the Board Chair, or the Board.

Corporate Secretary: The University President, as Executive Officer and Corporate Secretary, shall be responsible to the Board for all operations and administration of the University and for setting the agenda for meetings of the Board in consultation with the Chair.

Executive Officer:

As Executive Officer, the President shall serve as the principal liaison officer and official contact between the Board and the faculty, staff and students of the University. The President shall exercise such powers as are appropriate to his/her position in promoting, supporting and protecting the interests of the University and in managing and directing its affairs. The President may issue directives and executive orders consistent with existing Board policies and law. The President shall be responsible for all educational, financial, business and administrative functions of the University consistent with the policies established by the Board and shall exercise such other powers, duties and responsibilities as are delegated or assigned by the Board.

ARTICLE II MEETINGS

Regular meetings: The Board will meet no fewer than four times per fiscal year, at a time and place designated by the Board Chair. Meetings of the Board are open to the public and all official acts will be taken at public meetings. The schedule of meetings is to be available on the University website at <http://bot.fiu.edu/>.

The Director of Internal Audit shall present a report on the financial condition of the University to the full Board once every fiscal year at the November meeting.

A Trustee cannot participate in a regular board meeting via telephone or other communications media technology or video conferencing, unless such a meeting is conducted only via electronic means as provided below.

Meetings by Means of Telephone Conference Calls and other Communications Media Technology: Committees and Workgroups may, at the discretion of their Chairs, use telephone conference calls and other communications media technology to conduct Board business in the same manner as if the proceeding were held in person.

The notice of any meeting conducted by means of communications media technology will state where and how members of the public may gain access to the meeting.

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Special Meetings: The Board will meet in special meetings, including hearings and workshops, at a time and place designated by the Board Chair, or in the absence of the Board Chair by the Board Vice-Chair.

Notice of Regular, Special, Committee and of Workgroup Meetings: Notice of regular meetings, committee and workgroup meetings, and special meetings of the Board will be given by posting on the University's website at <http://bot.fiu.edu/> and faxing such notice and agenda to a newspaper of general circulation not less than seven days before the event, and will include a statement of the general subject matters to be considered.

Emergency Meetings: An emergency meeting of the Board may be called by the Board Chair or the Board Vice-Chair in the Board Chair's absence, upon no less than forty-eight (48) hours notice whenever, in the opinion of the Board Chair or Board Vice-Chair, an issue requires immediate Board action. Whenever such emergency meeting is called, the Board Chair will notify the Corporate Secretary. The Corporate Secretary will immediately serve either verbal or written notice upon each member of the Board, post a notice on the University's website at <http://bot.fiu.edu/>, and shall provide notice to the public, by any procedure that is fair under the circumstances, stating the date, hour and place of the meeting and the purpose for which the meeting has been called. No other business will be transacted at the meeting unless additional emergency matters are agreed to by a majority of those Board members in attendance. The minutes of each emergency meeting will show the manner and method by which notice of such emergency meeting was given to each member of the Board and to the public.

Executive Session: The Legislature has provided limited exemptions from the Sunshine Law for certain meetings because of the confidential material that must be discussed. When the Board decides to avail itself of any such exemption, it will do so by convening an executive session of the Board.

A. Pending Litigation:

Meetings to discuss pending litigation in which the Board is presently a party before a court or administrative agency may be held in executive session outside the Sunshine, provided the following procedures and conditions are met.

1. Counsel for the Board must advise the Board at a public meeting that he or she desires an executive session and must state the basis therefor.
2. Only Board members, the Board's attorney(s) and the President of the University may attend a closed executive session to discuss pending litigation. Staff members or consultants are not permitted to attend. The Board must give advance public notice, pursuant to its procedures, of the time and date of the executive session, and must identify the names of the persons who will be attending the closed session.

Adopted 13 January 2003
Amended 12 March 2003
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3. The session must commence with an open meeting at which the Board Chair or his/her designee shall announce the commencement of the meeting, the estimated length of the closed executive session, and the names of the persons attending. At that point, the meeting is closed to all except those whose names have been announced. The executive session may then commence. At the conclusion of the executive session, the meeting must be reopened to the public and the person chairing the meeting shall announce the termination of the closed executive session.

4. A certified court reporter must record the entire executive session. The reporter must record the times of commencement and termination of the executive session; all discussions and proceedings; the names of all persons present at any time; and the names of all persons speaking. No portion of any executive session may be held off the record. The Board must have the court reporter's notes fully transcribed, and the transcript filed with its records custodian. The transcript is exempt from Florida's public records law, and is not to be disclosed until the litigation concludes. Upon the conclusion of the litigation, the transcript becomes part of the public record.

