



FLORIDA INTERNATIONAL UNIVERSITY

BOARD OF TRUSTEES

FULL BOARD MEETING

Wednesday, September 5, 2018

2:00 pm **approximate start time*

Florida International University
Modesto A. Maidique Campus
Graham Center Ballrooms

AGENDA

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|---|---------------------------|
| 1. Call to Order and Chair's Remarks | Chair Claudia Puig |
| 2. Public Appearances | Claudia Puig |
| 3. Foundation Report | Richard Brilliant |
| 4. President's Report | Mark B. Rosenberg |
| 5. Action Items – Consent Agenda | Claudia Puig |
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- | | |
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| BT1. Minutes, April 12, 2018 | |
| BT2. Minutes, May 23, 2018 | |
| BT3. Minutes, June 6, 2018 | |
| BT4. Minutes, July 24, 2018 | |
| FF2. School of International and Public Affairs Phase II (SIPA-II)-
Amendment to Prior Budget Approval | |
| AP1. Tenure as a Condition of Employment Nomination | |
| AP2. Legislative Budget Requests | |
| ▪ Targeted STEM Initiatives | |
| ▪ FIU Decision Lab | |
| AP3. Textbook and Instructional Materials Affordability Annual Report | |
| G1. 2018 Florida Educational Equity Act Report | |
| G2. Ratification of the 2018-2021 Collective Bargaining Agreement
between the Florida International University Board of Trustees and
the United Faculty of Florida (UFF) – FIU Chapter* | |
| G3. Updated Exclusion Resolution and Designation of Key
Management Personnel and Delegation of Authority | |

**pending ratification by the United Faculty of Florida – FIU Chapter*

6. Action Items

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| FF1. Approval of a Student Housing Agreement between the Florida International University Board of Trustees and University Bridge, LLC | Leonard Boord |
| AP4. Revisions to Regulation FIU-2501 Student Code of Conduct | Cesar L. Alvarez |

7. Status Reports, Board Committees

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| ▪ Audit and Compliance Committee Report | Gerald C. Grant, Jr. |
| ▪ Finance and Facilities Committee Report | Leonard Boord |
| ▪ Academic Policy and Student Affairs Committee Report | Cesar L. Alvarez |
| ▪ Athletics Committee Report | Justo L. Pozo |
| ▪ Governance Committee Report | Claudia Puig |

8. New Business <i>(If any)</i>	Claudia Puig
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9. Concluding Remarks and Adjournment	Claudia Puig
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The next Full Board Meeting is scheduled for December 5, 2018

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Approval of Minutes of Retreat held April 12, 2018

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Retreat held on Thursday, April 12, 2018, at the Coral Gables Country Club, Fountain Room.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Retreat held on Thursday, April 12, 2018, at the Coral Gables Country Club, Fountain Room.

Supporting Documentation: Minutes: Retreat, April 12, 2018

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

**Retreat Minutes
Thursday, April 12, 2018
Coral Gables Country Club
Fountain Room
997 North Greenway Drive
Coral Gables, FL 33134**

Board Chair Claudia Puig convened the Florida International University Board of Trustees Retreat at 9:01 a.m. on Thursday, April 12, 2018, at the Coral Gables Country Club, Fountain Room.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Claudia Puig, *Chair*; Cesar L. Alvarez; Leonard Boord; Dean C. Colson; Gerald C. Grant, Jr.; Michael G. Joseph; Natasha Lowell; Justo L. Pozo; Marc D. Sarnoff; Krista M. Schmidt; Roger Tovar; and Kathleen L. Wilson.

Trustee Jose J. Armas was excused.

Welcome and Introductions

Chair Puig described the goals of the Retreat and introduced Nance Guilmartin as the Retreat's moderator, noting that Ms. Guilmartin is a Fellow of FIU's Center for Leadership and has taught in FIU's Academy for International Disaster Preparedness, Executive MBA, Healthcare MBA, Women Leaders and other programs. Chair Puig welcomed Professor Joerg Reinhold, noting that he is the incoming Faculty Senate Chair.

Public Comment Period

At Chair Puig's request, General Counsel Castillo explained that in accordance with the timely registration procedures set forth in Section 9.1 of the FIU Board of Trustees Bylaws, three Request for Public Comment Forms were received as of the 11:00 a.m. deadline of April 11, 2018. He added that Board Chair Puig had permitted the additional three requests received after the referenced deadline the opportunity to address the Board. General Counsel Castillo provided an overview of the rules of decorum and the time limits for speakers addressing the Board as set forth in the Board's Bylaws.

Trustee Marc D. Sarnoff noted that this was the first Board of Trustees meeting since the bridge event and requested a moment of silence, which was observed.

Thereafter, General Counsel Castillo proceeded to call the registered speakers by name in the order in which their respective requests had been received. No speaker was present other than the following individual, who addressed the Board after his name was called:

- Leonardo Cosio, Student Government President, Biscayne Bay Campus (BBC) – Mr. Cosio spoke in support of the reopening of the BBC access road.

At the conclusion of Mr. Cosio's statement, General Counsel Castillo, at the request of Chair Puig, called the names of the other speakers (in the order in which their respective requests had been received). Only the following three speakers were present when their respective names were called, and each of them addressed the Board:

- Scott Galvin, Councilman, City of North Miami, Florida – Mr. Galvin spoke against the reopening of the BBC access road.
- Mary Lou Pfeiffer, Senior Instructor, Honors College – Ms. Pfeiffer spoke in support of the reopening of the BBC access road.
- Steven Moll, Vice Provost, FIU, BBC – Mr. Moll read a letter from Dr. Jan Salomon, which was in support of the reopening of the BBC access road.

Chair Puig thanked the speakers for their comments and time taken to express their concerns.

Board Development

Chair Puig noted that in the coming weeks, Trustees Roger Tovar and Kathleen L. Wilson would be participating in the annual Association of Governing Boards of Universities and Colleges (AGB) National Conference on Trusteeship. Trustee Wilson stated that the national conference is designed to drive consequential change and to advance higher education and urged Trustees to attend future AGB events and conferences.

Long and Short Term Strategic Issues

The Trustees discussed their respective expectations and priorities and engaged in a discussion on the University's vision.

President Rosenberg proposed the following themes to help frame the discussion on long and short-term strategy issues:

- competencies
- pathways
- technology

The Trustees engaged in a substantive discussion on the University's expansion needs in terms of the changing landscape of the traditional university with the state of online teaching and learning. Senior Vice President of Administration and Chief Financial Officer Kenneth A. Jessell noted that

even under the current projected increased demand for online education, funding for improvements and maintenance to the physical plant would be necessary. He also shared an example of how the University has implemented market tuition rates for certain graduate-level courses, adding that all associated costs of managing these programs are included in the rate. He stated that the Educational and General savings resulting from market rate programs have been shifted to expand undergraduate programs.

Managing Priorities

Provost and Executive Vice President Kenneth G. Furton mentioned that he chaired the iREAL (integrating Research, Engagement, Assessment and Learning) Commission as Dean of the College of Arts and Sciences to develop the vision paper that then formed FIU's 2015-2020 *BeyondPossible2020* Strategic Plan. Provost Furton shared an overview of the *BeyondPossible2020* goals, and the Trustees engaged in a discussion on performance-based funding and maintaining quality in years of declining State resources.

