



Academic Policy and Student Affairs Committee
September 14, 2023
FIU, Modesto A. Maidique Campus, Tamiami Hall, Multipurpose Room

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 Vice Chair Dean C. Colson on Thursday, September 14, 2023, at 10:54 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 Dean C. Colson, *Committee Vice Chair*; Cesar L. Alvarez; Noël C. Barengo; Chanel T. Rowe (*Zoom*); Marc D. Sarnoff; Alexander P. Sutton; and Roger Tovar, *Board Chair and Athletics Liaison*.

Trustee Natasha Lowell was excused.

The following Board members were also in attendance: Carlos A. Duarte, *Board Vice Chair*, Alan Gonzalez, Francis A. Hondal, and Gene Prescott.

Committee Vice Chair Colson 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 Vice Chair Colson introduced and welcomed Faculty Senate Chair and faculty Trustee Noël C. Barengo.

Provost and Executive Vice President Elizabeth M. Bejar commented on the appointment of Nancy Kirkpatrick as Dean of University Libraries. Provost Bejar added that Dean Kirkpatrick was chosen following a national search launched in February that brought forward dozens of candidates, three of whom were invited for on-campus interviews and open forums as finalists. Provost Bejar thanked Dr. Jennier Fu for serving as Interim Dean since July 2022. Committee Vice Chair Colson approved Provost Bejar's request to defer the remainder of her comments until later in the meeting in order to allow time for the student presenter to arrive.

2. Approval of Minutes

Committee Vice Chair Colson asked if there were any additions or corrections to the minutes of the Academic Policy and Student Affairs Committee meeting held on June 15, 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 June 15, 2023.

3. Action Items

AP1. Proposed Amendments to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct

Provost Bejar presented the proposed amendments to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct for Committee review. She referred to the amended regulation which was provided to the Trustees. She indicated that the regulation was being modified to update the list of Deputy Title IX Coordinators, add FIU's central reporting page, remove the Presidential Review Process, and remove language from the 2020 Title IX Regulations that has been vacated by a federal court and deemed unenforceable by the United States Department of Education and subsequently replaced with compliant language as well as correction of grammatical errors.

General Counsel Castillo commented on the compliant language. He stated that Section XII of Regulation FIU-105, entitled Hearings, includes a proposed insert, which has been modeled after the adoption of language by State University System institutions, of additional language with respect to the requirement that the hearing body having to put in writing reasons for relying on out-of-hearing statements where the witness is not subject to cross examination. He added that language was also included that a party's uncorroborated statement, not subject to cross examination, cannot be the sole basis for the finding of responsibility.

Trustee Marc D. Sarnoff referred to Judge Amy Coney Barrett's opinion in the case Doe v. Purdue University and shared his concerns regarding solely basing a finding of responsibility based upon an uncross-examined allegation. Trustee Chanel T. Rowe commended the proposed revisions to Regulation FIU-105.

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 proposed amendments to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct, 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.

1. Call to Order and Chair's Remarks (Continued...)

Provost Bejar commented on welcoming approximately 5,200 freshmen across summer and fall. She introduced the Committee to one of said freshmen Luca Martinez, a nature and wildlife conservation photographer and videographer who at only 17 years old has introduced the beauty of a rarely experienced Everglades to over 150M viewers worldwide. She noted that Luca's photos and videos of the Everglades are showcased in the River of Grass exhibit created for the UNESCO (United Nations Educational, Scientific and Cultural Organization) World Heritage Collection on the Google Arts and Culture platform. Provost Bejar added that Luca is also currently filming in the Everglades for the National Geographic series on national parks. She mentioned that Luca believes storytelling is key to raising awareness about conservation and inspiring action. She remarked that Luca presents on the wonders of the wetlands, is a contributing writer to *Oceanographic Magazine*, and has been featured in dozens of media stories. Provost Bejar indicated that Luca is the recipient of the Provost's Achievement Award and is the first Provost's Undergraduate in Environmental Resilience Fellow. She added that said fellowship will allow Luca to serve as a student leader whose

charge will be to engage students across all disciplines to become involved in environmental resilience through FIU's Environmental Resilience Campaign. She indicated that said campaign is a bold initiative with an unparalleled vision for student body participation and is expected to launch this academic year and will focus on the challenges and solutions surrounding environmental resilience and aims to engage and motivate students from across all disciplines to address some of the most pressing environmental challenges. Luca presented videos highlighting his underwater videos and photography of the Everglades. He shared his experiences working in the Everglades and discussed his passion and motivation for preserving the wetlands.

