



Academic Policy and Student Affairs Committee
June 15, 2023
FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

MINUTES

1. Call to Order and Chair's Remarks

The Florida International University Board of Trustees' Academic Policy and Student Affairs Committee meeting was called to order by Committee Chair Natasha Lowell on Thursday, June 15, 2023, at 11:51 AM.

General Counsel Carlos B. Castillo conducted roll call of the Academic Policy and Student Affairs Committee members and verified a quorum. Present were Trustees Natasha Lowell, *Committee Chair*; Cesar L. Alvarez (*Zoom*); Deanne Butchey; Dean C. Colson, *Board Chair*; Chanel T. Rowe (*Zoom*); Marc D. Sarnoff; Alexander P. Sutton; and Roger Tovar, *Board Vice Chair and Athletics Liaison*.

Trustee Jose J. Armas, *Health Affairs Liaison*, was excused.

Trustees Carlos A. Duart (*Zoom*), Francis A. Hondal, and Gene Prescott and University President Kenneth A. Jessell were also in attendance.

Committee Chair Lowell welcomed all Trustees and members of the University administration. She also welcomed the University community and general public accessing the meeting via the University's webcast.

Committee Chair Lowell introduced and welcomed Student Government Association President and student Trustee Alexander P. Sutton. She recognized and thanked Faculty Senate Chair and faculty Trustee Deanne Butchey for her service, as she will be stepping down as Faculty Senate Chair on July 31, 2023. Committee Vice Chair Lowell commented that a new Faculty Senate Chair will be elected by the Faculty Senate in the fall term and in the interim, Associate Professor Noël C. Barengo will serve as Interim Chair.

Provost and Executive Vice President Elizabeth M. Bejar commented on the appointment of Dr. Jorge Valdes to serve as Acting Dean of the Nicole Wertheim College of Nursing and Health Sciences effective May 17, 2023. She indicated that over the past several months, the University conducted an extensive national search for the next Dean of the Steven J. Green School of International and Public Affairs. She added that the search was led by a search and screen committee comprised of faculty, administrators, and students with the assistance of the national search firm, Isaacson, Miller. Provost Bejar pointed out that, after reviewing the finalists' qualifications and feedback from the University community, and in consultation with University President Kenneth A. Jessell, Dr. Shlomi Dinar was selected as the Dean of the Steven J. Green School of International

and Public Affairs effective July 1, 2023. She added that Dr. Dinar served as Associate Dean for Graduate Studies and Innovation at the Green School, from 2015 until last year when he agreed to serve as interim dean. She stated that Dr. Dinar's leadership and strategic implementation was key to the Green School's acceptance as a full member of APSIA (Association of Professional Schools of International Affairs). Provost Bejar introduced Professor Aaron Kuntz who will serve as the next Dean of the School of Education and Human Development in the College of Arts Sciences and Education.

Provost Bejar noted that the Florida Board of Governors (BOG) will meet June 21–22, 2023 and as part of said meetings will review the State University System (SUS) Accountability Plans. She added that Performance-Based Funding allocations for fiscal year 2023-24 will also be approved. She indicated that the BOG has posted meeting materials on their website and although not final until approved, FIU earned 95 performance funding points, the highest among the SUS. Provost Bejar pointed out that there is now a standing section for a written Faculty Senate report embedded within the Academic Affairs Regular Report. She added that the Faculty Senate will provide pertinent written updates to the Committee to be included as part of the agenda materials in addition to the faculty Trustee reporting out at each committee meeting. Provost Bejar commented that in response to a request from Board Vice Chair Roger Tovar, the meeting materials also include an overview of the University's research productivity for the past 10 years.

Provost Bejar presented an overview of FIU research, delineating research areas, number of researchers, and number of scholarly products. She explained that the major research areas include health, environment, transportation and infrastructure, disaster/hurricane, and energy and cybersecurity. She indicated that the health areas include mental health, substance abuse and HIV/AIDS. In terms of FIU research rankings progression, she stated that, in the past four (4) years, the University moved 15 spots from #85 to #70, according to the National Science Foundation (NSF). Provost Bejar added that, according to Carnegie, FIU research was previously ranked #72 in 2015 and most recently ranked #64 in 2021. She commented that 87% of the University's research is in science and engineering and 81% is in non-medical science and engineering. She remarked that the University had 44 licensees in the past three (3) years and received \$625,000 in direct licensing payments from licensees. Provost Bejar mentioned that the research funding from licensees to further the patent's research is nearly \$6M. Senior Vice President for Research and Economic Development and Dean of the University Graduate School Andres G. Gil noted that furthering research is of greater importance than growing licensing income as it increases the value of the licenses in terms of putting it into application.

