



FLORIDA INTERNATIONAL UNIVERSITY

BOARD OF TRUSTEES

GOVERNANCE COMMITTEE

FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

Livestream: <http://webcast.fiu.edu/>

Thursday, April 27, 2023
9:00 AM

Chair: Dean C. Colson, *Board Chair*

Vice Chair: Roger Tovar, *Board Vice Chair*

Members: Carlos A. Duarte, Natasha Lowell, Gene Prescott, Marc D. Sarnoff

AGENDA

- | | |
|--|--------------------|
| 1. Call to Order and Chair's Remarks | Dean C. Colson |
| 2. Approval of Minutes | Dean C. Colson |
| 3. Action Items | |
| G1. Approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Health Care Network, Inc. | Carlos B. Castillo |
| G2. Review to Ensure Consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes | Heather Russell |
| G3. Updated Exclusion Resolution | Elizabeth M. Bejar |
| 4. Discussion Item | |
| 4.1 2023 Board of Trustees Self Evaluation Survey | Dean C. Colson |
| 5. New Business <i>(If Any)</i> | Dean C. Colson |
| 6. Concluding Remarks and Adjournment | Dean C. Colson |

The next Governance Committee Meeting is scheduled for June 15, 2023

FIU Board of Trustees Governance Committee Meeting

Time: April 27, 2023 9:00 AM - 10:00 AM EDT

Location: FIU, Modesto A. Maidique Campus, Graham Center Ballrooms | Livestream:
<http://webcast.fiu.edu/>

Section	Agenda Item	Presenter	Page
1.	Call to Order and Chair's Remarks	Dean C. Colson	
2.	Approval of Minutes	Dean C. Colson	1
	Minutes: Governance Committee Meeting, December 6, 2022		2
3.	Action Items		
G1.	Approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Health Care Network, Inc.	Carlos B. Castillo	5
	Summary of Proposed Amendments to Articles of Incorporation and Bylaws of the FIU-HCN		6
	FIU-HCN Articles of Incorporation as Amended and Restated on the 12th day of April 2023		10
	FIU-HCN Bylaws as Amended and Restated on the 12th day of April 2023		18
	Memo from President Kenneth A. Jessell, dated January 23, 2023, approving proposed amendments to FIU-HCN Articles of Incorporation and Bylaws		43
G2.	Review to Ensure Consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes	Heather Russell	44
	Executive Summary of Supporting Documentation		46
	Board of Governors' Civil Discourse Final Report		47
	New Student Orientation Civil Discourse Programming		59
	Student Conduct and Honor Code		61

Section	Agenda Item	Presenter	Page
	Employee Code of Conduct: University Guiding Principles and Standards		92
G3.	Updated Exclusion Resolution	Elizabeth M. Bejar	120
4.	Discussion Item		
4.1	2023 Board of Trustees Self Evaluation Survey	Dean C. Colson	123
5.	New Business <i>(If Any)</i>	Dean C. Colson	
6.	Concluding Remarks and Adjournment	Dean C. Colson	

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Governance Committee

April 27, 2023

Subject: Approval of Minutes of Meeting held December 6, 2022

Proposed Committee Action:

Approval of Minutes of the Governance Committee meeting held on December 6, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

Background Information:

Committee members will review and approve the Minutes of the Governance Committee meeting held on December 6, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

Supporting Documentation: Minutes: Governance Committee Meeting, December 6, 2022

Facilitator/Presenter: Dean C. Colson, *Board Chair and Governance Committee Chair*



Governance Committee

December 6, 2022

FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

MINUTES

1. Call to Order and Chair's Remarks

The Florida International University Board of Trustees' Governance Committee meeting was called to order by Board Chair Dean C. Colson at 12:15 PM on Tuesday, December 6, 2022.

General Counsel Carlos B. Castillo conducted roll call of the Governance Committee members and verified a quorum. Present were Trustees Dean C. Colson, *Board Chair*; Roger Tovar, *Board Vice Chair*; Carlos A. Duarte (*joined after roll call*); Natasha Lowell; Gene Prescott; and Marc D. Sarnoff.

Trustees Cesar L. Alvarez and Chanel T. Rowe and University President Kenneth A. Jessell were also in attendance.

2. Approval of Minutes

Board Chair Colson asked if there were any additions or corrections to the minutes of the Governance Committee meeting held on September 22, 2022. Hearing none, a motion was made and unanimously passed to approve the minutes of the Governance Committee meeting held on September 22, 2022.

3. Action Items

G1. Proposed Amendments to the Bylaws of the Florida International University Board of Trustees

General Counsel Castillo presented the proposed amendments to the Bylaws of the Florida International University Board of Trustees (BOT) for Committee review. He referred to the updated redline draft of the proposed amendments. He explained that the proposed amendments principally stemmed from the State University System Florida Board of Governors (BOG) requirement that a university president serve as the corporate secretary to the university's board of trustees. General Counsel Castillo indicated that, consistent with the BOG's amendment to its regulation, the proposed amendments to the Bylaws of the BOT include the removal of the same requirement in the FIU Board of Trustees Bylaws that previously would require the University President to serve as the Corporate Secretary of the BOT. He also pointed out that the amendments proposed that the BOT Chair, jointly with the University President, select a University employee to serve as the Corporate Secretary. General Counsel Castillo stated that while no longer requiring that the University President serve as the Corporate Secretary, the amendments, consistent with the current Bylaws, confirm that the University President serves as the Chief Executive Officer to the BOT and that reference is now included under the heading "Duties of the President". General Counsel Castillo noted that the amendments reflect that the President is responsible for all operations of the

University and for setting the agenda for meetings of the BOT jointly with the Board Chair. General Counsel Castillo commented on one (1) additional proposed amendment that removes the reference to the Modesto A. Maidique Campus in regard to the Student Government Association (SGA) President and makes the reference consistent with the SGA organizational structure where there is only one (1) SGA President. He added that previously the SGA organizational structure recognized two (2) presidents, one for each campus. He commented that this structure no longer exists.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees (the BOT) approve the proposed amendments to the Bylaws of the BOT.

G2. Confirming Reporting Obligations of Certain University Positions and Updating as to Those Positions the President's Powers and Duties Delegation Resolution Dated February 20, 2019

General Counsel Castillo explained that the proposed Resolution addresses the reporting lines of four (4) University positions, as well as an amendment to the Board of Trustees Delegations of Authority to the University President. With respect to the reporting lines component of the Resolution, he pointed out that the Resolution reflects that the following four (4) University positions are dual reports to the Board of Trustees and University President: the Chief Compliance and Privacy Officer, Chief Audit Executive, Corporate Secretary, and General Counsel. He indicated that, in recognition of and consistent with, BOG Regulations, the Office of Internal Audit Policy and Charter, the University's Compliance and Ethics Charter, and Florida Bar Rules, as applicable, the referenced four (4) positions report functionally to the Board of Trustees and administratively to the President.

General Counsel Castillo commented that the second component of the proposed Resolution relates to the Delegations of Authority, which the Board of Trustees adopted on February 20, 2019. He mentioned that under section 3(c) of the Delegations of Authority, the University President is required to consult with the Board of Trustees Chair in regards to personnel decisions such as the hiring, firing, and compensation for certain positions, including positions of Vice President, Athletic Director, Head Coach, or other executive direct report position to the President or the Board of Trustees. General Counsel Castillo pointed out that the proposed Resolution amends the Delegations of Authority by expressly enumerating the positions of Chief Compliance and Privacy Officer, Chief Audit Executive, Corporate Secretary, and General Counsel and requiring that said types of personnel decisions result out of the joint agreement of the Board of Trustees Chair and University President.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend to the Board of Trustees (i) to document by resolution the reporting obligations of the positions of the Chief Compliance and Privacy Officer, Chief Audit Executive, Board of Trustees Corporate Secretary, and General Counsel to both the President and the Board of Trustees as described in the Board materials and (ii) to update the President's Powers & Duties Resolution dated February 20, 2019 (the "Delegation Resolution") to expressly enumerate these positions as requiring joint approval of the President and Chair of Board of Trustees in personnel actions as described in the Board materials.

G3. Direct Support Organizations Board Appointments

Senior Vice President for University Advancement Howard R. Lipman presented, for Committee review, the new fellows and director appointments to the FIU Foundation, Inc. Board of Directors. Sr. VP Lipman indicated that the FIU Foundation, Inc. Board of Directors Bylaws provide that Directors may elect individual(s) who have demonstrated extraordinary merit and distinction to serve as Foundation Fellows. He explained that the FIU Foundation, Inc. Board of Directors appointed two (2) new fellows, Trish and Dan Bell. He added that the FIU Foundation Inc. Board of Directors also appointed one (1) new director for an initial one-year term (*FY 2022-2023*), namely, Juan J. Martinez '90, MAcc '93.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees approve the appointments of the individuals listed in the board materials, to the Florida International University Foundation, Inc. Board of Directors.

4. New Business

No new business was raised.

5. Concluding Remarks and Adjournment

With no other business, Board Chair Dean C. Colson adjourned the meeting of the Florida International University Board of Trustees Governance Committee on Tuesday, December 6, 2022 at 12:15 PM.

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Governance Committee

April 27, 2023

Subject: Approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Health Care Network, Inc.

Proposed Committee Action:

Recommend to The Florida International University Board of Trustees (the BOT) approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Health Care Network (HCN), Inc.

Background Information:

On February 1 and April 12, 2023, the HCN Board of Directors approved amendments to the Articles of Incorporation and Bylaws of the HCN.

Article 7 of the FIU-HCN Articles of Incorporation and Article XII of the FIU-HCN Bylaws provide that all amendments to the Articles of Incorporation and Bylaws of the FIU-HCN must be approved by the Board of Trustees of FIU, upon recommendation of the President of FIU prior to their effective date.

Florida Board of Governors Regulation 9.017 Faculty Practice Plans provides that each Faculty Practice Plan shall include and/or provide for Articles of Incorporation and Bylaws and that any subsequent changes to the Articles of Incorporation and Bylaws must be filed with the Board of Governors for approval once approved by the BOT.

Supporting Documentation:	Summary of Proposed Amendments to Articles of Incorporation and Bylaws of the FIU-HCN
	FIU-HCN Articles of Incorporation as Amended and Restated on the 12 th day of April 2023
	FIU-HCN Bylaws as Amended and Restated on the 12 th day of April 2023
	Memo from President Kenneth A. Jessell, dated January 23, 2023, approving proposed amendments to FIU-HCN Articles of Incorporation and Bylaws

Facilitator/Presenter: Carlos B. Castillo

**Summary of Proposed Amendments to
Articles of Incorporation
and
Bylaws
of the FIU Health Care Network**

AMENDMENTS TO ARTICLES OF INCORPORATION

General Changes:

- Amendment history updated to reflect prior changes to Articles of Incorporation filed with the State of Florida.

ARTICLE I - NAME

- Official legal name of the FIU Health Care Network revised from
 - The Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc.to
 - The Florida International University Health Care Network, Inc.

ARTICLE II - PURPOSE

- Purpose language updated to avail the FIU Healthcare Network to provisions of Florida Statute Sections 1004.29 and 1004.30 (Health Support Services Organizations) and BOG Regulations 9.011 (DSO/Health Support Services Organizations) and 9.017 (Faculty Group Practice).

ARTICLE III - POWERS

- Language updated to reflect applicability of Sections 1004.29 and 1004.30 and BOG Regulations 9.011 and 9.017.

ARTICLE IV – MEMBERS

- Deleted in its entirety.

ARTICLE IV – BOARD OF DIRECTORS

- Language updated to reflect applicability of BOG Regulations 9.011 and 9.017.

ARTICLE VI – AMENDMENTS TO ARTICLES OF INCORPORATION

- Language updated to reflect that all amendments to articles of incorporation will require BOG approval, in addition to FIU-HCN Board of Directors, Board of Trustees and the FIU President.

ARTICLE XI – EQUAL OPPORTUNITY/ACCESS

- Language updated to reflect current status of equal opportunity and access.

AMENDMENTS TO BYLAWS

ARTICLE I - NAME

- Official legal name of the FIU Health Care Network revised from
 - The Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc.to
 - The Florida International University Health Care Network, Inc.

ARTICLE II - PURPOSE

- Purpose language updated to avail the FIU Healthcare Network to provisions of Florida Statute Sections 1004.29 and 1004.30 (Health Support Services Organizations) and BOG Regulations 9.011 (DSO/Health Support Services Organizations) and 9.017 (Faculty Group Practice).

ARTICLE III – MEMBERS

- Section deleted in its entirety.

ARTICLE IV – BOARD OF DIRECTORS

- Language updated to reflect changes to board composition, governance, term/term limits and code of ethics.

ARTICLE V – OFFICERS OF THE BOARD

- Updated duties of Vice President
- Clarified language regarding no compensation of Officers.

ARTICLE VI – POWERS OF THE PRESIDENT

- Language updated to reflect updated FIU regulation.

ARTICLE VII – COMMITTEES

- Composition of the Executive and Audit/Finance Committees updated. Term/Term limits update. Duties and Responsibilities updated.

ARTICLE VIII – MEETINGS OF THE FIU-HCN

- Updated notice requirements for Special Meetings.
- Clarified/updated quorum requirements for board meetings.
- Updated language regarding applicability of Roberts Rule of Order regarding procedural matters of board meetings.

ARTICLE IX – ADMINISTRATION POLICIES

- CEO appointment language updated.

ARTICLE XII – AMENDMENTS

- Language updated to reflect that all amendments to articles of incorporation will require BOG approval, in addition to FIU-HCN Board of Directors, Board of Trustees and the FIU President.

~~THIRD DRAFT FOURTH~~ AMENDED AND RESTATED
ARTICLES OF INCORPORATION

THE FLORIDA INTERNATIONAL UNIVERSITY ~~ACADEMIC HEALTH CENTER~~
HEALTH CARE NETWORK ~~FACULTY GROUP PRACTICE~~, INC.

A Florida Not-For-Profit Corporation

~~The undersigned subscribers do hereby associate ourselves together to form a not-for-profit corporation pursuant to the laws of the State of Florida, and for these purposes do hereby adopt the following Amended and Restated Articles of Incorporation.~~

~~Members of the Board of Directors of The Florida International University ~~Academic Health Center Health Care Network Faculty Group Practice~~, Inc., a corporation organized and existing under the laws of the State of Florida, acting in accordance with the laws of the State of Florida, and acting in accordance with the Articles of Incorporation that were initially filed with the Department of State of the State of Florida (the "Department") on { } April 3, 2008, effective { } March 7, 2008, as amended on { } June 17, 2010, { } May 4, 2011 and { } December 6, 2016 (insert amendment history) (the "Articles"), hereby acknowledge that on [], they Board of Directors of the Florida International University Health Care Network duly approved amendments to and a restatement of the Articles of Incorporation, and acknowledge and file these Amended and Restated Articles of Incorporation with the Secretary of State of Florida.~~

ARTICLE I. NAME

The name of this corporation shall be THE FLORIDA INTERNATIONAL UNIVERSITY ~~ACADEMIC HEALTH CENTER~~ HEALTH CARE NETWORK ~~FACULTY GROUP PRACTICE~~, INC. For convenience, the corporation shall be referred to as the "FIU-HCN".

ARTICLE II. PURPOSES

The FIU-HCN is organized: (i) as a not-for-profit corporations pursuant to

Chapter 617, Florida Statutes; (ii) as a university health services support organization pursuant to Sections 1004.29 and 1004.30, Florida Statutes; (iii) pursuant to Board of Governors Regulations (BOG) 9.0179.011 and 9.017; and (iv) -pursuant to all other applicable laws and regulations. and The FIU-HCN shall be operated exclusively for scientific, educational and charitable purposes within the intent and meaning of Section 501(c)(3) of the Internal Revenue Code of the United States. Further, the FIU-HCN shall exist exclusively a to support the mission of Florida International University (hereinafter referred to as "FIU"). ~~to improve and support health education at the Florida International University in the Herbert Wertheim College of Medicine (HWCOW), the Robert Stempel College of Public Health and Social Work (RSCPHSW), the Nicole Wertheim College of Nursing and Health Sciences (NWCNHS), and departments in the College of Arts, Sciences and Education (CASE) with clinical activities. . , the specific purpose for which the FIU-HCN is organized shall include entering into arrangements with other entities or providers in other integrated health care systems or similar entities in furtherance of the purposes of Sections 1004.29 and 1004.30, Florida Statutes.~~

ARTICLE III. POWERS

The FIU-HCN shall have all of the powers now provided or which may hereafter be provided ~~for to~~ not-for-profit corporations and university health services support organizations authorized by the laws of the State of Florida, and is empowered to do all acts and things as from time to time may be necessary or expedient in order to accomplish its general purposes, all in accordance with and subject to the Bylaws of the FIU-HCN and the limitations of applicable State of Florida and federal laws and regulations including the authority granted to the Board of Trustees of FIU. No part of the net earnings of the ~~Corporation FIU-HCN~~ shall inure to the benefit of any member, director, or officer of the FIU-HCN, or to any other private individual. In exercising these powers and performing ~~their its~~ duties, the Board of Directors of the FIU-HCN shall have the powers, duties, and responsibilities vested in the directors of Florida ~~not-~~for-profit corporations, university health services support organizations and those set forth in Florida Board of Governors (BOG) Regulations 9.0179.011 and 9.017, each as may be amended from time to time. In particular, the FIU-HCN shall not engage in any activities prohibited by a corporation exempt from Federal income tax under ~~section Section~~ Section 501(~~Cc~~)(3) of the Internal Revenue Code, as revised from time to time. The FIU-HCN shall not be empowered to do any act or thing which would cause it to lose its status as a not-for-profit corporation under the laws of the United States or of the State of Florida. No substantial part of the FIU-HCN's funding or activities shall

be for the carrying on of propaganda or otherwise attempting to influence legislation, and the FIU-HCN shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office, or give, directly or indirectly, any gift to a political committee as defined in Section 106.011, Florida Statutes.

ARTICLE IV. MEMBERS

~~The Members of the FIU-HCN all shall be clinical faculty of the HWCOM who are actively involved in the clinical practice of medicine and faculty in RSCPHSW, NWCNHS, and CASE who engage in clinical activities as a part of their teaching assignment at FIU. Voluntary or adjunct faculty members are not eligible to be Members of the FIU-HCN. When any member ceases to be employed by FIU, his/her membership in the FIU-HCN shall be deemed automatically terminated.~~

ARTICLE IV. BOARD OF DIRECTORS

Section 1. All corporate powers of the FIU-HCN shall be exercised by, or under the authority of, the Board of Directors in accordance with Florida law, BOG regulations 9.011 and 9.017 and these Amended and Restated Articles of Incorporation and the Bylaws of the FIU-HCN. Only Directors shall have a vote in meetings of the FIU-HCN's ~~members or of the Directors.~~

Section 2. The Board of Directors shall be elected or appointed, hold office and direct the activities of the FIU-HCN in accordance with the Bylaws. The Directors of the Board shall be specified in the Bylaws.

Section 3. The qualifications, election procedures, terms of service, powers and duties of the Directors and Officers of the FIU-HCN shall be specified in the Bylaws.

ARTICLE VI. BYLAWS

The Bylaws of the FIU-HCN shall be adopted by the Board of Directors, and may be altered, amended or rescinded by the Board of Directors in the manner provided for in the Bylaws.

ARTICLE VII. AMENDMENTS TO ARTICLES OF INCORPORATION

The Articles of Incorporation of the FIU-HCN shall be made, altered or rescinded by a two-thirds vote of ~~all the~~ members of the Board at any regular or at any special meeting called for that purpose; provided, however, that no provision of the Articles of Incorporation ~~or the Bylaws~~ may be adopted, amended or rescinded without the prior written approval of the President of FIU. ~~—All amendments to the Articles of Incorporation and Bylaws of the FIU-HCN must be approved by the Board of Trustees of FIU and the Florida Board of Governors,~~ upon recommendation of the President of FIU, prior to their effective date.

ARTICLE VIII. EARNINGS

No part of the net earnings of the FIU-HCN, if any, shall inure to the benefit of, or be distributed to, its ~~members,~~ Directors, Officers, or other private persons, except that the FIU-HCN is authorized and empowered, upon approval by the Board of Directors, to pay reasonable compensation to any person or organization for services rendered, to reimburse Officers and other Directors of the FIU-HCN for expenses incurred by them in the performance of their duties, and to pay salary supplements and expense allowances to officers and employees of ~~the University~~ FIU. All such payments shall be governed by provisions of the ~~Bylaws~~ FIU Regulation FIU-15.02 and the Bylaws.

ARTICLE ~~IX~~VIII. DISSOLUTION

In the event of dissolution of the FIU-HCN or termination of its affairs, ~~or a decertification of the FIU-HCN as a direct~~ university health services support organization, the Directors shall, after paying or making provision for payment of all of the liabilities of the FIU-HCN, distribute all of the remaining assets of the FIU-HCN to FIU to be used exclusively for the general purposes for which the FIU-HCN was organized, subject to the conditions, restrictions, and limitations to which such assets were subject when they were assets of the FIU-HCN. No individual shall be entitled to share in the distribution of any of the assets of the FIU-HCN upon dissolution or termination.

ARTICLE IX. INDEMNIFICATION

Every Director, Officer and employee of the FIU-HCN shall be indemnified by the FIU-HCN against and reimbursed for all reasonable expenses and liabilities,

including attorneys' fees, reasonably incurred or imposed upon them in connection with any proceeding to which they may be a party, or in which they may become involved, by reason of their being or having been a Director, Officer or employee of this FIU-HCN, or any settlement thereof, whether or not they are Directors, Officers or employees at the time such are incurred, except in such cases where the Director, Officer or employee is adjudged guilty of willful malfeasance or misfeasance in the performance of duties; provided that, in the event of a settlement, the indemnification herein shall apply only when the Board of Directors- approves such settlement and reimbursement as being in the best interests of the FIU-HCN. With prior approval of the Board of Directors, costs, charges and expenses (including attorneys' fees) incurred by a Director, Officer or employee may be paid by the FIU-HCN in advance of the final disposition of such action, suit, or proceeding upon receipt of an undertaking by or on behalf of such Director, Officer, or employee to repay all amounts so advanced in the event it shall ultimately be determined that such Director, Officer or employee is not entitled to be indemnified by the FIU-HCN as authorized in this Article or under state law, and upon satisfaction of such other conditions as are required by current or future legislation. The decision by the FIU-HCN to indemnify a Director, Officer or employee or to make advances to a Director, Officer or employee shall be final and shall not be subject to judicial review. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Directors, Officers or employees shall be entitled. Notwithstanding the foregoing, the Board of Directors shall have the power to consolidate the representation of individual Directors, Officers and employees so that the FIU-HCN shall not incur unreasonable attorneys' fees and other costs. Prompt written notice, by registered mail, of all claims for which indemnification is or may be sought shall be given to the FIU-HCN and no settlement of any such claim shall be entered into without reasonable prior written notice, by registered mail, having been given to the FIU-HCN.

ARTICLE XI. REGISTERED OFFICE AND REGISTERED AGENT

The FIU-HCN hereby designates its Registered Office to be located at Florida International University, Office of the General Counsel, University Park, PC 511, Miami, Florida, 33199, or such other place as it may from time to time designate. In accordance with the Bylaws, the ~~University~~ President of FIU hereby recommends and the FIU-HCN President hereby appoints Carlos B. Castillo, General Counsel, Florida International University, as Registered Agent of the FIU-HCN, to accept service process within this State, to serve in such capacity until a successor is selected and duly designated.

ARTICLE XII. EQUAL OPPORTUNITY/ACCESS

In its operations and activities, the FIU-HCN shall be governed by the principles of equal opportunity and access to all persons regardless of race, color, religion, gender, sex, age, disability, marital status, sexual orientation, veteran's status or national origin, or other basis protected by law~~national origin, handicap or disability.~~

ARTICLE XIII. POWERS OF THE PRESIDENT AND USE OF UNIVERSITY RESOURCES

The President of ~~FIU the University or designee~~ shall have the following power ~~tos and duties~~: (1) monitor and control the use of university resources by the FIU-HCN; (2) control the use of the university name by the FIU-HCN; (3) monitor compliance of the FIU-HCN with state and federal laws and regulations; and (4) recommend to the Board of Trustees an annual budget pursuant to and in accordance with the Bylaws.; ~~(5) approve salary supplements and other compensation or benefits paid to university faculty and staff from the FIU-HCN assets, consistent with Board of Trustees' policies;~~ ~~(6) ensure that the FIU-HCN enacts a policy on ethics and conflicts of interest;~~ ~~(7) direct the University to audit the books and records of FIU-HCN and~~ ~~(8) ratify all nominees to the Board and all appointments to Board Committees.~~

ARTICLE ~~XIV~~XIII. TAX RETURN

The FIU-HCN shall submit to the President of FIU and the Board of Governors of the State of Florida its Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its Federal Internal Revenue Service Return of Organization Exempt from Income Tax form (~~form~~ Form 990) in accordance with Section 1004.28 of the Florida Statutes, as may be amended from time to time.