Committee Vice Chair Colson referred to the issue of *Aventura Magazine* where Luca was featured on the cover.

AP2. Tenure Nomination

Committee Vice Chair Colson indicated that University's administration conducts a thorough review of faculty candidates who are in their 6th year on their track towards tenure. He added that to be considered for tenure, faculty must meet the scholarly requirements and have been recommended for tenure after the comprehensive tenure review processes was conducted by their respective Department, Chair, College Review Committee, Dean, the Provost, and the President. Provost Bejar presented the tenure nomination for Committee review. She referred to the Board materials outlining the 6th year tenure review process which includes rigorous assessment of the faculty member's dossier across multiple levels within and outside of FIU. She pointed out that to be considered for tenure, the 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 stated that Dr. Armin Mehrabi is being recommended for tenure. She commented on Dr. Mehrabi's research and scholarly work.

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 Nomination as specified in the Board materials.

AP3. Tenure as a Condition of Employment Nominations

Committee Vice Chair Colson pointed out that Tenure as a Condition of Employment (TACOE) is proposed for four candidates and 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 the TACOE nominations for Committee review. She noted that TACOE is reserved for individuals who have achieved highly prestigious academic careers prior to their becoming FIU faculty. She indicated that TACOE candidates have either received or are eligible for tenure at their previous institution. 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, the Provost, the President, and Board of Trustees, which is the regular process for tenure and promotion decisions at FIU. She remarked that the FIU department and college have vetted the scholarly qualifications and completed the required expedited tenure review for the candidates.

Provost Bejar commented on the TACOE candidates: David Delaine will be joining the School of Universal, Computing, Construction and Engineering Education (SUCCEED) in the College of Engineering and Computing as an associate professor; Anil Misra will be joining the Department of Civil and Environmental Engineering in the College of Engineering and Computing as a professor; Indranil SenGupta has joined the Department of Mathematics and Statistics in the School of Integrated Sciences and Humanity as a professor; and Natalia Trujillo will be joining the Department of Global Health in the Robert Stempel School of Public Health and Social Work as an associate 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.

AP4. 2023 Florida Equity Report

Emmanuele Bowles, Assistant Vice Provost, Diversity, Equity, and Inclusion, presented the 2023 Florida Equity Report for Committee review. She explained that the report reviews the academic year beginning July 1, 2021 to June 30, 2022. She commented on the new format for the 2023 report. She remarked on increases in first-time-in-college (FTIC) student enrollment, research doctorate degrees awarded to Black and Hispanic students, and student employment. She noted a 7.6% decrease in the number of transfer students. Assistant Vice Provost Bowles stated that the percentage of aid distribution for Black and/or African American students, identified last year as an area for improvement, was unchanged. She added that the Office of Scholarship continues to partner with the Office of Admissions to recruit more students in economically disadvantaged districts and neighborhoods.

Assistant Vice Provost Bowles explained that of the 12 required reporting elements for the athletics program, FIU is equitable in 10 of the 12 categories. She commented on the 5.6% difference in the men to women participation rates that do not meet the proportionality. She also remarked on the significant differences between men's baseball and women's softball facilities. Assistant Vice Provost Bowles stated that, as improvement plans, Athletics will continue the student interest surveys, monitor enrollment rates and targeted caps, and continue to make improvements to the softball facilities and other priority areas. She pointed out that a difference of 1.9% favors women between the participation rate and financial assistance awarded. She added that the non-discriminatory reason for the significant number of higher-cost international and out-of-state women student-athletes vs. males with more in-state tuition can explain the 0.9% above the allowable 1%.

Assistant Vice Provost Bowles commented on achieving five (5) underutilization placement goals from the prior year and slight increases in the number of veterans hired during the reporting periods. She noted 10 underutilization goals for faculty positions and 16 placement goals for the administrative staff job groups per the affirmative action plan identified this year. Assistant Vice Provost Bowles stated that, as improvement plans, best practices for hiring will be provided, continuation of mentoring and affinity groups to help with the retention of underrepresented faculty and administrative positions, all University vacancies will be posted on at least two (2) diverse job boards.