5. The subject matter of the closed session must be confined to settlement negotiations or strategy sessions related to litigation expenditures. The Board may not go beyond these strict parameters. No final action, no vote, and no decisive action may be taken during the closed session. Any final decision to settle a lawsuit, for a certain amount of money, or under certain conditions, is a decision that must be voted upon in a public meeting.

B. Collective Bargaining:

1. Meetings to discuss collective bargaining strategy are completely exempt from the Sunshine law, and may be held in executive session without conforming to any of procedures and conditions required for an executive session to discuss litigation.

2. Attendance at the meeting by staff is limited to those named by the President as having involvement or oversight as to collective bargaining negotiations.

3. All documents created for an executive session on collective bargaining are confidential and exempt from the Public Records provisions.

Quorum: A majority of the members of the Board must be present to constitute a quorum for the transaction of business.

Voting: Unless otherwise provided in these Operating Procedures, the decision of the majority of the Trustees in attendance and voting on the question shall prevail, except that a majority vote of all members of the Board is required for establishing policy, for making rules and regulations, for appointing and removing the President and for approving or discontinuing programs. No Trustee present at a Board, Committee or Workgroup meeting, who is a member of the Committee or

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Workgroup, may abstain from voting except for those circumstances when a Trustee has a conflict of interest. If a Trustee has a conflict of interest with any agenda item, the Trustee shall advise the Chair of the conflict and abstain from voting. The Trustee shall complete a Memorandum of Voting Conflict Form within fifteen days of the meeting which shall be incorporated into the records of the meeting.

Voting by proxy or by mail shall not be permitted.

For purposes of these Operating Procedures the term "ex officio" shall mean that the person with such designation does not have a right to vote nor to be counted towards reaching a quorum.

At meetings of the Board, the Board shall vote on matters appearing on the Consent Agenda in its entirety, unless an individual Trustee requests that a separate vote be taken on a particular item. A separate vote shall be taken on each item appearing as an Action Item on the Agenda.

Parliamentary Rules: *Roberts Rules of Order*, newly revised, will be followed in conducting meetings of the Board, unless otherwise provided by the Board. The Chair shall resolve disputes regarding interpretations under Roberts Rules.

Agenda

The agenda for each meeting of the Board, a Committee or a Workgroup, shall be prepared by the Corporate Secretary or his/her designee, in consultation with the Board Chair, the Chair of the Committee, or the Chair of the Workgroup, as applicable. Every request for inclusion of an item on the agenda of a non-emergency meeting shall be put in writing and filed, together with any supporting documents, with the Corporate Secretary 30 days in advance of the meeting. The Corporate Secretary shall determine the propriety and practicability of including that item on the agenda for the meeting and may place time limits on any presentation or decline to place any matter on the agenda. The Corporate Secretary will assemble the items received, and provide a copy of the agenda to each member of the Board at least 7 days prior to the meeting. If additional items or supporting documentation become available, a supplemental agenda will be provided at least 3 days prior to the meeting. If a Trustee would like a non-agenda item to be placed on the agenda, he/she may do so through a written memorandum to the Corporate Secretary no later than 3 days before the non-emergency meeting of the Board, Committee or Workgroup.

No agenda item may come before the Board unless it has been previously considered and recommended by a Committee or Workgroup of the Board. However, an agenda item may be presented to the Board without prior consideration by a Committee or Workgroup if it is determined to be an emergency item by the Corporate Secretary in consultation with the Board Chair.

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The agenda shall list the items in the order they are to be considered. Items may be considered out of their stated order at the discretion of the Chair.

Minutes

Minutes of the meetings of the Board, Committees or Workgroups, shall be kept by the Corporate Secretary, who shall cause them to be printed and preserved and who shall transmit copies to the members of the Board. All lengthy reports shall be referred to in the minutes and shall be kept on file as part of the University records, but such reports need not be attached to the minutes except when so ordered by the Board.

ARTICLE III COMMITTEES AND WORKGROUPS

The Board Chair may establish such committees and workgroups as he/she deems necessary for the orderly conduct of the Board's business.

There shall be a minimum of two (2) standing committees of the Board, a Finance and Audit Committee and an Academic Policy Committee. All Committees shall have no fewer than three members. A quorum for all Committees shall consist of a majority of the Committee.