Challenges and Opportunities

President Rosenberg noted that the University remains committed to providing quality learning, state-of-the-art research, and problem-solving engagement. He added that FIU's unique mission reaffirms its commitment to the community by adhering to an inclusive approach that provides access to academically qualified students. President Rosenberg also led the discussion on current challenges.

Trustees discussed the importance of engaging the University's growing alumni base, and building an image in the community. Trustees also discussed the need to enhance collaboration among the University's volunteer boards in order to further enhance fundraising efforts.

Summary

Chair Puig thanked Ms. Guilmartin for facilitating the Retreat. She also thanked the Trustees for their contributions to the Retreat and for their respective support of the University.

With no other business, Board Chair Claudia Puig adjourned the Florida International University Board of Trustees Retreat on Thursday, April 12, 2018 at 2:24 p.m.

MB 4.17.18

Post-Retreat follow-up

1. Online education
2. Students/Enrollment
3. Vision
4. Dashboards
 - Colleges and Schools; Budget
5. For discussion to gain better understanding
 - Herbert Wertheim College of Medicine; Honors College
6. Marketing

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Approval of Minutes of Meeting held May 23, 2018

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on Wednesday, May 23, 2018, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on Wednesday, May 23, 2018, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Supporting Documentation: Minutes: Full Board Meeting, May 23, 2018

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
MAY 23, 2018
MINUTES**

1. Call to Order and Chair's Remarks

Board Chair Claudia Puig convened the meeting of the Florida International University Board of Trustees at 1:48 pm on Wednesday, May 23, 2018, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Chair Puig welcomed all Trustees and University faculty, staff, and students.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Claudia Puig, *Chair*; Jose J. Armas; Leonard Boord; Dean C. Colson; Gerald C. Grant, Jr.; Michael G. Joseph; Natasha Lowell; Justo L. Pozo; Marc D. Sarnoff; Jose L. Sirven, III; Roger Tovar; and Kathleen L. Wilson.

Trustee Cesar L. Alvarez was excused.

Chair Puig also welcomed Jose L. Sirven, III as the newly elected Student Government President for the Modesto A. Maidique Campus. She noted that in April, Trustees Rogelio Tovar and Kathleen L. Wilson participated in the annual Association of Governing Boards of Universities and Colleges (AGB) National Conference on Trusteeship. She recognized Sr. Vice President of Health Affairs Dr. John A. Rock, noting that the Greater Miami Chamber of Commerce named Dr. Rock one of its 2018 Healthcare Heroes and presented him with the Individual of Merit Award for his "extraordinary impact in the South Florida health care community". On behalf of the FIU Board of Trustees, Chair Puig extended her gratitude to former Student Trustee and Student Government President for the Modesto A. Maidique Campus Krista M. Schmidt for her leadership and dedication to the Board, to the University and to the students.

2. Foundation Report

FIU Foundation, Inc. Board of Directors Secretary Jill Granat noted that donations to the First Generation Matching Grant Program are now matched two-for-one by the State of Florida in support of students who are the first in their families to attend college. She provided an overview on recent gifts and the Foundation's investment performance and reported that \$435M has been raised towards the \$750M Next Horizon Campaign goal.

3. Public Appearances

There were no public appearances.

4. President's Report

President Rosenberg noted that Menging Li is a recent graduate of FIU's Spanish-language bachelor's program in Qingdao, China and two years ago was recognized as the top Spanish-language speaker in China. President Rosenberg stated that during the visit to China, he met with one of the senior officers at the International University of Business and Economics to discuss a partnership with FIU's College of Business to build a new campus in Qingdao that would offer graduate and doctoral-level degree programs.

President Rosenberg introduced Worlds Ahead graduate, Gisette "Gigi" Bolt, who graduated in Spring commencement with a Master of Public Administration along with her daughter who earned a bachelor's degree. Ms. Bolt discussed her study abroad experience, her work on several statewide political campaigns, and her future career aspirations.

President Rosenberg stated that the FIU College of Communication, Architecture + The Arts' partnership with the Philip E. and Carole R. Ratcliffe Foundation Inc. has created an incubator that provides FIU art and design students the tools and support needed to turn their ideas into profitable businesses.

President Rosenberg noted that June 1 marks the official start of the 2018 hurricane season and presented an overview of FIU's Emergency Operations Center (EOC). He explained that the 40 EOC members meet every semester to participate in a daylong simulation that challenges them to implement emergency protocols in various scenarios. He pointed out that in preparation for the hurricane season, the University will be training volunteers, comprised of students, faculty, and staff, on disaster preparedness with a focus on shelter management.

President Rosenberg introduced a brief excerpt of the one-hour independent documentary that features Professor Richard S. Olson, Director of the Extreme Events Institute and FIU Preeminent Program, which focuses on what ordinary people around the world can do to make their homes safe and hazard-resilient.

5. Action Items

G1. Florida International University Annual Accountability Plan, 2016-17

Chair Puig noted that the Governance Committee met earlier in the day and conducted a comprehensive review of FIU's 2016-17 Annual Accountability Plan, which she stated was a new report that combined the previous Annual Accountability Report and University Work Plan.

A motion was made and passed by the FIU Board of Trustees approving Florida International University's 2016-17 Annual Accountability Plan as provided in the Board materials and delegated authority to the University President to perform finish editing as needed and to amend consistent with any comments received from the Board of Governors.

G2. President's Management Review, 2016-17

Chair Puig explained that the Governance Committee also met to undertake the assessment of President Rosenberg's accomplishments for the 2016-17 academic year relative to the Board-approved goals and his overall performance. On behalf of the Committee, Chair Puig presented a written assessment and recommended performance rating for Board consideration.

Trustees Jose J. Armas, Dean C. Colson, Michael G. Joseph, Rogelio Tovar, and Kathleen L. Wilson commented on President Rosenberg's performance and conveyed their support of the Governance Committee's recommendation of a "Superior" performance rating in recognition of President Rosenberg's exceptional leadership. Trustee Jose L. Sirven, III added that the students that he spoke with provided positive feedback in terms of President Rosenberg's performance.

A motion was made and passed by the FIU Board of Trustees granting a "Superior" performance rating to President Mark B. Rosenberg for his leadership of Florida International University during the 2016-17 academic year.

G3. University and President's Performance Goals, 2018-19

G4. University President's Incentive Goals, 2018-19

Chair Puig noted that President Rosenberg submitted a list of goals to be considered for his 2018-19 management review. She stated that the goals were taken directly from the University's Accountability Plan, which she explained consisted of the BOG's 10 performance funding metrics given the increasing importance of Performance Funding to the University's budget. She explained that the Governance Committee referred the University and President's Performance Goals and the University President's Incentive Goals for the 2018-19 academic year to the Full Board.

In response to the Governance Committee's inquiry, Provost and Executive Vice President Kenneth G. Furton explained the variables that can impact the University's performance based funding ranking.

