



**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 Board.

## **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 Board 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.*

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Claudia Puig  
*Chair*  
*FIU Board of Trustees*

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Mark B. Rosenberg  
*Corporate Secretary*  
*FIU Board of Trustees*