IN WITNESS WHEREOF, the undersigned Directors ~~and Officers~~ of The Florida International University ~~Academic Health Center~~ Health Care Network ~~Faculty Group Practice~~, Inc., a Florida not-for-profit corporation, have executed these Fourth Amended and Restated Articles of Incorporation effective this ____ day of _____, ~~2016~~2023.

~~John A. Roek~~Juan Carlos Cendan, M.D.
FIU-HCN President
Address: 11200 SW 8th Street, AHC2
Suite 693
Miami, Florida 33199

(SEAL)

STATE OF FLORIDA)
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this ____day of _____, ~~2016~~2023, by ~~John A. Roek~~Juan Carlos Cendan, M.D., the President of The Florida International University ~~Academic Health Center~~ Health Care Network ~~Faculty Group Practice~~, Inc., a Florida not-for-profit corporation. The aforementioned individual is personally known to me and did not take an oath.

Notary Public, State of Florida

CERTIFICATION

I, Carlos B. Castillo, Registered Agent of The Florida International University ~~Academic Health Center~~ Health Care Network ~~Faculty Group Practice~~, Inc., a Florida not-for-profit corporation, hereby certify that I am familiar with and accept the duties and responsibilities of the Registered Agent of the FIU-HCN as stated in its Articles of Incorporation.

IN WITNESS WHEREOF, I have hereunto set my hand and have affixed the seal of the FIU-HCN, this ____ day of _____, ~~2016~~2023.

THE FLORIDA INTERNATIONAL UNIVERSITY
~~ACADEMIC HEALTH CENTER~~ HEALTH CARE
NETWORK ~~FACULTY GROUP PRACTICE~~, INC.
a Florida not-for-profit Corporation

By: _____

Presidential Approval ~~October 31~~January 23, ~~2016~~2023

Board of Directors Approval ~~November 8~~April 12, ~~2016~~2023

FIU Board of Trustees Approval ~~December 1~~_____, ~~2016~~2023

~~FOURTH DRAFT~~ **FIFTH** AMENDED AND RESTATED
BYLAWS

of

The Florida International University ~~Academic Health Center~~
Health Care Network ~~Faculty Group Practice~~, Inc.
(A Florida Not for Profit Corporation)

ARTICLE I.I
NAME

The name of the corporation shall be THE FLORIDA INTERNATIONAL UNIVERSITY HEALTH CARE NETWORK, INC. For convenience, the corporation shall be referred to as “FIU-HCN”.

ARTICLE II.
PURPOSE

General Purpose. The Florida International University ~~Academic Health Center~~ Health Care Network ~~Faculty Group Practice~~, Inc. (~~the “FIU-HCN”~~) ~~shall exist exclusively to support the mission of the Florida International University (FIU) and to improve and support health education at the Florida International University in the Herbert Wertheim College of Medicine (HWCOP), the Robert Stempel College of Public Health and Social Work (RSCPHSW), the Nicole Wertheim College of Nursing and Health Sciences (NWCNHS), and departments in the College of Arts, Sciences and Education (CASE) with clinical activities. It is organized:~~ (i) as a not-for-profit corporation under pursuant to Chapter 617, Florida Statutes; (ii) as a university health services support organization pursuant to Sections 1004.29 and 1004.30, Florida Statutes; (iii) pursuant to Board of Governors Regulations ~~9.017~~9.011 and 9.017; and (iv) pursuant to all other applicable state of Florida laws or regulations and Florida International University Board of Trustees regulations. The FIU-HCN shall possess all of the powers and authority as are now

or may hereafter be granted to not-for-profit corporations and university health services support organizations in the State of Florida. The FIU-HCN is organized and shall be operated exclusively for charitable, scientific, and educational purposes and not for pecuniary profit, and for the support and benefit of the Florida International University (the “University” or “FIU”) and its Herbert Wertheim College of Medicine (HWCOC), pursuant to Florida Board of Governors Regulation 9.017. In furtherance of its charitable, scientific, and educational mission, the FIU-HCN may endeavor to enter into arrangements with the University’s Academic Health Center, which includes the Nicole Wertheim College of Nursing and Health Sciences (NWCNHS), the Robert Stempel College of Public Health and Social Work (RSCPHSW) and departments with the College of Arts, Sciences and Education (CASE) with clinical activities. Furthermore, the FIU-HCN may seek to engage in collaboration opportunities with other entities or providers in other integrated health care systems or similar entities and activities in furtherance of the purposes of Sections 1004.29 and 1004.30, Florida Statutes.

ARTICLE III. FISCAL YEAR

The fiscal year of the FIU-HCN shall begin on the first day of July and end on the last day of June in each year.

~~ARTICLE III.~~ ~~MEMBERS~~

~~The FIU-HCN shall have no members.~~

ARTICLE ~~IV-V.~~ BOARD OF DIRECTORS

Section 1. Powers and Duties of the Board of Directors. ~~Except as~~

~~otherwise provided in the Articles of Incorporation and these Bylaws~~In accordance with Article V of the Articles of Incorporation of the FIU-HCN, the direction and management of the affairs of the FIU-HCN and the control and disposition of its assets shall be vested in the Board of Directors (~~the~~ “Board”), and by various Officers and committees thereof as powers may be delegated to such Officers and committees by these Bylaws or by Resolution of the Directors. Individuals serving on the Board shall be the sole voting members of the FIU-HCN and shall be called “Directors”.~~which shall be comprised of up to seventeen (17) directors.~~

The Board shall have the power to hold and to invest and reinvest any monies it receives and to hold any property, to sell or exchange the same, and to invest and reinvest the proceeds of any sale or other conversion of any such property, for the purpose of earning income, which income less operating expenses of the FIU-HCN shall be used to improve and support ~~the HWCUMFIU and clinical activities of FIU clinical faculty in the RSCPHSW, NWCNHS, and CASE~~ in accordance with the FIU-HCN purpose, applicable State of Florida and federal laws, and the policies of the University and its Board of Trustees. In exercising these powers and performing their duties, the Board ~~of Directors~~ shall have the powers, duties, and responsibilities vested in ~~the directors of Florida not for profit corporations~~Chapter 617, Florida Statutes and those set forth in Florida Board of Governors Regulations ~~9.0179.011~~ and 9.017, and all applicable Florida International University Board of Trustees regulations as may be amended from time to time. No part of the net earnings of the Corporation shall inure to the benefit of any ~~member~~, director, or officer of the FIU-HCN, or to any other private individual.

Without limiting the foregoing, the FIU-HCN shall have the power and authority to:

- a) borrow money by issuing long or short-term notes, bonds, or debentures;
- b) pledge, mortgage, or otherwise encumber its assets within the discretion of the Board and the policies of ~~the University~~FIU and its Board of Trustees;

and

- c) provide an annual budget, which shall be approved by FIU-HCN Board of Directors, recommended by the President of FIU (the “University President”) and submitted to the Florida International University Board of Trustees for final review and approval. Such proposed budget shall be approved by the Board of Trustees no later than sixty (60) days after the first day of the fiscal year to which the proposed budget pertains. approve the budget of the FIU-HCN prior to the beginning of each fiscal year.

~~The FIU-HCN is prohibited from giving, directly or indirectly, any gift to a political committee or committee of continuous existence as defined in the Florida Statutes for any purpose other than those certified by a majority roll call vote of the Board at a regularly scheduled meeting as being directly related to the educational mission of the University.~~

Section 2. Membership. The Board shall consist of the following ~~members~~Directors:

- a) ~~a designee representative appointed by of the Chair of the FIU Board of Trustees (who may not be the President of the University);~~
- a) ~~the President of the University~~University President or his/her designee; who shall also serve as a designee of the President of the University in accordance with Section 1004.29(4), Florida Statutes.
- b) ~~the Dean of the HHCWCOM~~Senior Vice President for Health Affairs;
- c) ~~the Executive Associate Dean of Clinical Affairs of the HWCWCOM~~or a designee appointed by the Senior Vice President for Health Affairs if the position is vacant;
- d) ~~one (1) HWCWCOM Non-Chair clinical faculty member selected by the HWCWCOM clinical faculty;~~
- e) ~~One (1) FIU-HWCWCOM Chair faculty member selected by the FIU-HWCWCOM clinical chairs; and~~

f) _____

g) _____ no more than five (5) Directors who are selected and recommended by the ~~Senior Vice President for Health Affairs~~ FIU-HCN President and appointed by the University President.

The University Board of Trustees shall approve all appointments to the Board, other than the Chair of the Board of Trustees' representatives(s) or the University President or University President's designee.

Section 3. Terms of Office.

a) _____ The Dean of the HWCOT / Senior Vice President for Health Affairs and the Executive Associate Dean of Clinical Affairs, shall each serve as a ~~director of the FIU-HCN~~ Director for such time as he or she continues to serve *ex-officio* in their respective positions.

b) _____ Directors appointed to the Board by the University President, the Chair of the FIU Board of Trustees or elected to the Board by HWCOT clinical chairs/faculty shall serve a term of ~~one-two~~ (+2) years and may be reappointed by the party having made the appointment of such Board member, subject to the terms of Article V, Section 5 below. ~~University President or reelected by clinical faculty/chair.~~

Section 4. Resignation. A director not serving *ex-officio* may resign at any time upon written notice to the President or Secretary/Treasurer of the FIU-HCN. Unless otherwise specified in the notice, the resignation shall take effect upon receipt. Resignation from the Board will automatically result in resignation from any Board office and committees. The acceptance of a resignation shall not be necessary to make it effective.

Section 5. Vacancy and Removal. A vacancy shall exist on the Board upon the death, resignation, or removal of a ~~director~~ Director, upon the disability of a ~~director~~ Director that renders him or her permanently incapacitated or unable to serve, or when a ~~director~~ Director is no longer qualified to serve as a ~~director~~ Director. Directors may be removed by the University's President in his/her

sole discretion; provided however, that the Director who is the representative of the Chair of the University's Board of Trustees ~~designee of the FIU Board of Trustees~~ may be removed only by action of ~~the such~~ Chair ~~of the University's Board of Trustees~~. ~~A vacancy may be filled as prescribed by Article B.~~ The person so chosen to fill the vacant position shall hold office for the duration of the previous director's term.

Following a vacancy or removal of a director appointed pursuant to Section 2(d), (e) or (f), if such Director is not appointed in accordance with Sections 2(d), (e) or (f) by the next ensuing meeting of the Board, the University President shall make such appointment.

Section 6. Code of Ethics – Conflict of Interest. Directors stand in a fiduciary relationship to the University and the FIU-HCN and shall comply with the fiduciary principles and law set forth in the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes. Directors shall comport themselves in accord with the statutory Code of Ethics and the Conflict of Interest Policy attached to these Bylaws as an Appendix. Each Director shall annually complete and sign a disclosure form as required by said policy. The FIU-HCN shall maintain the highest ethical standards in all of its operations in order to protect and preserve the FIU-HCN's good name, business interests, and relationships with the community at large, and shall adhere to the requirements of the Florida Whistle-blower's Act, Sections 112.3187 – 112.31895, Florida Statutes.

ARTICLE V. ~~–OFFICERS OF THE–~~ BOARD

Section 1. Number and Method of Election. The Officers of the ~~Board FIU-HCN, who also serve as Officers of the Board,~~ shall be the FIU-HCN President ("President"), Vice President, and Secretary/Treasurer. The President shall be the Senior Vice President for Health Affairs of FIU and shall serve as President of the

FIU-HCN for such time as he or she continues to serve *ex-officio* as Senior Vice President for Health Affairs of FIU. The Vice President and Secretary/Treasurer ~~will~~ shall be elected by the Board. Election will require a majority vote of the Board. An elected officer shall serve a term of ~~one~~ two (2) years and may be re-elected. ~~Officers are eligible for election~~ for up to four (4) consecutive terms.

Section 2. Duties of Officers. The duties and powers of the ~~officers~~ Officers of the FIU-HCN shall be as follows:

~~Dean / Senior Vice President for Health Affairs~~ President. The Dean of the HWC / Senior Vice President for Health Affairs of ~~the HWC~~ FIU shall serve as FIU-HCN PPresident. The FIU-HCN PPresident shall preside at the meetings of the Board and shall be an *ex officio* member of all committees. He/she shall also, at the annual meeting of the FIU-HCN and such other times as he/she deems proper, communicate to the FIU-HCN or to the Board such matters and make such suggestions as may in his/her opinion promote the prosperity and welfare and increase the usefulness of the FIU-HCN and shall perform such other duties as are necessarily incident to the office of the FIU-HCN PPresident. ~~Unless delegated to FIU-HCN management by the Board, t~~ The FIU-HCN President shall sign all certificates, bonds, deeds, mortgages, leases, and contracts of the FIU-HCN as approved by the Board. The FIU-HCN President shall perform all duties, as the Board shall designate. The FIU-HCN President ~~of the FIU-HCN~~ may delegate certain duties with the Board's approval.

Vice President. The Vice President shall be responsible for assisting the FIU-HCN President in any way so designated by the FIU-HCN President and shall serve as temporary FIU-HCN President in the FIU-HCN President's absence. The Vice President shall perform such other duties as may from time to time be assigned by the FIU-HCN President, the Board, or the Executive Committee. In case of the death or absence of the President, or of his/her inability from any cause to act, the Vice President shall perform the duties of the President.

Secretary/Treasurer. It shall be the duty of the Secretary/Treasurer to give notice of and attend all meetings of the FIU-HCN and all committees and keep a record of their doings; to conduct all correspondence and to carry into execution all orders, votes, and resolutions not otherwise committed; ~~to keep a list of the members of the FIU-HCN;~~ to notify the officers ~~and members~~ of the FIU-HCN of their election; to notify members of the FIU-HCN of their appointment on committees; to furnish the chairman of each committee with the results of the vote under which the committee is appointed, and at his/her request give notice of the meetings of the committee; and generally to devote his/her best efforts to forwarding the business and advancing the interests of the FIU-HCN. ~~The Secretary/Treasurer shall have the care and custody of the money, funds, valuable paper and documents of the FIU-HCN.~~ The Secretary/Treasurer shall keep accurate books of accounts of the FIU-HCN's transactions, which shall be the property of the FIU-HCN and shall render financial reports and statements of condition of the FIU-HCN when so requested by the Board or President. In case of absence or disability of the Secretary/Treasurer, the Board shall appoint a Secretary/Treasurer *pro tem*. The Secretary/Treasurer shall be the keeper of the corporate seal.

Section 53. Compensation of Officers. ~~The~~ No officers ~~may shall~~ receive ~~such a~~ salary or compensation ~~as in exchange for performing their duties as officers of the FIU-HCN membership duties to the Board may determine, pursuant to the policies and regulations of the University and its Board of Trustees and applicable State of Florida and federal law.~~

ARTICLE VI. POWERS OF THE UNIVERSITY'S PRESIDENT

In addition to the powers set forth in the Articles of Incorporation and these Bylaws, the University ~~The~~ President ~~of FIU~~ or ~~his/her~~ designee shall have the

following powers and duties: s:

(1) monitor and control the use of university resources by the FIU-HCN; (2) control the use of the university name by the FIU-HCN; (3) monitor compliance of the FIU-HCN with state and federal laws and regulations; and; (4) recommend to the University Board of Trustees an annual budget for the FIU-HCN pursuant to these Bylaws; ~~(5) approve salary supplements and other compensation or benefits paid to FIU-HCN employees and to university faculty and staff from the FIU-HCN assets, consistent with Board of Trustees' policies; (6) ensure that the FIU-HCN enacts a policy on ethics and conflicts of interest; (7) direct the University to audit the books and records of FIU-HCN; and (8) ratify all nominees to the Board and all appointments to Board Committees.~~

ARTICLE VII. COMMITTEES

Section 1. Designation and Appointment of Committees. Committees of the Board shall either be Standing Committees, as designated by these Bylaws, or Special Committees, as established by the FIU-HCN President ~~of the FIU-HCN Board~~. ~~Standing Committees or Special Committees shall have the power to establish Sub-Committees.~~ The FIU-HCN President ~~of the FIU-HCN Board~~ shall appoint the members of all committees and designate their chairpersons, except as otherwise specified by these Bylaws. A majority of the members of Standing ~~committees~~ Committees ~~or~~; Special Committees ~~and of any sub-committees~~ must be Directors. All members of the committees shall have voting rights. The actions of any committee shall be subject to review and approval by the FIU-HCN Board at its next meeting, except when the power to act is specifically granted to a committee by these Bylaws or by action of the Directors. Each committee shall keep approved minutes and submit them to the Directors for review.

Section 2. Standing Committees. ~~At the first meeting of the Board after its~~

~~election, or as soon thereafter as practicable, the President of the FIU-HCN Board shall appoint such committees as he/she may deem necessary and advisable to assist in the conduct of the FIU-HCN's affairs.~~

There shall be two (2) ~~standing~~ Standing committees ~~Committees~~ of the Board: the Finance and Audit Committee and the Executive Committee.

Section 3. Special Committees. The FIU-HCN President ~~of the FIU-HCN Board~~ may, at any time, appoint other committees to deal with specific issues, for which there is no Standing Committee. Special Committees shall be discharged by the FIU-HCN President upon completion of the task for which they are established.

Section 4. Committee Quorum. A majority of any committee of the FIU-HCN shall constitute a quorum for the transaction of business of a committee meeting, ~~unless any such committee shall, by a majority of its entire membership, decide otherwise.~~

Section 5. Committee Vacancies. The FIU-HCN President ~~authority, which originally appointed a committee,~~ shall have the power to fill any vacancy on the committee.

Section 6. Committees of the Board

6.1 Executive ~~Committee~~ Committee.

~~6.1A.~~ Membership. The members of the Executive Committee are as follows:

1. Officers of the ~~Board~~ FIU-HCN (President, Vice President and Secretary/Treasurer);

- ~~2.~~ Chair of the Finance and Audit Committee;

- 2.

3. ~~Any other~~ A Director of the Board ~~members~~ appointed by the President of the University President; and/or the Chair of the FIU Board of Trustees.

3.4. A Director of the Board appointed by the Chair of the University's Board of Trustees.

6.2B. Authority of the Executive Committee. The Executive Committee of the Board ~~of the FIU-HCN~~ shall have and may exercise all powers and authority of the Board when the Directors are not in session, subject only to such restrictions or limitations as the Directors may from time to time specify, except that the Executive Committee shall have no authority to alter, amend, or repeal the Articles of Incorporation or Bylaws of the FIU-HCN, to remove Directors or Officers or to elect Directors, Officers, or committee members or to take any action requiring a super-majority vote of the Board. The Executive Committee shall meet at the call of the FIU-HCN PP President ~~of the Board~~. A majority of the voting members of the Executive Committee shall constitute a quorum and a majority vote of the voting members of the Committee present, after a quorum has been declared, shall be required to enact business of the Executive Committee. When urgency precludes a formal meeting, matters may be handled by telephone in accordance with provisions of these Bylaws and the requirements of Florida law regarding meetings of the Directors.

All actions of the Executive Committee shall be reported to the Directors at the next ensuing meeting of the Board, or when earlier if deemed sufficiently important by the FIU-HCN PP President ~~of the Board~~ or the University President. Such actions shall be reported to the ~~Directors-Board~~ within thirty (30) days after such action is taken, or at a meeting of the ~~Directors-Board~~ if a meeting is held within that period of time. All actions of the Executive Committee shall be included in the minutes of the Board.

6.2 The Finance and Audit Committee.

6.3—Membership. The Finance and Audit Committee shall have ~~at least~~
~~five (5)the following~~ members ~~which shall be appointed by the FIU-~~
~~HCN President.:~~ ~~The President of the FIU-HCN Board shall appoint~~
~~to the Finance and Audit Committee the following:~~

A.

~~1.~~ the Chief Financial Officer of FIU or his or her designee who shall serve as the chair of the Finance and Audit Committee;

1.

2. the Senior Associate Dean for Finance and Administration at HWCOC;

~~i.~~

3. the Secretary-Treasurer of the Board; and

ii.

4. up to two (2) additional members appointed by the ~~Senior Vice President for Health Affairs~~ FIU-HCN President, one of which must be a Director of the Board other than the Secretary-Treasurer.

iii.

B. Term.

Members who are appointed by the ~~Senior Vice President for Health Affairs~~ FIU-HCN President shall serve for a ~~three-two~~ (32) year term and may be re-appointed for up to four (4) consecutive terms. The Chief Financial Officer of FIU (~~or his/her designee~~) and the Senior Associate Dean for Finance and Administration at HWCOC shall serve on the committee for such time as each continues to serve *ex-officio* in their respective positions. Board members may serve on the Finance and Audit Committee so long as they are Board members.

C. Authority of the Finance and Audit Committee.

~~The Finance and Audit Committee~~ It shall address and oversee financial matters, and matters related to audit policies and system of internal controls and administrative policy matters for the FIU-HCN. ~~The Finance and Audit Committee shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be~~ An audit shall be conducted annually by outside public accountants and presented to the Finance and Audit Committee,

which shall in turn present the audit report ~~of audit~~, including the scope of the examination, to the FIU-HCN President immediately, and to the Board at its the members of the FIU-HCN at their next meeting with such recommendations as the Finance and Audit Committee shall deem appropriate. Thereafter, the annual audit report shall be submitted by the University President to the Board of Trustees and the Board of Governors for review no later than the end of the fourth month following the close of the organization's fiscal year. Audits shall be conducted pursuant to the requirements of the Florida Statutes and in accordance with rules adopted by the Auditor General of the State of Florida.

~~It shall address and oversee financial and administrative policy matters for the FIU-HCN. Notwithstanding anything contained herein to the contrary, the University shall have the right to audit the books, records and operations of the FIU-HCN, as the University determines appropriate in the exercise of its oversight over the FIU-HCN.~~

~~The Finance and Audit Committee shall be responsible for the periodic review of the FIU-HCN's financial performance, and provide advice and recommendations to the Board on financial matters.~~ The Finance and Audit Committee shall approve the FIU-HCN's annual budget and thereafter periodically review actual performance against the budget. The annual budget shall be reviewed and recommended to the Board before the beginning of the FIU-HCN's fiscal year. Each year the annual budget shall be approved by the Board and recommended by the University President to the University BBoard of Trustees no later than sixty (60) days following the beginning of the FIU-HCN's fiscal year to which the proposed budget pertains. Each proposed budget shall include therein:

1. expenditures for the construction of physical facilities; and

2. salary supplements, compensation and benefits provided to the President of the University, University faculty, University staff and FIU-HCN employees to be paid with assets of the FIU-HCN, which shall be specifically identified.

The Finance and Audit Committee shall prepare and submit to the FIU-HCN President of the FIU-HCN and the University President of the University, no later than the first day of each quarter of the organization's fiscal year, a quarterly expenditure plan that separately delineates planned actions which could cause a commitment of University resources or which represent a significant commitment of the resources of the FIU-HCN, including: (A) major fundraising events and campaigns and their purpose; (B) compensation and benefits to University employees and employees of the FIU-HCN; (C) capital projects, including land acquisition, construction, renovation or repair; and (D) other major commitments of the resources of the FIU-HCN. The Board of Trustees must approve the FIU-HCN's budget before it can be enacted.

Notwithstanding anything contained herein to the contrary, the University shall have the right to audit the books, records, and operations of the FIU-HCN, as the University determines appropriate in the exercise of its oversight over the FIU-HCN.

The Committee shall keep a record of its proceedings and may appoint the Secretary/Treasurer for that purpose.

Section 7. Composition of Committees. Individuals other than Directors shall be eligible to serve on committees, subject to Article VII, Section 1 the provisions of these Bylaws. However, the Chairperson of ~~the any committee~~ **Committees** shall be a Director.

ARTICLE VIII. MEETINGS OF THE FIU-HCN.

BOARD OF DIRECTORS

Section 1. Annual Meeting of the FIU-HCN. One of the regular meetings of the FIU-HCN Board of Directors shall be an annual meeting for receiving the annual reports of officers, directors and committees, and the transaction of other business. Notice of the meeting, signed by the Secretary/Treasurer, shall be mailed by U.S. Mail or delivered electronically, except as herein or by statute otherwise provided, to the last recorded physical or electronic address of each member at least ten (10) days prior to such meeting~~and not more than fifty (50) days before the time appointed for the meeting~~. All notices of meetings shall set forth the place, date, time, and purpose of the meeting.

Section 2. Regular Meetings. Regular meetings of the Board shall be held no less often than two (2) times per year. Notice of the meeting, signed by the Secretary/Treasurer, shall be mailed by U.S. Mail or delivered electronically, except as herein or by statute otherwise provided, to the last recorded physical or electronic address of each member at least ten (10) days ~~and not more than fifty (50) days before the time appointed for the meeting~~. The purpose of regular meetings shall be for the transaction of such business as may lawfully come before each meeting. The Secretary/Treasurer of the FIU-HCN shall provide ~~the directors~~Directors with a schedule of the regular meetings.