Ad-hoc Committees shall be appointed by the Board Chair upon authority of the Board with such powers and duties and period of service as the Board Chair may determine, provided that no ad-hoc committee shall be created to act upon any matter appropriate to be acted upon by a standing committee. The Chair of any ad-hoc committee shall be appointed by the Board Chair and shall perform his/her duties in consultation with the University President.

The duty of each Committee and Workgroup shall be to consider and make recommendations to the Board on matters before it. Unless specifically delegated by the Board to a Committee or Workgroup, authority to act in all matters is reserved exclusively to the Board.

The Board Chair, in consultation with the President, shall appoint a Chair to head each Committee and Workgroup, and a Vice-Chair to substitute for the Chair of the Committee or Workgroup in his or her absence.

The President shall be an ex officio member of every Committee and Workgroup.

The Finance and Audit Committee shall be responsible for oversight of all policies relating to the financial affairs of the University in accordance with the Board's Finance and Audit Committee Charter, attached as Appendix "A".

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The Academic Policy Committee shall be responsible for oversight of all policies relating to the academic and student affairs of the University. It shall review and consider policies relating to new and existing degree programs, instruction and research. It shall review and consider policies relating to the recruitment and retention of faculty members, including tenure, academic freedom and academic responsibility, codes of conduct and appropriate penalties for violations of University regulations pertaining to academic dishonesty, and student admissions, and make recommendations to the Board on these and other matters referred to it by the Board.

Strategic Priority Workgroups. The Board Chair may establish such Strategic Priority Workgroups as he/she deems necessary to conduct the business of the Board and the University. The Board Chair, in consultation with the President, appoints the members and selects the Chairs of the Workgroups. Strategic Priority Workgroups' actions are reported as recommendations for consideration and action by the full Board. The Strategic Priority Workgroups shall meet as often as the Chair of the Workgroup shall determine and said meetings shall be noticed as set forth above. Minutes shall be taken and distributed to all Trustees. A majority of the Strategic Priority Workgroup voting members shall constitute a quorum for transaction of business.

ARTICLE IV AMENDMENT OF OPERATING PROCEDURES

These Operating procedures may be altered, amended or repealed by a two thirds vote of all members of the Board at any regular meeting, when notice of the proposed amendment or repeal is provided in the meeting notice.

ARTICLE V APPEARANCES BEFORE THE BOARD and BEFORE COMMITTEES and WORKGROUPS OF THE BOARD

Individuals or group representatives who desire to appear before the Board to initiate a subject within the Board's jurisdiction must submit their requests in writing at least seven (7) working days prior to the start of the meeting of the Board at The Florida International University Board of Trustees, 11200 S.W. 8 Street, PC 548, Miami, Florida 33199 at 11200 S.W. 8 Street, PC 528, Miami, Florida 33199, for the matter to be included in the agenda. The Corporate Secretary, in consultation with the Chair, will determine whether the item will be heard and when the item will be heard. Each Trustee will be provided with an opportunity to review the list of individuals who are on the agenda to appear before the Board, as well as the names of any who were not placed on the agenda.

The Board may place time limits on presentations or decline to hear any matter determined by it to be outside its jurisdiction or unrelated to a particular agenda item, or not practicable for a particular meeting.

The Chair may recognize any individual or representative of groups to address the Board.

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In order to proceed with the essential business of the Board in an orderly manner, any individual or group representative who attempts to disrupt a Board meeting will be subject to appropriate action pursuant to law.

ARTICLE VI CODE OF ETHICS

Code of Ethics—Conflict of Interest

Trustees stand in a fiduciary relationship to the University. Therefore, Trustees shall act in good faith, with due regard to the interests of the University, and shall comply with the fiduciary principles and law set forth in the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes. Trustees shall comport themselves in accord with the statutory Code of Ethics and the Conflict of Interest Policy attached to these Operating Procedures as Appendix "B". Each Trustee shall annually complete and sign a disclosure form as required by said policy.

ARTICLE VII ACADEMIC FREEDOM

Statement of Board Policy on Academic Freedom

Florida International University is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The University therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they may responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.

The University shall protect faculty and students in their responsible exercise of the freedom to teach and to learn.

It is the policy of the Florida International University to support and encourage full freedom within the law, of inquiry, discourse, teaching, research, and publication for all faculty. Members of the faculty are expected to recognize that accuracy, forthrightness and dignity benefit their association with the University and their position as men and women of learning. They should not represent themselves, without authorization, as spokespersons for the University.

The University shall not penalize or discipline members of their faculties because of the exercise of academic freedom in the lawful pursuit of their respective areas of scholarly and professional interest and responsibility.