2. Approval of Minutes

Committee Chair Lowell asked if there were any additions or corrections to the minutes of the Academic Policy and Student Affairs Committee meeting held on February 23, 2023. Hearing none, a motion was made and unanimously passed to approve the minutes of the Academic Policy and Student Affairs Committee meeting held on February 23, 2023.

3. Action Items

Committee Chair Lowell explained that the Committee's agenda was amended to remove Regulation FIU 105, which will be reviewed at a later date.

AP1. Tenure Nominations

Committee Chair Lowell indicated that, at the conclusion of the spring semester each year, the administration conducts a thorough review of faculty candidates who are in their sixth year on their track towards tenure. She added that this year, a total of 29 candidates have met the scholarly requirements and have been recommended for tenure after the comprehensive tenure review process was conducted by their respective department, chair, college review committee, dean, Provost, and President.

Provost Bejar indicated that FIU has a total of 657 tenured faculty and another 186 tenure-earning faculty out of 1,828 full-time faculty members. She pointed out that tenured and tenure-earning faculty make up 46% of all full-time faculty members. She stated that the agenda materials include short bios for each candidate and a chart outlining the sixth-year tenure review process, which includes rigorous assessment of each faculty member's dossier at multiple levels within and external to FIU. Provost Bejar mentioned that each faculty member is expected to demonstrate a significant record of scholarship and contribute at the highest level in the areas of research and/or creative activities, teaching and service to FIU and their profession. She presented an overview of the tenure review process.

Provost Bejar pointed out that 33 faculty members began their tenure review process in 2022 and of the 33 candidates eligible for tenure, 31 were reviewed this past year. She mentioned that two (2) candidates who were eligible were removed from the process and two (2) were denied tenure. Provost Bejar mentioned that all 29 of the faculty members considered for tenure were granted tenure based on their extensive scholarly achievements, excellent teaching, and significant service. She indicated that, collectively, the tenure candidates have published in peer-reviewed journals and/or presented their creative works at peer-reviewed venues over 773 times, published 14 single-authored books, obtained 11 new patents, and been awarded 214 grants with awards of over \$102M in research funding.

Provost Bejar stated that once a faculty member is granted tenure, they are given annual reappointment each academic year until voluntary resignation, retirement, or removal for just cause which the University has exercised when necessary or organizational layoffs. She added that all faculty are mandatorily evaluated on an annual basis. She explained that, beginning in academic year 2023-24, following the award of tenure or their most recent promotion, tenured faculty members will undergo a comprehensive post tenure review every five (5) years. Provost Bejar noted that the University's current process, termed Sustained Performance Review, is a robust process that occurs every seven (7) years.

Board Vice Chair Tovar recommended that, moving forward, the University President and Provost meet the Tenure candidates. Board Chair Dean C. Colson requested that, moving forward, the University also present data highlighting, and comparing among other universities, the number of tenure-earning assistant professors appointed to a tenure track position in relation to the number of tenure candidates that are presented for Board of Trustees approval.

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend to the FIU Board of Trustees approval of the Tenure Nominations as specified in the Board materials.

AP2. Tenure as a Condition of Employment Nominations

Trustee Lowell indicated that Tenure as a Condition of Employment (TACOE) is proposed for three candidates and added that to be considered for TACOE, newly hired faculty must qualify for tenure at FIU based on their caliber of work and/or tenure status at their previous institutions. Provost Bejar presented for Committee review the TACOE nominations. She noted that TACOE is reserved for individuals who have achieved highly prestigious academic careers prior to their becoming FIU faculty and have received or are eligible for tenure. She explained that at the time of hire, the faculty candidate understands the expectation that the tenure and rank appointment will be granted upon review of the candidate's materials by the department, the college, Provost, President, and Board of Trustees. She indicated that said process is the regular process for tenure and promotion decisions at FIU. Provost Bejar remarked that the department and college have vetted the scholarly qualifications and completed the expedited tenure review for the TACOE candidates. She commented on the TACOE candidates: Dr. Stav Fainshmidt, who will be joining the College of Business as an Associate Professor; Dr. Guadalupe Garcia, who will be joining the School of International and Public Affairs as an Associate Professor; and Dr. Sumit Jha, who will be joining the School of Computing and Information Sciences as a Professor.