Section 3. Special Meetings. The FIU-HCN ~~President of FIU-HCN~~, the University ~~President of FIU~~ or any two (2) ~~Board members~~Directors may call special meetings of the Board. Notice of a special meeting, signed by the Secretary/Treasurer, shall be mailed by U.S. Mail or delivered electronically, except as herein or by statute otherwise provided, to the last recorded physical or electronic address of each member at least ten (10) days. Notice of any special meeting may also be posted on the FIU-HCN's website at least ten (10) days prior to such special meeting. ~~No~~ business other than that specified in the notice of meeting shall be transacted at

any ~~by~~ special meeting of the Board.

Section 4. Telephone Meetings. The Board and Committee meetings may be conducted ~~by telephone conference or similar communications facilities~~ if the [FIU-HCN](#) President or the Chairperson of the Committee determines it is appropriate and if all persons participating in such meetings can hear each other as if the meeting were held in person.

Section 5. Executive Session. The Legislature has provided limited exemptions from the Sunshine law for certain meetings because of the confidential material that must be discussed. When the Board decides to avail itself of any such exemption, it will do so by convening an executive session of the Board [in accordance with Florida law](#).

A. Pending Litigation:

Meetings to discuss pending litigation in which the Board is presently a party before a court or administrative agency may be held in executive session outside the Sunshine [in accordance with Florida law. Without limiting the foregoing,](#) applicable, ~~provided the following~~ procedures and conditions ~~are met~~ [include](#):

1. Counsel for the Board must advise the Board at a public meeting that he or she desires an executive session and must state the basis therefore.
2. Only Board members, the Board's attorney(s) and the [University](#) ~~PPresident of the University~~ may attend a closed executive session to discuss pending litigation. Staff members or consultants are not permitted to attend. The Board must give advance public notice, pursuant to its procedures, of the time and date of the executive session, and must identify the names of the persons who will be attending the closed session.
- ~~3.~~ The session must commence with an open meeting at which the [FIU-HCN](#) President or his/her designee shall announce the commencement of the meeting, the estimated length of the closed executive session, and the

names of the persons attending. At that point, the meeting is closed to all except those whose names have been announced. The executive session may then commence. At the conclusion of the executive session, the meeting must be reopened to the public and the person chairing the meeting shall announce

the termination of the closed executive session.

4.3. A certified court reporter must record the entire executive session. The reporter must record the times of commencement and termination of the executive session; all discussions and proceedings; the names of all persons present at any time; and the names of all persons speaking. No portion of any executive session may be held off the record. The Board must have the court reporter's notes fully transcribed, and the transcript filed with its records custodian. The transcript is exempt from Florida's public records law and is not to be disclosed until the litigation concludes. Upon the conclusion of the litigation, the transcript becomes part of the public record.

5.4. The subject matter of the closed session must be confined to settlement negotiations or strategy sessions related to litigation expenditures. The Board may not go beyond these strict parameters. No final action, no vote, and no decisive action may be taken during the closed session. Any final decision to settle a lawsuit, for a certain amount of money, or under certain conditions, is a decision that must be voted upon in a public meeting.

Section 6. Waiver. A Member, Officer or Director may not -waive any notice required to be given by law or under these Bylaws.

Section 7. Quorum. The presence in person, ~~or~~ telephonically, or comparable communication technology if the FIU-HCN President has permitted participation by said optiontelephone, of eight-a majority of the Directors ~~of the FIU-HCN~~ entitled to vote shall be necessary to constitute a quorum for the transaction of business.

Section 8. Voting. If the manner of deciding any question has not otherwise been prescribed, it shall be decided by a majority of the votes cast at a meeting at which a quorum is present.

Section 9. Action by Written Consent. All actions required or permitted to

be taken by the Board must be taken at a meeting of the Board or of any committee

designated by the Board.

Section 10. Order of Business. ~~Where not addressed by these Bylaws, the Articles of Incorporation or Florida law, all matters of procedure shall may be governed by Roberts Rules or of Order (latest edition) will be followed at all the meetings of the FIU-HCN and the Board.~~

The FIU-HCN President without debate shall decide any question as to priority of business.

~~This order of business may be altered or suspended at any meeting by a majority vote of the members present.~~

Section 11. Agenda and Minutes. A written agenda of the matters to be considered at a Board or committee meeting shall be delivered to members thereof prior to such meeting.

Written minutes of the proceedings of the Board and committees shall be maintained, and all actions taken at Board and committee meetings shall be properly recorded in the minutes.

ARTICLE IX. ADMINISTRATION POLICIES

Section 1. Chief Executive Officer. The ~~Board shall appoint a~~ Chief Executive Officer (“CEO”) of the FIU-HCN shall be appointed by and shall serve at the pleasure of the FIU-HCN President. ~~The appointment is subject to the approval of the Dean of the HWCN / Senior Vice President for Health Affairs.~~ The CEO shall oversee all day-to-day affairs of the FIU-HCN and shall report to the FIU-HCN President.

Section 2. Affairs and Operations. Notwithstanding any other provision of these Bylaws to the contrary, the affairs and operations of the FIU-HCN shall be conducted in strict compliance with the policy and regulations of the Florida Board of Governors and the University ~~concerning the faculty practice plan for the~~

~~HWC~~COM, approved at the January 24, 2008, meeting, as it may hereafter be amended. ~~Any employee of the State of Florida who is assigned to work on FIU~~

~~HCN matters shall provide services on behalf of the FIU clinical faculty practices and will not be considered an employee of the FIU-HCN.~~

Section 3. Financial Audits and Reports. All financial records of the FIU-HCN shall be available to the appropriate personnel of the University from time to time as determined by the University President of the University. ~~The Board shall engage an independent certified public accountant (CPA) to perform an annual audit of the organization's financial statements, with the objective being to render an opinion on the financial statements. The cost of the audit shall be borne by the FIU-HCN as an operating expense. Copies of each annual audited financial report shall be promptly provided to the President of the University and the Dean of the HWCOT / Senior Vice President for Health Affairs for their review.~~

Section 4. Distribution of Net Receipts. The accumulation, expenditure and distribution of all funds of FIU-HCN shall be exclusively for the improvement and support of ~~medical education at colleges and departments generating the income~~FIU Herbert Wertheim College of Medicine and shall be made only after approval by the ~~Dean of HWCOT / Senior Vice President for Health Affairs~~FIU-HCN President or his/her designee.

ARTICLE X. SEAL

The seal of the FIU-HCN shall be as more particularly shown in the following impression.

ARTICLE XI. COMMITMENT TO COMPLIANCE

The FIU-HCN is a Federal income tax-exempt organization dedicated to providing ~~administrative services to support University clinical and educational~~ services

~~provided to students~~ to FIU and to the South Florida community. The FIU-HCN is committed to meeting the highest ethical standards in all operations. It is committed to compliance with the laws, rules and regulations that govern its operations and committed to establishing a compliance program that will provide the FIU-HCN employees with tools to understand and comply with such laws.

ARTICLE XII. AMENDMENTS

The Bylaws of the FIU-HCN shall be made, altered or rescinded by a two-thirds vote of ~~all the~~ members of the Board ~~at~~ any regular or at any special meeting called for that purpose; provided, however, that no ~~B~~bylaw may be adopted, amended or rescinded without the prior written approval of the University ~~PPresident of FIU~~. All amendments to the Bylaws of the FIU-HCN must be approved by the Board of Trustees of FIU and the Florida Board of Governors, upon recommendation of the University ~~PPresident of FIU~~ prior to their effective date. All amendments to the Bylaws and Articles of Incorporation of the FIU-HCN shall comply with and be subject to Florida law and applicable state and University rules, regulations, and policies.

ARTICLE XIII. INDEMNIFICATION

The indemnification of any director, officer, or employee of the FIU-HCN shall be governed pursuant to the FIU-HCN's Articles of Incorporations and as provided by law.

ARTICLE XIV. DISSOLUTION

In the event that the FIU-HCN shall dissolve or otherwise terminate its

corporate existence, or be decertified as a support organization in accordance with its Articles of Incorporation, and subject to the provisions of Chapter 617, Florida Statutes, the FIU-HCN shall distribute all its existing assets as provided in the Articles of Incorporation in compliance with applicable State of Florida and federal law.

~~Fourth-Fifth~~ Amended Bylaws ~~Amendments~~ Proposed _____
~~January 13, May 2016-2023~~

University Presidential Approval ~~May 12~~ January 23,
2016-2023

Board of Directors Approval ~~May 16~~ April 12, 2016-2023

~~Fourth-Fifth~~ Amended Bylaws ~~Amendments~~ Proposed ~~November~~
~~January 13, 2016-2023~~

University Presidential Approval ~~October 31~~ January 23,
2016-2023

Board of Directors Approval ~~November 8~~ April 12, 2016-2023

FIU Board of Trustees Approval ~~December~~
~~1 _____, 2016-2023 of May 2016 and November 2016~~
~~Amendments~~

MEMORANDUM

TO: Carlos B. Castillo, General Counsel
Val Aubourg, Sr. University Counsel & Chief Legal Officer

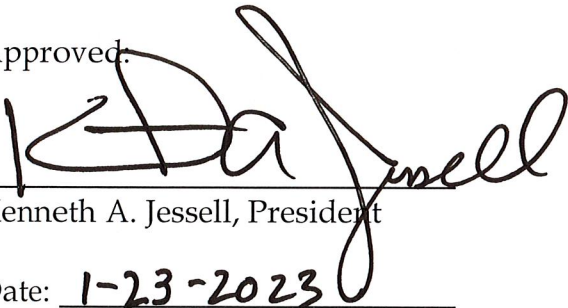
FROM: Kenneth A. Jessell, President

RE: FIU-HCN Articles of Incorporation and Bylaws

DATE: January 23, 2023

I have reviewed the proposed redlined changes to the Articles of Incorporation and Bylaws of the Florida International University Health Care Network (FIU-HCN). I hereby confirm my approval of those proposed changes so that they may be presented to the Board of Directors of the FIU-HCN for consideration and approval.

Approved:



Kenneth A. Jessell, President

Date: 1-23-2023

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Governance Committee

April 27, 2023

Subject: Review to Ensure Consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes

Proposed Committee Action:

Recommend that the Florida International University Board of Trustees confirm, pursuant to the request of the Board of Governors and the Board of Trustees approved FIU Plan for Implementing Civil Discourse Recommendations, that it has conducted, with the assistance of the university administration, a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.

Background Information:

At its January 2022 meeting, the Board of Governors approved recommendations from its Strategic Planning Committee relative to civil discourse. As explained by the Board of Governors, these recommendations were designed to ensure a climate of free expression and civil discourse on each university campus according to the principles set forth in the State University System Free Expression Statement and the Board of Governors' Civil Discourse Final Report. A complete copy of the Board of Governor's Civil Discourse Final Report is included in the Supporting Documentation for this Agenda Item. Appendix A of the Board of Governors' Civil Discourse Final Report contains the State University System Free Expression Statement. A complete (signed) copy of the State University System Free Expression Statement also is included in the Supporting Documentation for this Agenda Item.

On May 5, 2022, the Board of Governors requested that each university submit no later than October 3, 2022, a Board of Trustees' approved plan for implementing the Board of Governors' recommendations.

Thereafter, the Board of Governors requested that each university submit no later than July 15, 2022, a Civil Discourse Recommendations Update. Pursuant to this request, the University, on July 15, 2022 submitted to the Board of Governors the requested Civil Discourse Recommendations Update.

On September 7, 2022, the Board of Governors requested that each university submit no later than October 3, 2022, a reporting template reflecting each university's progress towards implementing the recommendations from the Board of Governor's Civil Discourse Final Report. In response, on September 22, 2022, the FIU Board of Trustees approved the FIU Plan for Implementing Civil Discourse Recommendations in alignment with the university's progress report. In its report, the University indicated that Recommendation IV would be completed no later than the end of Spring 2023 semester.

University Leadership – Recommendation IV: *The Board of Governors recommends that each board of trustees conducts a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.*

To ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes, (1) updates were made to student orientation programming, which are reflected in the attached documents; (2) the Student Conduct and Honor Code (attached) was amended by the Board of Trustees at its September 22, 2022 meeting; and (3) the Employee Code of Conduct: University Guiding Principles and Standards published in Fall 2022 and HR policies were reviewed. This review confirmed the required consistency.

Supporting Documentation: Executive Summary of Supporting Documentation
Board of Governors' Civil Discourse Final Report
New Student Orientation Civil Discourse Programming
Student Conduct and Honor Code
Employee Code of Conduct: University Guiding Principles and Standards

Facilitator/Presenter: Heather Russell

Executive Summary of Supporting Documentation

New Student Orientation Civil Discourse Programming

The programming for the New Student Orientation was reviewed to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statute. Information was incorporated specifically about Expressive Activities and Free Speech on campus and the FIU Values to ensure that all incoming students approximately 4000 students per year who attend orientation are informed and educated. Programming was also added to Panther Camp, an extension of the Orientation program in which approximately 600-800 students attend annually, to engage students in raising their awareness about civil discourse.

Student Conduct and Honor Code

FIU-2501 Student Conduct and Honor Code was amended on October 12, 2022 to include the text below: “FIU endorses the Board of Governors of the State University System of Florida’s Statement of Free Expression to support and encourage full and open discourse and the robust exchange of ideas and perspectives on our campuses. We view this as an integral part of our ability to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service.”

Employee Code of Conduct: University Guiding Principles and Standards

The Employee Code of Conduct: University Guiding Principles and Standards was published Fall 2022. The document includes a section on Responsibility and Accountability: Freedom which includes the FIU Statement of Endorsement of the Board of Governor’s Statement of Free Expression and highlights the Freedom of Censorship, Freedom to select teaching materials and Freedom to engage in scholarly activity.

Civil Discourse Final Report 2022



CIVIL DISCOURSE INITIATIVES in the STATE UNIVERSITY SYSTEM

INTRODUCTION

As members of many different societal groups and communities, people thrive on the personal interactions that occur every minute of every day. These ongoing interactions provide the foundation for learning, discovery, and growth in a university setting. More specifically, open-minded, tolerant, and respectful discourse among campus community members is critical to enabling students to learn and pursue their educational goals, faculty to effectively teach, and staff to pursue fulfilling work.

To promote civil discourse in the State University System, the Board of Governors, the presidents of Florida's twelve public universities, adopted a "Statement of Free Expression" in 2019. The Board's statement directly aligns with the well-established "Chicago Principles" that originated at the University of Chicago in 2014 to articulate the university's overarching commitment to free, robust, and uninhibited debate. Universities have widely adopted the Chicago Principles throughout the U.S.

The Board's Statement of Free Expression was endorsed by the twelve state universities as a vehicle to establish, maintain, and support a full and open discourse and the robust exchange of ideas and perspectives on all university campuses (See Appendix A). The statement reinforces that a critical purpose of a higher education institution is "to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated."

Board of Governors Chair Syd Kitson established the Board's Civil Discourse Initiative during his January 2021 "State of the System" address. Chair Kitson expressed concern regarding the steady decline in respectful discourse among those with differing viewpoints. He stated that the university setting could provide a foundation for understanding, learning, and growth in this area. Chair Kitson tasked Governor Tim Cerio to lead the initiative through the Strategic Planning Committee. Governor Cerio has stated that "Civil discourse, conducted civilly without fear of reprisal, is critical to free speech and ensuring academic and intellectual freedom – not just on our university campuses, but throughout our country."

The 2018 Legislature established the Campus Free Expression Act in section 1004.097, Florida Statutes. This statute provides direction and relevance to the Board's initiative as it codifies an individual's right to engage in free-speech activities at public higher education institutions. It also prohibits a public institution from shielding students, faculty, or staff from expressive activities while authorizing a public institution to create and enforce reasonable restrictions under specified conditions.

CIVIL DISCOURSE: BEST PRACTICES

The State University System

The state universities provided information on activities and initiatives promoting and supporting civil discourse in their campus communities. Best practices gleaned from a review of their submissions were highlighted within the following four categories.

1. Workshops & Professional Development: Presentations, lectures, workshops, or training designed to provide opportunities for faculty, staff, students, and campus partners to learn how to engage in and facilitate dialogue respectfully.
2. Speakers, Dialogue & Debate: Events or programs that provide opportunities for faculty, staff, and students to engage in, observe, or facilitate conversations and encourage civil discourse.
3. Outreach (on and off-campus): Programs, workshops, and or campaigns with external partners help cultivate a campus culture of civil discourse.
4. Research and Academic Affairs: Research-based initiatives, web tools, and courses designed to provide opportunities for students, faculty, and staff to engage in and learn about issues related to civil discourse in a formal setting.

Additionally, the committee researched established national programs addressing civil discourse and interviewed prominent authorities in this area. Interviews were conducted with Dr. Robert George, McCormick Professor of Jurisprudence & Director, James Madison Program at Princeton University; Dr. Lynn Pasquerella, President of the Association of American Colleges and Universities; Dr. Diana Hess, Dean, University of Wisconsin School of Education; Ms. Liz Joyner, Founder & C.E.O., the Village Square; Dr. Bill Mattox, Director, James Madison Institute's Marshall Center for Educational Options; Dr. Tim Chapin, Dean, FSU College of Social Sciences and Public Policy, and Dr. Jonathan Haidt, founder of the Heterodox Academy.

National Models

A review of the national postsecondary system and institutional civil discourse programs identified a number of highly regarded initiatives and strategies that promote and support civil discourse. Examples include the following.

- The Center for Peace and Conflict Resolution, Brigham Young University: The Center's primary focus is conflict resolution. Through mediation, arbitration, training workshops, research, conferences, academic courses, and consultations, the Center assists both the university and the community in building skills and promoting understanding of peace, negotiation, communication, and conflict resolution.
- Heterodox Academy: Heterodox Academy is a nonpartisan international collaborative of professors, administrators, and students committed to enhancing the quality of research and education by promoting open inquiry, viewpoint diversity, and constructive disagreement in institutions of higher learning. The

Heterodox Academy was founded in 2015 by scholar Jonathan Haidt. He was prompted by his views on the negative impact that the lack of ideological diversity has had on the quality of research within the Academy.

The Academy collaboratively engages with universities throughout the U.S. to promote rigorous, open, and responsible interactions across lines of difference as essential to separating good ideas from bad and making good ideas better. Heterodox scholars view the university as a place of collaborative truth-seeking, where diverse scholars and students approach problems and questions from different points of view in pursuit of knowledge, discovery, and growth.

- The Institute for Civic Discourse and Democracy, Kansas State University: The Institute pursues theories and practice in civic discourse that are identified to advance improvements in all campus and community interactions. The Institute supports public conversation to elevate specific qualities of civic discourse, including inclusiveness, equality, reciprocity, reflection, reason-giving, and shared decision-making. The Institute offers certificates and degrees through the university's communication studies department; and offers workshops, facilitator training, and research opportunities through the Kansas Civic Life Project.
- The James Madison Program in American Ideals and Institutions: The James Madison Program is a scholarly institute within the Department of Politics at Princeton University and is dedicated to exploring enduring questions of American constitutional law and Western political thought. The James Madison Program was founded in 2000 by Dr. Robert George, McCormick Professor of Jurisprudence at Princeton University, and follows the University of Chicago's principles on freedom of expression.

The James Madison Program promotes teaching and scholarship in constitutional law and political thought and provides a forum for free expression and robust civil dialogue and debate. The Program hosts visiting postdoctoral and undergraduate fellows and offers various activities, courses, summer programs, and other related activities promoting free expression.

RECOMMENDATIONS

All 12 universities in the State University System have voiced a commitment to civil discourse and have provided numerous examples of programs and policies to establish, maintain, and support civil discourse throughout their living, learning, and working environment.

In recent years, there have been incidents of unacceptable behaviors and violations of codes of conduct and personnel policies relating to civil discourse by administrators, faculty, and students in the system. When such incidents occur, universities must respond to grievances with rapid response, thorough review, and adjudication according to their established policies. This process is most valuable when the conflict is resolved,

the impacted individuals are redressed, and all involved can learn and grow from the experience.

Moreover, programming restricting participation based on race or ethnicity, and in violation of existing university policies, has occurred with more frequency on Florida campuses. Although perhaps well-intentioned, often the effect of these programs is to further divide and disenfranchise, rather than promote understanding through civil discourse.

The Board of Governors as Advocate

The Board of Governors, responsible for the management and operation of the State University System, is unequivocal in its support of civil discourse throughout its 12 campus communities. The Board believes that each campus community member has a unique and critical role in the adherence to civil discourse and the ongoing support of the establishment, maintenance, and evaluation of civil discourse initiatives.

The Board of Governors' "Statement of Free Expression" remains an integral part of the Board's three-pronged mission for state universities: to deliver a high-quality academic experience for students, to engage in meaningful and productive research, and to provide a valuable public service for the benefit of local communities, metropolitan regions, and the state.

- I. **The Board of Governors expects that the leadership at each university will operationalize the Board's commitment to open-minded and tolerant civil discourse by promoting, supporting, and regularly evaluating adherence to the principles set forth in the Board's Statement of Free Expression and cultivating a culture of civil discourse in all campus interactions, including academic, administrative, extracurricular, and social dealings.**

University Planning

In its 2025 Strategic Plan, the Board of Governors sets forth its mission for the State University System and further states that the state universities will "*support students' development of the knowledge, skills, and aptitudes needed for success in the global society and marketplace.*" The Board strongly believes that the state universities are well-positioned to provide the foundation for civil discourse learning, understanding, and growth for all campus community members.

Each university's Accountability Plan is an annual report of specific accountability measures and strategic plans.

- II. **The Board of Governors recommends that each university's Accountability Plan and Strategic Plan include a specific endorsement of the Board's Statement of Free Expression, as well as a clear expectation for open-minded and tolerant civil discourse throughout the campus community. The Board of Governors will include similar statements and principles in its Strategic Plan for the State University System.**

University Leadership

State university boards of trustees have the powers and duties necessary for each university's operation, management, and accountability. University civil discourse policies, programs, and initiatives should be viewed as strategic priorities by each board of trustees. The Board of Governors also believes that university faculty senates and student governments have a vital role and should participate early and often in the development, implementation, evaluation, and support of civil discourse programs and initiatives.

- III. **The Board of Governors recommends that the leadership of each university board of trustees, faculty senate, and student government annually review and endorse the Board's Statement of Free Expression and commit to the principles of civil discourse.**
- IV. **The Board of Governors recommends that each board of trustees conducts a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.**

The University President

The university president has primary responsibility for establishing the campus culture and setting the day-to-day living, learning, and working environment for all university community members. The president directs and monitors these efforts and is ultimately accountable for the civil discourse climate in the campus community.

Board of Governors Regulation 1.001, University Board of Trustees Powers and Duties, states that the annual evaluation for university presidents addresses "responsiveness to the Board of Governors' strategic goals and priorities."

- V. Beginning in the 2022 presidential evaluation and contract renewal cycle, as a part of a president's evaluation, the Chair of the Board of Governors will consult with the board of trustees chair to review the university's campus free speech climate, including adherence to the principles set forth in the Board's Statement of Free Expression, the occurrence and the resolution of any issues related to the university's compliance with substantiated violations of section 1004.097, Florida Statutes, and the implementation of best practices promoting civil discourse.

Academic, Student, and Administrative Affairs

Board of Governors Regulation 1.001, University Boards of Trustees Powers & Duties, directs each board of trustees to adopt regulations or policies for a student code of conduct and establish a personnel program for all university employees. These policies are required to include standards for performance and conduct as well as disciplinary actions, complaints, appeals, and grievance procedures.

A university's personnel policies, orientation programs, and student code of conduct are critical to setting the tone for a climate of open-mindedness and tolerance for civil discourse. More specifically, all university campus areas, including classrooms, lecture halls, offices, and extracurricular, residential, and social locales, offer opportunities for learning, tolerance, and growth. Academic deans and directors, student affairs administrators, faculty, and students share responsibility for establishing and reinforcing tolerant, open-minded, and respectful discourse on a university campus.

- VI. The Board of Governors recommends that university academic, student affairs, and administrative leaders review student orientation programming, student codes of conduct, and employee personnel policies and procedures to ensure that they contain clear and unambiguous support for the Board's Statement of Free Expression, and the principles of free speech and civil discourse, and that they are in compliance with section 1004.097, Florida Statutes.

Best Practices for Civil Discourse

- VII. The Board of Governors recommends implementing the following best practices based on its review of university programs and initiatives that effectively promote and support civil discourse.