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ARTICLE VIII MISCELLANEOUS PROVISIONS

Limitation of Liability and Indemnification

The Board shall be a corporation primarily acting as an instrumentality of the state pursuant to Section 768.28, Florida Statutes, for purposes of sovereign immunity. The University shall, to the extent legally permissible, indemnify, defend and hold harmless each of its Trustees, against all liabilities and expenses incurred in the connection with the disposition or defense of any action, suit or other proceeding, whether civil or criminal, in which such person may be involved by reason of University service, except with respect to any matter in which such person shall have been adjudicated in any proceeding not to have acted in good faith; and further provided that no settlement shall be entered into without the prior consultation and approval of a duly authorized representative of the Board.

Service of Process

Service of process may be made on the Corporate Secretary or his or her designee.

Fiscal Year

The fiscal year of the Board shall commence on July 1 of each year and end on June 30.

Sunshine Laws

Public access to Board records will be governed by the provisions of the Public Records Law, Chapter 119, Florida Statutes. Board Committee and Workgroup meetings shall be governed by the provisions of the Open Meetings Law, Chapter 286, Florida Statutes.

Corporate Seal

The corporation shall have a seal on which shall be inscribed "The Florida International University Board." The Corporate seal shall be used only in connection with the transaction of business of the Board and of the University. The Corporate Secretary may affix the seal on any document signed on behalf of the corporation. Permission may be granted by the Corporate Secretary for use of the seal in the decoration of any University building or in other special circumstances. The Corporate seal of the Board shall be consistent with the following form and design:



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Appendices: A & B

*Adopted 13 January 2003
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Appendix "A"

THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES

FINANCE and AUDIT COMMITTEE CHARTER

PURPOSE

This charter sets forth the operations and responsibilities of the Finance and Audit Committee the ("Finance Committee") of the Florida International University (the "University"). The Finance Committee's primary function is to assist the University's Board of Trustees (the "Finance Board") in fulfilling its oversight responsibilities by reviewing procedures in place to assess and minimize significant risks, overseeing the quality and integrity of financial reporting practices (including the underlying system of internal controls, policies and procedures, regulatory compliance programs, and ethical code of conduct), and overseeing the overall audit process.

The Finance Committee's role is one of oversight, not preparation or operation. Its members rely on the representations of Senior Management, General Counsel, the Office of Internal Audit and the Auditor General, other committees and workgroups of the Board and other professional consultants. The Finance Committee promotes open communication among and between Senior Management, the Office of Internal Audit, the Auditor General, and the Board.

COMPOSITION AND MEMBER QUALIFICATIONS

- The Finance Committee consists of at least four members, all of whom are voting Trustees of the University.
- Members shall possess general accounting, business and financial knowledge, including the ability to read and understand fundamental financial statements. At least one member shall have accounting or financial expertise, as defined by the Board.
- Members shall be independent and objective in the discharge of their responsibilities. They are to be free of any financial, family, or other material personal relationship, including relationships

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with members of University management, University auditors and other professional consultants.

- A simple majority of the Finance Committee membership will constitute a quorum.
- It is the responsibility of the Finance Committee Chair to approve each meeting's agenda and to update the Board on the significant matters discussed by the Finance Committee.

GENERAL ACTIVITIES AND RESPONSIBILITIES

The Finance Committee shall:

- Meet four times each year.
- Provide the Board with regular updates of Finance Committee activities and make recommendations to the Board for matters within the Finance Committee's area of responsibility.
- Review the Finance Committee's charter periodically and recommend any proposed revisions for the Board's approval.
- Meet separately with:
 - the Office of Internal Audit without the presence of management;
 - Senior Management, without the presence of the Office of Internal Audit to discuss any matters the Finance Committee or these individuals believe should be discussed privately. This should be performed at least two times annually, at the conclusion of a regularly scheduled Finance Committee meeting.
- Ensure that the Office of Internal Audit understands that they are ultimately responsible to the Finance Committee and the Board and they should communicate directly with the Finance Committee Chair when deemed prudent and necessary.
- Have the authority to conduct investigations into any matters within the Finance Committee's scope of responsibilities, set forth below. During such investigations, the Finance Committee shall have unrestricted access to the University's independent auditors and anyone employed by the University, and to all relevant information. The Finance Committee may retain, at the University's expense, independent counsel, accountants and other professional consultants to

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assist with such investigations. The results of any such investigations must be reported to the Board by the Finance Committee Chair.