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the FIU Board of Trustees approve of the three candidates for Tenure as a Condition of Employment as specified in the Board materials.

AP3. FIU Embrace Education Program Renewal Application to the Center for Students with Unique Abilities

Provost Bejar presented for Committee review the FIU Embrace Education Program renewal application to the Center for Students with Unique Abilities. She indicated that the FIU Embrace Education Program is a three-year, non-credit, certificate-inclusive Florida Postsecondary Comprehensive Transition Program (FPCTP) for students between the ages of 18 to 28 with intellectual disabilities. She pointed out that the goal of the program is to prepare students for competitive, integrated employment and independent living in the community. Provost Bejar explained that Florida statute requires that the FPCTP approval process include the institution's governing board. Therefore, she added that the FIU Board of Trustees must vote on approval of the application prior to submission for approval by the Chancellor of the SUS. She commented that, since 2016, the Embrace Education Program has graduated 92 students and the Program's employment rate is 88%.

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend to the Florida International University Board of Trustees approval of the FIU Embrace Education Program Renewal Application to the Center for Students with Unique Abilities.

AP4. Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code

Provost Bejar presented for Committee review the proposed amendments to Regulation FIU-2501 Student Conduct and Honor Code. She delineated the proposed amendments that are required by the BOG, including permitting the accused student to present information at disciplinary proceedings, clarifying the language on the role of the advisor, and addition of complainant rights. She pointed out that changes to Academic Integrity sections include updating definitions and violations to better align with current practices and case trends and expanding the eligibility for who can serve on Student Conduct Committee hearings. Provost Bejar commented that changes to Behavioral Conduct sections encompassed updating definitions on on-campus housing, expanding definitions related to alcohol, drugs, smoking and animals, and removal of the Presidential Review process. She remarked that updating definitions for interim suspension, conduct probation, deferred suspension, and suspension are changes relevant to both Academic Integrity and Behavioral Conduct cases. Provost Bejar mentioned that non-substantive changes pertained to updated departmental names, hyperlinks, titles, formatting, and scrivener's errors.

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the Florida International University Board of Trustees approve the revisions to Regulation FIU-2501 Student Conduct and Honor Code, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors or as a result of the regulation-making process.

AP5. Proposed Amendment to Regulation FIU-2505 Alcoholic Beverages

Provost Bejar presented the proposed amendments to Regulation FIU-2505 Alcoholic Beverages. She indicated that the proposed changes outline the responsible and permissible possession, service, and sale of alcoholic beverages at the Wolfsonian-FIU. She added that, upon the University's own internal review, it was noted that the prior regulation did not adequately address that the Wolfsonian-FIU has its own alcohol license and operationalizes it as such. She commented on the non-substantive change to update to the title of authority from Senior Vice President of Academic and Student Affairs or designee to Chief Student Affairs Officer or designee.

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the Florida International University Board of Trustees approve the revisions to Regulation FIU-2505 Alcoholic Beverages, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors or as a result of the regulation-making process.

AP6. Proposed Amendment to Regulation FIU-2506 Academic Program Termination and Temporary Suspension of New Enrollments

Provost Bejar presented for Committee review the proposed amendments to Regulation FIU-2506 Academic Program Termination and Temporary Suspension of New Enrollments. She indicated that to align with changes to BOG regulations, proposed changes to FIU-2506 include: a change in the title of the regulation to "FIU-2506 Authorization, Termination, and Temporary Suspension of

Degree Programs;” addition of a new provision noting that all proposals for new degree programs shall be approved in accordance with BOG regulations and University policy; addition of a new provision allowing institutions to terminate programs at the doctoral and professional level without requiring BOG approval; addition of a new provision prohibiting institutions from terminating a program funded through Education and General funds in favor of an identical or similar self-supporting or market tuition rate program at the same level; addition of a new provision requiring the termination or suspension of new enrollments in nursing master’s programs to be approved by the BOG before implementation; and updating the process for requesting a temporary suspension of enrollment as the BOG regulation does not require Board of Trustees approval for temporary suspensions of enrollment.

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the Florida International University Board of Trustees approve the revisions to Regulation FIU-2506 Academic Program Termination and Temporary Suspension of New Enrollments and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the State University System of Florida Board of Governors.