- **Instill the importance of civil discourse, academic freedom, and free speech from day one**, utilizing student and employee orientation sessions, public assemblies, and official university documents and communications.
- **Schedule and host ongoing, campus-wide forums, dialogues, and debates** on various issues and perspectives to promote open discussion, understanding, and learning opportunities.
- **Foster intellectual diversity** by encouraging university leadership to: (1) promote viewpoint diversity and open-minded discussion and debate, and (2) highlight and enforce policies that prohibit programming that excludes participation based on race or ethnicity.
- **Avoid disinvitations** by developing clear, viewpoint-neutral policies and procedures governing the invitation and accommodation of campus speakers.
- **Provide targeted educational and professional development opportunities** for university administrative employees to reinforce free expression and open-minded debate norms.
- **Encourage faculty to establish and maintain a learning environment in their classrooms and offices that supports open dialogue and the free expression of all viewpoints and create processes to evaluate the strength of such environments.**

Appendix A

State University System of Florida

Statement of Free Expression

April 15, 2019

The State University System of Florida and its twelve public postsecondary institutions adopt this Statement on Free Expression to support and encourage a full and open discourse and the robust exchange of ideas and perspectives on our respective campuses. The principles of freedom of speech and freedom of expression in the United States and Florida Constitutions, in addition to being legal rights, are an integral part of our three-part university mission to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service for the benefit of our local communities and the state. The purpose of this statement is to affirm our dedication to these principles and to seek our campus communities' commitment to maintaining our campuses as places where the open exchange of knowledge and ideas furthers our mission.

A fundamental purpose of an institution of higher education is to provide a learning environment where divergent ideas, opinions, and philosophies, new and old, can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, individuals are free to express any ideas and opinions they wish, even if others may disagree with them or find those ideas and opinions to be offensive or otherwise antithetical to their own worldview. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to respectfully argue through civil discourse. Development of such skills leads to personal and scholarly growth and is an essential component of each of our institutions' academic and research missions.

It is equally important not to stifle the dissemination of any ideas, even if other members of our community may find those ideas abhorrent. Individuals wishing to express ideas with which others may disagree must be free to do so without fear of being bullied, threatened, or silenced. This does not mean that such ideas should go unchallenged, as that is part of the learning process. And though we believe all members of our campus communities have a role to play in promoting civility and mutual respect in that type of discourse, we must not let concerns over civility or respect be used as a reason to silence expression. We should empower and enable one another to speak and listen, rather than interfere with or silence the open expression of ideas.

Each member of our campus communities must also recognize that institutions may restrict unlawful expression, such as true threats or defamation. Because universities and colleges are first and foremost places where people go to engage in scholarly endeavors, it is necessary to the efficient and effective operations of each institution for there to be reasonable limitations on the time, place, and manner in which these rights are exercised. Each institution has adopted regulations that align with Florida's Campus

Free Expression Act, section 1004.097, Florida Statutes, and the United States and Florida Constitutions and the legal opinions interpreting those provisions. These limitations are narrowly drawn and content-neutral and serve to ensure that all members of our campus communities have an equal ability to express their ideas and opinions while preserving campus order and security.



STATE UNIVERSITY SYSTEM OF FLORIDA





Board of Governors
State University System of Florida

325 West Gaines Street, Suite 1614

Tallahassee, Florida 32399

Phone: (850) 245-0466

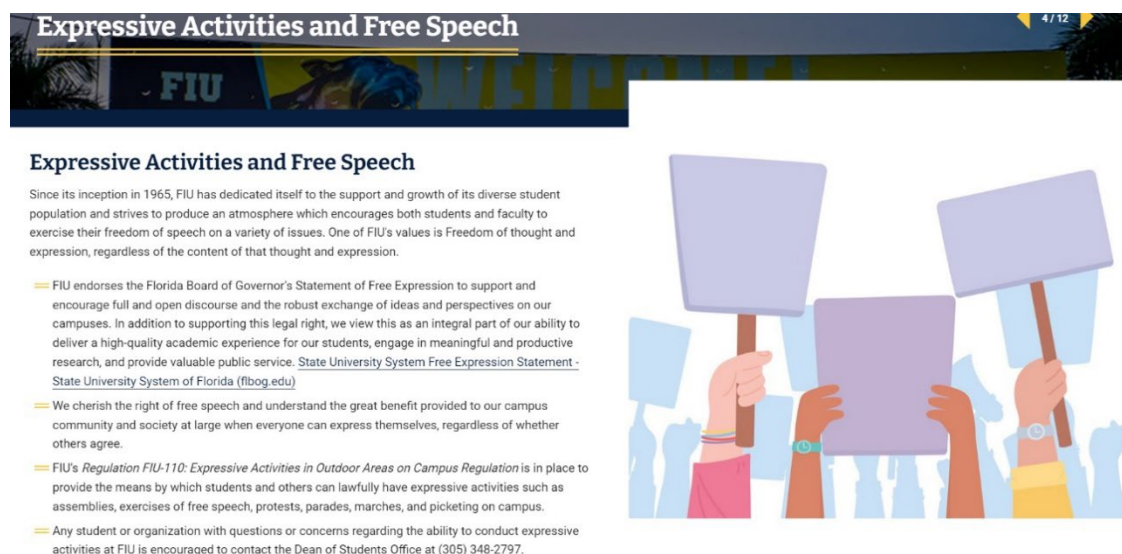
www.flbog.edu

Civil Discourse at New Student Orientation

In response to the BOG's adoption of the Statement on Civil Discourse and their request to incorporate that information into our new student Orientation programs, FIU has added the following elements to our Orientation content.

1. Incorporated into our Virtual Orientation


Within the virtual component of the Orientation and onboarding process for all new students, we updated our slide on "Expressive Activities and Free Speech" to include several bullets that ensure that students understand our commitment to welcoming all viewpoints. More recently, we added a bullet (the first one) that incorporates FIU's official statement of endorsement of the BOG's Statement of Free Expression and provides a link for those who would like to access that document.



Expressive Activities and Free Speech

Since its inception in 1965, FIU has dedicated itself to the support and growth of its diverse student population and strives to produce an atmosphere which encourages both students and faculty to exercise their freedom of speech on a variety of issues. One of FIU's values is Freedom of thought and expression, regardless of the content of that thought and expression.

- FIU endorses the Florida Board of Governor's Statement of Free Expression to support and encourage full and open discourse and the robust exchange of ideas and perspectives on our campuses. In addition to supporting this legal right, we view this as an integral part of our ability to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service. [State University System Free Expression Statement - State University System of Florida \(flbog.edu\)](https://www.flbog.edu/State-University-System-of-Florida-Free-Expression-Statement)
- We cherish the right of free speech and understand the great benefit provided to our campus community and society at large when everyone can express themselves, regardless of whether others agree.
- FIU's Regulation FIU-110: *Expressive Activities in Outdoor Areas on Campus Regulation* is in place to provide the means by which students and others can lawfully have expressive activities such as assemblies, exercises of free speech, protests, parades, marches, and picketing on campus.
- Any student or organization with questions or concerns regarding the ability to conduct expressive activities at FIU is encouraged to contact the Dean of Students Office at (305) 348-2797.



2. Incorporated into Welcome at In-Person Orientation

During the on-campus/in-person Orientation session, students and their families/guests are greeted by the Vice President for Student Affairs (or, at times, a member of the VP's leadership team). As part of that welcome speech, which includes a PowerPoint presentation, our new students and their families are introduced to FIU's Values. Below you will see the PPT slide, along with the talking points/notes associated with that portion of the Welcome speech. Those talking points mirror the language found in the introduction of the BOG's Statement of Free Expression.



FIU VALUES

- ✓ **Truth** — in the pursuit, generation, dissemination, and application of knowledge
- ✓ **Freedom** — of thought and expression
- ✓ **Respect** — for diversity and the dignity of the individual
- ✓ **Responsibility** — as stewards of the environment and citizens of the world
- ✓ **Excellence** — in intellectual, personal, and operational endeavors

Florida International University is a leading urban public research university that focuses on student learning, innovation, and collaboration. We believe that every member of our community should value an inclusive environment that focuses on truth, freedom, respect, responsibility, and excellence.

Truth — in the pursuit, generation, dissemination, and application of knowledge

Freedom — of thought and expression

Respect — for diversity and the dignity of the individual

Responsibility — as stewards of the environment and citizens of the world

Excellence — in intellectual, personal, and operational endeavors

These values are crucial to the success of our community and are also aligned with our efforts to foster a learning environment that welcomes all perspective and viewpoints. At FIU, we endorse the right to free expression and encourage open dialogue and the robust exchange of ideas and perspectives.

Living these values on a daily basis will develop you into a well-rounded individual and alumnus or alumna.

3. Incorporated into Student Activity

Finally, during our extended program (Panther Camp), students participate in an activity designed to engage students in raising their awareness about civil discourse and the impact of their words and actions. That involves the use of a reading by Carrie Zimmerman titled, "What Will You Be," which includes the following prompt: *We don't want to avoid complex topics and difficult conversations. In fact, we want to engage in them. We want to embrace **civil discourse** and uphold our rights to free speech. At FIU, all our interaction should be grounded in respect.*

FIU-2501 Student Conduct and Honor Code

As an academic community, Florida International University (FIU) fosters the intellectual exchange of ideas, knowledge, and experience. It is the responsibility of the University to provide a safe and stimulating environment in which scholarship and personal growth may occur. The desired effect is that Students will take advantage of this environment to develop intellectually as well as to participate as responsible, contributing citizens of our community. Being a contributing Student also comes with responsibility to adhere to the Student Conduct and Honor Code (Code). The ultimate responsibility for knowing University requirements and regulations rests with the Student, regardless of institutional or program affiliation. Nothing in this Regulation should be interpreted to abridge the right of any member of the University community of rights granted under the United States or Florida Constitution and/or any other applicable law including, but not limited to, the freedom of expression protected by the First Amendment. **FIU endorses the Board of Governors of the State University System of Florida's Statement of Free Expression to support and encourage full and open discourse and the robust exchange of ideas and perspectives on our campuses. We view this as an integral part of our ability to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service.**

Those charged with and found Responsible for violations of the Code will be subject to appropriate action as outlined herein. For the most updated Code, please refer to the website of Student Conduct and Academic Integrity (SCAI) at conduct.fiu.edu.

Undergraduate, Graduate, and Professional Students at FIU are expected to adhere to the highest standards of integrity in every aspect of their lives. Honesty in academic matters is part of this obligation. Each Student shall be responsible for their conduct from the time that they have been notified of admission through the actual awarding of a degree, including the academic year and during periods between terms of actual enrollment. The Code shall apply to a Student's conduct even if the Student withdraws from the University, while a conduct matter is pending, or if the conduct is not discovered until after a Student has withdrawn or a degree has been awarded. Academic integrity is the adherence to those special values regarding life and work in an academic community. Code violations may lead to suspension or expulsion from the University if a determination of responsibility has been made. These sanctions will be determined based on severity of incident and prior violations of the Code.

The safety and well-being of our community is the University's foremost concern. It is the policy of the University that acts of harassment and violence will not be tolerated. Any act of intimidation, threat of violence, or act of violence committed against other members of the University when committed within the jurisdiction of the Code is prohibited. Any Student or Student Organization found responsible for a violation of this standard will be subject to discipline up to and including expulsion pursuant to the Code.

Any Sexual Misconduct or Sexual Harassment, as defined pursuant to FIU-Regulation 105, will be handled in accordance with FIU-Regulation 105.

1. DEFINITIONS

- i. **Academic Misconduct:** Any act or omission by a Student, which violates the concept of academic integrity and undermines the academic mission of the University in violation of the Code.
- ii. **Advisor:** Any person chosen by the Respondent to assist throughout the Student Conduct and/or Academic Misconduct processes (e.g., faculty, staff, parent/guardian, attorney, friend, alumni). The Advisor may not be a Witness or serve in any other role in the current process including investigator, decider or fact, hearing officer, member of a committee or panel convened to hear or decide the charge or any appeal. The advisor may be present to advise the Respondent and may participate in all aspects of the proceeding but shall not testify for the Respondent. Proceedings may not be unreasonably delayed due to the selection of schedule of an advisor, and it is the responsibility of the Respondent to communicate relevant information to their advisor and to ensure that their advisor comports themselves in a manner which respects the educational-administrative conduct process. After an appropriate warning, the University reserves the right to stop a proceeding and remove an advisor whose presence disrupts the conduct proceedings.
- iii. **Business Day:** A day when the University is open for regular business operations from 8:30 a.m. up to 5:00 p.m. Eastern Standard Time. In computing any time-period specified in this Code, the day of the event, act, or default that initiates the period shall be excluded.
- iv. **Character Witness Statement:** A statement relating to the general character and reputation of the person.
- v. **Charge:** The written statement of the alleged violations of the Code.
- vi. **Coercion:** Conduct, intimidation, and/or expressed or implied threats of physical, emotional, financial, or any other type of harm that would reasonably place an individual in fear of immediate or future harm and that is employed to force or compel someone to engage in any sexual contact or any other type of involuntary conduct not covered by FIU Regulation 105, especially conduct which would endanger or be detrimental to the Complainant. Examples of Coercion include:
 - i. Causing the deliberate Incapacitation (see below for definition) of another person; and
 - ii. Conditioning an academic benefit or employment advantage.
- vii. **Consent:** Incorporated as defined by FIU Regulation 105.
- viii. **Final Agency Action:** The written decision resulting from the Student Conduct and/or Academic Misconduct processes which finally determines the rights or obligations of the Respondent. Decisions of the Hearing Body constitute Final Agency Action unless there is a timely appeal. If a decision is timely appealed, the decision of the appellate body constitutes Final Agency Action.
- ix. **Hazing:** Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a Student for purposes including, but not limited to, initiation or admission into, affiliation with, or the perpetuation or furtherance of a tradition or ritual of any Student Organization operating under the sanction of the University or other organization or group not officially recognized by the University. Although hazing is typically related to a person's initiation or admission into, or affiliation with a Student Organization, athletic team (intramural, club or intercollegiate), extracurricular activity or any other University group or organization, it is not necessary to have direct proof that a person's initiation or continued membership is contingent upon participation in the activity for a charge of hazing to

be upheld. The actions of active, prospective, former, or associate members (pledges) of a Student organization may be considered hazing. Organizational leaders who plan a hazing event will be held Responsible even if not in attendance at an event where the hazing occurs. Hazing does not include customary athletic events or similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

x. **Hearing Body:** Student Conduct hearings consist of a Hearing Officer (Administrative Hearing) or, if a Student Conduct Committee, two (2) Students, a faculty/staff member, and a nonvoting Hearing Officer. Academic Misconduct hearings consist of a Hearing Officer (Administrative Hearing) or, if a Student Conduct Committee, three (3) Students, and two (2) fulltime faculty members, and a non-voting Hearing Officer. The Hearing Body is authorized by the Senior Vice President for Academic & Student Affairs or designee to conduct Student Conduct hearings as set forth in this Code, and do so in an impartial manner.

xi. **Hearing Officer:** The SCAI Director, or respective designee(s) who adjudicates the case in an impartial manner. For cases involving Academic Misconduct, representatives from Housing and Residence Life may not serve as a Hearing Officer.

xii. **Immediate Medical Assistance:** Aid that includes, but is not be limited to, calling or seeking additional assistance, rendering cardiopulmonary resuscitation (CPR) to a victim, clearing an airway for the victim to breathe, using a defibrillator (AED) to assist the victim, or rendering any other assistance to the victim which the Student intended in good faith to stabilize or improve the victim's condition while waiting for medical assistance or law enforcement to arrive.

xiii. **Impact Statement:** A statement (oral or in writing) that describes how the Reporting Party or Respondent has been impacted by the incident that is the basis for the Charge.

xiv. **Incapacitation:** Incapacitation is the inability, temporarily or permanently, to give Consent because the individual is mentally and/or physically helpless, or the individual is unconscious, asleep, or otherwise unaware that the activity is occurring.

xv. **Instructor:** The Instructor of record for a course in which a violation(s) of Academic Misconduct is alleged.

xvi. **Interim Suspension:** An immediate temporary (i.e., a limited period of time) separation from the University.

xvii. **On-Campus Housing:** Such housing owned, controlled, and operated by the University to include, but not limited to, the following: Everglades Hall, Lakeview Halls (North & South), Panther Hall, Parkview Hall, University Apartments, and University Towers. On-Campus Housing also includes Bayview Student Living (BBC), or any fraternity or sorority houses located on University Premises.

xviii. **Policy:** The written procedures, policies, or regulations of the University (as they may be amended from time to time) as found in, but not limited to, the Florida International University Board of Trustees regulations, the Code, FIU Regulation 105, the Undergraduate/Graduate/Professional Catalogs, the Student Handbook, the University Housing Resident Handbook, and/or Campus Life/Wellness & Recreation Center policies.

xix. **Preponderance of the Evidence:** When the information that is presented supports a finding that it is more likely than not that a violation occurred.

xx. **Receipt of Written Notice:** When Written Notice (see below for definition) has been sent electronically to the official University email address.

xxi. **Reporting Party:** Any person who reports an alleged violation of the Code.

xxii. **Respondent:** A student or student organization charged with violating the Student Conduct and Honor Code.

xxiii. **SCAI Director:** The Director of Student Conduct and Academic Integrity Academic Integrity (SCAI) or designee.

xxiv. **Student:** Any person who participates in any course or program of the University, either full-time or part-time, in-person or online, and whether degree-seeking or non-degree seeking. Persons who withdraw after allegedly violating the Code, persons who are not officially enrolled at the University for a particular term but who have a continuing relationship with the University, persons who have been notified of being accepted for admission, and persons who are living in the residence halls but are not enrolled at the University are also considered Students.

xxv. **Student Organization:** A Student group that is officially registered or recognized by the University, including, but not limited to, political groups, social groups, honor & professional societies, fraternities & sororities, and sport clubs. Membership in a student organization does not affect an individual Student's status with the University or attendance at classes unless the individual Student has been charged and sanctioned independently.

xxvi. **Title IX Coordinator:** The individual University official with the primary responsibility for coordinating the University's compliance with Title IX. The Deputy Title IX Coordinator is an individual(s) designated by the Title IX Coordinator to support the Title IX Coordinator with respect to the University's efforts to comply with Title IX.

xxvii. **University:** Florida International University.

xxviii. **University Community:** Any person who is a Student, faculty or staff, any other person currently employed by the University, or third party working on University Premises or within On-Campus Housing (i.e. contractor, vendor), or any participant in a University-sponsored program or activity regardless of the location of the program or activity.

xxix. **University Official:** Any person employed by the University to perform assigned teaching, research, administrative, professional or other responsibilities (e.g., faculty, staff, administrators, residence hall staff, FIU Police).

xxx. **University Premises:** Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to that previously described in this paragraph that is owned by the University, but that is controlled by another person, is frequently used by students, and supports University purposes (e.g., a food or other retail vendor). This definition is designed to conform to the Clery Act definition which can be amended from time to time.

xxxi. **Witness:** A person(s) who has factual knowledge about the incident which forms the basis of the Charge.

xxxii. **Written Notice:** A notification of the charges against the Respondent sent via email to the Respondent's official University email address. A notification to a Student Organization Respondent sent via email to the official University email address of the Student Organization's President.

2. JURISDICTION

i. Jurisdiction under the Code applies to the conduct of any Student or Student Organization that while the student meets the definition of "student" as articulated in 1.x and the

student organization meets the definition of “student organization” as articulated in 1.y, regardless of the geographic or electronic location.

ii. A conduct proceeding is not a criminal or judicial proceeding. It is designed to address the Respondent’s behavior. Therefore, alleged violations of the Code will be addressed independently of any criminal or judicial proceeding and regardless of whether the criminal charges have been dismissed or reduced to a lesser offense. In extra-ordinary situations, and at the request of external law enforcement or prosecutor’s office, the University may delay its application of this Code.

iii. The Code does not address: Issues related to research misconduct or violations of FIU Regulation 105. Resolutions of issues related to research misconduct must be addressed using the University Research Misconduct policy; or, issues related to professional misconduct. Resolutions of issues related to professional misconduct must be addressed at the school or college level. Violations of FIU Regulation 105 will be addresses in accordance to that Regulation.

iv. Filing Time: Anyone may report an alleged Code violation within ninety (90) calendar days of the incident or obtaining knowledge about the incident, whichever is later. In addition, the SCAI Director may extend the filing time where the delay may be related to issues of victimization or beyond the control of the University.

v. Charging Time: The University must charge an alleged Code violation within ninety (90) calendar days of receiving the Incident Report. The SCAI Director may extend the charging time for extraordinary situations (e.g. hurricane, emergency personnel matters).

3. AUTHORITY

i. The Board of Trustees of Florida International University has been charged with the responsibility of, and authority for, providing a Student conduct system. Authority for Student discipline and the Student conduct system rests with the University President. Although the University President holds the ultimate authority for Student discipline, this authority is delegated to the Senior Vice President for Academic & Student Affairs, who is responsible for implementing the Student disciplinary system. The Senior Vice President for Academic & Student Affairs delegates authority for the execution and implementation of the Code to the SCAI Director.

ii. The requirements and procedures in the Code may be revised. Those revisions may occur in order to serve the needs of the University Students, faculty and/or staff where safety and security issues so demand. In addition, those revisions may occur in circumstances where, in the University’s sole discretion, the requirements and procedures described herein are deemed insufficient to meet the objectives of educating and protecting the members of the University community and/or to respond to changes in the law. Nothing in this Code shall be construed as preventing the University President from taking any action which may be deemed necessary to meet the goals of this Code. In matters involving charges for drug distribution and/or sales (Section 5(i)(2)), endangerment (Section 5(j)), hazing (Section 5(p)), stalking (Section 5(y)), and weapons (Section 5(dd)) the President may change the outcome and/or sanctions to fulfill requirements of the Code as outlined in Section 17.

iii. The Department of Housing and Residential Life (HRL) may conduct both Summary Resolutions and Administrative Hearings regarding cases involving Conduct violations arising in On-Campus Housing. HRL is not authorized to conduct Summary

Resolutions and Administrative Hearings regarding cases involving Academic Misconduct violations or Student Conduct Committee hearings. HRL cases may be referred to SCAI.

4. AMNESTY

i. Medical Amnesty for Alcohol or Drug Use: The University encourages Students to seek medical assistance, but it recognizes that students may be hesitant to make a call or report when they:

i. Need immediate medical assistance due to their own use of alcohol/drugs;
or,

ii. Witness another Student who needs immediate medical assistance due to alcohol/drugs.

Thus, students involved in an incident involving alcohol/drugs will not be charged under the Code with consumption if:

iii. they render or call for immediate medical assistance for themselves and/or others who have participated in or witnessed the incident;

iv. the Student calling for immediate medical assistance remains at the scene with the person in need of immediate medical assistance until such assistance arrives and then cooperates with such personnel on the scene; and,

v. the student timely completes the appropriate educational intervention for the incident as determined by SCAI. Other charges related to the incident (e.g., alcohol distribution, drug distribution, or other non-alcohol/drug charges) may be determined at the discretion of the SCAI Director.

While student organizations are not eligible for amnesty, calling for medical assistance will be a mitigating factor, while failing to call or removing a person in need of medical assistance will be an aggravating factor at any sanctioning stage.

ii. Reporting Amnesty: The University encourages Students to report allegations of the Code, including allegations of FIU Regulation 105, but recognizes that students may be hesitant to make a report when they were using alcohol/drugs. Thus, students involved in an incident involving alcohol/drugs will not be charged under the Code with consumption if they are reporting a violation of the Code or FIU Regulation 105. Any other charge(s) related to the incident may be determined at the discretion of the SCAI Director, but the reporting will be a mitigating factor at any sanctioning stage.

While student organizations are not eligible for reporting amnesty, reporting and self-reporting will be a mitigating factor, while failing to report will be an aggravating factor at any sanctioning stage.

iii. Investigatory Amnesty: As part of an investigatory process, and conditioned on being truthful and providing complete information, a witness or party may be asked to provide information which would self-disclose a Code violation. Without abridging the right of any member of the University community of rights granted under the United States or Florida Constitution and/or any other applicable law including, but not limited to the Fifth Amendment, disclosing a Code violation such as alcohol/drugs use related to an incident being investigated and outlined in the investigation will not be charged under the Code. All other charges related to the incident may be determined at the discretion of the SCAI Director, but additional amnesty may be provided under e of this provision.

iv. Hazing Amnesty: A Student may not be charged under the Code if the Student establishes that, before medical assistance or law enforcement arrived on the scene of a hazing

event, the Student rendered aid to the hazing victim and establishes all of the following: i. the Student was present at an event where, as a result of hazing, a person appeared to be in need of immediate medical assistance; and ii. The Student was the first person to call 911 or FIU Police to report the need for immediate medical assistance; and iii. the Student provided their own name, the address where immediate medical assistance was needed, and a description of the medical issue to the 911 operator or FIU Police at the time of the call; and, iv. the Student remained at the scene with the person in need of immediate medical assistance until such medical assistance or law enforcement arrived and that the Student cooperated with such personnel on the scene.

v. **Recording Amnesty** in compliance with section 1004.097 and 1001.03, Florida Statutes: A student may video or audio record a class lecture for their own personal educational use, in connection with a complaint to the University, or as evidence in, or in preparation for a criminal or civil proceeding. A recorded lecture may not be published without the consent of the lecturer.

vi. **Amnesty at the SCAI Director's Discretion:** The SCAI Director may grant amnesty from proceedings within the conduct system, contingent on a student providing complete and accurate information during an investigation or conduct proceeding.