SPECIFIC RESPONSIBILITIES: INTERNAL CONTROLS AND RISK ASSESSMENT

The Finance Committee shall consider and review with Senior Management, the Office of Internal Audit, and other relevant offices, committees or workgroups:

- The effectiveness of the University's process for identifying significant financial, operational, reputational, strategic and regulatory risks or exposures and management's plans and efforts to monitor and control such risks.
- The effectiveness of the University's internal controls, including the status and adequacy of information systems and security and other relevant matters.
- The University's oversight and monitoring of its subsidiaries, affiliates and joint ventures.
- The University's insurance coverage and the process used to manage any uninsured risks.

SPECIFIC RESPONSIBILITIES: COMPLIANCE WITH LAWS AND REGULATIONS

The Finance Committee shall:

- Ascertain whether the University has an effective process for determining risks and exposure from asserted and unasserted litigation and other claims of noncompliance with laws and regulations.
- Review and discuss with Senior Management, General Counsel, University Compliance Officer and the Director of Internal Audit:
 - significant results of compliance audits;
 - any significant matters of litigation or contingencies that may materially affect the University's financial statements; and
 - any legal, tax or regulatory matters that may have a material impact on University operations, financial statements, policies and programs.

SPECIFIC RESPONSIBILITIES: FINANCIAL REPORTING

The Finance Committee shall:

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- Consult annually with the Office of Internal Audit regarding the integrity of the University's financial reporting processes and related internal controls, including (but not limited to) the depth of experience and sufficiency of Finance and the Office of the Office of Internal Audit staff.
- Review and approve significant, non-mandated changes to accounting policies and practices.
- Advise Senior Management, based upon the Finance Committee's review, whether the Finance Committee believes that the annual audited financial statements (including the footnotes) contain any material misstatements or omissions.
- Review with Senior Management at the completion of the annual financial statement audit:
 - the University's annual financial statements and related footnotes, including their degree of clarity;
 - the Auditor General's opinion regarding the financial statements;
 - any significant changes required to the state auditors audit plan;
 - any difficulties or disputes with management encountered during the audit, including an overall assessment of management cooperation;
 - the University's accounting principles, including the consistency, appropriateness and quality (not just acceptability) thereof, with particular emphasis on sensitive accounting estimates and accruals;
 - the University's overall level of compliance with governmental regulations;
 - reports concerning internal controls, including significant findings and recommendations and management's response;
 - other matters that should be communicated to the Finance Committee under generally accepted generally accepted auditing standards; and
 - any other financial filings required by law or regulation.

SPECIFIC RESPONSIBILITIES: THE OFFICE OF INTERNAL AUDIT

The Finance Committee shall:

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- Evaluate the Office of Internal Audit's role and scope of activities.
- Participation in the process of the appointment and dismissal of the Director of Internal Audit.
- Review and approve the Office of Internal Audit's annual audit plan (and any subsequent changes thereto), considering the University-wide risk assessment and the degree of coordination with the Auditor General's Office for an effective, efficient, non-redundant use of audit resources.
- Review and discuss with management and the Office of Internal Audit:
 - significant findings and recommendations, including management's response and timeframe for corrective action;
 - the degree of implementation of past audit recommendations; and
 - any difficulties encountered in the course of the audit activities such as restrictions on the scope of work or access to information.
- Assess the staffing of the Office of Internal Audit, including the annual budget.
- Review and approve modifications to the Office of Internal Audit.
- Review the organizational reporting lines related to the Office of Internal Audit, particularly related to confirming and assuring the continued independence of the Office of Internal Audit and its staff.

SPECIFIC RESPONSIBILITIES: COMPLIANCE WITH POLICIES AND STANDARDS

The Finance Committee shall review with the Office of Internal Audit, the University Compliance Officer, and:

- The University's monitoring of compliance with University policies, including (but not limited to) policies regarding the conduct of research.
- The results of the University's monitoring and enforcement of compliance with University standards of ethical conduct and conflict of interest policies.

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The Finance Committee has the responsibilities and the powers set forth in this Charter. It is not the responsibility of the Finance Committee to conduct audits or other examinations and investigations, nor to provide assurance regarding compliance with laws, regulations, internal policies and codes of conduct, nor the completeness, accuracy or conformity with generally accepted accounting standards of the University's financial statements generally accepted

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Appendix "B"

THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES CONFLICT-OF-INTEREST POLICY

1. **Scope.** The following statement of policy applies to each member of the Board.
2. **Fiduciary Responsibilities.** Section 8 of Article II of the Constitution of the State of Florida states: "A public office is a public trust." Board members of Florida International University serve the public trust and have a clear obligation to fulfill their responsibilities in a manner consistent with this fact. All decisions of the Board are to be made solely on the basis of a desire to advance the best interests of the institution and the public good.