4. Discussion Items

4.1 Update on Institutional Agreements with International Entities

Provost Bejar provided an update on recent changes on institutional agreements with international entities. She indicated that, on November 9, 2022, the BOG adopted a revised Regulation 8.002, Self-supporting and Market Tuition Rate Programs and Course Offerings, to establish that undergraduate degree programs could not be offered through auxiliary funding. She noted that FIU immediately began examining its offshore undergraduate programs in China. Provost Bejar stated that on December 8, 2022, she notified Hebei University of Technology that FIU would be terminating that program effective June 8, 2023. She noted that SB 846 provides additional caveats to international agreements, particularly with countries of concern of which China has been identified as such. Provost Bejar commented on the University’s determination to proceed with teach-out phases with the Tianjin University of Commerce for the Bachelor of Science in Hospitality Management and Qingdao University for the Bachelor of Arts in Spanish. She noted that said programs are not being terminated as they are available at FIU and other centers.

Trustee Alexander P. Sutton stated that he hopes that the University can identify opportunities to establish analogous programs with institutions located in countries that are not countries of concern in order to offer a similar learning experience.

4.2 Student Government Updates

Trustee Sutton commented on discussions with the Division of Student Affairs regarding the creation of a task force of students that will collect qualitative and quantitative data about students' experiences with academic advising. Trustee Sutton noted that the feedback will be used to support the already underway efforts to restructure and improve advising services. He stated that one of the greatest priorities for his term in office is to strengthen Panther Pride among the student body. He indicated that two (2) events, Roary’s Birthday and the Panther Luau, will be coming back this year after having been removed several years ago. He also mentioned that Student Government has been

collaborating with the office of Fraternity and Sorority Life to launch a survey aimed at learning how to better support the needs of the University's Greek life population. Trustee Sutton mentioned that rising costs and stagnating revenues have contributed to a slow but noticeable decline in the amount of resources available for student event programming, which is funded by the Activity and Service fee. Trustee Sutton also commented on student concerns regarding Senate Bill 266, such as the possibility that FIU will not be able to provide the same resources or programming it does now. He indicated that the Student Senate recently passed a resolution entitled Can't Ban Us, which affirms that students worry about the implementation of said legislation. He added that the Student Senate also recently created a Diversity, Equity, and Inclusion Ad-Hoc committee. He further stated that Student Government awaits guidance from the BOG regarding the implementation of SB 266 and that when it finally comes time for the Board of Trustees to adopt a regulation on the matter, he will continue to advocate for the best interests of the student body.

4.3 Faculty Senate Updates

Trustee Deanne Butchey, Faculty Senate Chair, commented on attending the FIU Foundation, Inc. Board of Directors meeting with Faculty Senate Vice Chair Noël C. Barengo. She indicated that Provost Bejar has also requested that a few faculty join a task force of administrators to create policy regarding the Department of Education and BOG Regulations pertaining to Senate Bill 266 and other recent legislation. Trustee Butchey stated that there will need to be multiple avenues for faculty to engage in shared governance with different timelines for implementation. She stated that post-tenure review evaluations must be limited to assigned duties of teaching research, service, and administrative responsibilities, if applicable with explicit language, that political viewpoints and academic discipline cannot be the basis of the valuation. She added that it is important for FIU's regulations to enshrine substantive protections, essentially making clear what constitutes cause for termination.

Trustee Butchey indicated that early in the year the Senate approved the Resolution on FIU Libraries Adherence to and Support for Intellectual and Academic Freedom and Associated Professional Standards, as well as a Statement of Concern about the Consequences of HB 999 for FIU Students. She added that the resolution and statement and all other resolutions passed by the FIU Senate can be found on the Senate's website. Trustee Butchey stated that the Senate is also closely monitoring the implementation of the new mission of the Adam Smith Center and the development of applicable FIU policy related to the Center. She noted that at the final Senate meeting of the academic year, the Senate passed a resolution supporting the statement from the Modern Languages Department concerning HB 7 type investigations and Title VII violations. She referred to the full statement that was provided to each Trustee and, as requested by the Senate, she read a part of the statement:

“We, the Department of Modern Languages, endorse the FIU resolutions on Academic Freedom and Diversity, Equity, and Inclusion as affirmative actions that promote compliance with the prohibition against discrimination on the basis of race, color, religion, sex, or national origin mandated by Title VII of the Civil Rights Act of 1964. We also endorse the FIU employment policies and practices that are predicated upon Title VII.