Committee Vice Chair Colson shared his concerns regarding the differences between men's baseball and women's softball facilities.

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 Florida Equity Report for the 2023 reporting year.

AP5. Textbook and Instructional Materials Affordability and Transparency Annual Report

Heather Russell, Vice Provost for Faculty Leadership and Success, presented the 2022-23 Textbook and Instructional Materials Affordability and Transparency annual report for Committee review. She indicated that the University met the legislative posting requirement threshold, which mandates that 95% of adopted course and instructional materials on record by the legal deadline of 45 days prior to the first day of class for each semester and reported any late adoption activity and/or modifications that occurred after said deadline. Vice Provost Russell stated that, in fall 2022, the University met the 95% threshold and exceeded it in spring 2023 with 97% timely adoptions.

Vice Provost Russell pointed out that effective July 2022, all public Florida universities and colleges were required to post textbook adoptions publicly in an easily accessible and searchable database and also include syllabi for university core curriculum courses. She noted that all of FIU's required and recommended textbooks and instructional materials may be viewed, searched, and downloaded by the public using the University's Textbook and Instructional Materials (TIM) search engine.

Vice Provost Russell commented on the Panther Book Pack Program. She noted that in partnership with Barnes & Noble, students are offered an inclusive program to cost-effectively rent required textbooks and instructional materials for a cost of \$20 flat rate per undergraduate credit. She stated that said innovative initiative has resulted in \$6.1M of savings for University students. Vice Provost Russell commented on other textbook affordability initiatives, including Affordability Counts, an initiative spearheaded by FIU Online in partnership with the FIU Libraries, and the Center for the Advancement of Teaching.

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 Textbook and Instructional Materials Affordability and Transparency Annual Report.

AP6. Proposed Regulation FIU-2508 Post-Tenure Faculty Review

Provost Bejar presented the proposed Regulation FIU-2508 Post-Tenure Faculty Review for Committee review. She indicated that the Regulation substantially follows the Florida Board of Governors (BOG) Regulation 10.003 and includes sections outlining the purpose, timing and eligibility, review requirements, process requirements, and monitoring and reporting. She pointed out that BOG Regulation 10.003 became effective on March 29, 2023 and requires that each board of trustees adopt policies and/or regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review to accomplish the following: ensuring high standards of quality and productivity among the tenured faculty in the State University System of Florida; determine whether a faculty member is meeting the responsibilities and expectations

associated with the assigned duties in research, teaching, and service, including compliance with state laws, BOG regulations, and university regulations and policies; create the ability to recognize and honor exceptional achievement and provide an incentive for retention as appropriate; and to refocus academic and professional efforts and take appropriate employment action if and when appropriate.

Provost Bejar stated that the purpose of FIU-2508 is to comply with BOG Regulation 10.003 and Florida Statutes Section 1001.706(6)(b). She mentioned that, if approved, FIU-2508 will replace the sustained performance review policy of tenure faculty and outlines the process by which each tenured faculty member will undergo a comprehensive post-tenure review. She provided an overview of post tenure review procedures, which include: review of faculty member's dossier of accomplishments, the last four fully completed and the fifth year in progress performance reviews and the faculty member's disciplinary file during the review period; performance ratings will take into account the faculty member's assigned duties in research, teaching, and service and will be measured using approved rubrics which specify quantifiable university, college, and departmental criteria; and faculty will be rated on a four-point evaluation scale with respect to performance expectations, 1. exceeds, 2. meets, 3. does not meet, and 4. unsatisfactory. Provost Bejar remarked on eligibility, which include all tenured faculty except tenured faculty in administrative roles, such as department chairs or center directors who supervise other faculty. She added that faculty in administrative roles will undergo post-tenure review in the fifth year after returning to a full-time faculty appointment. She noted that faculty who are eligible but have an approved leave of absence during the review period may request a post-tenure review clock adjustment. She mentioned that such adjustments would not ordinarily be approved beyond one (1) year.