Board members are generally involved in the affairs of other institutions and organizations. Effective boards will include individuals who have relationships and affiliations that may raise questions about perceived conflicts of interest. Although many such potential conflicts are and will be deemed inconsequential, each Trustee has the responsibility to comply with the Code of Ethics for Public Officers and Employees which is contained in Chapter 112, Part III (Sections 112.311 – 112.326) of the Florida Statutes.

3. **The Code of Ethics for Public Officers and Employees.** The Code of Ethics provides definitions and sets forth the various contexts in which conflicts arise. As defined in the Code,

a "conflict of interest" arises in a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Particular attention is required when public officers are in situations involving:

- solicitation and acceptance of gifts;
- favors or compensation;

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- contracts and transactions with the University;
- unauthorized compensation;
- misuse of public position or confidential information;
- conflicting employment or consulting contractual relationships; and
- employment of relatives.

Thus, each Trustee has a continuing obligation to:

- (a) be familiar with the Florida Statutes regarding ethics and conflicts of interest and the terms of this Policy;
- (b) disclose to the Board Chair any possible personal, familial, or business relationships that might reasonably give rise to a conflict involving the University; and
- (c) acknowledge by his or her execution of the attached "Conflict of Interest Disclosure Form" that he or she is in compliance with the letter and spirit of this Policy and applicable laws.

4. Disclosure. All Trustees shall list on the attached Conflict of Interest Disclosure Form, at least once a year, those relationships

- (a) that they or members of their family maintain with organizations that do business with the University, or
- (b) that could be construed to affect their independent, unbiased judgment in light of their decision-making authority and responsibility.

If a Trustee is uncertain as to whether to list a particular relationship, the Board chair and the General Counsel of the University should be consulted. Information shared or gathered as a result of such consultations (including information provided on the attached form) shall not be released except

- in accordance with applicable public records laws, or
- when the institution's best interests would be served by disclosure, or
- as required by court order.

Any such required disclosure will be made only after informing the affected Trustee.

5. Definitions:

The following definitions apply to this policy:

Business Relationship – A business relationship is one in which a Trustee, or a Trustee's spouse or child serves as an officer, director, or proprietor of, or has a material interest in, an organization that does business with Florida International University.

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Material Interest - a direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity constitutes a material interest.

Attached is The Florida International University Conflict of Interest Disclosure Form which each Trustee must file with the Secretary of the Board on or before July 1st of each year, unless a change necessitating an amendment occurs prior to July 1st of the following year.

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
CONFLICT OF INTEREST DISCLOSURE FORM**

This Conflict of Interest Disclosure Form is intended to protect both the Board and the University, by affording the University ample opportunity to forestall any potential conflicts and assure that all Board decisions are above reproach.

To allow the Board and the University to monitor and promptly address any potential conflicts, please (i) identify below any relationships, financial or personal, that may constitute conflicts or potential conflicts of interest, or (ii) confirm that no such conflicts or potential conflicts are known to exist:

The following represent interests or relationships that are or may be in conflict with my position as Trustee of the University:

1. Personal, familial or business relationships that might reasonably give rise to a conflict involving the University.

2. Outside employment or service (any outside employment or provision of outside services by you or any member of your family that may be in conflict with your position as a Trustee of the University.

2. Outside interests, financial and other (any interests or position which you or any member of your family hold in any outside concern from which the University obtains goods or services, or which provides services competing with the University):

3. Any other potential issues or conflicts:

OR

_____ As of today's date, I have no financial, professional, or personal relationships that reasonably hold the potential for a conflict of interest involving my service as a University Trustee.

I am familiar with The Florida International University Board of Trustees Conflict of Interest Policy pursuant to which this Disclosure Form is filed. I have disclosed all potential conflicts of interests of which I am aware, and I agree to promptly file a further Disclosure Form if any additional matters subject to disclosure arise before my next annual Disclosure Form is due.

Signature _____

Date _____

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Exhibit "Y"

The Florida International University
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Please FAX or mail this form to Board Secretary, Board of Trustees Office, Florida International University, 11200 SW 8 Street, PC 548, Miami, FL 33199, Tel. 305-348-6495, Fax. 348-6426.