We further endorse the Federal Injunction against FL HB7 and BOG Rule 10.005 ordered on November 17, 2022 by Chief Judge Mark E. Walker for the Northern District of Florida

(Purnell et al. v. Florida Board of Governors, et al., Case No.: 4:22cv304-MW/MAF, Document 63). The Injunctive Order states in relevant parts:

[T]he powers in charge of Florida’s public university system have declared the State has unfettered authority to muzzle its professors in the name of “freedom.” [...] Governor DeSantis originally announced his legislative proposal, the so-called “Stop Wrongs to Our Kids and Employees (W.O.K.E.) Act,” in December 2021 [...] as a way to “fightback against woke indoctrination.” [...] [T]he State of Florida passed the so-called “Stop W.O.K.E.” Act in 2022 –redubbed (in line with the State’s doublespeak) the “Individual Freedom Act.” (pp. 1-2)

As language experts, we consider the mocking and illegitimate use of the Black vernacular term “woke” in all its variations by politicians and others a racial slur. We condemn it as such and invite the university community and administration to do the same. The expression “stay woke,” meaning stay awake or alert, was first registered in the 1940s as a warning by and to African-Americans against the execrable practice of lynching. In the movement that led to the Civil Rights Act of 1964, the expression acquired a broader meaning alluding to all abusive and unlawful violations of civil rights. In recent years, “stay woke” has been revived in the context of the Black Lives Matter movement, ignited by the repeated wanton murders of African Americans on the streets by civilians and police. This background is not “theory” but serious historical deeds that the American people and the world will never forget, not trivial objects of mockery by the “doublespeak” of those would deny the patently objective correlatives of racism and other forms of discrimination.

The Federal Injunction reasserts academic freedom under the concepts of “freedom of speech” and “protected speech” guaranteed by the First Amendment of the United States Constitution. Accordingly, the email of November 22, 2022 from the FIU administration to the faculty states that based on the injunction “the University has paused its HB7 programs.” Nevertheless, HB7 investigations have continued in the form of requests for information about courses, syllabi, and instructors. We contend that such probes are part of the “HB7 programs” enjoined by the federal court and that they are counter to university employment policy and Title VII protections against discrimination, intimidation, and retaliation in the workplace.

Intimidation is the unavoidable feeling we have in the face of continuing HB7 investigations. We recognize the State’s right to regulate curricula during the normal course of business, but in the shadow of HB7, which threatens disciplinary action and termination of professors as well as loss of funding for the University, these continuing probes cannot be considered to be part of the normal course of business or separate in any way from furthering HB7 investigations. They are not part of the normal course of business, first because they are unprecedented in the history of the University, and second because all standing courses and university curricula have already been approved by the Curriculum Committee and the Board of Governors, in the regular course of business.”

...

“The Society for Human Resource Management (SHRM) issues the following Title VII guidance: A hostile work environment is created when harassing or discriminatory conduct is so severe and pervasive it interferes with an individual’s ability to perform their job; creates an intimidating, offensive, threatening, or humiliating work environment; or causes a situation where a person’s psychological well-being is adversely affected (HR Glossary).”

...

“At the Department of Modern Languages, we remain fully committed to promoting diversity, equity, and inclusion. We strive towards supporting the participation of all people, and especially those who have been historically under-represented or discriminated. Therefore, we respectfully request that the FIU Academic Senate and Administration, in addition to their principled statements on Academic Freedom and First Amendment rights, further represent us in the Title VII defense of our right to a work environment that is dignified and free from hostility and intimidation.”

Trustee Butchey pointed out that the Modern Languages Department approved the statement by majority vote on April 3, 2023 and submitted to the Senate for its approval. She added that the Senate subsequently passed the statement by majority vote. She referenced an article from *Fortune* magazine which describes the research of a professor spanning 20 years. She added that the research shows that consistently over the years, the vast majority of Chief Executive Officers of the top 500 companies in the United States do not come from Ivy League schools.

5. Academic Affairs Regular Reports

There were no questions from the Committee members in terms of the Academic Affairs regular reports included as part of the agenda materials.

6. New Business

No new business was raised.

7. Concluding Remarks and Adjournment

With no other business, Committee Chair Natasha Lowell adjourned the meeting of the Florida International University Board of Trustees Academic Policy and Student Affairs Committee on Thursday, June 15, 2023, at 1:11 PM.