

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 Sagrañes 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