Trustees engaged in a substantive discussion on Trustee Marc D. Sarnoff's request to include two additional goals that relate to creating a standard or criteria for campus expansion and setting a \$30M personal fundraising goal specific to the University President. Trustees did not support the inclusion of the two proposed goals.

Trustee Colson pointed out that he is satisfied with the University's performance overall and in terms of the BOG's performance funding metrics.

A motion was made and passed by the FIU Board of Trustees to adopt the University and President's Performance Goals and the University President's Incentive Goals for the 2018-19 academic year.

6. Status Reports, Board Committees

Audit and Compliance Committee Report

Trustee Gerald C. Grant, Jr., Chair of the Audit and Compliance Committee, presented highlights from the Committee's meeting earlier in the day. He reported that the Committee approved the

2018-19 work plans for Internal Audit and Compliance. He pointed out Mr. Allen Vann, the University's Chief Audit Executive, provided updates on recently completed audits that involved Residency Classification for Tuition Purposes, College of Arts, Sciences & Education - Center for Children and Families, and the Wolfsonian-FIU. Trustee Grant added that as is mandated by the Committee's Charter, the Committee met with Senior Management without the presence of Internal Audit.

Finance and Facilities Committee Report

Trustee Leonard Boord, Chair of the Finance and Facilities Committee, presented highlights from the Committee's meeting earlier in the day. He stated that Sr. Vice President and Chief Financial Officer Kenneth A. Jessell reported that the results from the State of Florida's Auditor General Financial Statements audit for Fiscal Year ended June 30, 2017 disclosed that the University's basic financial statements were presented fairly in all material respects in accordance with prescribed financial reporting standards and that University operating revenues were above estimates by \$35.5M and that operating expenses were above estimates by \$18.9M.

Health Affairs Committee Report

Trustee Jose J. Armas, Chair of the Health Affairs Committee, presented highlights from the Committee's meeting earlier in the day. He pointed out that Executive Director for the School of Integrated Science and Humanity Walter Van Hamme provided an overview of the School's overall profile, the Translational Molecular Discoveries program, and the Center for Imaging Science. Trustee Armas added that the Director for the Center for Children and Families, William E. Pelham, Jr. provided an overview of the Program's research, clinical services and community impact, and education and training.

Governance Committee Report

Chair Puig noted that as per the third amendment to Dr. Rosenberg's contract, the Board may, in its discretion, annually award Dr. Rosenberg incentive compensation of up to \$100,000 for the 2016-17 academic year. She added that the Board has delegated the Governance Committee with the responsibility of carrying out the review and award of incentive compensation. She reported that the Governance Committee awarded President Rosenberg \$100,000 in incentive compensation for the 2016-17 academic year.

7. New Business

Trustee Michael G. Joseph voiced concerned over a lack of cohesion on the Board, noting that Trustees should act in a non-self-promoting manner for the betterment of the institution. He then requested that General Counsel Castillo provide guidance on legal options relative to the University's past president's actions that demonstrate a lack of decorum.

8. Concluding Remarks and Adjournment

With no other business, Board Chair Claudia Puig adjourned the meeting of the Florida International University Board of Trustees on Wednesday, May 23, 2018 at 2:53 pm.

There were no Trustee requests.

Claudia Puig
Chair
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

MB 5.29.18

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Approval of Minutes of Meeting held June 6, 2018

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on Wednesday, June 6, 2018, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on Wednesday, June 6, 2018, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Supporting Documentation: Minutes: Full Board Meeting, June 6, 2018

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
JUNE 6, 2018
MINUTES**

1. Call to Order and Chair's Remarks

Board Chair Claudia Puig convened the meeting of the Florida International University Board of Trustees at 1:32 pm on Wednesday, June 6, 2018, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Chair Puig welcomed all Trustees and University faculty, staff, and students.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Claudia Puig, *Chair*; Cesar L. Alvarez; Jose J. Armas; Leonard Boord; Dean C. Colson; Gerald C. Grant, Jr.; Michael G. Joseph; Natasha Lowell; Justo L. Pozo; Marc D. Sarnoff; Jose L. Sirven, III; Roger Tovar; and Kathleen L. Wilson.

Chair Puig provided a brief enrollment overview and noted that the freshman class has an average 4.1 GPA and 1257 SAT score and that 13,000 students are expected to graduate in the upcoming academic year.

On behalf of the FIU Board of Trustees, Chair Puig extended her gratitude to Dr. Kathleen L. Wilson for her four years of service to the Board, noting that Dr. Wilson will complete the successful term of office of Faculty Senate Chair and FIU Trustee on July 31, 2018. Chair Puig mentioned that as a member of the faculty, Dr. Wilson has brought to the Board her dedication to the faculty and FIU and a shared governance that has contributed to the academic excellence of the University.

2. Public Appearances

There were no public appearances.

3. President's Report

University President Mark B. Rosenberg introduced Shawn Felton, noting that on August 6, 2018, he will join the Nicole Wertheim College of Nursing and Health Sciences as a Clinical Associate Professor and the Chair of the Athletic Training Program.

President Rosenberg reported that Ms. Emma Langley, a graduate of Marjory Stoneman Douglas High School, will be part of the University's freshman class and Honors College and has several

scholarships including the prestigious George Snow Scholarship. He mentioned that Ms. Eliana de las Casas, who is also known as “Kid Chef Eliana,” will also be part of the freshman class. He stated that Mr. Peter Holland, a recent graduate of communication/digital media studies, is now working his first job as the sports editor for the McPherson Sentinel in Kansas.

President Rosenberg reported on research news, noting that Vice President for Academic Affairs, Dr. Elizabeth M. Bejar, received funding from the Mellon Foundation to enhance strategically the humanities across two of the largest and most diverse higher education institutions in the country (FIU and MDC). He added that the Director of FIU’s Jack D. Gordon Institute for Public Policy, Mr. Brian Fonseca, received a four-year, \$1M award from the National Institute of Standards and Technology to engage a diverse group of public and private stakeholders from cybersecurity education, training and workforce development. President Rosenberg explained that the National Institutes of Health awarded Dean of the Robert Stempel College of Public Health and Social Work, Dr. Tomás Guilarte, a three-year, \$988K grant to study the role of manganese (Mn)-induced neurological dysfunction. President Rosenberg further reported that Assistant Professor in the Department of Criminology and Criminal Justice, Dr. Besiki Kutateladze, in partnership with Loyola University Chicago, received an award from the MacArthur Foundation to implement a two-year data analytical and policy project in four district/state attorney’s offices (Chicago, Jacksonville, Tampa and Portland, OR).

President Rosenberg presented an overview of on-campus student employment data, noting that overall, yearly, more than 5,000 student positions are filled and that there are additionally more than 1,000 Federal Work Study jobs. He presented a student employment dashboard and a summary of next steps, which includes to complete implementation, track success, and maintain ongoing communication.

Provost and Executive Vice President Kenneth G. Furton explained that a number of the molecular institutes in Florida have either partnered with universities or have left the state and provided an update regarding the University’s ongoing and extensive discussions with the Torrey Pines Institute for Molecular Studies. He noted that if the University were to pursue an affiliation with Torrey Pines, the agreement would be presented to the Board of Trustees and ultimately the Board of Governors for approval. Trustee Michael G. Joseph recommended an aggressive approach in terms of pursuing an affiliation agreement and requested that the Board of Trustees receive a disclosure of the financials.

