



**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
AD-HOC COMMITTEE
MINUTES
SEPTEMBER 4, 2018**

1. Call to Order and Chair's Remarks

The Florida International University Board of Trustees' Ad-Hoc Committee meeting was called to order by Committee Chair Michael G. Joseph on Tuesday, September 4, 2018 at 9:10 a.m. at the FIU, Modesto A. Maidique Campus, Patricia & Phillip Frost Art Museum, room 105-107.

Committee Chair Joseph welcomed the Committee members and members of the University community.

General Counsel Carlos B. Castillo conducted roll call of the Ad-Hoc Committee members and verified a quorum. The Ad-Hoc Committee members present were Trustees Michael G. Joseph, *Committee Chair*; Cesar L. Alvarez; Jose J. Armas, *Board Vice Chair*; Natasha Lowell; Jose L. Sirven, III; Rogelio Tovar; and former Trustee and current Ad-Hoc Committee member Kathleen L. Wilson (by phone).

Trustees Gerald C. Grant, Jr. and Joerg Reinhold also were in attendance.

2. Approval of Minutes

Committee Chair Joseph asked that the Committee approve the Minutes of the meeting held on August 20, 2018. Trustee Cesar L. Alvarez requested a correction to the Minutes, noting that the legal points referenced at the Committee's August 20, 2018 meeting were not included. Trustee Natasha Lowell requested to reframe the Motion that was reflected in the Committee's August 20, 2018 Meeting Minutes to substitute the words "along with a plan" for "and that a plan". Given Committee member feedback, Trustee Joseph tabled the approval of the prior meeting Minutes.

3. Public Comment Period

Mr. Raul Masvidal, former member of the Board of Regents and Chair of the Committee that selected Dr. Modesto A. Maidique to serve as FIU's fourth President, addressed the Ad-Hoc Committee to state that Dr. Maidique has the right to freely express his views and opinions, adding that the Board of Trustees should not expend further efforts on discussing the campus renaming matter and should instead focus on issues critical to the University's future.

Mr. Yandy Perez, current FIU student, addressed the Ad-Hoc Committee to state that the Board should focus on other issues that are critical to the student experience, such as addressing increasing

tuition costs and lack of parking availability. He mentioned a concern over recent negative media attention and stated that Dr. Maidique's accomplishments during his tenure as President made him deserving of the honorary campus naming.

4. Discussion Item

AH1. Board and University Policies

At the request of Committee Chair Joseph, General Counsel Castillo read the Statement of Board Policy on Academic Freedom.

In response to Committee Chair Joseph's statement about the comments, following the last Ad Hoc Committee meeting, made by Dr. Maidique to the press that the 2009 honorary naming was not part of a broader agreement to get him to step down, Trustee Alvarez indicated that such issue was moot.

Trustee Roger Tovar stated that the Board of Trustees chose to recognize Dr. Maidique in 2009 with the campus naming and stated that there was not sufficient information to proceed in removing the honor. Trustee Tovar added that while he was not present at the Committee's August 20, 2018 meeting, he was not in favor of proceeding with the campus renaming.

Trustee Natasha Lowell indicated that she wished to revise the recommendation she made to the Committee at its August 20, 2018 meeting. She indicated that a renaming plan should also articulate the reasons for the removal of the honorary campus naming and should carry the support of a minimum of a majority of the Board members. She explained that the renaming action should not be viewed as limiting freedom of speech, but rather the Committee's focus on what will create greater value for the University. She mentioned that Dr. Maidique and community leaders should be engaged in the discussion in terms of identifying other honorary actions. She then proceeded to state that the prior recommendation should include a timeline and conditions that meet with the support of the Committee.

Trustee Alvarez stated that the renaming matter emerged after the May 2016 OpEd piece was published and cautioned that there could be legal repercussions and negative publicity given the perception that the action was retaliatory. Trustee Tovar noted that it was due to Dr. Maidique's contributions during his presidency that the Board of Trustees approved the honorary campus naming in 2009.

Trustee Joseph pointed out that implications relating to punitive damages need to be substantiated. He indicated that the prior actions of the Board in 2009 in terms of the honorary campus naming prompted the Board of Governors to act in order to prohibit similar actions from being taken in the future.

Trustee Lowell added that the renaming plan should also address legal comments to ensure that there is not a liability present and should also include any potential costs associated with a campus name change, and the responsible party(ies) if there are costs.

Dr. Kathleen L. Wilson stated that she concurred with Committee Chair Joseph, stating that the matter did not infringe on freedom of speech, but rather had a broader perspective about the University's future.

Board Vice Chair Jose J. Armas noted that the matter is being reviewed to address Board of Governors Regulation and also to realign with best practices, where research has indicated that universities do not name their main campuses after individuals.

Committee Chair Joseph stated the Committee's charge to the Board of Trustees will consist of reporting that the prior meeting minutes require revision in order to amend Trustee Lowell's recommendation, and that the Committee would schedule a follow-up meeting prior to presenting its recommendation to the Board.

Trustee Alvarez made a motion for the Committee to no longer consider the issue of the campus renaming. Trustee Tovar seconded the motion. The motion did not carry with 2 votes in favor and 5 against.

5. New Business

No new business was raised.

6. Concluding Remarks and Adjournment

With no other business, Committee Chair Michael G. Joseph adjourned the meeting of the Florida International University Board of Trustees' Ad-Hoc Committee on Tuesday, September 4, 2018 at 10:00 a.m.

There were no Trustee requests.

MB 9.14.18