Provost Bejar explained that BOG regulation stipulates that each tenured faculty member has a comprehensive post-tenure review of five (5) years of performance, beginning in the fifth year. She indicated that twenty percent (20%) of tenured faculty will be evaluated in addition to faculty who were tenured, promoted or appointed with tenure in 2019. She noted that the process repeats each year for five years until all remaining tenured faculty have gone through the process, after which every tenured faculty will have a set review date. She explained that the cohorts, beginning with those selected in 2023-2024, will be selected randomly except for the final cohort. Provost Bejar commented that review will begin November 2023 through May 2024 and includes Chair and Dean recommendations for rating performance, concluding with Provost's final rating to be communicated by June 1, 2024. She indicated that the Regulation requires that the Provost report annually to the Board of Trustees and President on the outcomes of the post-tenure review process and that the Chief Audit Executive will audit and report on this year's process by July 1, 2024, after which the Chief Audit Executive will report to the Board of Trustees triennially.

Provost Bejar indicated that faculty members who receive a final performance rating of "exceeds expectations" or "meets expectations" will be eligible for appropriate recognition and/or compensation. She added that faculty members who receive a final performance rating of "does not meet expectations," will be placed on a performance improvement plan (PIP), which must be approved by the Provost. She noted that failure to meet the requirements of a PIP by the established deadline shall result in a notice of termination. Provost Bejar pointed out that faculty members who receive a final performance rating of "unsatisfactory," shall be given a notice of termination. Provost Bejar explained that final decisions regarding post-tenure review may be appealed using the Neutral,

Internal Resolution of Policy Disputes (NIRD process) as set forth in the FIU Board of Trustees-United Faculty of Florida (UFF) Collective Bargaining Agreement.

Provost Bejar commented on working collaboratively, as an administrative team, with the Faculty Senate and FIU chapter of the UFF on the implementation of procedures related to FIU-2508. Trustee Noël C. Barengo commented that University administrators drafted a regulation to align with current law and wisely chose to invite faculty input, in the spirit of shared governance. He added that over the past four weeks many faculty members, including union leaders and leaders of the Faculty Senate have engaged in a healthy, constructive, and open conversation to modify the language of the post-tenure faculty review regulation to protect the institution of tenure and faculty within the confines of the law. He added that faculty are very pleased to see that their feedback resulted in major modifications in the proposed regulation. Trustee Barengo thanked the administration, Provost Bejar, Dr. Russell, and their teams, for this excellent example of shared governance in action. He conveyed his hope that FIU continues to set an example for institutions across the state as to what can be achieved when there is collaboration toward common goals.

On behalf of FIU faculty, Trustee Barengo reiterated that the language in the BOG regulation is of grave concern to faculty, threatening academic freedom and the idea of tenure. He added that, whether intended or not, the practical result of BOG Regulation 10.003 is that many faculty are in fear of losing their jobs simply for having different opinions. He remarked on the importance of continuing to work together in the implementation of said regulation to help assure faculty that these will not be the results at FIU. Trustee Barengo commented that, over the past few weeks, faculty leaders and FIU's administration have started to work closely together to come to an agreement on a set of procedures which balances the interests and needs of all parties, with an eye toward continuing to support the hard work of faculty that has propelled FIU up the rankings these past few years. He stated that he was pleased to report that, so far, the conversations have gone well, and he would like to retain his stance that the procedures must honor the Collective Bargaining Agreement. Trustee Barengo added that the faculty union also reiterates its position that nothing in this regulation undermines faculty's rights to collective bargaining, the Board of Trustees obligations under the Collective Bargaining Agreement, or the union's right to bargain any evaluation process, criteria, or standards in the future. He mentioned that the union continues to be encouraged by the administration's and Board of Trustees good faith engagement in this process, as well as the collaborative progress which has been made in the past year on a number of issues that are important to faculty members, including salaries, workforce housing, dependent care, as well as academic freedom and integrity. He stated that the past weeks have been very positive and encouraging, knowing that the voices of the faculty are heard.