5. CONDUCT VIOLATIONS The following conduct is prohibited by this Code. These violations are included in each section below and need not be cited separately. Lack of familiarity with University policy is not a defense to a violation of this Code. Unless specifically noted, intent is not a required element to establish a policy violation. Additionally, intoxication or impairment caused by use or consumption of alcohol, drugs, or other substances is not a defense to a violation of this Code. The following conduct violations or any attempt to violate the Code will be used in charging all Students or Student Organizations.

- i. **Any** conduct prohibited by FIU Regulation 105.
- ii. **Assisting:** Any affirmative act which aids, attempts, promotes, conceals, or facilitates any act prohibited by this Code.
- iii. **Attempt:** Attempt or intent to commit any violation outlined in the Code.
- iv. **Alcohol:** Students who choose to drink will be held fully responsible for their behavior while under the influence of alcohol. Loss of control due to intoxication does not excuse or justify a violation of the state law, University Policy, or the rights of others.
 - i. Possession, use and/or consumption of alcohol when under the legal drinking age as provided by Florida Law.
 - ii. Dispensing, selling or supplying alcoholic beverages to an individual who is under the legal drinking age as provided by Florida Law.
 - iii. Any violations of FIU Policy governing alcohol usage. See, Regulation FIU-2505 Alcoholic Beverages.
 - iv. Use and/or possession of beer kegs and party balls or other common sources of alcohol.
 - v. Possession of open containers of alcohol or consumption of alcoholic beverages in public areas, such as balconies, courtyards or hallways.
 - vi. Public intoxication (e.g., appearing in a state of intoxication) and/or excessive drinking.
 - vii. Use and/or possession of devices designed for the rapid or excessive consumption of alcohol, including, but not limited to, funnels, ice luges, and beer bongs.

- viii. Hosting or sponsoring a gathering where underage individuals are drinking alcohol.
- ix. Unlawful manufacture, trade, and/or intent to sell alcohol.
- x. Reporting to classes, work, or related assignments “under the influence” of alcohol.
- xi. Violating any other University Policy while under the influence of alcohol.

v. **Animals:** The University allows individuals to bring animals on University Premises in accordance with federal laws. A service animal is permitted on campus grounds and within University buildings, including the University housing assignment provided to an individual with a disability. An emotional support animal is permitted on campus to accompany an individual into his or her University assigned residence in accordance with the U.S. Department of Housing and Urban Development.

- i. Failing to obtain approval from Housing and the Disability Resource Center (DRC) for the Student’s emotional support animal (as defined by federal law) in a residence hall.

- ii. Having an approved emotional support animal beyond authorized areas (i.e., within the residence halls and immediate access to outdoor areas).

- iii. Failing to register the Student’s service animal (as defined by federal law) with the DRC if the Student resides on campus.

- iv. Failing to properly control the service animal and/or emotional support animal such that the animal is disruptive, is not housebroken, or poses a safety or health concern.

- v. Bringing pet dogs, cats, or other animals (except non-dangerous fish) to campus or being in possession of stray animals.

- vi. **Bribery:** Knowingly making an offer, gift, receipt, or solicitation of money, materials, goods, services or anything of value for the Student or others for the purpose of procuring or providing an advantage to which they are not otherwise legally entitled.

vii. **Computer Misuse**

- i. Unauthorized access, entry or use of a computer, computer system, network, software, password, account or data.

- ii. Unauthorized alteration or degradation of computer equipment, software, network, data or system performance.

- iii. Unauthorized copying or distribution of computer software or data.

- iv. Unauthorized use, taking, or theft of University computer resources for commercial purposes or personal financial or other gain. This includes, but is not limited to, advertising a product or service on personal web pages, fund-raising or advertising on behalf of unsanctioned non-University organizations, publicizing of unsanctioned non-University activities, resale of University resources to any non-University individuals or organizations, and the unauthorized use of the University’s name or logos. Use of the University’s network for any of these purposes, even if the user is using their own personal computer, constitutes an offense.

- v. Allowing another person to use one’s FIU username and password.

- vi. Any other violation of the University computer use and web page policies.

The complete policies are available at <http://security.fiu.edu/policies>. The website also contains the civil and criminal penalties for distributing, without authority, copyrighted materials (including unauthorized peer-to-peer file sharing) and the penalties for violating federal copyright law.

vii. Unauthorized distribution or downloading of copyrighted materials, including but not limited to, unauthorized peer-to-peer file sharing. This is a violation whether the user is using their own personal computer or the University's information technology system for the unauthorized distributions.

viii. **Disruptive Conduct**

i. that substantially and materially disrupts, disturbs, impairs, interferes with or obstructs the orderly conduct, processes and functions of the University or the rights of other Members of the University community.

ii. Behavior that substantially and materially disrupts, disturbs, impairs, interferes with or obstructs the orderly conduct, processes, and functions of the classroom, or laboratory and/or immediate surrounding areas. This includes interfering with the academic mission of the University or individual classroom or interfering with a faculty member or instructor's role to carry out the normal academic or educational functions of their classroom laboratory and/or immediate surrounding areas.

iii. Behavior that substantially and materially disrupts, disturbs, impairs, interferes with or obstructs the Student Conduct process, including, but not limited to, harassment and/or intimidation of any member of the Student Conduct Committee, Witness or University personnel before, during or after a proceeding, or attempting to coerce or influence any person(s) in order to discourage their participation in any Student Conduct proceeding.

iv. Any behavior that substantially and materially disturbs the peace.

ix. **Drugs**

Students who choose to use illegal drugs or use prescription drugs without a prescription will be held fully responsible for their behavior while under the influence. Loss of control due to being under the influence does not excuse or justify a violation of the state law, University Policy, or the rights of others.

i. Possession, use, the manufacture, creation and/or the cultivation of illegal drugs or prescription drugs without a prescription. Inhalable or ingestible substances (e.g., nitrous oxide, glue, paint) that will alter a Student's mental state.

ii. Distribute, dispense, deliver, trade, sell and/or attempt to sell drugs or prescription drugs.

iii. In possession and/or use of drug paraphernalia (including, but not limited, to bongs, pipes, "hookahs," spoofs, rolling papers, blunts, small plastic baggies).

iv. Misuse and/or abuse of prescription drugs.

x. **Endangerment**

i. Occurs when one intentionally or recklessly (a) causes bodily harm to another person; (b) attempts to cause bodily harm to another person; or (c) puts another in fear of imminent bodily harm. No Student may knowingly or recklessly touch any other person without that person's consent. Punching, slapping, scratching, or otherwise striking any person with any part of one's body or with any object constitutes physical violence.

ii. Engage in any action(s) that endangers the health, safety or welfare of others.

xi. **Failure to Comply**

i. Failure to comply with a request or directive of a University Official or non-University law enforcement official in the performance of their duty.

ii. Failure to comply with the final decision and sanctions rendered by a Student Conduct hearing or appellate body.

iii. Failure to comply when a University Official requests to identify oneself and/or produce FIU identification.

xii. **Falsification/Fraudulent Activity/False Testimony**

i. Withholding relevant information from any Hearing Body, University Officials, non-University law enforcement officers, faculty and/or staff.

ii. Providing false or misleading information (whether oral or written) to any Hearing Body, University Officials, non-University law enforcement officers, faculty and/or staff. A good-faith report of prohibited conduct does not constitute a Code violation.

iii. Misuse, reproduction, alteration or forgery of any identification, documents, keys or property.

iv. Permitting another person to use one's identification information.

v. Misuse or possession of false identification information.

vi. Purporting to act on behalf of another person, group or the University without authorization or prior consent.

vii. Providing a worthless check, money order or using a fraudulent credit card or a credit card without authorization.

viii. Any other acts of falsification/fraud/false testimony or misrepresentation.

xiii. **Fire and Safety**

i. Inappropriate activation of any emergency warning equipment or the false reporting of any emergency.

ii. Removing, damaging, interfering and/or tampering with fire safety or other emergency warning equipment, including smoke detectors, sprinklers and/or fire alarms. Items may not be hung from or block sprinklers or smoke detectors.

iii. Failure to evacuate University Premises or On-Campus Housing facility/unit when a fire alarm is activated.

iv. Engaging in action(s) which cause or attempts to cause the release of chemicals or substances that can cause harm to another person's health or would start a fire or explosion.

xiv. **Gambling**

i. Soliciting, placing or accepting a bet on any high school, intercollegiate or professional athletic contest on University Premises, On-Campus Housing, or at a University or Student Organization-sponsored activity or event.

ii. Soliciting, facilitating or participating in any illegal gambling, bookmaking or illegal betting whether through a bookmaker, a parlay card, a pool or any other method of organized gambling on University Premises, On-Campus Housing, or at a University or Student Organization-sponsored activity or event.

xv. **Harassment:** Severe or pervasive interactions aimed towards another or entity which is by objective measure threatening, abusive, or severely annoying and that is beyond the scope of free speech and which is not covered by FIU Regulation 105.

xvi. **Hazing**

i. Any group or individual action or activity that inflicts or intends to inflict physical or mental harm or otherwise endanger or discomfort which may demean, disgrace and/or degrade any person, regardless of location, intent or consent of participant(s). Taking into consideration the aforementioned description, hazing includes, but is not limited to:

1. Interference with a Student's academic performance;

2. Forced consumption of any food, alcohol, controlled substances, drugs or any other substance;
 3. Forced physical activity (e.g., calisthenics, line-ups, walking or marching in formation);
 4. Deprivation of food, water or sleep;
 5. Not permitting individuals to speak for extended periods of time and/or forced exclusion from social contact;
 6. Engaging in activities which involve compelling an individual or group of individuals to remain at a certain location or transporting anyone anywhere within or outside the University (e.g., road trips, kidnaps, drops);
 7. Physical or mental abuse of any nature, including physical discomfort;
 8. Sexual misconduct of any nature;
 9. Theft, defacement or destruction of private or public property;
 10. Compelling the performance of personal chores or errands;
 11. Verbal abuse or degradation, including yelling or demands;
 12. Assigning or endorsing pranks (e.g., stealing, harassing other organizations);
 13. Conducting activities designed to deceive or convince a member that they will not be initiated or that they will be hurt;
 14. Compelling scavenger hunts, treasure hunts, quests, road trips, big brother/little brother hunts, big sister/little sister hunts;
 15. Any action or threatened action that would subject the individual to embarrassment, humiliation or mental distress, including the use of demeaning names; or
 16. Any other acts or attempted acts which would constitute hazing pursuant to Section 1006.63 of the Florida Statutes.
- ii. The following shall not constitute a defense to Hazing:
1. The consent of the victim was obtained;
 2. The conduct or activities that resulted in death or injury to the victim was not part of any official organizational event or otherwise sanctioned or approved by a Student Organization or group; or
 3. The conduct of activity that resulted in death or injury to the victim was not done as a condition or membership into a Student Organization or group.

xvii. **Motorcycles, Bicycles, Pocket Bikes, Rollerblades, or Skateboards**
Failure to comply with FIU Regulation 115 Skateboards, Skates, Scooters, Ripstiks, Hoverboards and other similar devices and high-risk activities on University Premises or in On-Campus Housing.

xviii. **Obstruction**
Taking action, individually or working with others, which the Respondent knew or should have known would impede an investigation by the University into possible violations of the Code committed by a Student and/or Student Organization, including failing to participate in a University investigation or proceeding if not the Respondent.

xix. **On-Campus Housing Violations**
Violation(s) of any HRL policies published in hard copy or available electronically via the HRL website (<https://studentaffairs.fiu.edu/campussservices/housing-and-residential-life/explore-housing/housingpolicies/index.php>).

xx. Personal Abuse

i. Verbal or written abuse, threats, intimidation, and/or Coercion that objectively endangers the health, safety or well-being of others and which is not covered by FIU Regulation 105. Using fighting words or statements which reasonably endanger the health and safety of any person that are not protected speech may result in University action. Conduct directed at any person, including a Member of the University community, which is intended to, or would reasonably, cause fear, distress, injury or intimidation to a person, or would place a reasonable person in fear of injury or death.

ii. Conduct that is based on race, color, religion, ethnicity, national origin, disability, age, marital status, genetic information, veteran status or any group/class protected by federal or Florida law sufficiently severe, pervasive or persistent (when viewed both from a reasonable person in similar circumstances and the person in question) that a person would be adversely affected to a degree that interferes with or limits their ability to participate in or benefit from the services, activities or opportunities offered by the University.

iii. Interference with the freedom of another person or group to move about in a lawful manner.

xxi. Promotions/Posting

i. Solicitation of commercial speech on campus, including On-Campus Housing facilities, without prior approval from the appropriate University Officials. This includes, but is not limited to, the distribution of any forms of promotional/informational commercial speech material on University Premises or On-Campus Housing or objects (e.g., motor vehicles).

ii. Posting of flyers, posters, banners, cards or any promotional/informational material on University Premises or On-Campus Housing, including, but not limited to, the exterior and interior of On-Campus Housing facilities, buildings, trees, walls, sidewalks, vehicles, windows, stairwells, stairs, display cases, vending machines, doors, classrooms, departmental and unauthorized bulletin boards, railings, elevators, bathrooms, art and/or sculptures without prior approval from the appropriate University Officials.

xxii. Retaliation

i. Acts or words taken against an individual because of the individual's participation in a protected activity that would discourage a reasonable person from engaging in protected activity. Protected activity includes an individual's good faith

1. Participation in the reporting, investigation, and/or resolution of an alleged violation of this Code; and/or

2. Opposition to policies, practices and/or actions that the individual reasonably believes are in violation of the Code. Retaliation may include intimidation, threats, coercion, physical harm and/or adverse employment or educational actions. Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation may be committed by the Respondent, the Reporting Party, or any other individual or group of individuals.

xxiii. Smoking and Use of Tobacco-Related Products

i. Failure to comply with FIU Regulation 113 Smoke and Tobacco-Free Campus by smoking in or on any University Premises or On-Campus Housing. Smoking means possession of a lighted cigarette, cigar, pipe, water pipe or hookah, or the use of an electronic cigarette, cigar, pipe, vape or any other device intended to simulate smoked tobacco.

ii. Use of smokeless tobacco, snuff, chewing tobacco, smokeless pouches and any other form of loose-leaf or smokeless tobacco.

xxiv. **Social Host Responsibility**

Allowing, permitting, or providing an opportunity for a guest to violate University policy.

xxv. **Stalking**

Engaging in a course of conduct directed at a specific person, not covered under FIU Policy 105, that would cause a reasonable person to (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. For the purposes of this conduct violation, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

xxvi. **Student Organization Policies**

i. Members of the Student Organization acting together to violate University Policy.

ii. More than one Student working together to impede an investigation by the University into possible violations of the Code committed by a Student Organization.

iii. Acting to protect from official action one or more alleged individual offenders who are members, former members or guests of the Student Organization.

iv. Leaders of the Student Organization who fail to report and/or take reasonable action against guests and/or members responsible for alleged violations.

v. Violation(s) of any Campus Life/Fraternity and Sorority Life/Sports Club Policies published in hard copy or available electronically via the appropriate website. See <https://studentaffairs.fiu.edu/get-involved/campus-life/index.php>, <https://studentaffairs.fiu.edu/get-involved/sorority-and-fraternity-life/index.php>, or <https://studentaffairs.fiu.edu/health-and-fitness/recreation/index.php>.

xxvii. **Theft and Theft-Related Conduct**

i. Taking, or use of, the property or services of another person or of the University without prior written consent or authorization of the person or of the appropriate authority.

ii. Possession and/or sale of property or services of another person or of the University without prior written consent or authorization.

xxviii. **Trespassing/Unauthorized Use**

Unauthorized presence in or unauthorized use of University Premises or On-Campus Housing, facility or restricted area.

xxix. **Vandalism/Damage/Littering**

i. Damage, destruction or defacing property of another person, group or the University.

ii. Dispersing litter in any form on University grounds or facilities, including, but not limited to, cigarette butts, flyers, cans, and bottles.

xxx. **Weapons, Firearms, Explosives**

i. Possession, storage or use of firearms, except as provided in below, explosives, ammunition or other weapons or dangerous articles or substances, including, but not limited to tasers, switchblade knives and non-lethal weapons such as fireworks, paintball guns, air guns, BB guns, any dangerous chemical or biological agents, corrosive agents, compressed gas, sling shots, brass knuckles, Chinese stars, or any other item used as a weapon.

1. In accordance with Florida Statutes section 790.115, possession of firearms on University Premises or On-Campus Housing (except as provided by Florida Statutes section 790.25(5)).

2. Possession of a concealed weapon or firearm on University Premises or On-Campus Housing even if the Student possesses a concealed weapon license.

ii. Notwithstanding the foregoing, weapons, including non-functioning antique display weapons, may be used for classroom instructional purposes or other University sanctioned activities (e.g., firearms under the direct supervision of ROTC, a diver's knife for a scuba divers' class) but only with prior approval by the appropriate University Official.

iii. Threat of the use of a weapon or weapons that could, or would, cause distress or injury to a member or members of the University community or damage to University Premises or On-Campus Housing.

xxxi. **Other Violations**

i. Aids or abets another in any violation of federal law, state law, local ordinance, and/or Policy not already listed above.

ii. Violations of federal and/or state laws, local ordinance, and/or Policy not already listed above.

6. **ACADEMIC MISCONDUCT VIOLATIONS**

i. **Academic Dishonesty**

In general, by any act or omission not specifically mentioned in the Code and which is outside the customary scope of preparing and completing academic assignments and/or contrary to the above stated policies concerning academic integrity.

ii. **Bribery**

The offering of money or any item or service to a member of the faculty, staff, administration, Student or any other person in order to commit academic misconduct.

iii. **Cheating**

i. The unauthorized use of any materials, information, study aids or assistance from another person on any academic assignment or exercise, unless explicitly authorized by the course Instructor.

ii. Assisting another Student in the unauthorized use of any materials, information, study aids, unless explicitly authorized by the Instructor.

iii. Having a substitute complete any academic assignment or completing an academic assignment for someone else, either paid or unpaid.

iv. **Commercial Use**

The selling of course material to another person, Student, and/or uploading course material to a third-party vendor without authorization or without the express written permission of the University and the Instructor. Course materials include but are not limited to class notes, Instructor's PowerPoints, tests, quizzes, labs, instruction sheets, homework, study guides and handouts.

v. **Complicity**

The planning or acting with one or more fellow Students, any member of the faculty, staff or administration, or any other person to commit any form of academic misconduct together.

vi. **Falsification of Records**

The tampering with or altering in any way of any academic record used or maintained by the University.

vii. **Misrepresentation**

i. Intentionally lying to a member of the faculty, staff, administration, or an outside agency to gain academic advantage for oneself or another.

ii. To misrepresent or in other ways interfere with the investigation of a charge of academic misconduct.

viii. **Multiple Submission**

Submitting the same or substantially the same academic work (including oral presentations) for credit more than once. Multiple submissions shall not include situations where the prior written approval by the instructor in the current course is given to the student to use a prior academic work or endeavor. It is each instructor's responsibility to make expectations regarding incorporation of existing academic work into new assignments clear to the student in writing.

ix. **Plagiarism**

i. The deliberate use and appropriation of another's work without any indication of the source and the representation of such work as the Student's own.

ii. Assisting another Student in the deliberate use and appropriation of another's work without any indication of the source and the representation of such work as the student's own.

7. INVESTIGATION AND PRE-ADJUDICATION PROCEDURES

i. **Initiating Charges for Conduct Violations:** Any person or entity (including University departments, offices, officials, community members) may report an alleged violation(s) of the Code for review by SCAI by:

i. Submitting a police report that has been filed with any police department;

ii. Providing a SCAI incident report (see <http://conduct.fiu.edu> for report) along with accompanying documentation; or

iii. Making an oral report to SCAI.

ii. **Initiating Charges for Academic Misconduct Violations:** Any person or entity (including University departments, offices, officials, community members) may report an alleged violation(s) of the Code for review by the SCAI by:

i. Submitting the alleged violation(s) through the Academic Misconduct Report Form (AMR) along with any accompanying documentation (see <http://conduct.fiu.edu> for report). Instructors are encouraged to discuss the allegations with the Student prior to referral to SCAI.

ii. If a Student, staff member, or a person not affiliated with the University observes a Student committing an Academic Misconduct violation, they may report the alleged violation to SCAI via the standard incident reporting form (see <http://conduct.fiu.edu> for report). SCAI will then communicate with the appropriate faculty member, chair, or College/School Dean.

iii. All matters relating to Academic Misconduct among undergraduate, graduate, and professional Students are referred to the SCAI Director or designee. In matters where there is a conflict of interest with the SCAI Director, the case will be referred to the Senior Vice President for Academic & Student Affairs or designee.

iii. **Preliminary Review:** The SCAI Director will determine, at their discretion, whether further fact-finding is needed and whether there is sufficient information to file charges or refer to another University office regardless of the participation of any party in the proceedings.

i. Upon receiving an alleged violation of Academic Misconduct, the SCAI Director may review relevant information and consult with relevant parties regarding the incident in question. In addition, Instructors can request an intake meeting with SCAI staff to review allegations, the Charges, possible Sanctions, and to be explained the Student conduct process, and any available forms of resolution. Reasonable efforts will be made to hold this intake meeting at least ten (10) Business Days before any scheduled hearing.

iv. **Interim Measures:** Until final agency action or there is a such a change in circumstances that the decision-maker for each action below no longer supports such an action, the following interim measures may be implemented as follows:

i. **No-Contact Directive:** In cases involving allegations of, hazing, personal abuse, retaliation, stalking, or other menacing activity or concerning behavior, the SCAI Director, after making a reasonable effort to meet with the Respondent if appropriate to do so, may issue a No-Contact Directive.

ii. **Restriction of Privilege or Access Directive:** In cases involving allegations of hazing, personal abuse, retaliation, stalking, trespassing, or other menacing activity or concerning behavior, the SCAI Director, after making a reasonable effort to meet with the Respondent if appropriate to do so, may issue a Restriction of Privileges or Access Directive.

iii. **Interim Suspension**

1. Where the Senior Vice President for Academic & Student Affairs or designee determines that the health, safety or welfare of University community are in jeopardy or in danger, an interim (temporary) suspension will be imposed. This includes, but is not limited to, physical assault, hazing, possession of a firearm or explosives, illegal drug possession and other acts of a similar nature. A Respondent under Interim Suspension is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities. The Respondent may neither attend nor participate in any classes, including any online components, during this time. The Respondent is also banned from being on or in any University Premises and/or On-Campus Housing, and from participation in any University-sponsored/related event or activity. The Respondent, except with the permission of the SCAI Director.

2. The Respondent may petition the Student Conduct Committee (SCC), in writing, for a review of the decision; the University will submit to the SCC, in writing, relevant information related to the decision to impose an interim suspension. The SCC shall meet to consider the petition as soon as possible, but typically no later than five business days after it receives the petition. If the SCC determines that the suspension was improper or is no longer necessary, it shall lift the suspension immediately and the underlying matter shall proceed. The SCC may implement any alternative interim measures if it lifts the interim suspension.

3. The Respondent's transcript will remain notated during the interim suspension.

4. If a Respondent's privileges are temporarily revoked through an Interim Suspension and the Respondent is subsequently found not responsible for the violation, the University must, to the extent possible:

a. Correct any record of the change in enrollment status in the Respondent's permanent records and reports in a manner compliant with state and federal laws; and

b. Refund to the Respondent a pro rata portion of any charges for tuition, and out-of-state fees, as appropriate, relating to the temporary revocation or

suspension which affected the Respondent's ability to attend classes for more than ten (10) school days.

v. **Investigations:** The SCAI Director retains the discretion to determine whether an investigation should be conducted, and the scope of such investigation based on the alleged violations under the Code. The investigation will be a neutral fact-finding process used to determine if there is sufficient information to warrant action by the University. If the SCAI Director directs an investigation to another office to act on behalf of SCAI, including the Department of Housing and Residence Life or the Office of Inclusion, Diversity, Equity & Access (IDEA), the Director of such office, or designee, shall conduct the investigation in accordance to the Code and relevant processes and procedures, so long as such procedures do not conflict with this Code or applicable University Policy which has jurisdiction over the reported behavior. For cases in which there is an overlap of charges between the Code and FIU Regulation 105, a joint investigation will commence, and the details of the Code investigation will be included in the FIU Regulation 105 final report or considered as part of the informal resolution. The Code behaviors will cede to adjudication and appeal under the process set forth in FIU Regulation 105.