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THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES

12 June 2009

SUBJECT: NAMING OF THE FIU STADIUM FIELDHOUSE AS THE “R. KIRK LANDON FIELDHOUSE”

Proposed Board Action:

Adopt the following Resolution:

WHEREAS, Trustee R. Kirk Landon has made a substantial contribution to support the construction, furnishing, and/or equipping of classrooms at or adjacent to the FIU Stadium Fieldhouse; and

WHEREAS, this contribution meets the threshold of \$1 million for the naming of a University facility, in accordance with the Florida International University Board of Trustees (“The BOT”) Policy for Suggested Minimums for Naming Opportunities; and

WHEREAS, in recognition of R. Kirk Landon’s substantial commitment, the University desires to name the FIU Stadium Fieldhouse as the “R. Kirk Landon Fieldhouse”; and

WHEREAS, pursuant to Florida Board of Governors Regulation 9.005 and Section 1013.79 of the Florida Statutes, the naming of any university facility after a living person is subject to approval by the Board and requires the approval of the Board of Governors and the Florida Legislature;

THEREFORE BE IT RESOLVED that the BOT approves the naming of the FIU Stadium Fieldhouse as the “R. Kirk Landon Fieldhouse” in accordance with and subject to the provisions of any gift agreement relating thereto;

BE IT FURTHER RESOLVED that the BOT directs the University Administration to take all actions necessary to give effect to this Resolution.

BACKGROUND INFORMATION:

LEGAL AUTHORITY:

Florida Board of Governors Regulation 9.005 provides in pertinent part:

The naming of any . . . facility of a state university for individuals or groups who have made significant contributions to the university or the State of Florida is the prerogative and privilege of the State University System of Florida and is vested in the Board of Governors. The Board of Governors hereby delegates such approval authority to each university board of trustees provided that . . . the naming of such buildings and facilities . . . must be approved by the board of trustees as a noticed, non-consent agenda item. . . . Gift-related naming of buildings or facilities requires a donation which makes a significant contribution to the cost of the building or facility as established by the board of trustees policy.

Section 1013.79 of the Florida Statutes provides in pertinent part:

(11) The surveys, architectural plans, facility, and equipment shall be the property of the State of Florida. A facility constructed pursuant to this section may be named in honor of a donor at the option of the university and the Board of Governors. No facility shall be named after a living person without prior approval by the Legislature.

EXHIBITS/SUPPORTING DOCUMENTS: ■ N/A

FACILITATOR/PRESENTER: ■ Albert Dostson, *Athletics Workgroup Chair*

THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES

12 June 2009

SUBJECT: NAMING OF THE COLLEGE OF MEDICINE AS THE “HERBERT WERTHEIM COLLEGE OF MEDICINE AT FLORIDA INTERNATIONAL UNIVERSITY” AND DESIGNATION OF DR. HERBERT A. WERTHEIM AS TRUSTEE EMERITUS

Proposed Board Action:

Adopt the following Resolution:

WHEREAS, Dr. Herbert A. Wertheim has served as member and Chairman of the Board of Directors of the Florida International University Foundation, co-chair of The Campaign for FIU, and founding member of the Board of Trustees of Florida International University (“Board”); and

WHEREAS, as Chairman of the Board’s Committee on Health and Medical Education, Dr. Herbert A. Wertheim played a significant role in garnering community and state support for the establishment of a College of Medicine at Florida International University;

WHEREAS, Dr. Herbert A. Wertheim’s continuing support for the College of Medicine has culminated in a truly transformational gift to endow the College of Medicine; and

WHEREAS, this contribution exceeds the minimum threshold of \$10 million for the naming of a University College, in accordance with the Florida International University Board of Trustees (“The BOT”) Policy for Suggested Minimums for Naming Opportunities; and

WHEREAS, in recognition of Dr. Wertheim’s substantial commitment, the University desires to name the College of Medicine as “the Herbert Wertheim College of Medicine at Florida International University;”

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the naming of the College of Medicine as The “Herbert Wertheim College of Medicine at Florida International University and designates Dr. Wertheim as Trustee Emeritus of this Board; and

BE IT FURTHER RESOLVED that the University Administration take all actions necessary to give effect to this Resolution.

Background Information:

A: Authority:

Florida Statute 1001.74(1)(c) provides each university board of trustees with “the authority to govern its university as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of Governors.”

Florida Board of Governors Regulation 1.001(1) delegates to each university board of trustees “all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.”