4. Action Items – Consent Agenda

Chair Puig noted that the Finance and Facilities Committee recommended approval by the Board of action items FF2-FF3 and that the Academic Policy and Student Affairs Committee recommended approval by the Board of action items AP1-AP5 and AP7-AP8 contained in the Consent Agenda.

Chair Puig asked if any Trustee wanted any item to be removed from the Consent Agenda and voted on separately. Trustee Marc D. Sarnoff noted that he was accepting the Consent Agenda, but voting against AP5 and AP7.

A motion was made and passed to accept the Consent Agenda, and members of the Board approved

the following actions:

- **BT1. Minutes, February 27, 2018:** Approve the Minutes of the FIU Board of Trustees, Full Board meeting held on Tuesday, February 27, 2018, at the FIU Modesto A. Maidique Campus, Student Academic Success Center, room 100.
- **FF2. Proposed 2018-19 Fixed Capital Outlay Budget:** Approve FIU's 2018-2019 Fixed Capital Outlay Budget and authorize the University President to amend the budget as necessary, consistent with Legislative, Florida Board of Governors' and Florida International University Board of Trustees directives and guidelines.
- **FF3. Request for approval of Florida International University's 2019-20 Fixed Capital Outlay Legislative Budget Request, consisting of the five-year Capital Improvement Plan:** Approve FIU's 2019-2020 Fixed Capital Outlay Legislative Budget Request, consisting of the five- year Capital Improvement Plan and authorize the University President to amend the Legislative Budget Request as necessary, consistent with Florida Board of Governors and Florida International University Board of Trustees directives and guidelines
- **AP1. Tenure Nominations:** Approve the Tenure nominations as specified in the Board materials.
- **AP2. Tenure as a Condition of Employment Nominations:** Approve seven (7) candidates for Tenure as a Condition of Employment.
- **AP3. Revisions to Regulation FIU-105 Prohibited Discrimination, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking:** Approve the amendment of FIU-105 Prohibited, Harassment and Related Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking and renaming of the regulation to FIU-105 Sexual Misconduct (Title IX).
- **AP4. Proposed Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII):** Approve the creation of Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII).
- **AP5. Repeal of Regulation FIU-2520 Disruptive Student Conduct:** Repeal Regulation FIU-2520 Disruptive Student Conduct because its provisions have been incorporated into Regulation FIU-2501 Student Code of Conduct giving the students one place to review what constitutes misconduct and the consequences of engaging in misconduct.
- **AP7. Revisions to Regulation FIU-110 Demonstrations:** Approve the amendments to FIU Regulation 110, Demonstrations.
- **AP8. Revisions to Regulation FIU-111 Camping:** Approve the amendments to FIU Regulation 111, Camping.

5. Action Items

FF1. Proposed 2018-19 University and DSO Operating Budgets

Trustee Leonard Boord, Finance and Facilities Committee Chair, reported that the Finance and Facilities Committee met earlier in the day. He noted that Senior Vice President of Administration and Chief Financial Officer Kenneth A. Jessell presented the University and DSO Operating Budgets totaling \$1,517.4M and provided a detailed summary of key aspects of each budget. He added that authority for the University President to amend the budget is necessary to accommodate changes in circumstances.

A motion was made and passed that the FIU Board of Trustees approve the FIU 2018-2019 University and Direct Support Organizations Operating Budgets and authorize the University President to amend the budgets consistent with Legislative, Board of Governors' and Florida International University Board of Trustees directives and guidelines.

AP6. Approval of the revisions to the FIU-2501 Student Code of Conduct

Trustee Cesar L. Alvarez, Academic Policy and Student Affairs Committee Chair, reported that the Academic Policy and Student Affairs Committee met earlier in the day. He noted that Vice President for Student Affairs Larry Lunsford presented the revisions to FIU-2501 Student Code of Conduct and provided a detailed summary of the key changes. Trustee Alvarez explained that the Board of Trustees will continue the discussions in terms of the Student Code of Conduct at the next regularly scheduled meeting in order to address Trustee comments and concerns.

A motion was made and passed that the FIU Board of Trustees approve the revisions to FIU-2501 Student Code of Conduct.

G1. Amendments to Employment Agreement for President Mark B. Rosenberg, for 2019-2020 Term

Chair Puig explained that pursuant to the President's current employment agreement, which continues until August 3, 2019, a contract extension must be formalized in an agreement by no later than October 1, 2018. Chair Puig noted that included in the meeting materials was a Term Sheet that delineated the amendments that would form the President's employment agreement for a third term, from 2019-2020. Chair Puig added that, if approved by the Board, she would enter into a contract extension document with the President on the terms set forth in the Term Sheet and noted that the President's consideration for reappointment would then be submitted to the Florida Board of Governors for final approval.

A motion was made and passed that the FIU Board of Trustees approve (1) amendments to the employment agreement for President Mark B. Rosenberg for the 2019-2020 Term, as described in the Term Sheet, and (ii) authorize the Chair of the Florida International University Board of Trustees (the BOT) to execute, on behalf of the BOT, a contract document with language carrying forward the current contract provisions as amended per the Term Sheet.

6. Status Reports, Board Committees

Agenda item not discussed.

7. Election of Officers

Chair Puig noted that the Board's Bylaws provide for the Board to elect a Board Chair and Vice-Chair at the last regularly scheduled meeting of the fiscal year for a two-year term to begin July 1. Chair Puig opened the floor for nominations of Board Chair. Trustee Joseph nominated Chair Puig for re-election as Chair of the Board, and she was unanimously elected. Chair Puig opened the floor for nominations of Board Vice Chair and then nominated Trustee Jose J. Armas for the office of Vice Chair of the Board, and he was elected by majority vote with one opposing vote by Trustee Boord.

8. New Business

General Counsel Castillo provided an update on the Board of Trustees' discretion over honorary and donative namings of University assets, including the honorary campus naming. General Counsel Castillo explained that the Board of Trustees has authority over honorary and donative naming of University assets, subject to Florida law and Board of Governors regulations. He explained that the Board's authority over honorary namings is reflected in the University's Donative Naming Policy. He indicated that on June 12, 2009, the Board of Trustees passed a Resolution to rename the University Park Campus to the Maidique Campus in recognition of Dr. Modesto A. Maidique's contributions to FIU during his tenure as President. General Counsel Castillo explained that the Board of Trustees, in passing that Resolution, reserved the right to reconsider the campus honorary naming in the same manner that the University has routinely reserved in other occasions where naming rights have been conferred. He also provided a legal analysis of a potential claim.

Trustees engaged in a substantive discussion on the 2009 honorary campus naming and any possible limitations for future naming opportunities associated with donor recognition. General Counsel Castillo explained that under current Board of Governors Regulation 9.005, the honorary naming of a University Facility is not allowed for any active board member or employee of the Board of Governors or any active employee, student, or trustee of the university.