In cases where conduct involves both potential Conduct and Academic Misconduct violations, the Hearing Officer or Hearing Body has the authority to handle both matters simultaneously through a joint hearing. If a Student is found Responsible for simultaneous Conduct and Academic Misconduct violations, sanctions from both processes may be imposed.

vi. **Charge Letter:** The Respondent will be given a written notice of the Charges. The Charge Letter will include the following:

i. Notice of the charge(s), including specific code section(s) which constitutes the alleged violation(s) of the Code, an allegations statement and any other detail in order to prepare for a Student Conduct proceeding, including the process to be used in determining whether a violation has occurred and associated rights; and

ii. Information regarding next steps, including the date, time, and location of the disciplinary proceeding.

vii. **Joint Hearings:** Cases that present common questions of conduct or fact and that would come before a panel of like composition may be joined for hearing.

i. For a joint hearing, the individual who conducted the information sessions must affirm, in writing, to the Hearing Officer that each Respondent performed acts sufficiently similar that the facts presented in evidence would not differ materially from one Respondent to another. In such case, the Hearing Officer may order joinder of such cases for hearing.

ii. Any Respondent, whose case is joined may request, in writing, to the Hearing Officer to be excluded from the joint hearing on the ground that (i) they are not charged with the same offense, at the same time and place, or (ii) that the facts relevant to them would differ materially from the facts relevant to the Respondent(s). The Hearing Officer's decision regarding whether any requesting Respondent be severed from the joint hearing in final.

iii. All decisions regarding responsibility under this Code, and any applicable sanctions or remedies will be rendered individually, and each Respondent remains entitled their own advisor.

viii. **Information Session:** An information session is designed to provide the Respondent with information about the adjudication process, as well as giving access to the information supporting the charge(s) available at that time. The information session is not a disciplinary proceeding but may transition to such a disciplinary proceeding if the Respondent

waives any applicable disciplinary proceeding rights not met in order to accept a Summary Resolution.

i. Subsequent to the information session, the Hearing Officer may conduct further fact-finding regarding the incident that is subject to the charge. This information will be communicated to the Respondent prior to the hearing or at a subsequent meeting before a hearing.

ii. If a Respondent fails to attend a scheduled information session, the Respondent will be deemed to have waived their right to an information session. Under those circumstances, a hearing will be scheduled. Failure to attend an information session will result in the Hearing Officer determining the type of hearing. The hearing type will be determined based on the severity of the possible sanctions (e.g., suspension/expulsion cases may be referred to the Student Conduct Committee).

iii. If the Respondent fails to attend the information session, the Hearing Officer may place a hold/service indicator on the Respondent's record until the conclusion of the hearing. If sanctions are imposed as a result of the hearing, the hold/service indicator will be retained until the Respondent fulfills all of the sanctions.

ix. **Student Academic Status Pending the Code Process:** The Student's academic status will remain unchanged pending the outcome of the Code process, except where the Senior Vice President for Academic & Student Affairs or designee has implemented an interim suspension. When a final grade for a course may be involved, a grade of IN should be assigned, pending the University's final decision in the matter. A Respondent's ability to register for future semesters may be temporarily placed on hold.

8. RESOLUTION OPTIONS

A Respondent is entitled to a resolution of any alleged violation of the Code through a disciplinary proceeding unless waived as set forth below. Two (2) types of resolution options are provided by the Code.

i. Summary Resolution

i. A summary resolution is available when the Respondent waives the right to a hearing, any applicable disciplinary proceeding rights not met, and requests that the Hearing Officer conducting the information session determine the findings and sanctions if applicable. The Hearing Officer reserves the right to conduct fact-finding to make an informed decision.

ii. The following apply to a summary resolution:

1. The meeting(s) will not be recorded.
2. The written decision will serve as the official record of the

Summary Resolution.

3. The written decision will be sent to the Respondent within fourteen (14) Business Days from the date of the Summary Resolution. For Academic Misconduct violations, the written decision will also be sent to the Instructor.

iii. If the Respondent does not choose the Summary Resolution (or the option is unavailable), the Respondent may indicate their preference for one of the two (2) types of hearings.

ii. **Hearings:** Two hearing types are available under the Code: 1) an Administrative Hearing, or 2) a Student Conduct Committee (SCC) hearing. All procedures described in the Hearing Procedures section apply to these types of hearings.

i. Administrative Hearing - Conducted by a Hearing Officer who serves as the Hearing Body.

ii. SCC Hearing - Conducted by a committee which serves as the Hearing Body. SCC committees for Conduct violations consist of two (2) Students, one (1) faculty or staff member, and a non-voting Hearing Officer. SCC committees for Academic Misconduct violations consist of three (3) Students, two (2) full-time faculty members, and a non-voting Hearing Officer. The non-voting Hearing Officer will moderate the hearing.

iii. For SCC Hearings, members of any particular committee will vary, but will come from a pool of qualified faculty, staff and Students. Faculty members can be recommended annually by the Faculty Senate. Undergraduate, graduate, and professional Student members will be recruited and selected through SCAI's formal SCC recruitment and selection process. All members of the SCC will be trained by SCAI. In cases where the Respondent is an undergraduate, every effort will be made to select undergraduate student representatives for the SCC. In cases where the Respondent is a graduate or professional student, every effort will be made to select graduate or professional student representatives for the SCC. For Academic Misconduct violations, the committee must include two full-time faculty members, and if the Respondent is a graduate or professional student faculty representatives must have at least Graduate Faculty status. For cases in which there is an overlap of charges under only the Code (Academic misconduct and a non-FIU Regulation 105 violation), the Hearing Body shall meet the requirements of the Academic Misconduct hearing.

iv. For cases in which there is an overlap of charges between the Code and FIU Regulation 105, the Code behaviors will cede the adjudication processes under that Regulation.

v. The SCAI Director retains the discretion to ultimately determine which hearing forum is appropriate.

vi. All hearing(s) will be conducted in private or in accordance with applicable law.

9. HEARING NOTIFICATION AND INFORMATION EXCHANGE

i. **Scheduling:** Hearings may be scheduled during class periods. Every effort will be made to avoid a class conflict; however, due to availability of persons involved in the hearing and meeting room, it may not be possible.

ii. **Hearing Notice:** The notice of a hearing, including date, time and location will be sent to the official University email address of the Respondent, or typically to the official University email address of the President of the Student Organization, at least seven (7) Business Days prior to the hearing unless waived by the Respondent. The Instructor will also be notified in Academic Misconduct cases. The Hearing Officer has the discretion to provide notice through additional means (e.g., overnight or hand delivery). The delivery notification of the hearing notice through the official University email will constitute full and adequate notice under the Code.

i. The notice will include the names of witnesses to be called by the University and a list of information to be used in the hearing, which may be different from what was presented in the information session or subsequent meetings.

ii. The notice will also indicate the name(s) of the Hearing Body member(s) if known at the time, but will be provided before the start of the hearing.

iii. **Witnesses and Information**

i. At least five (5) business days prior to the hearing the University will provide the names of all known witnesses and all information related to the allegation, including inculpatory and exculpatory information, subject to redaction in accordance with federal and state law, to the Respondent.

ii. At least five (5) business days prior to the hearing the Respondent must provide the names of all known witnesses and all information to be used in the hearing. Acceptance or denial of witnesses and/or information, based on relevancy, is within the discretion of the Hearing Officer, but the University will not consider polygraph reports.

iii. Character witnesses or witnesses to other incidents outside the specific incident in question will not be allowed to testify at a hearing. The Respondent may provide the Hearing Body with character witness statements (which will only be considered during the sanctioning phase, if applicable).

iv. The Respondent is responsible for contacting and notifying the additional witnesses they wish to call for the hearing.

v. The proceedings shall not be delayed due to scheduling conflicts of witnesses. Failure of any witness to appear shall not require a delay or affect the validity of the proceedings. If called witnesses do not appear, their written statements, if they exist, will be considered by the Hearing Body. Witnesses can appear in person or by contemporaneous alternative means (e.g., Skype, phone).

vi. The Hearing Officer has the discretion to limit the number of witnesses whose testimony may be duplicative, redundant or not in dispute.

vii. The Hearing Officer may place limits on the length of testimony and also may advise to the scope, direction or tone of questioning.

viii. The Instructor of the course in which the alleged Academic Misconduct violation(s) have occurred will always be requested to attend the hearing. The Instructor is strongly encouraged to participate in the hearing procedure.

iv. **Challenging a Member of the Hearing Body/Change of a Hearing Body Member**

i. The Respondent may challenge the inclusion of any member at least three (3) business days prior to the scheduled hearing. The challenge must be in writing and must show actual bias (such as a conflict of interest, animosity, pressure or influence) that would preclude a fair and impartial hearing. The Hearing Officer will determine whether to grant such challenge in their discretion, and such decision is final and not appealable.

ii. If a Hearing Body member is unable to serve due to an emergency or unforeseeable occurrence, the Hearing Officer will appoint a new hearing body member prior to the scheduled hearing and notify the Respondent as soon as possible. The Respondent may challenge the inclusion of this member at the time of the hearing. The challenge must be on the basis outlined above.

v. Request for a Postponement: Any request to postpone a hearing must be submitted in writing or by email and must be received by the SCAI Director at least two (2) business days prior to the hearing. The request must state the reason(s) for the postponement. The granting of such requests shall be at the discretion of the SCAI Director. The University is not required to postpone a proceeding pending the outcome of a criminal prosecution. The University may postpone the hearing, at any time, for extraordinary situations (e.g. hurricane, emergency personnel matters).

10. ADVISOR FOR THE RESPONDENT

- i. The Respondent may be accompanied by an advisor of their choosing and at their expense at any time during the Code process.
 - i. It is the responsibility of the Respondent to make appropriate arrangements for the advisor to attend the proceeding. The proceedings shall not be delayed due to scheduling conflicts of the chosen advisor. If the advisor is an attorney, the attorney must comply with the same restrictions imposed on any other advisor.
 - ii. The Respondent is responsible for presenting their own information, and therefore, advisors are not permitted to speak or to participate directly in any process under this Code.
 - iii. Although the Respondent may consult with their Advisor during the hearing, this consultation must take place in a manner that does not disrupt the proceedings.
 - iv. The Advisor chosen by the Respondent cannot be a witness in the matter.
 - v. SCAI can provide the Respondent with a list of Advisors who can provide assistance in preparing a response to the reported Code violation.

11. DUE PROCESS RIGHTS OF THE RESPONDENT: The Respondent has the following rights:

- i. Reasonable, written notice of the Code charge(s) and the allegations upon which the charge(s) is/are based.
- ii. A presumption that no violation occurred.
- iii. A fair and impartial hearing.
- iv. The right to be accompanied by an Advisor of their choice and expense at any time during the Code process.
- v. The opportunity to review all relevant information or evidence to be used in the hearing prior to the hearing.
- vi. The ability to participate in the Student Conduct hearing either physically or by contemporaneous alternative means (e.g., Skype, phone).
- vii. The opportunity to present, or have your advisor present relevant witnesses and information at the hearing.
- viii. The opportunity to question, or have your advisor question witnesses in accordance with the Hearing Procedures.
- ix. Not to provide self-incriminating testimony. Invoking the right against self-incrimination will not be considered as a negative factor in the decision of the Hearing Officer or Hearing Body.
- x. Receive notification of the decision of the Hearing Body in writing within fourteen (14) Business Days of the hearing.
- xi. Appeal the decision via the process established by the University.

12. PRINCIPLES OF GROUP RESPONSIBILITY

- i. Any Student Organization can be held responsible under the Code for its actions or those of its members acting together. Misconduct on the part of the organization will be addressed when one or more of the following circumstances occur:
 - i. An alleged violation arises out of a Student Organization-sponsored, financed or otherwise supported activity.

- ii. An alleged violation occurs on University Premises or On-Campus Housing and/or transportation owned, operated or rented exclusively by the Student Organization.
- iii. A pattern of individual alleged violations has occurred and/or continues to occur without adequate control, response or sanction on the part of the Student Organization or its leaders.
- iv. The Student Organization or its related activities provided the context for the alleged violation.
- v. The action resulting in the alleged violation has received either the implied or overt consent of the Student Organization and/or its leaders.
- vi. The Student Organization overtly places or implicitly allows active members of the Student Organization to be in a position to act on behalf or with the authority of the Student Organization.
- ii. The actions of active, prospective, or associate members (pledges) of a Student Organization may be considered hazing. Refer to Section 5 for full details on Hazing.
- iii. It is the responsibility of the Student Organization's President or Student-member designee to represent the organization through the conduct process.

13. HEARING PROCEDURES

- i. During the hearing, the Hearing Officer presides over the Code hearing and makes all procedural decisions.
- ii. The burden of proof in a hearing rests with the University and Respondents are presumed Not Responsible. The standard of proof is a Preponderance of the Evidence. The determination of "Responsible" or "Not Responsible" will be based solely on the information and/or testimony presented.
- iii. Formal rules of process, procedure and/or technical rules of evidence (including hearsay rules) applicable in the criminal or civil court process are not used in Code proceedings.
- iv. Witnesses only participate in the hearing to the degree that a question is posed to them. They may not speak or otherwise participate in the Hearing.
- v. In Code hearings involving Academic Misconduct violations, the Instructor can choose to be present in the hearing in its entirety and to ask questions of the Respondent and witnesses when prompted. The Hearing Officer has the discretion to require the Instructor to step out of a hearing if non-academic student conduct issues are being discussed.
- vi. The hearing will be recorded. The recording will serve as the only official record of the proceedings. No other recordings are permitted.
- vii. If the Respondent, or Instructor fails to appear at the scheduled hearing, the hearing will be held, and a decision will be rendered in their absence.
- viii. Upon request by the Respondent or witnesses, the Hearing Officer may permit the individual to provide relevant information during the hearing in a manner that avoids direct contact with the Respondent.
- ix. For Code hearings involving Conduct Violations, the Hearing Officer has the discretion to determine the order of the hearings which may involve, but is not limited to, the following:
 - i. Introductory statement by Hearing Officer including a reading of the allegations and charge(s), introduction of information that is the basis for the charges, and identification of the hearing participants.

ii. Statement by the Respondent or Respondent's Advisor and submission of any previously submitted relevant written information (e.g., records, exhibits, written statements) except for witness statements (see below) for consideration by the Hearing Body.

iii. Questions directed to the Respondent by the Hearing Body.

iv. Presentation of witnesses and any results of fact-finding conducted prior to the hearing.

v. The Respondent or Respondent's Advisor may pose questions directly to the witness. In certain circumstances to be determined by the Hearing Officer, questions may be presented in writing to the Hearing Officer who will then ask the witness the question(s).

vi. Submission by the Respondent or Respondent's Advisor of written statements (if any) of witnesses who are not present.

vii. Follow-up questions (if any) directed to the Respondent by the Hearing Body.

viii. Final statement by the Respondent or Respondent's Advisor.

ix. Hearing Officer brings hearing to closure.

x. For Code hearings involving Academic Misconduct Violations, the Hearing Officer has the discretion to determine the order of the hearings which may involve, but is not limited to, the following:

1. Introductory statement by Hearing Officer including a reading of the allegations and charge(s), introduction of information that is the basis for the charges and identification of the hearing participants.

2. Statement by the Instructor and submission of any previously submitted relevant written information (e.g., records, exhibits, written statements) except for Witness statements (see below) for consideration by the Hearing Body.

3. Statement by the Respondent or Respondent's Advisor and submission of any previously submitted relevant written information (e.g., records, exhibits, written statements) except for Witness statements (see below) for consideration by the Hearing Body.

4. Questions directed to the Instructor by the Hearing Body and the Respondent or Respondent's Advisor.

5. Questions directed to the Respondent by the Hearing Body and the Instructor.

6. Presentation of witnesses and any results of fact-finding conducted prior to the hearing.

7. The Respondent or Respondent's Advisor may pose questions directly to the witness(es).

8. The Instructor may pose questions directly to the witness(es).

9. Submission by the Respondent or Respondent's Advisor of written statements (if any) of witnesses who are not present.

10. Submission by the Instructor of written statements (if any) of witnesses who are not present.

11. Follow-up questions (if any) directed to the Instructor by the Hearing Body and Respondent.

12. Follow-up questions (if any) directed to the Respondent by the Hearing Body and the Instructor.

13. Final statement by the Instructor.

14. Final statement by the Respondent or Respondent's Advisor.

15. Hearing Officer brings hearing to closure.

xi. Deliberation by the Hearing Body is held outside the presence of the Respondent for all hearings, and Instructor, for hearings involving Academic Misconduct violations.

xii. Prior Student Conduct and Academic Misconduct records, Character Witness Statements and/or Impact Statements are considered only in determining the appropriate sanction(s).

xiii. In Code hearings, the SCC will make a recommendation of the decision and sanctions to the Hearing Officer. The Hearing Officer may take one of these actions with respect to the recommendation:

1. Adopt;
2. Modify;
3. Reject the findings and sanctions; or,
4. Remand for a rehearing.

If the Committee decision is not adopted, the Hearing Officer will include the reasons for any differences between the recommendations of the Committee and the Hearing Officer's final decision as part of the decision letter.

xiv. A decision letter will be sent to the Respondent within fourteen (14) Business Days from the conclusion of the Hearing Body's deliberation. The hearing decision will include the decision, sanctions imposed (if applicable) and the explanation of the right to appeal. For Academic Misconduct violations, the written decision will also be sent to the Instructor.

xv. This Regulation acknowledges the Instructor authority to award Student grades. If the Student is found "Not Responsible" for alleged violations of Academic Misconduct, the faculty member should reinstate the grade the Student would have received if the misconduct charges were not submitted and any reduction in grade should be based on the Student's quality of work and not an allegation of Academic Misconduct.

14. TITLE IX PROCEDURES

Conduct meeting the definition of Sexual Harassment or Sexual Misconduct (including the Violence Against Women Act violations incorporated via the Clery Act) are administered via FIU Regulation 105. SCAI serves as the central repository for all student sanctions administered under the Code and FIU Regulation 105, and any prior misconduct under the Code or FIU Regulation 105 is considered in any sanctioning stage of either proceeding.

15. SANCTIONS

i. Sanctions may only be imposed when a Respondent has been found in violation of the Code. In cases where a Respondent has been found "Not Responsible" for the alleged violation(s), no sanctions will be assigned.

ii. In light of the facts and circumstances of each case, the following sanctions or combination of sanctions (with or without appropriate modifications) will be imposed upon any Respondent found to have violated the Code or FIU Regulation 105. Sanctions will be commensurate with the prohibited conduct with consideration given to any aggravating and mitigating circumstances, including, but not limited to, the Respondent's conduct and Academic Misconduct record. Fees may be associated with certain sanctions (e.g., counseling consultation, online programs) and are the Respondent's responsibility.

iii. When an undergraduate student is found Responsible for Academic Misconduct violations, SCAI will determine any University Sanctions which are not related to a grade or the course in general. The Instructor and Chair (or designee) will recommend Course Sanctions and communicate their recommendation to SCAI. SCAI will then communicate the final outcome to the student. Should the Instructor fail to provide SCAI with recommended course sanctions within seven (7) Business Days, SCAI may assign Course Sanctions. If the undergraduate student is a member of the Honors College, SCAI will notify the Dean of the Honors College that a student was found in violation and ask if the College wishes to invoke any Honors College-level academic action(s). The Dean of the Honors College will determine if Honors College action is necessary. SCAI will be notified within seven (7) Business Days if the Dean recommends additional program action.

iv. When a graduate or professional student is found Responsible for Academic Misconduct violations, SCAI notifies the Instructor, Dean or designee of the University Graduate or Professional School, and the Dean or designee of the Academic College in which the graduate or professional student resides. SCAI will determine any University Sanctions, which are not related to a grade or the course. The Instructor and Dean (or designee) will recommend Course Sanctions and communicate their recommendation to SCAI. Should the Instructor fail to provide SCAI with recommended course sanctions within seven (7) Business Days, SCAI may assign Course Sanctions. The College Dean or designee will in turn notify the graduate or professional program that a student was found in violation and ask if the program wishes to invoke any program-level academic action(s). The student's graduate or professional program will determine if program action is necessary. SCAI will be notified within seven (7) business days if the graduate or professional program recommends additional program action. SCAI will then communicate the final outcome to the student.

v. In the event the course Instructor is no longer at the University, the Department Chair (or designee) will determine the recommended Course Sanctions.

vi. University Sanctions

i. **Written Reprimand:** The University takes official notice that such actions are inappropriate and not in accordance with our community standards.

ii. **Educational Activities:** Appropriate educational steps (such as referrals for alcohol or drug education, reflection activities, counseling, letters of apology, directed study programs, or classes).

iii. **Conduct Probation:** Probation for a stated period, including completion of any required probation program. While on conduct probation, any additional violations of the Code or other University Policies may result in suspension or expulsion.

iv. **Deferred Suspension:** Period of time in which suspension is temporarily withheld or withheld pending completion of other sanctions by a specified deadline date. A Respondent who is on deferred suspension is considered not in good standing with the University, resulting in applicable restrictions on privileges and/or activities which may include, but are not limited to, being prohibited from participating in study abroad or alternative break, or serving as a peer advisor, resident assistant or elected/appointed Student leader in Student Government or other Student Organizations. Additional restrictions on University privileges and/or activities may be imposed on the Respondent based on their current or potential future activities. If the Respondent fails to fulfill the sanctions described in the decision letter (including failure to timely fulfill the sanction), the Respondent will no longer be considered on deferred suspension but will be automatically suspended with no further appeal. While on

deferred suspension, any additional violations of the Code or other University Policies may result in suspension or expulsion.

v. **Suspension:** Separation from the University for a specified period of time. A Respondent is considered not in good standing with the University while suspended. The Respondent may not attend classes (either in person or online) and is banned from being on or in any University Premises or On-Campus Housing. The suspended Respondent is also banned from participation in any University-sponsored/related event or activity and their FIU OneCard will be deactivated. This sanction is recorded on the Respondent's academic transcript permanently. A Respondent who is suspended from the University is not eligible for tuition and/or registration fee reimbursement except as provided by University Policies. The Respondent will be administratively withdrawn from courses and will lose respective credit hours.

vi. **Expulsion:** Permanent separation from the University with no possibility of readmission. This sanction is recorded on the Respondent's academic transcript permanently. A Respondent is considered not in good standing with the University after being expelled. The Respondent may not attend classes (either in person or online) and is banned from being on or in any University Premises or On-Campus Housing. The expelled Respondent is also banned from participation in any University-sponsored/related activity or event and their FIU OneCard will be deactivated. A Respondent who is expelled from the University is not eligible for tuition nor registration fee reimbursement except as provided by University Policy. The Respondent will be administratively withdrawn from courses and will lose respective credit hours.

vii. **Remedies**

1. No Contact Order: the requirement that the Respondent and/or friends have no contact with another person.

2. Restitution:

Restitution to the University or to the impacted part(ies) of the violation. Any such payment on restitution will be limited to actual cost of repair, services not covered, or replacement costs.

3. Restrictions/Loss of Privileges: Restrictions or loss of privileges which may be imposed upon a Respondent for a specified amount of time, including but not limited to, participation in Student activities, University or Student events, representation of the University on athletic teams or in leadership positions, presence at University residence halls or other buildings/areas of campus, participation as a peer advisor, resident assistant or elected/appointed Student leader in Student Government or other Student Organizations, and/or participation in study abroad or alternative break programs. For a student organization, restrictions or loss of privileges include, but are not limited to, participation in or exclusion from Student activities, social events, intramural activities, alcohol functions or in campus facilities. Additional restrictions on University privileges and/or activities may be imposed on the Respondent based on their current or potential future activities.

4. Course Sanctions:

a. **Grade Penalty on the Assignment/Exam/Project with Resubmission:** A point/grade reduction on the assignment/assessment in question, and with the permission of the Faculty member, an opportunity to resubmit the assignment/ assessment with the addition of the implemented point/grade reduction.

b. **Grade Penalty on the Assignment/Exam/Project:** A point/grade reduction on the assignment/assessment in question.

c. **Overall Course Grade Penalty with Drop:** Receive a decrease in overall grade or an F for the entire course. However, the Student will be permitted to

drop or withdraw the course with approval from the SCAI Director or designee. Requests for drop consideration must be submitted in writing with rationale to the SCAI Director or designee, where the final approval rests and is not eligible for independent appeal outside of the formal conduct appeal process.

d. **Overall Course Grade Penalty:** Receive a decrease in overall grade or an F for the course. A point/grade reduction for the entire course. There will be no ability to drop or withdraw from the course for any reason.

e. Violations of the Code that are motivated by prejudice toward a person or group because of such factors such as race, color, creed, religion, ethnicity, national origin, disability, age, marital status, genetic information, veteran status or any group/class protected by state or federal law may result in stronger sanctions.

f. Students who are found “Responsible” for Academic Misconduct violations under the Code are prohibited from using the Grade Forgiveness Policy for the course in which the Academic Misconduct occurred.

g. Sanctions take immediate effect unless appealed, except for suspensions or expulsions, which may be stayed until Final Agency action at the discretion of the SCAI Director. During such time, the SCAI Director may implement any supportive/interim measures available under the Code, excepting an interim suspension.

h. Proof of the completion of the sanction(s) must be provided as directed in the decision letter. It is the responsibility of the Respondent to ensure that such proof is provided by the specified date. Failure of the Respondent to provide proof by the specified date may result in a charge of failure to comply, placement of a Student Conduct hold on a Respondent’s academic and University records, and suspension if the Respondent had been on deferred suspension.