EXHIBITS/SUPPORTING DOCUMENTS:

▪ N/A

FACILITATOR/PRESENTER:

▪ David Parker, *FIU Board of Trustees*
Chairman

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: NAMING OF THE FIU UNIVERSITY PARK CAMPUS AS THE “MAIDIQUE CAMPUS”

PROPOSED BOARD ACTION:

Adopt the following Resolution:

WHEREAS, President Modesto A. Maidique has faithfully served as President of the Florida International University since October 1986; and

WHEREAS, for more than two decades, President Maidique has demonstrated his strong and unyielding commitment to the University, leading the University’s historic transformation; and

WHEREAS, during President Maidique’s tenure, the FIU Carnegie Classification has risen from Comprehensive I to High Research Activity, as the number of research awards has grown by 526% and research funding has grown by 1,200%; and

WHEREAS, during his tenure, the University’s Doctoral programs have grown by 288%, doctoral degree production has grown over 6000%, the Masters programs have grown by 96%, the Bachelors programs have grown by 32%, and the University has awarded over 100,000 academic degrees; and

WHEREAS, during his tenure, the University established the College of Medicine, obtained LCME preliminary accreditation, and admitted the opening class of medical students scheduled to begin their medical education on August 4, 2009;

WHEREAS, during his tenure, the University established the College of Law, the School of Architecture, the College of Public Health and Social Work; the Honors College, the School of Journalism and Mass Communication, the School of Computer Science, and others; and

WHEREAS, during his tenure, the School of Hospitality and Tourism Management became one of the highest ranked hospitality management schools in the nation and opened a degree program in Tianjin, China; and

WHEREAS, during his tenure, the University’s Intercollegiate Athletics Program has grown in stature, by obtaining the fastest transition to Division 1-A of any Football program in the nation, by transitioning the Men’s Basketball program from Division 1-AAA level to Division 1-A; and achieving excellence in other programs, including Women’s Volleyball and Women’s Tennis; and

WHEREAS, during his tenure, the University completed the construction of the approximately 16,000 seat FIU Football Stadium and the Stadium Field House; and

WHEREAS, during his tenure, the University constructed the College of Law building, the Graduate Business School building, the School of Architecture building, the College of Education building, the Health and Life Sciences buildings I and II, the Ryder Business building, the Chemistry and Physics building, the Frost Art Museum, the Wertheim Performing Arts Center, the Wertheim Conservatory; the College of Nursing building currently under construction; the significant expansion of the Graham Student Center, the residential housing complex at University Park that houses over 2,000 students; Greek housing residential facilities; four parking garages, the Presidential House and other facilities at University Park, the acquisition of the Engineering Campus, and the construction of a number of facilities at the Biscayne Bay Campus such as the Kovens Conference Center and Marine Biology building; and

WHEREAS, during his tenure, the University has raised over \$355 million in cash charitable contributions and state matching funds to support the University's mission and students, and has raised over \$100 million in gifts in-kind, including the donation of The Wolfsonian Museum building and Collection; and

WHEREAS, during his tenure, the University created the International Hurricane Research Center and other academic and research centers and institutes; and

WHEREAS, during his tenure, the University grew from 1,691 employees to 5,157; and

NOW, THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees ("the BOT"), does hereby recognize, commend and express its gratitude to President Modesto A. Maidique for his passion, immeasurable contributions and uncompromising dedication to FIU;

BE IT FURTHER RESOLVED, that the BOT approves the naming of the FIU University Park Campus as the "Maidique Campus," provided, however, that during Dr. Maidique's lifetime, the BOT may reconsider any naming recognition in the same manner as the University has routinely reserved in other occasions where naming rights have been conferred.

BE IT FURTHER RESOLVED that the BOT directs the University Administration to take all actions necessary to give effect to this Resolution.

Background Information:

A: Authority:

Florida Statute 1001.74(1)(c) provides each university board of trustees with "the authority to govern its university as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of Governors."

Florida Board of Governors Regulation 1.001(1) delegates to each university board of trustees “all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.”

EXHIBITS/SUPPORTING DOCUMENTATION:

▪ N/A

FACILITATOR/PRESENTER:

▪ David Parker, *FIU Board of Trustees*
Chairman

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

12 June 2009

SUBJECT: CONCLUDING REMARKS AND ADJOURNMENT

PROPOSED BOARD ACTION

None. Information only.

AUTHORITY FOR BOARD ACTION

N/A

BACKGROUND INFORMATION

David Parker, FIU Board of Trustees Chair, will adjourn the meeting with closing remarks.

EXHIBITS/SUPPORTING DOCUMENTATION: ■ N/A

FACILITATORS/PRESENTERS: ■ David Parker

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