Trustee Kathleen L. Wilson expressed concern over the lack of consultation with the faculty when the honorary naming was made in 2009. Trustee Dean C. Colson added that while the Board of Trustees does have the authority over honorary namings, it would be beneficial to obtain feedback from University constituencies such as students and faculty before the Board of Trustees takes further action. Trustee Roger Tovar urged the Board to consider any possible repercussions should they act on removing the honorary campus naming. Trustee Alvarez noted that a reversal of the honorary campus naming should be based on donative naming opportunities and not in response to any negative statements that have been made.

Trustee Boord recommended that the Board of Trustees consider a resolution which streamlines the approval process of the removal of current honorary namings should a donative opportunity for a predetermined amount arise.

Board Chair Puig posed the following possibilities as discussion items to the Board: (1) transfer of the current honorary campus naming to another University asset in order to comply with the current Board of Governors Regulation; (2) adoption of a policy that honorary namings will no longer be

allowed for FIU campuses; and (3) not taking action on the current honorary campus naming until such time that a donative naming opportunity arises.

Trustee Justo L. Pozo described his past experience as Chair of the University's Foundation Board of Directors in terms of philanthropic opportunities. Trustees Joseph and Armas concurred that prior Board of Trustees decisions that were later deemed to be undesirable should not be supported and that steps should be taken to correct those prior actions. In response to Trustee Joseph's request, Senior Vice President of University Advancement Howard R. Lipman explained that philanthropic activity associated with naming opportunities could be limited when the University asset in question is already named.

Trustee Gerald C. Grant, Jr. stated that in terms of the honorary campus naming, the honoree, which is a current University employee, has not maintained a respectful attitude towards the institution and stated that the Board of Trustees should review distinct alternatives and make a decision at the next regularly scheduled meeting. Trustee Joseph recommended that Board Chair Puig form a committee to continue the discussion and make a recommendation for the Board's consideration.

Trustee Jose L. Sirven, III stated that student sentiment should be sought out and that decisions should not be made out of malice or retaliation, but rather that the Board should consider realigning with the other institutions within the State University System in terms of not naming campuses.

Chair Puig noted that a committee will be formed to continue the discussion and make a recommendation for the Board's consideration and that the Board of Trustees will review the committee's recommendation and make a final decision regarding the honorary campus naming at its next regularly scheduled meeting.

9. Concluding Remarks and Adjournment

With no other business, Board Chair Claudia Puig adjourned the meeting of the Florida International University Board of Trustees Full Board meeting on Wednesday, June 6, 2018 at 2:50 pm.

There were no Trustee requests.

Claudia Puig
Chair
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

MB 6.13.18

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Approval of Minutes of Meeting held July 24, 2018

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on Tuesday, July 24, 2018, via conference call.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on Tuesday, July 24, 2018, via conference call.

Supporting Documentation: Minutes: Full Board Meeting, July 24, 2018

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
JULY 24, 2018
MINUTES**

1. Call to Order and Chair's Remarks

Board Chair Claudia Puig convened the meeting of the Florida International University Board of Trustees at 1:03 pm on Tuesday, July 24, 2018, via conference call.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Claudia Puig, *Chair*; Jose J. Armas, *Vice Chair*; Cesar L. Alvarez; Leonard Boord; Dean C. Colson; Gerald C. Grant, Jr.; Michael G. Joseph; Natasha Lowell; Jose L. Sirven, III; Roger Tovar; and Kathleen L. Wilson.

Trustees Justo L. Pozo and Marc D. Sarnoff were excused.

Chair Puig stated that the Board's Bylaws provide that the Board Chair may, in consultation with the Corporate Secretary, allow an item to be presented to the Full Board without prior consideration by a Board committee when circumstances warrant. Chair Puig added that she and President Rosenberg were in agreement that to proceed directly to a Full Board meeting without a prior Committee Meeting would provide the most expeditious and efficient means by which to review this time-sensitive matter.

2. Public Appearances

There were no public appearances.

Trustees Cesar L. Alvarez and Natasha Lowell respectively filed a Form 8A Memorandum of Voting Conflict for State Officers with the Board of Trustees office.

Trustee Lowell disclosed that the matter before the Board of Trustees inured to the special gain or loss of her spouse, John Lowell, Jr., employee of Colliers International. She added that Colliers International is engaged with Global City Development, the developer of the University Bridge project, and noted that as a result, she would abstain from any ensuing discussion and voting.

Trustee Alvarez disclosed that the matter before the Board of Trustees inured to the special gain or loss of his employer, Greenberg Traurig and/or his partners. He added that Greenberg Traurig, where he is a shareholder and employee, is bond counsel for the transaction related to the matter being considered by the Board. He indicated that while an ethical conflict is not present because

Greenberg Traurig does not represent FIU, if the transaction is completed with bond financing, Greenberg Traurig would receive customary fees then totaling \$190,000 for professional representation and as such, he would abstain from any ensuing discussion and voting.

3. Action Item

Approval of a Student Housing Agreement (“Agreement”) between the Florida International University Board of Trustees (“BOT”) and University Bridge, LLC (“Owner”)

Senior Vice President of Administration and Chief Financial Officer Kenneth A. Jessell presented the request for approval of a Student Housing Agreement between the Florida International University Board of Trustees and University Bridge, LLC for Board review and approval. He noted that on May 19, 2018, representatives from University Bridge, LLC (“Owner”) first approached the University with a request to enter into a Student Housing Agreement (“Agreement”) with the Florida International University Board of Trustees (“BOT”). He stated that Atlantic Housing Foundation, Inc., a 501(c)(3) organization, is the sole member of University Bridge, LLC, that Global City Development is the developer of the project, and that Brian Pearl and Diego Procel are the principals of Global City Development.

Sr. VP and CFO Jessell provided an overview of the benefits to the Owner, indicating that by establishing a 501(c)(3) with charitable purposes, the student housing component of the project may be financed by tax-exempt debt and the entire project may be exempt from the payment of ad valorem property taxes. He explained that tax-exempt financing is estimated to save over \$50 million in interest over the 40-year term of the loan and that ad valorem property tax savings is estimated to save approximately \$2.7 million annually. He indicated that the Owner has agreed to a Payment in Lieu of Taxes for City of Sweetwater municipal taxes.

Sr. VP and CFO Jessell presented an overview of the benefits to FIU, stating that at FIU’s option, FIU will receive the land and improvements at the end of the 40-year financing period, or sooner if the debt is retired, free of encumbrances and that also at FIU’s option, the Owner will demolish improvements at the end of term at the Owner’s expense. He mentioned that the Owner has agreed to fund a Land Restoration Account under the financing agreement. He stated that FIU will receive a minimum of 20 housing scholarships/beds each year, no longer subject to available net cash flow, and that FIU will receive annual FIU scholarships from net cash flows, initially estimated in the project proforma at \$1 million per year.

Sr. VP and CFO Jessell explained that FIU is not assuming any design, financing, development, operating, leasing, marketing, maintenance or any other obligations of the project and that financing will be designed so that it will have no impact on the balance sheet or credit capacity of FIU. He indicated that FIU is allowing the project to advertise to FIU students on the University’s off-campus housing website and that FIU will display materials for the project once FIU on-campus housing is full.