In response to Committee Vice Chair Colson, Provost Bejar commented that, while the matter is still under review and discussion, some form of monetary compensation is anticipated for faculty members with a final performance rating of "exceeds expectations" or "meets expectations". Trustee Chanel T. Rowe inquired as to a faculty member that experienced challenges with student complaints, whether substantiated or investigated or not. In response to Trustee Rowe, Vice Provost Russell commented that while such challenges may not have rose to the level of inclusion in a faculty member's personnel file, it is the expectation that these complaints will be reflected in the faculty member's annual evaluation. Trustee Alexander P. Sutton remarked that he is pleased to

learn that the administration is collaborating with faculty on the implementation of the post-tenure review process.

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 proposed Regulation FIU-2508 Post-Tenure Faculty Review 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.

AP7. Honorary Degree Nomination

Provost Bejar presented the Honorary Degree Nomination for Committee review. She noted that the Chaplin School of Hospitality and Tourism Management has nominated David Grutman for an honorary degree. The Faculty Senate Honorary Degree and Awards Committee recommended the nomination to the Faculty Senate which approved the nomination on June 13, 2023. She shared excerpts from the nomination letter written by Chaplin School of Hospitality and Tourism Management Dean Michael Cheng.

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 endorse David Grutman as a recipient of a doctor of laws *honoris causa* from Florida International University.

AP8. Florida International University Institutes and Centers Annual Report

AP9. Florida International University Institutes and Centers 2023 Evaluations and Evaluation Summary

Senior Vice President for Research and Economic Development and Dean of the University Graduate School Andres G. Gil presented FIU's institutes and centers annual report for Committee review. He stated that the University has a policy on centers and institutes that follows BOG regulations. He added that BOG Regulation specifies reporting requirements. He noted that the annual report requires Board of Trustees approval using the template that is provided by the State University System of Florida Chancellor, which includes current center status, last fiscal year financial information, and dates of last evaluations. Sr. VP Gil added that cyclical center reviews must also be approved by the Board of Trustees. He indicated that FIU has 34 centers that are BOG-designated and require in-depth review at least once every seven (7) years. He pointed out that a comprehensive historical evaluation summary must also be provided to the Board of Trustees with certification that the evaluation/review contained all of the required components using the template provided by the Chancellor. Sr. VP Gil highlighted the BOG's cyclical evaluation criteria that is used in the in-depth review process. He commented that nine (9) centers were reviewed in the current year and that all of said centers were recommended for continuation.

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 Florida International University's Institutes and Centers Annual Report.

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 Florida International University's Institutes and Centers 2023 Evaluations and Evaluation Summary.

AP10. Updated Exclusion Resolution

Committee Vice Chair Colson asked if there were any questions or comments from the Committee members. There were no questions.

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 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.

4. Discussion Items

4.1 Student Government Updates

Trustee Sutton commented on FIU's Week of Welcome. He noted an increased number of students attending events. He remarked on Graham University Center renovations. He added that Student Government played a large role in advocating for the completion of said project, which totaled \$3.2M in Activity and Service Fee expenditures. He commented that Student Government is developing multiple initiatives to improve student services and further engage students. Trustee Sutton mentioned that Student Government is working closely with Student Affairs leadership, including Interim Vice President for Student Affairs Dr. Charlie Andrews, to develop a task force of students dedicated to audit academic advising services and provide policy recommendations based on their findings. He stated that Student Government has started promoting environmental resiliency on social media through its Sustainability Saturdays series. He highlighted the work of the student newspaper, *PantherNOW*, and referred to the recent article, titled "FIU students deserve better parking." Trustee Sutton remarked on meeting with the Parking and Transportation team and working with them to address the concerns raised in the article. He also commented on Student Government's efforts to engage students at the Biscayne Bay Campus.

4.2 Faculty Senate Updates

Trustee Barengo commented that the Faculty Senate passed a resolution supporting the statement from the Modern Languages Department concerning HB 7 type investigations and Title VII violations. He added that at said meeting, the Faculty Senate Student Learning and Success Committee provided an update on the Simple Syllabus tool and the status of implementation. He remarked on the ongoing process to review the University's core curriculum courses. Trustee Barengo indicated that the Senate's new Parliamentarian/Sergeant-at-Arms is Angelique Ortega-Fridman.

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 Vice Chair Dean C. Colson adjourned the meeting of the Florida International University Board of Trustees Academic Policy and Student Affairs Committee on Thursday, September 14, 2023, at 12:16 PM.

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