16. WITHDRAWAL FROM A COURSE PENDING CHARGES OF ACADEMIC MISCONDUCT

Upon receipt of notification of allegations of Academic Misconduct, a Student can choose to withdraw from the course in question, in accordance with the University policies related to course withdrawal. Students who withdraw from a course will have their ability to register for future semesters temporarily placed on hold until the SCAI Director or designee is assured that the Student is satisfactorily responding to the charges. Students who are found “Responsible” of Academic Misconduct in a course from which they have withdrawn are still eligible to receive the appropriate sanctions (as listed in Section 15) based on the case and may be reinstated to the course from which they have withdrawn.

17. PROCESS OF PRESIDENTIAL REVIEW

i. The President will notify the SCAI Director within three (3) Business Days of notification of a disciplinary outcome if he/she wishes to review the underlying disciplinary matter. This review will serve as the appeal process for the Respondent and Reporting Party (if applicable). Any other appeal process will immediately cease.

ii. No later than one (1) Business Day after the President notifies the SCAI Director and the Appellate Officer, the SCAI Director shall notify the Respondent and Reporting Party (if applicable) of the President’s decision to review the underlying disciplinary matter including sanctions. The Respondent and Reporting Party (if applicable) may provide the President with

any information (including any documents supporting an appeal if not previously submitted) within three (3) Business Days of the SCAI Director's notification.

iii. The President may only consider the information included in the Student Conduct file, any appeals submitted by the Respondent and Reporting Party (if applicable), and any information that was not reasonably available at the time of the hearing.

iv. The President shall issue a written decision to the Respondent Reporting Party (if applicable), Appellate Officer, and SCAI Director within fourteen (14) Business Days of notification of a disciplinary outcome. Decisions based on charges involving Hazing (Section (5)(p)) will include an explanation for the decision and sanctions. The President's decision constitutes Final Agency Action and will include notice of the Respondent's right to appeal to an external judicial forum if the sanction is suspension or expulsion.

18. APPEALS

i. **Appellate Officer:** The Appellate Officer for all appeals is the Senior Vice President for Academic & Student Affairs or designee.

ii. **Appeal Form/Basis for Appeals:** The Respondent wishing to appeal must complete the appeal form in full, indicating the basis for the appeal, explain in detail the reasons for the appeal and attach supporting relevant documentation. The burden of proof rests with the person appealing to clearly demonstrate the reason for appeal as set forth below. Appeals are not a rehearing of the Student Conduct matter but are only a file and/or document review. The reason for the appeal must be based on at least one of the following:

i. Violations of the appealing party's rights or other failure to follow the Student Conduct procedures that substantially affected the outcome of the initial hearing. Appeals based on this reason will be limited solely to a review of the record of the hearing;

ii. New information which was not available at the time of the hearing and could not have been presented. In addition, the appealing party must show that the new information could have substantially affected the outcome; or

iii. The severity of the sanction is disproportionate to the nature of the charge(s).

iii. **Appeal Requests:** All appeals must be written and submitted using the appeal form available in the decision letter.

The person wishing to appeal must complete the appeal form in full and send it to the Appellate Officer for receipt no later than 5:00pm of the seventh (7th) Business Day after the delivery date of the hearing decision letter. If the appeal form is submitted and/or signed by any individual other than the appealing party, it will not be accepted.

iv. **Untimely Appeal:** If a hearing decision is not appealed within the timeframe, the original decision becomes Final Agency Action.

v. **The Respondent's Status Pending Appeal:**

i. An appeal has no effect on a Respondent's status when the sanction was suspension or expulsion. The sanction(s) are effective immediately from the date of the decision, unless stayed until Final Agency action at the discretion of the SCAI Director. During such time, the SCAI Director may implement any supportive/interim measures available under the Code, excepting an interim suspension.

ii. If the Respondent appeals in any other case, once an appeal is requested, the sanction(s) will be stayed and will not take effect until the appeal process has been

completed. Under these circumstances, a Respondent shall remain eligible to attend classes and University activities pending the appeal.

iii. If no appeal is requested, the sanctions will take effect immediately.

vi. **Appellate Review/Decision:**

i. No person may hear or decide an appeal if they conducted or participated in the Code proceeding being reviewed on appeal.

ii. The Appellate Officer shall first determine if sufficient grounds for the appeal exists and then, if so, may either deny the appeal, thus sustaining the initial decision and sanction(s), or do one of the following:

1. If the basis of the appeal is that the severity of the sanction was disproportionate to the nature of the offense and the Appellate Officer finds the appealing party proved their allegation, the Appellate Officer may modify the sanction.

2. If the basis of the appeal is that there was a failure to follow the Student Conduct procedures that substantially affected the outcome, or that there was new information which was not reasonably available at the time of the hearing and could not have been discovered through the exercise of due diligence, which would have substantially affected the outcome and the Appellate Officer finds that the appealing party proved their allegation, the Appellate Officer will order a new hearing.

vii. **Written Decision on Appeal:** The appellate decision is issued in writing to the Respondent within twenty-one (21) Business Days of receipt of the written request for appeal unless notification is given that additional time is necessary for consideration of the record on appeal.

viii. **Effect of the Final Appellate Decision:** The decision of the Appellate Officer constitutes Final Agency Action. In the case of a suspension or expulsion of a Respondent, the decision of the Appellate Officer will include notice to the Respondent's right to appeal to an external judicial forum.

ix. **Academic Grievance Process:** The Respondent may not use the Student Academic Grievance Policy as a way to appeal the filing of a complaint or the outcome of the Academic Misconduct process outlined in this regulation.

19. RECORDS

i. All student conduct-related records, including records involving Conduct violations, Academic Misconduct violation, and FIU Regulation 105, will be housed in the web-based system maintained by SCAI.

ii. The release of student conduct-related records will be governed by applicable federal and state laws regarding the privacy of education records.

iii. SCAI may place a student conduct hold on the records and registration of any Respondent who has a pending Code matter, including any outstanding sanctions. Respondents may not be allowed to graduate or receive grades, until pending matter(s), including any outstanding sanctions, are resolved. The University reserves the right withhold a transcript until properly notated.

iv. The official University email address on file with the Registrar's Office will be used for all student conduct correspondence sent. For Student Organizations, the official University email address on file with the Registrar's Office for the organization's respective President will be used. The Hearing Officer may, in their discretion, decide to send the notices via additional means (e.g., overnight delivery) and/or to other authorized University Officials.

v. Suspension(s) and Expulsion will be noted permanently on a Student's academic transcript. student conduct-related files are kept in compliance with General Records Schedule GS5, but not for less than seven (7) years from the date of the last incident(s) that the Respondent was involved in that resulted in Code charges. However, in the case of suspension or expulsion, the files shall be permanently retained.

vi. Students may have access to the information in their student conduct and Academic Misconduct file by submitting a written request to the SCAI Director. The access will be provided in accordance with federal and state laws regarding the privacy of education records (FERPA) and University regulation (see FIU Regulation 108).

20. AUXILIARY AIDS AND SERVICES

Students with disabilities as defined by the Americans with Disabilities Act who require special accommodations for meetings/hearings should notify SCAI and the Disability Resource Center in writing at least three (3) Business Days prior to any meeting or hearing.

21. CONFLICT RESOLUTION

i. Not every matter processed through SCAI is required to go through summary resolution or a hearing. An overall goal of SCAI is to provide a learning process which entails understanding and respecting the rights of others. An avenue utilized by SCAI to foster mutual respect and understanding when differences arise is Conflict Resolution. Conflict Resolution through SCAI is an informal and confidential process.

ii. Conflict Resolution may be utilized where the incident in question is minor in nature, the parties involved chose to participate, and the University cannot proceed with charges through the University student conduct system.

iii. Conflict Resolution cases handled through SCAI will not be identified or filed as a student conduct matter. Conflict Resolution records will be maintained separate from student conduct files and will not be recorded or reported as part of a Charged Student's record. All Conflict Resolution files are private and will not be released without written consent except in cases where the conduct or behavior is a repeat offense. In repeat cases, this information is only released to the Hearing Body and only used if the Respondent is found responsible for a violation of the Code.

iv. Conflict Resolution files are kept for seven (7) years from the date of the resolution.

v. Participation must be voluntary, and either party can request to end Conflict Resolution at any time which may result in the initiation of the student conduct process for the behavior.

22. INTERPRETATION AND REVISION

i. Any question of interpretation or application of the Code shall be referred to the Senior Vice President for Academic and Student Affairs or designee for final determination.

ii. The Code shall be reviewed periodically by a committee which shall include Student representation under the direction of the SCAI Director.

iii. The Academic Misconduct procedures outlined in this regulation will be reviewed at least every three (3) years by a committee which shall include Student and faculty representation under the direction of the SCAI Director. The committee will be appointed by the Chair of the Faculty Senate, in consultation with the SCAI Director and the Faculty Fellow for

Academic Integrity. Any changes to Academic Misconduct procedures must be approved by the Faculty Senate.

Contact: Director, Office of Student Conduct and Academic Integrity
Location: GC 311
Phone: (305) 348-3939 / Fax: (305) 348-6477
Email: conduct@fiu.edu
Web Page: conduct.fiu.edu

Authority: Florida Board of Governors Regulation 6.0105 Student Conduct and Discipline; Florida Board of Governors Regulation 6.010 Student Affairs Administration; Florida Board of Governors Regulation 1.001(4)(a)(10); and Section 7(d), Article IX, Florida Constitution.
History—New June 19, 2012, Amended 9-17-12, 4-8-14, 6-8-18, 6-25-19 Amended 8-13-20, Amended 10-30-20. Amended 9-15-21. **Amended 10-12-22.**



EMPLOYEE CODE OF CONDUCT

University Guiding Principles and Standards





Introduction 3

Purpose of the Code of Conduct.....	3
Words from the President	4
Mission, Vision, & Values.....	5

Ethical Path 6

Professional Ethics.....	6
Ethical Decision-Making.....	7
Reporting Misconduct	8

Truth 9

Outside Affiliations & Conflicts of Interest.....	10
Integrity in Research.....	11
Legal & Regulatory Requests.....	11
Communicating with External Parties.....	12

Freedom 13

Academic Freedom & Free Expression.....	14
Freedom to Report Without Fear of Retaliation.....	15

Respect 16

Diversity Equity and Inclusion.....	17
Equal Opportunity	18
Anti-Harassment.....	19
Workplace Violence Prevention.....	20

Responsibility 21

Confidentiality, Privacy & Security.....	22
Responsible Use of FIU Resources.....	22
Environment & Workplace Health & Safety.....	23
International Considerations.....	24

Excellence 25

Athletics.....	26
Intellectual Property.....	27
Excellence in the Workplace.....	27
Contact Information.....	28





The Purpose of the FIU Employee Code of Conduct

The FIU Employee Code of Conduct is a guiding document of principles and standards taken from key existing University policies that represent the University's dedication to responsible and ethical practices and conduct. This Code of Conduct is a resource designed to reinforce our values, support ethical decision-making and provide information about where to find answers.

It is YOU, our faculty and staff, who embody FIU's culture. YOU are the expression of our Panther Pride. Our values live in the way you work and interact with each other, the dignity and respect you show to all of our FIU community, the countless good decisions you make each and every day, the conversations you have, the questions you ask, your courage and your engagement. Every time you speak up about the things that do not seem right or the things we could be doing better, you contribute to our ethical culture.

When each of us conducts ourselves according to our FIU principles, we demonstrate our commitment to the values that make FIU a great place to work and attend school.

The success and reputation of the University in fulfilling its core mission depends on the integrity with which each community member participates. Accordingly, we are expected to adhere to the FIU Employee Code of Conduct in dealings inside and outside of the University.

The FIU Employee Code of Conduct supports the University's Compliance and Integrity program, endorsed by the president, FIU Board of Trustees and executive leadership.



A Message from our President

At FIU, we strive to provide a world-class education for our students, offering them the leadership skills needed to fulfill the demands of the 21st century workplace and be effective global citizens. With that comes a commitment to conduct ourselves ethically, lawfully and with integrity.

Our university's Code of Conduct is a living statement of the legal and ethical standards we use as the basis for our decisions and actions, expressed through FIU's Core Values of truth, freedom, respect, responsibility, and excellence. Our Code of Conduct is a resource to guide our faculty and staff in acting responsibly, ethically, and lawfully. All members of the FIU community should integrate these standards into their daily activities.

We are all stewards of FIU's reputation. It is the responsibility of every employee and representative of our university to uphold our legal and ethical obligations by adhering to laws, regulations, policies, procedures, and ethical standards. Each of us shapes our culture through our words and actions.

I urge you to review the contents of this Code of Conduct and to speak up when you have a question or concern. And while this Code may not address every situation, you can always seek assistance and discuss concerns with your supervisor, Human Resources, the Office of Compliance & Integrity, or the Office of the General Counsel.

Thank you for your commitment to our FIU.

- Kenneth Jessell, FIU Interim President



Our Vision and Mission

Our Vision

Florida International University will achieve exceptional student-centered learning and upward economic mobility, produce meaningful research and creative activities, and lead transformative innovations locally and globally, resulting in recognition as a Top-50 public university.

Our Mission

We are an urban, multi-campus, public research university serving its students and the diverse population of South Florida. We are committed to high-quality teaching, state-of-the-art research and creative activity, and collaborative engagement with our local and global communities.

Our Values

We are committed to the following core values:



Truth in the pursuit, generation, dissemination, and application of knowledge



Freedom of thought and expression



Respect for diversity and the dignity of the individual



Responsibility as stewards of the environment and citizens of the world



Excellence in intellectual, personal, and operational endeavors

For more information about FIU, our vision and mission please visit: [FIU Vision and Mission](#)



Professional Ethics

We Are All Responsible

FIU's Employee Code of Conduct applies to our "FIU community" which includes our faculty, staff, administrative employees, and student employees. Additionally, we rely on others connected to our FIU community to support our efforts to maintain a culture of ethics, compliance, and integrity, including:

- Visiting faculty, researchers, and healthcare practitioners
- Contractors, vendors, and others using FIU resources, facilities, or receiving funds administered by FIU
- Temporary employees, volunteers, and other representatives when speaking or acting on behalf of FIU

Laws, Policies and Judgment

Our Employee Code of Conduct is a summary of FIU's expectations related to how we conduct ourselves. It is not intended to cover every regulation, law or policy *or to create new policy*. Our FIU community is expected to know and understand the rules that apply to their work. Additionally, some units or departments may provide specific guidance on topics addressed in our Employee Code of Conduct that certain members of our FIU community should be aware of and commit to follow. University-wide policies and procedures are available on the Compliance and Integrity page of the FIU website in the [Policy Library](#). These policies serve the dual purposes of delineating FIU's core values and promoting adherence to applicable laws and regulations. We believe it is important for FIU community members to be aware of our policies and procedures

Consequences of Violation

Violations of the laws and regulations, or of related University policies and procedures may carry disciplinary consequences, up to and including dismissal.

and for individuals and organizations outside of the FIU community to know of FIU's dedication to responsible and ethical practices and conduct.

In-unit faculty are subject to the policies and procedures outlined in the [FIU-BOT and UFF-FIU Collective Bargaining Agreement](#) (FIU-BOT/UFF CBA). In-unit faculty are also subject to FIU regulations and University-wide policies and procedures contained within the policy library unless otherwise contained in the collective bargaining agreement. Out-of-unit faculty (i.e., those with the College of Law and the Herbert Wertheim College of Medicine) are subject to FIU regulations and the University-wide policies and procedures contained within the policy library (unless otherwise noted on a specific policy).

We Are All Committed

We are expected to show commitment to our mission and values by familiarizing ourselves with our FIU Employee Code of Conduct. Additionally, all employees will receive periodic requests to complete compliance related policy acknowledgements and trainings that focus on adherence to FIU policies and procedures, laws and regulations, and ethical issues. We are all responsible for timely completion of assigned training to promote our understanding of our compliance commitments as members of the FIU community.

FIU's Employee Code of Conduct is supported by the President and executive leadership. The Board is responsible for developing cost-effective policies and implementing programs consistent with the University's mission and assuring that the University meets state policy, budgeting, and education standards.

The *FIU Student Code of Conduct* outlines expectations for FIU students. However, when FIU students act in the capacity of an employee, this Code of Conduct also applies.



10 STEPS

To Ethical Decision-Making



We all may encounter tough decisions as part of our daily work. Behaving ethically means doing the right thing. Although our University's values and expectations are described in the University policies, procedures and the Florida Code of Ethics for Public Officers and Employees, this "Ethical Path" has been designed to assist you in handling difficult decisions. If you cannot comfortably answer "yes" to each of these questions, you should stop and seek advice from your supervisor, the Division of Human Resources or the Office of University Compliance and Integrity.

1

Is a decision required and have I considered if it is ethical to take or not to take an action at all?

2

Have I gathered all the facts related to this situation? Have I asked the right person/s for input? Consulted the best resources?

3

Do I know enough to understand the range of options available? What are my options for acting or refraining from acting?

4

Are the options I am considering legal? Do they comply with University regulations, policies and procedures?

5

Which option best supports the University's culture and is in alignment with FIU's values?

6

Which option best respects the rights of those affected and treats all stakeholders justly, equitably, and with dignity and respect?

7

Have I considered the broader impact of my options? Which option does the most good and the least harm? Which option best serves the University community as a whole?

8

Once I've made a decision, would I feel comfortable explaining it to my colleagues? Supervisor? Family? Could I defend my decision if it appeared on social media or in a public forum?

9

Have I consulted appropriate stakeholders? How can I implement my decision with attention to concerns and feedback of all stakeholders?

10

Did my decision turn out as I intended? If not, why? When reflecting on the outcome of my decision, what have I learned from this situation?



REPORTING MISCONDUCT

We encourage open reporting and communication. Each member of the FIU community should seek to enhance a culture that promotes the University's commitment to ethical conduct, compliance with the law, and doing the right thing. As public employees of the State of Florida, we should all seek to provide assurance to our FIU community and the state at large that our conduct is in accordance with high ethical standards and compliance with applicable laws,

regulations and University policies and procedures. If you suspect something may be wrong, your reporting can minimize the potential negative impact on FIU and its community members. FIU prohibits any form of retaliation against individuals who make a reasonable, good faith report of potential misconduct or unethical or otherwise inappropriate behavior, or for their participation in an investigation.

Investigation Process



Reporting Methods

FIU maintains several reporting options and you may choose the option you are most comfortable with and that makes the most sense for your situation:



Visit <https://report.fiu.edu/>



Call the Ethical Panther Hotline at toll free number: 1-888-520-0570



File an online report via: <https://fiu.i-sight.com/portal>

The Ethical Panther line at FIU is an option for making a confidential report to identify or raise concerns. Reporters can also choose to file anonymously. This reporting tool provides an additional method for you to raise any compliance, suspected misconduct or unethical behavior concerns, or situations which you believe may be contrary to law, regulation, government contract, grant requirement, or University policies and regulations. Frequently Asked Questions (FAQs) regarding reporting available at: [Ethical Panther Hotline FAQs](#)



Responsibility and Accountability: Truth

FIU Values Truth

Truth in the pursuit, generation, dissemination, and application of knowledge





Responsibility and Accountability: Truth

OUTSIDE AFFILIATIONS AND CONFLICTS OF INTEREST

We strive to conduct business in an independent and impartial manner. We require disclosure and approval of outside affiliations and business relationships and relationships with family members (nepotism) so that any conflicts with our responsibilities to FIU are managed in accordance with the Florida Code of Ethics and University policies. FIU community members are expected to understand that when we use our influence to provide an unfair advantage to other FIU faculty, staff, administrative employees, students, family members, or vendors with whom we have a personal relationship, it undermines our credibility, and the trust others place in us.

Any University employee considering an outside activity/interest is required to report such activity and may not engage in such activity until the outside activity has been approved. Outside activity includes any private practice, private consulting, additional employment, teaching or research, or other activity, whether compensated or uncompensated, which is not part of the employee's assigned duties and for which the University provides no compensation.

For additional information and resources please refer to:

- [Board of Trustees: Operating Procedures of the FIU Board of Trustees](#)
- [FIU Policy 1710.075 - Conflict of Interest](#)
- [FIU Policy 140.105 - Ethics in Purchasing and Gift](#)
- [FIU Policy 1710.110 - Dual Employment and Compensation](#)
- [FIU Policy 1710.250 - Political Activity](#)
- [FIU Policy 1710.255 - Political Participation](#)
- [FIU Policy 1710.205 - Nepotism](#)
- [FIU Policy 2320.060 - Nepotism in Research](#)

Your Compliance Commitments



You must complete a conflict-of-interest disclosure and receive approval prior to engaging in an outside activity.



You must seek prior approval before engaging in dual employment.



FIU faculty and staff members must complete the reporting requirement on an annual basis, even if there is no activity to report.



You must disclose any relationship, family-related or otherwise to avoid undue or inappropriate influence of terms and conditions of employment.



You must avoid the appearance of bias and unfair dealings by NOT accepting gifts from anyone doing business with FIU if the gift exceeds \$100.00. If you are procurement employee, there are additional restrictions.



You must follow stringent research requirements to avoid loss of federal grants and/or fines imposed on you and/or FIU.



Political Activity

Employees may seek election to and hold public office upon notification to the President or his designee. Prior to seeking election to and holding such public office, the employee must establish that there is no conflict of interest between this activity and the responsibility of the individual to the University.



Responsibility and Accountability: Truth

INTEGRITY IN RESEARCH

FIU is committed to fostering an environment that promotes the adherence to applicable law, ethical principles, and professional standards while pursuing knowledge through research. The Office of Research and Economic Development (ORED) furthers this commitment to compliance by assisting those involved in FIU research with meeting professional, regulatory, and university requirements and maintaining high ethical standards in the conduct and reporting of their research.

ORED provides assistance in the following areas of research compliance:

- Human Subjects Protection
- Animal Welfare Protection
- Biosafety Protection
- Dual Use of Research Concern
- Conflicts of Interest
- Responsible Conduct of Research
- Research Misconduct
- Time and Effort
- Export Controls

For additional information and resources please refer to:

- [Faculty Handbook](#)
- [FIU Policy 2370.015 - Research- Human Subjects Approval Prior to Award Processing](#)
- [FIU Policy 2370.070 - Research Misconduct](#)
- [FIU Policy 2370.001 - Research- Animal Subjects Approval Prior to Award Processing](#)
- [FIU Policy 2370.005 - Conflict of Interest in Research](#)
- [FIU Policy 2320.060 - Nepotism in Research](#)
- [FIU Policy 2370.015 - Human Subjects Approval Prior to Award Processing and Registration](#)
- [FIU Policy 2370.010 - Export Control Policy and Procedure](#)
- [Export Controls Website](#)
- [Research Compliance Website](#)

LEGAL AND REGULATORY REQUESTS

All FIU faculty, staff, administrative employees, officers, and agents must comply with Florida's Public Records Law, state retention schedules for University records, and laws and FIU procedures related to protecting the confidentiality of and retention of records.

We may not destroy or delete University records in our possession and control except in accordance with the record retention schedules applicable to FIU and upon disposition approval from the Records Management Liaison Office. When faculty, staff, administrative employees, officers or agents receive a public record request to inspect or copy a University record, they must immediately forward the request to the Office of the General Counsel.

For additional information and resources please refer to:

- [FIU Policy 150.110 - FIU Records](#)
- [Public Records FAQs](#)



Responsibility and Accountability: Truth

COMMUNICATING WITH EXTERNAL PARTIES

The Office of Media Relations is responsible for the central coordination of all press conferences, press releases and media inquiries that relate to or involve the University, except for those media inquiries that seek a personal opinion from any member of the FIU community in his or her individual capacity.

The University recognizes that deans, faculty members, administrators, and staff members may on occasion provide personal or professional opinions in their individual capacities that do not represent the University's official position on a subject. In such circumstances, University deans, faculty members, administrators, and staff members should take all reasonable measures to clarify to the media that the opinions expressed represent the individual's personal or professional opinions and do not represent or reflect the position of the University.