Sr. VP and CFO Jessell noted that the Agreement offers greater benefits and fewer responsibilities than the comparable UF agreement, including that FIU has included an indemnification provision. He added that the Owner is responsible for all costs to transfer ownership of the property to FIU,

that FIU has the right to terminate the Student Housing Agreement upon the Owner's default, and that FIU is not obligated to reimburse the Owner for any expenses incurred by the Owner in the event of default.

At the request of Trustee Leonard Boord, Sr. VP and CFO Jessell provided an overview of the revisions to the Student Housing Agreement, noting that FIU will receive a minimum of 20 housing scholarships/beds each year not subject to available net cash flow.

In response to Trustee Roger Tovar's concern over the matter's urgent need for BOT approval, Sr. VP and CFO Jessell noted that the BOT's prompt approval was needed for construction to begin as soon as reasonably practicable in order to achieve a completion date of August 2020. In response to Trustee Michael G. Joseph's inquiry, Sr. VP and CFO Jessell noted that an update to the BOT would not have not been feasible at the earlier meetings in May and June given the item's preliminary state. Trustee Boord concurred with Trustees Joseph and Tovar, noting that the Board could have benefited from having access to more information relating to the project.

Chair Puig stated that the FIU community would benefit from increased options in terms of desirable student housing accommodations. Trustee Dean C. Colson stated that the BOT should not take action on the matter given the uncertainty that some Trustees expressed. Board Vice Chair Jose J. Armas recommended that the BOT revisit the matter at the Board's next regularly scheduled Board meeting.

University President Mark B. Rosenberg recognized the vision and efforts of those involved with the project.

Trustee Jose L. Sirven, III noted that the University should explore opportunities with the Owner that would bring greater benefits to the University in terms of more housing scholarships/beds. He stated that FIU's establishment and oversight of the Residential Life Program in the facility could help ensure positive student experiences.

A motion was made and passed by the FIU Board of Trustees to table the approval of a Student Housing Agreement between the Florida International University Board of Trustees and University Bridge, LLC.

Trustee Sirven voted against the motion.

4. New Business

No new business was raised.

5. Concluding Remarks and Adjournment

With no other business, Board Chair Claudia Puig adjourned the meeting of the Florida International University Board of Trustees Full Board meeting on Tuesday, July 24, 2018 at 2:15 pm.

There were no Trustee requests.

Claudia Puig
Chair
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

MB 7.25.18

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

**Subject: School of International and Public Affairs Phase II Building (SIPA-II)—
Amendment to Prior Budget Approval**

Proposed Board Action:

Approve the request to expand the size and budget of the School of International and Public Affairs Phase II Building (SIPA-II) from the currently approved budget of \$27.7 million to \$39.42 million to accommodate increases in construction costs, reduced PECO funding, and new programming space for FIU Online.

Background Information

School of International and Public Affairs: The original program and construction budget for the School of International and Public Affairs Phase II Building (SIPA-II), as presented to the Board of Governors October 8, 2014, and initially approved by the BOT on June 3, 2015, was \$30 million. Planned funding for the facility was a \$15 million gift from the Steven J. Green, Dorothea Green, and Kimberly Green Family Foundation received on March 16, 2015, and \$15 million in Public Education Capital Outlay (PECO). The 2017-18 Florida Legislature appropriated \$12,701,439, for a total combined available funding of \$27,701,439.

SIPA-II includes department and program space, faculty offices, active learning classrooms, general classrooms, multi-purpose space, advising offices, executive education space, and career development space. SIPA aspires to be a globally recognized, top five school of international and public affairs, committed to innovative education with professional programs in global governance, human security, disaster preparedness, and risk management and corporate citizenship. SIPA serves over 5,000 students with 200 full-time faculty members and awards almost 2,000 baccalaureate, masters, and research doctoral degrees annually.

In order to construct the facility based on the programmatic needs of SIPA, the current cost estimate is \$33.89 million, leaving a funding deficiency of \$6.19 million. The budget deficiency is the result of higher construction costs (\$3.89 million) and reduced PECO funding (\$2.3 million). To cover the funding need, the Dean of the School of International and Public Affairs is embarking on an aggressive fundraising campaign. Full funding for the project will be needed by early 2021. To mitigate the risk of a funding gap, the construction program will allow for unfinished shell space that will be completed as funding becomes available.

FIU Online: FIU Online is celebrating 20 years of program delivery and has experienced a significant growth of 72 percent over the past six years with even greater growth projected by 2025. As a result, FIU Online is hiring additional employees to support and sustain expanding operations. From 2011-12 to 2017-18, student credit hours have increased from

255,950 to 439,791, representing an average annual increase of 9.4 percent. During this same period, the percentage of student credit hours earned online has increased from 20 percent of total student enrollment to over 32 percent, and is expected to reach 50 percent by 2024-25. Currently, 79 degree programs are offered fully online, and this number will grow to 114 degree programs over the next two years.

To accommodate growth in online programs, FIU Online needs approximately 9,100 sq. ft. of additional space for technology services, instructional media, student tech support, success coach space, contact center space, and student computer lab space. As FIU Online increases online offerings, they continue to innovate and provide additional online student services and support structures to ensure online student success. This includes Instructional Designers who work with faculty on developing and designing engaging quality online courses. The estimated cost of this space is \$5.53 million. The FIU Distance Learning Fee of \$30.00 per credit hour includes \$2.25 per credit hour to support online facility needs, which generates approximately \$1.2 million per year. Currently, \$2.5 million in funding is available with a projected amount of \$6 million by June 30, 2021. These funds will support FIU Online space needs in the SIPA-II building.

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Tenure as a Condition of Employment Nomination

Proposed Board Action:

Approve one (1) candidate for Tenure as a Condition of Employment (TACOE).

Background Information:

Pursuant to the Florida Board of Governors Regulation 1.001(5)(a), each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

TACOE nominees hold tenure at their previous institutions and have been selected to receive TACOE based on the caliber of their work.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: 2019-2020 Legislative Budget Requests

Proposed Board Action:

Approve the 2019-2020 Legislative Budget Requests:

- | | |
|-----------------------------|----------------------|
| ▪ Targeted STEM Initiatives | Request: \$4,998,664 |
| ▪ FIU Decision Laboratory | Request: \$3,500,000 |
-

Background Information:

Pursuant to Section 7, Article 9 of the Florida Constitution, the Board "...shall operate, regulate, control, and be fully responsible for the management of the whole university system." Included within this responsibility is the development of a Legislative Budget Request (LBR). In addition, Section 216.023(1), Florida Statutes, requires the submission of an LBR to the Legislature and Governor based on an independent judgment of needs.

The LBR is an assessment of needs developed by the Florida Board of Governors in cooperation with the universities. The Florida Board of Governors requires that all State University System institutions submit their institutional LBR request for review and approval.

Florida Board of Governors Regulation, 1.001(6))a) University Board of Trustees Powers and Duties, states, in relevant part, that board of trustees shall submit an institutional budget request to the Board of Governors for approval in accordance with the guidelines established by the Board of Governors.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Textbook and Instructional Materials Affordability Annual Report

Proposed Board Action:

Approve the Textbook and Instructional Materials Affordability Annual Report.

Background Information:

Effective July 1, 2016, Florida House Bill 7019, Education Access and Affordability, requires the Board of Governors and the State Board of Education to annually identify strategies to promote college affordability. Under this bill, all State University System institutions are required to submit a Textbook and Instructional Materials Affordability Report that determines the wide cost variance for required and recommended course materials for General Education courses. In addition, the report must include an overview of institutional initiatives and policies designed to reduce the costs of course materials and promote college affordability.

Pursuant to Florida Board of Governors Regulation 8.003, Textbook and Instructional Materials Affordability, each university board of trustees shall provide a report, by September 30 of each year, to the Chancellor of the State University System, in a format determined by the Chancellor.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: 2018 Florida Educational Equity Act Report

Proposed Board Action:

Approve the 2018 Florida Educational Equity Act Report.

Background Information:

In accordance with Florida Board of Governors Regulation 2.003, Equity and Access, Florida International University has prepared an annual Florida Equity Report for 2017-18 that encompasses enrollment, gender equity in athletics, and employment.

The Florida International University Board of Trustees must approve the annual University's Equity Report prior to submission to the Florida Board of Governors.

The University President shall submit the Report to the Chancellor of the State University System.

Florida Board of Governors Regulation 2.003 Equity and Access (5) provides that each university shall prepare an annual Florida Equity Report in accordance with Regulation 2.003 and reporting guidelines established by the Board of Governors Office.

Supporting Documentation: *Information behind the Governance Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Ratification of the 2018-2021 Collective Bargaining Agreement between the Florida International University Board of Trustees and the United Faculty of Florida - FIU Chapter

Proposed Board Action:

Ratify the 2018-2021 Collective Bargaining Agreement between the Florida International University Board of Trustees (BOT) and the United Faculty of Florida (UFF) – FIU Chapter. Amendments have been made to the following sections:

- Article 11: Salaries
 - Article 17: Amendment and Duration
 - Appendix G: Appointment
 - Appendix G: Assignment of Responsibilities
 - Appendix G: Professional Development Leave and Sabbaticals
 - Appendix G: Benefits
 - Appendix G: Leaves
-

Background information:

At FIU, 70% of the faculty are in-unit faculty members who are governed by the Collective Bargaining Agreement.

Representatives of the BOT and the UFF have engaged in collective bargaining negotiations to discuss the terms and conditions of employment that will govern personnel who fall within the bargaining unit represented by the UFF. The bargaining teams have reached an agreement on the terms of the 2018-2021 BOT-UFF Collective Bargaining Agreement for a term of July 1, 2018 through July 1, 2021.

Florida Board of Governors Regulation 1.001(5)(b) provides that each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

Supporting Documentation: *Information behind the Governance Committee tab*

Pending ratification by the United Faculty of Florida – FIU Chapter

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Updated Exclusion Resolution and Designation of Key Management Personnel and Delegation of Authority

Proposed Board Action:

Adopt a Resolution that updates the exclusion of the named members of the FIU Board of Trustees from the requirements for a personnel security clearance and adopt a Resolution designating Key Management Personnel for Florida International University's facility clearance, and delegating to them certain responsibilities and authorities pursuant to the National Industrial Security Program Operating Manual (NISPOM).

RESOLUTION

WHEREAS, the Florida International University ("FIU"), a university in the State University System of Florida, desires to enter into contractual obligations with agencies of the United States Government, including contractual obligations requiring security clearance; and

WHEREAS, current Department of Defense (DoD) policy requires that the Chair of the FIU Board of Trustees and all FIU principal officers meet the personnel clearance requirements established for the level of the University's security clearance; and

WHEREAS, said DoD policy permits the exclusion from the personnel security clearance requirement of members of the Board of Trustees and other officers, provided that this Board adopts a resolution stating that such Board members and officers designated by name shall not require, shall not have, and can be effectively excluded from access to all classified information in the possession of FIU, and that they do not occupy positions that would enable them to adversely affect FIU's policies or practices in the performance of classified contracts for the DoD or other agencies of the National Industrial Security Program; and

WHEREAS, by Resolution dated February 27, 2018 (the "Exclusion Resolution"), it was resolved that the following Board of Trustees members, who were at the time serving on the Board, shall not require, shall not have, and can be excluded from access to all classified information in the possession of FIU, and do not occupy positions that would enable them to adversely affect FIU's policies or practices in the performance of classified contracts for the DoD or other agencies of the National Industrial Security Program. As such, they were excluded from the requirements for a personnel security clearance.

Claudia Puig	Trustee, Chair
Cesar Alvarez	Trustee
Jorge [Jose] J. Armas	Trustee
Leonard Boord	Trustee
Dean C. Colson	Trustee
Gerald C. Grant, Jr.	Trustee
Michael G. Joseph	Trustee

Natasha Lowell	Trustee
Justo L. Pozo	Trustee
Marc D. Sarnoff	Trustee
Krista M. Schmidt	Trustee
Rogelio Tovar	Trustee
Kathleen L. Wilson	Trustee

WHEREAS, the composition of the FIU Board of Trustees has changed since the adoption of the Exclusion Resolution in that the terms of Krista M. Schmidt and Professor Kathleen L. Wilson, as members of the FIU Board of Trustees ended on May 14, 2018 and July 31, 2018, respectively. The Chair of the Faculty Senate, Joerg Reinhold, and the President of the University's Student Government Association for the Modesto A. Maidique Campus, Jose. L. Sirven, III, also serve as voting Trustees during their terms of office, which began August 1, 2018 and May 15, 2018 respectively. Accordingly, an update to the Exclusion Resolution is needed to reflect the current composition of the FIU Board of Trustees and the exclusion of those Board members, including the new Board of Trustees members, from the requirements for a personnel security clearance.

NOW THEREFORE, BE IT RESOLVED, that the following FIU Board of Trustees members shall not require, shall not have, and can be effectively excluded from access to all classified information in the possession of FIU, and do not occupy positions that would enable them to adversely affect FIU's policies or practices in the performance of classified contracts for the DoD or other agencies of the National Industrial Security Program. As such, they are excluded from the requirements for a personnel security clearance.

Claudia Puig	Trustee, Chair
Jose J. Armas	Trustee, Vice Chair
Cesar L. Alvarez	Trustee
Leonard Boord	Trustee
Dean C. Colson	Trustee
Gerald C. Grant, Jr.	Trustee
Michael G. Joseph	Trustee
Natasha Lowell	Trustee
Justo L. Pozo	Trustee
Joerg Reinhold	Trustee
Marc D. Sarnoff	Trustee
Jose L. Sirven, III	Trustee
Rogelio Tovar	Trustee

BE IT RESOLVED that the FIU Board of Trustees hereby appoints a managerial group with the authority and responsibility for negotiation and/or administration of classified contracts and operations governed by the NISPOM (hereinafter "Key Management Personnel") consisting of: FIU's President, FIU's Facility Security Officer, and FIU's Insider Threat Program Senior Official and the Executive Director of the National Forensic Science Technology Center at FIU, with the President being the final authority; and

BE IT RESOLVED that the FIU Board of Trustees hereby delegates to the Key Management Personnel all duties, responsibilities and authorities pertaining to FIU's obligations under the NISPOM; and

BE IT RESOLVED that the President and all other members of said Key Management Personnel at the present time do possess or will be processed for the required security clearances; and

BE IT RESOLVED that in future, if a cognizant security agency (CSA) of the U.S. Government determines that additional FIU officials must be added to the managerial group, such requirements shall be made and approved by the Key Management Personnel, and not the FIU Board of Trustees, unless approval by the FIU Board of Trustees is required by the CSA.