For additional information and resources please refer to:

- [FIU Policy 175.105 – Media Policy](#)
- [FIU Policy 175.150 – Digital Communications Standards Policy](#)





Responsibility and Accountability: Freedom

FIU Values Freedom

Freedom of thought and expression





Responsibility and Accountability: Freedom

ACADEMIC FREEDOM AND FREE EXPRESSION

We value the principles of academic freedom and academic responsibility. FIU endorses the Florida Board of Governor's Statement of Free Expression to support and encourage full and open discourse and the robust exchange of ideas and perspectives on our campuses. In addition to supporting this legal right, we view this as an integral part of our ability to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service. Academic freedom allows faculty to introduce a range of ideas and views in a learning context that expands intellectual diversity and critical thinking by providing a safe space to discuss and debate controversial subjects. The student experience is enhanced when students interact with others who have different views from their own by having their ideas challenged while maintaining an atmosphere of civility. FIU will not shield students, faculty, or staff from expressive activities which means FIU will not limit students', faculty members', or staff members' access to, or observation of, ideas and opinions that they may find uncomfortable, unwelcome, disagreeable, or offensive.

Freedom from Censorship

FIU faculty have the freedom to present and discuss academic subjects and research frankly and forthrightly without fear of censorship.

Freedom to select teaching materials

Faculty have the right to select instructional material and determine grades in accordance with University policies.

Freedom to engage in scholarly activity

Faculty are free to engage in scholarly and creative activity and publish the results in a manner consistent with their professional obligations.

FIU faculty are expected to fulfill his/her responsibility to the FIU community by demonstrating academic competence, professional discretion, and good citizenship.

For additional information and resources please refer to:

- [Faculty Handbook](#)
- [The FIU BOT-UFF – Collective Bargaining Agreement](#)
- [State University System Free Expression Statement](#)
- [Florida Statute Section 1004.097 Free Expression on Campus](#)



Responsibility and Accountability: Freedom

FREEDOM TO REPORT WITHOUT FEAR OF RETALIATION

We do not retaliate against someone who raises a question or concern regarding unethical behavior or unlawful conduct.

Anonymity and Confidentiality

We have the right to remain anonymous when filing a report through the Ethical Panther Hotline. Investigators will take reasonable precautions to keep your identity confidential, consistent with conducting a thorough and fair investigation and in accordance with the law.

No Retaliation

FIU takes all reports of possible misconduct seriously. We value the help of community members who, in good faith, identify potential problems that FIU needs to address. FIU does not tolerate retaliation! No one submitting a report will be subjected to retaliatory action for inquiring about possible criminal, unethical, or otherwise inappropriate activity or behavior, or reporting them in good faith. If you file a report and feel like you are experiencing retaliation as a result, contact the Office of University Compliance & Integrity immediately.

Whistleblower Status

If you are NOT reporting anonymously and are seeking whistleblower status under the “Florida Whistleblower’s Act”, you may file your complaint directly with the FIU Office of Internal Audit:

FIU Office of Internal Audit

11200 SW 8 ST, CSC 447

Miami, FL 33199

Email: Auditors@fiu.edu

Telephone: 305-348-2107

Fax: 305-348-6421

If whistleblower status is granted based on the nature of your complaint, your name and identity are exempted from public record. This status will only be granted if your complaint reaches the threshold required to meet criteria for whistleblower status as defined by Florida Statute.

Good faith reporting does not mean that you must be right when you report your concern. However, you must act in good faith and have reasonable grounds for believing the information provided.

Intentionally filing a false report can lead to disciplinary actions up to and including separation of employment.



For additional information and resources please refer to:

- [FIU 117 Fraud Prevention and Detection Regulation](#)
- [FIU Policy 125.205 - Office of Internal Audit Policy & Charter](#)
- [FIU University's Compliance and Ethics Charter](#)
- [State of Florida's Get Lean hotline 1-800-GET LEAN](#)



Responsibility and Accountability: Respect

FIU Values Respect

Respect for diversity and the dignity of the individual





Responsibility and Accountability: Respect

Diversity Equity and Inclusion

Florida International University is committed to provide the highest quality educational and employment experience to its students, faculty, and staff in a nurturing and supportive environment. In doing so, the institution is committed to ensuring that instruction and services are delivered in a manner that is reflective and supportive of diversity as it relates to gender, socioeconomic status, gender identity, race, ethnicity, physical and mental ability, nationality, military status, sexual orientation, spirituality, cultural identity, and any legally protected status.

We commit ourselves to building an academic community whose members represent and embrace diverse cultures, background and life experiences that reflect the multicultural nature of South Florida and our global society. Our goal is to build an intellectually vibrant climate that sustains the inclusiveness and engagement of our diverse community.

We recognize our responsibility to foster an open, welcoming, and inclusive environment of belonging. Students, faculty, staff, alumni, and our community of all backgrounds should be able to collaboratively learn and work. Diversity enriches our FIU community and is a driving force instrumental to our institutional success.

We encourage and expect the entire FIU community to model these values and to commit to recruiting, retaining, and supporting students, faculty, and staff who reflect the diversity of our global society.

For additional information and resources please refer to:

- [Division of Diversity Equity and Inclusion](#)



Responsibility and Accountability: Respect

Equal Opportunity

We are dedicated to treating every FIU community member with fairness, respect and dignity and refrain from engaging in any type of discrimination. FIU commits to building an academic community whose members represent and embrace diverse cultures, backgrounds and life experiences that reflect the multicultural nature of South Florida and the global society. Our goal is to build an intellectually vibrant climate that sustains the inclusiveness and engagement of our diverse community. The University is firmly committed to Equal Employment Opportunity (EEO) and to compliance with all federal, state, and local laws that prohibit employment discrimination on the basis of age, race, color, gender, national origin, religion, disability, protected veteran status, pregnancy discrimination and other protected classifications.

Faculty, staff, and administrative employees are expected to understand that it does not matter whether discrimination was intended; what matters is whether a reasonable person would believe that the FIU community member was treated differently or subjected to intimidation or a hostile environment as a result of belonging to a protected class or having a protected status.

Certain conduct may meet FIU's definition of discrimination even if it does not violate the law. Employees are responsible for adhering to FIU related policies and procedures.

For additional information and resources please refer to:

- [FIU Regulation 105 - Sexual Harassment \(Title IX\) and Sexual Misconduct](#)
- [FIU Regulation 106 - Nondiscrimination, Harassment and Retaliation \(Title VII\)](#)
- [FIU Policy 1705.010 Recruitment and Selection Policy](#)
- [Equal Opportunity Policy Statement](#)



Responsibility and Accountability: Respect

ANTI-HARASSMENT

We should treat every FIU community member with fairness, respect, and dignity and refrain from engaging in any form of illegal harassment, based on legally protected statuses.

ALL members of our FIU community are:

- bound by FIU's Harassment Policies
- obligated to behave in a respectful manner and strictly refrain from any form of bias behavior
- prohibited from engaging in discriminatory, sexual harassment, sexual assault/violent behavior

ALL faculty and employees in supervisory roles are:

- expected to be familiar with FIU's regulations on harassment and discrimination
- expected to take action if they witness any form of misconduct, including harassment and discrimination
- expose the University to liability if they fail to take action, engage in harassment or discriminatory behavior or permit these behaviors to occur

Harassment has an adverse impact on organizations and individuals including but not limited to productivity impediments, psychological damage, temporary or permanent absenteeism, and increased morale issues.

Forms of Harassment

Harassment can occur in many forms including but not limited to comments, jokes, slurs, pictures, emails, or electronic media such as texting, instant messaging or blogging, sexual gestures, inappropriate touching, assault, or impending or blocking movement. For example, continuing to ask a co-worker to go on a date after they said no may be considered sexual harassment.

For additional information and resources, please refer to:

- [FIU Regulation 105 - Sexual Harassment \(Title IX\) and Sexual Misconduct](#)
- [FIU Regulation 106 - Nondiscrimination, Harassment and Retaliation \(Title VII\)](#)
- [FIU-107: Intimate Relationships](#)
- [Civil Rights Compliance and Accessibility Office](#)



Responsibility and Accountability: Respect

WORKPLACE VIOLENCE PREVENTION

Faculty and employees are our greatest asset and therefore safety is a priority for everyone at FIU. Everyone has the right to disagree; however, being civil and maintaining respect, dignity and professionalism when disagreeing is imperative.

Workplace violence is not limited to incidents that occur on campus. Work-related violence can occur in off-campus activities and when using email, social media, and cell phones.

As faculty, staff, and administrative employees, you are expected to be mindful of your effect on others and when your words and conduct may be offensive. This also includes harming someone or treating them less favorably because they do not agree to submit to the requested behavior.

For additional information and resources please refer to:

- [FIU Policy 1710.135 - Firearms and dangerous weapons](#)
- [FIU Policy 1710.343 - Workplace Violence](#)
- [FIU Policy 185.005 - Security Awareness and Programs for Students and Employees](#)
- [University Police Department](#)





Responsibility and Accountability: Responsibility

FIU Values Responsibility

Responsibility as stewards of the environment and citizens of the world





Responsibility and Accountability: Responsibility

CONFIDENTIALITY, PRIVACY AND SECURITY

Confidential, private, and sensitive FIU information must be safeguarded. We safeguard against the unauthorized use, distribution, disclosure, and access of confidential information related to academic, business, financial, health, personnel, and student education records.

Faculty, staff, and administrative employees may not use confidential information obtained during their employment for any personal gain nor offer confidential information to others. Violations of certain privacy laws may result in the loss of federal funding and/or result in significant financial fines and reputational damage to FIU.

For additional information and resources please refer to:

- [FIU Policy 2320.095 - Sponsored Project Proposal Confidentiality](#)
- [Office of the Registrar](#)
- [HIPAA Privacy Policies](#)
- [FIU Regulation 108 - Access to Student Education Records](#)
- [Student Privacy & FERPA](#)
- [US Department of Health & Human Services](#)
- [IT Security](#)

RESPONSIBLE USE OF FIU RESOURCES

We use FIU property, systems, equipment, and resources for legitimate University purposes only (e.g., internet systems, email, telephone, computer, etc.). The University recognizes that FIU community members may occasionally need to make personal use of University resources; however, personal use must be reasonable, minimal and should not result in additional costs or interference with FIU business operations. FIU funds must also be managed and expended responsibly and prudently, avoiding improper use.

Faculty, staff and administrative employees are expected to handle FIU assets, including property, equipment and data in a way that protects individual privacy and protects FIU's interest.

We may not destroy or delete University records in their possession and control except in accordance with the record retention schedules applicable to FIU and upon disposition approval from the Records Management Liaison Office. The State of Florida, our students and our community expect us to act as stewards of the resources that have been entrusted to us. Inappropriate use of our resources, even by one employee can be harmful to our reputation.

For additional information and resources please refer to:

- [FIU 117 Fraud Prevention and Detection Regulation](#)
- [FIU Policy 150.110 - FIU Records](#)



Responsibility and Accountability: Responsibility

ENVIRONMENT AND WORKPLACE HEALTH AND SAFETY

We are committed to safeguarding the health, safety, and environment of our FIU community. The Department of Environmental Health & Safety (EH&S) works to ensure that activities conducted at FIU are in compliance with regulations, statutes, and best management practices applicable to the areas of safety, environmental compliance, and fire prevention.

Maintaining a healthy and safe environment is a collaborative effort and we must all play our part. As an FIU faculty, staff or administrative employee, you are expected to adhere to safety policies and regulations and ensure our work environment remains free of any hazards that could potentially cause an injury or incident. This includes completing any safety training associated with your job responsibilities and tasks. If you are engaging in activities that require the handling, storage, or disposal of special hazard materials/equipment, you must follow all regulatory requirements and university policy. It is your responsibility to report workplace injuries, illnesses, or unsafe conditions, including “near-misses”. Timely reporting will help prevent others from being injured.

Reporting Concerns

You can report a problem or concern to EH&S about any type of safety or hazardous conditions such as fire safety, physical, radiological, biological, or chemical hazards, indoor air quality, golf cart safety concerns, etc. The online Health & Safety Reporting Form may be accessed at <https://ehs.fiu.edu/report/index.html> or you may contact EH&S at ehs@fiu.edu. Please visit the EH&S website for more information: <https://ehs.fiu.edu/index.html>

Drug-Free Campus and Workplace

The FIU policy on Drug and Alcohol Abuse and Prevention Policy must be complied with, to ensure the well-being of faculty, staff and students and to comply with appropriate federal laws regarding the use and sale of controlled substances and alcohol. The unlawful manufacture, distribution, dispensation, possession, use, trade, or sale of a controlled substance or alcohol by any FIU faculty and staff or students on campus or at any University sponsored or related activity threatens the well-being and health of the FIU community.

Firearms and Dangerous Weapons

All persons, except for those exempted below, are prohibited from possessing, storing, manufacturing, or using a dangerous article, including but not limited to, firearms, destructive devices, explosives, slingshots, weapons, tear gas guns, electric weapons or devices and fireworks, on any property owned, used or under the control of FIU in accordance with Florida Statutes. Those exempted include law enforcement officers in the official capacity of their duties; University law enforcement personnel; faculty in the performance of instructional or research responsibilities, only with written approval from the Provost and previous notification to the University’s Chief of Police; and those meeting the requirements of Florida Statute 790.25.

For additional information and resources please refer to:

- [FIU Policy 1710.135 - Firearms and dangerous weapons](#)
- [FIU Policy 150.405 - Environmental Management](#)
- [FIU Policy 1991 - Drug-Free Campus/Workplace drug and alcohol abuse prevention policy Chapter 316](#)
- [FIU Policy 1150.030 - University Golf Cart Policy](#)
- [FIU Policy 125.405 - Security in Labs with Special Hazards](#)
- [Florida Statutes: State Uniform Traffic Control](#)
- [University Police Department](#)
- [Florida Statute Section 790.115 Weapons and Firearms](#)
- [Florida Statute Section 790.25 Lawful Ownership, Possession, and Use of Firearms and Other Weapons](#)



Responsibility and Accountability: Responsibility

INTERNATIONAL CONSIDERATIONS

In order to responsibly support FIU's global mission, we must understand the importance of complying with all state and federal laws and regulations and University policies and processes that govern our international engagement activities. We are committed to fulfilling all of our compliance obligations that apply to who we are, what we do, and how and where we serve our students.

International Law

FIU's international activities may be subject to the laws of other countries. If you have questions, contact the Office of the General Counsel or FIU Global for guidance.

Anti-Bribery and Corruption

We respect global laws and conduct business with government officials in accordance with the law of the United States and the foreign countries where FIU does business, including but not limited to the Foreign Corrupt Practices Act.

For additional information and resources please refer to:

- [FIU Division of Human Resources Website](#)
- [Office of the General Counsel Website](#)
- [Office of University Compliance and Integrity Website](#)
- [Export Control Website](#)
- [Guidance Regarding Foreign Influence and Research](#)
- [FIU Policy 2370.010 - Export Control](#)

Export Control

We comply with applicable regulations that prohibit the export of certain items and information, or the export of items and information to restricted parties or to certain destinations without a license.

FIU provides Export Control training to support community members who conduct research activities, attend conferences, or enter into academic agreements to provide services or perform research outside of the United States.

Violations of trade sanctions for export controls can result in severe monetary civil penalties (in excess of \$1 million), at the institutional and/or individual violator level; federal debarment; revocation of export privileges; and referral to the U.S. Department of Justice for criminal prosecution.

Foreign Influence and Global Risk

Whether we are hosting a visiting scholar, traveling or shipping internationally, performing research, attending an international conference or engaging in any range of activities across FIU's Global Footprint, we must maintain awareness of and adherence to the policies, procedures and processes in place to responsibly fulfill our compliance obligations.

In order to mitigate concerns regarding inappropriate foreign influence we must educate ourselves and our students about relevant regulations and policies, complete all federal, state, and FIU disclosure requirements, and provide ongoing communications regarding any new or changing relationships with foreign entities.



Responsibility and Accountability: Excellence

FIU Values Excellence

Excellence in intellectual, personal, and operational endeavors





Responsibility and Accountability: Excellence

ATHLETICS

The mission of the FIU Athletics Compliance Office (ACO) is to function within the realm of the University's compliance structure, coordinating, monitoring, and verifying compliance with all NCAA and Conference requirements, and to educate the athletics department staff members, student-athletes, the various constituencies of the University and the community regarding NCAA regulations. The ACO is committed and compelled to the principle of institutional control in the operation of the athletics department in a way that is within the rules and regulations of the NCAA, the Conference, and the University.

The ACO shall do so by remaining dedicated to maintaining the highest standards of excellence and professionalism while working together with all athletics staff members, student-athletes, FIU personnel, alumni, boosters, and the external community. An environment that promotes respect, communication and teamwork will be the byproduct. Professional growth in the area of rules compliance will be encouraged and accomplished by fostering an environment that is supportive of the NCAA operating principles of competitive equity, diversity, gender equity, and improvement of the personal well-being of our student-athletes.

For additional information and resources please refer to:

- [ACO Operations Manual](#)
- [FIU Policy 910.001 – Student – Athlete Name, Image, and Likeness](#)





Responsibility and Accountability: Excellence

INTELLECTUAL PROPERTY

We encourage, facilitate, and reward the development and dissemination of original scholarship and research, effective pedagogy, creative endeavors, and copyrightable works. At the same time, we acknowledge that, as a public institution, we have a responsibility to ensure that intellectual property created at the University is appropriately developed to obtain maximum public benefit. We are responsible for recognizing and acknowledging the responsibility to protect and administer, under applicable state and federal law, the intellectual property rights that apply to the University.

As a condition of the University's provision of employment, services, facilities, equipment or materials to the Inventor, the University acquires and retains title to all Inventions made within the scope of University employment or research or created with University Support or made in the field or discipline in which the Inventor is employed by the University.

With respect to in-unit faculty, the FIU BOT-UFF Collective Bargaining Agreement governs any copyright interest that the faculty and/or University may have. Out-of-unit faculty, staff, and administrative employees are governed by FIU Policy.

For additional information and resources please refer to:

- [FIU Policy 1710.345 - Works and Copyrightable Materials](#)
- [FIU Policy 2390.001 - Inventions and Patents](#)

EXCELLENCE IN THE WORKPLACE

We are Service Excellence oriented and committed to making FIU a great place for our FIU community and we:

- ✓ Treat all community members with respect and with courtesy at all times and in all matters.
- ✓ Take actions that are in the best interest of FIU.
- ✓ Perform assigned duties and responsibilities with the highest degree of public trust.
- ✓ Demonstrate proper office decorum by adhering to dress codes and professional courtesies and respect and dealings with fellow colleagues, students, members of the public, and any other persons associated or dealing with FIU.
- ✓ Lead by example by acting with the highest ethical standards.
- ✓ Provide direct reports with opportunities to learn and to demonstrate ethical behavior.

Collaborating with your team and others throughout the University will yield positive outcomes for the University and its students.

For additional information and resources please refer to:

- [Code of Ethics for Public Officers and Employees Chapter 112 Florida Statutes](#)
- [FIU Policy 1710.105 - Dress code](#)

Contact Information

No policy can foresee every situation in which a question about ethical business conduct will arise.
If you have any questions, require resources or advice, you are encouraged to contact the
Office of University Compliance and Integrity.

Office of University Compliance & Integrity
Modesto Maidique Campus, PC 429
11200 S.W. 8th Street
Miami, FL 33199
Telephone: (305) 348-2216
Facsimile: (305) 348-9726
Departmental E-mail: compliance@fiu.edu



THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
Governance Committee

April 27, 2023

Subject: Updated Exclusion Resolution

Proposed Committee Action:

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.

RESOLUTION

WHEREAS, Florida International University (“FIU”), a university in the State University System of Florida, has and desires to continue 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 June 16, 2022 (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 Department of Defense (DoD) or other agencies of the National Industrial Security Program. As such, they were excluded from the requirements for a personnel security clearance.

Dean C. Colson	Trustee, Chair
Rogelio Tovar	Trustee, Vice Chair
Cesar L. Alvarez	Trustee
Jose J. Armas	Trustee
Deanne Butchey, effective August 1, 2022	Trustee
Carlos A. Duarte	Trustee
Donna J. Hrinak	Trustee
Natasha Lowell	Trustee

Cristhofer Lugo	Trustee
T. Gene Prescott	Trustee
Joerg Reinhold, through July 31, 2022	Trustee
Chanel T. Rowe	Trustee
Marc D. Sarnoff	Trustee
Carlos Trujillo	Trustee

WHEREAS, the composition of the FIU Board of Trustees has changed since the adoption of the Exclusion Resolution in that the term of the following Trustees ended, or will end, on the following dates: Donna J. Hrinak, June 30, 2022, Joerg Reinhold, July 31, 2022, Carlos Trujillo, January 10, 2023, and Cristhofer Lugo, May 2, 2023, and the term of the following Trustees began, or will begin, on the following dates: Deanne Butchey, August 1, 2022, Alan Gonzalez, March 29, 2023, Francis A. Hondal, March 29, 2023, and Alexander Sutton, May 3, 2023. 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 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 Department of Defense (DoD) or other agencies of the National Industrial Security Program. As such, they are excluded from the requirements for a personnel security clearance.

Dean C. Colson	Trustee, Chair
Rogelio Tovar	Trustee, Vice Chair
Cesar L. Alvarez	Trustee
Jose J. Armas	Trustee
Deanne Butchey	Trustee
Carlos A. Duarte	Trustee
Alan Gonzalez	Trustee
Francis A. Hondal	Trustee
Natasha Lowell	Trustee
Cristhofer Lugo, through May 2, 2023	Trustee
T. Gene Prescott	Trustee
Chanel T. Rowe	Trustee
Marc D. Sarnoff	Trustee
Alexander Sutton, effective May 3, 2023	Trustee

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

Adopted this 27th day of April, 2023 by the Board of Trustees of Florida International University.

Dean C. Colson
Chair
FIU Board of Trustees

Milly Bello
Corporate Secretary
FIU Board of Trustees

Supporting Documentation: None

Facilitator/Presenter: Elizabeth M. Bejar

FIU Board of Trustees Self-Evaluation Highlights

2023 Self-Evaluation

Required by SACSCOC 2018 Principles of Accreditation



Delivered electronically to Board members



For 19 of the total 22 questions, Board members were asked if they strongly agreed, agreed, disagreed, strongly disagreed, or were neutral to a series of statements. For questions 20-22, Board members were asked to answer open-ended questions.



100% response rate achieved

Strengths



All or nearly all respondents agreed or strongly agreed with the following statements

Board member responsibilities are clear.

The Board's Bylaws make clear the role of the Board and its Committees.

The Board is knowledgeable about the University's mission and vision.

The Board can articulate how the University's mission and strategic plan align with the overall System strategic plan.

The Board is knowledgeable about the protocols for responding to citizens and the media.

The Board's work has a real and positive impact on the institution.

New members receive an orientation to the Board and the institution.

Board members avoid conflicts of interest and the perception of conflicts of interest.

The Board adheres to a code of ethics.

Strengths Continued



All or nearly all respondents agreed or strongly agreed with the following statements

The Board promotes an environment where Board members feel engaged, respected, and empowered to raise issues for discussion.

The Board is clear about its priorities and goals for the upcoming year.

The Board operates transparently in the public interest.

The Board is fully engaged in assessing risk for the institution.

The Board's structure allows the Board to fulfill its duties and responsibilities effectively and efficiently.

The Board ensures fiscal integrity and sound financial practices.

The Board and President work well together.

Board members are engaged with the institution.

The Board protects the University from undue influence by external persons or bodies.

Area for Improvement

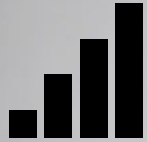
Most respondents strongly agreed or agreed with the following statement



As a Board, we ask the hard and important questions necessary to fulfill our fiduciary responsibilities.

**One (1) respondent strongly disagreed*

What two specific strengths does the Board have? *(open-ended question)*



A very engaged and strong Chair and Vice Chair

Fiduciary oversight of University spending plans

Clear vision what the Board wants for FIU

Clear visions as to who we serve

Ethical

Knowledgeable

Made up of community members with diverse points of view

Meets regularly and is informed ahead of meetings

Love of FIU

Determined to improve FIU

Chair and Vice Chair are great leaders that have rallied the University towards a great vision for the University

Common sense and vision

Recommendations



Board members provided the following recommendations

Engagement with the legislative branch

Continue and drive the Vision of the University to dream big and execute on that Vision

Get more involved in giving

More involvement/support at sporting events

Making faculty more inclusive

Greater engagement outside board meetings

Assistance with fundraising

More focus on our future and less time spent on compliance issues. Too much compliance issues takes away time to focus on our future

What other comments do you have about Board effectiveness? (*open-ended question*)



I can always be more engaged

This is one of the most effective and engaged Boards at FIU that I've participated on or witnessed. In particular, the chair and vice-chair do exceptional jobs in leading the board and executing their duties. The relationship now between the President and the Board is also very strong making us a very effective team with University administration

We have a great and balanced board

Honored to serve

I think the Board is effective. It respects the role of the President and Administration while carrying out its fiduciary responsibility