This action is in the form of a resolution to take effect immediately upon adoption.

Adopted this 5th day of September, 2018 by the Board of Trustees of Florida International University.

Claudia Puig
Chair
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

Supporting Documentation: None

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Approval of a Student Housing Agreement (“Agreement”) between the Florida International University Board of Trustees (“BOT”) and University Bridge, LLC (“Owner”)

Proposed Board Action:

Approve (1) a Student Housing Agreement (“Agreement”) with University Bridge, LLC (“Owner”); and (2) delegate authority to the University President, or designee, to execute the Agreement on behalf of the Florida International University Board of Trustees (“BOT”).

Background Information:

On May 19, 2018, representatives from University Bridge, LLC (“Owner”), a Florida limited liability company, first approached the University with a request to enter into a Student Housing Agreement (“Agreement”) with the Florida International University Board of Trustees (“BOT”). The Agreement defines structures and roles that may allow the Owner to receive a property tax exemption and to qualify as a 501(c)(3) organization to enable the Owner to borrow tax-exempt debt proceeds for the design and construction of a residential housing facility (“Project”).

Under the terms of the Agreement, the Owner, at Owner’s sole cost and expense, will construct a 20 story, 886-unit, 1244-bed residential rental housing facility that will house FIU students, faculty and staff. The facility will be located at 740 S.W. 109th Avenue, Sweetwater, Florida 33174, just north of S.W. 8th Street and west of S.W. 109th Avenue and across the street from the MMC campus. The Project will cost approximately \$220 million financed via tax-exempt and taxable housing revenue bonds issued by the Capital Trust Agency.

FIU will not have any obligations or responsibilities related to the financing, design, development, construction, maintenance and/or operation of the Project, but the University will have certain rights in connection with such matters, which rights FIU may exercise in its sole discretion. For instance, FIU, in its discretion, will have the right to have a representative present at construction meetings and to receive copies of all monthly progress reports. Since the Project will serve FIU students, faculty, and staff, the Owner will have access to advertise to FIU students on FIU’s off-campus housing website, administered by a third-party vendor, similar to other off-campus housing projects. FIU may display materials for the Project and make student referrals to the Project once FIU’s on-campus housing is full. Additionally, the Owner may advertise the Project to FIU students, faculty and staff. The Owner will not lease, advertise or market the Project to FIU undergraduate first-year freshmen students.

The Owner, whose sole member is Atlantic Housing Foundation, Inc. (“AHF”), an entity organized under Section 501(c)(3) of the Federal Tax Code, will use net cash flows from the Project to further charitable activities. Each year FIU will receive housing scholarships to

support a minimum of 20 beds for FIU students (which may include FIU veteran students and/or FIU need-based students).

Further, FIU may receive additional funds annually to support scholarships and academic programs, subject to the availability of revenues and net cash flows. If net income after debt service and payments to the City of Sweetwater is available, FIU will receive \$200,000 in scholarship/academic support funds prior to the payment of any asset management fees. FIU may also receive additional scholarship/academic support funds, initially projected at \$800,000, if net cash flows are available. Additionally, FIU will have the option to receive, at FIU's sole discretion, title to the Project, including land and all improvements, at the end of the 40-year financing period or upon repayment of all indebtedness, whichever is sooner. FIU also has the option to require the Owner to remove or demolish the Project and restore the land to its original condition, at Owner's sole expense. A Land Restoration Fund will be established with \$500,000 initial funding and increased annually from net cash flows to cover future demolition costs in the event FIU requires the demolition of improvements; these funds will be returned to the Owner if demolition is not required.

FIU may also receive a portion of excess cash flows that are generated by the project and distributed to AHF in fulfillment of its charitable purpose. AHF is willing to prioritize a portion (up to 50 percent) of any excess revenue that it may receive from the Project to fund projects/activities (the "FIU/AHF Projects") that (i) are mutually beneficial to the University (and/or its surrounding community) and AHF, (ii) further AHF's exempt purposes and (iii) are economically feasible in its commercially reasonable judgement. Each of these FIU/AHF Projects will be determined on a case-by-case basis, after consultation with the AHF board, and there can be no assurance that any minimum expenditure for the FIU/AHF Projects will be made.

FIU has held discussions with the Florida Division of Bond Finance (DBF) about the proposed Agreement since FIU has outstanding revenue bonds on University housing. Based upon DBF review of the proposed agreement, they do not believe the Agreement will have any ratings implications for FIU housing bonds.

The City of Sweetwater is supportive of the Agreement as the Project is important to the economic development of the City, as reflected in the August 16, 2018 letter from City Mayor Orlando Lopez. The City of Sweetwater Commission approved a Payment in Lieu of Taxes Agreement ("PILOT Agreement") Resolution (Resolution No. 4434) with the Owner on June 13, 2018. The PILOT Agreement, approved pursuant to Resolution No. 4434, contained provisions that were problematic for FIU. At the request of FIU, the City Commission agreed to modify the PILOT Agreement to incorporate several provisions protective of FIU's rights and status as a state instrumentality. This Resolution was approved by the City Commission on July 16, 2018.

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

Facilitator/Presenter: Leonard Boord, *Finance and Facilities Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2018

Subject: Approval of the revisions to the FIU-2501 Student Code of Conduct

Proposed Board Action:

Approve the revisions to the FIU-2501 Student Code of Conduct. The nature of the changes includes: 1) updating the title of Vice President of Student Affairs, 2) correcting grammatical errors, and 3) clarifying behaviors classified as hazing. Below is an overview of the significant changes:

- A. The title of Vice President for Student Affairs is now the Senior Vice President for Academic and Student Affairs; and
 - B. Clarification to ensure that the behaviors listed as hazing independently meet the definition of hazing.
-

Background information:

Once approved by the FIU Board of Trustees, this proposed regulation, FIU Regulation 2501, will replace the current regulation.

Florida Board of Governors' regulations 1.001(4)(a)(10) and 6.0105 grant university boards of trustees authority to establish a student disciplinary system, including a code of conduct.

Regulation 1.001(4)(a)(10) University Board of Trustees Powers and Duties, states in part as follows: "Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to: ... uniform student code of conduct and related penalties."

Regulation 6.0105 (1) Student Conduct and Discipline states in part as follows: "In furtherance of the educational mission of the universities, each university board of trustees shall establish a student disciplinary system, including a code of conduct..."

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

Facilitator/Presenter: Cesar L. Alvarez, *Academic Policy and Student Affairs Committee Chair*

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