



**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
ACADEMIC POLICY AND STUDENT AFFAIRS COMMITTEE
MINUTES
JUNE 6, 2018**

1. Call to Order and Chair's Remarks

The Florida International University Board of Trustees' Academic Policy and Student Affairs Committee meeting was called to order by Committee Chair Cesar L. Alvarez at 10:10 a.m. on Wednesday, June 6, 2018, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Committee Chair Alvarez welcomed all Trustees and University faculty and staff to the meeting.

General Counsel Carlos B. Castillo conducted roll call of the Academic Policy and Student Affairs Committee members and verified a quorum. Present were Cesar L. Alvarez, *Chair*; Natasha Lowell, *Vice Chair*; Jose J. Armas, Dean C. Colson, Michael G. Joseph, Marc D. Sarnoff, Jose L. Sirven, III, and Kathleen L. Wilson.

Board Chair Claudia Puig, Trustees Leonard Boord, Gerald G. Grant, Jr., Natasha Lowell, Rogelio Tovar, and University President Mark B. Rosenberg were also in attendance.

Committee Chair Alvarez noted that Mr. Anthony Page was named Dean of the FIU College of Law on May 23, 2018, adding that Mr. Page most recently served as the vice dean and a professor of law at Indiana University Robert H. McKinney School of Law in Indianapolis.

2. Approval of Minutes

Committee Chair Alvarez asked that the Committee approve the Minutes of the meeting held on Tuesday, February 27, 2018. A motion was made and passed to approve the Minutes of the Academic Policy and Student Affairs Committee Meeting held on Tuesday, February 27, 2018.

3. Action Items

AP1. Tenure Nominations

Committee Chair Alvarez explained that twenty-eight candidates were nominated for tenure, stating that the nominees selected to receive tenure have demonstrated excellence in scholarly and academic achievement.

Provost and Executive Vice President Kenneth G. Furton noted that while at FIU, the tenure candidates have generated \$33.5M in grants.

In response to Trustee Dean C. Colson's inquiry on how many candidates are turned down for tenure, Provost Furton stated that there were 40 faculty members that would have been eligible for tenure however; some candidates leave for personal reasons and other candidates transfer to different institutions.

Trustee Colson requested an overview of departments and their percentage with tenured faculty.

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

AP2. Tenure as a Condition of Employment Nominations

Committee Chair Alvarez noted that the seven candidates for Tenure as a condition of employment (TACOE), were selected to receive (TACOE) based on the caliber of their scholarly work.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the Board of Trustees approve the seven candidates for tenure as a condition of employment.

AP3. Approval of the amendment of FIU-105 Prohibited, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking

Director of Equal Opportunity Programs and Diversity, Shirlyon J. McWhorter presented the Revisions to Regulation FIU-105 Prohibited Discrimination, Harassment and Related Misconduct Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, Domestic Violence, and Stalking for Committee review. Ms. McWhorter noted that FIU-105 is a comprehensive regulation that includes Title IX, Non-discrimination, Harassment and Retaliation. She added that FIU-105 will be divided into two regulations: (1) FIU-105 Sexual Misconduct and/or Gender-Based Harassment, Relationship Violence, and/or Stalking and (2) FIU-106 Nondiscrimination Harassment and Retaliation. She explained that FIU-105 is dedicated solely to Title IX/VAWA misconduct. She stated that the investigation section to address the 2017 Dear Colleague Letter (DCL) was updated to include providing a letter with the allegations to the Respondent prior to the initial investigation meeting. She indicated that the time to appeal and to respond to an appeal was expanded from three calendar days to seven business days.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend for Board of Trustees approval the amendment of FIU-105 Prohibited, Harassment and Related Misconduct, Including Sexual and Gender-Based Harassment, Sexual Violence, Dating Violence, and Stalking and renaming of the regulation to FIU-105 Sexual Misconduct (Title IX).

AP4. Proposed Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII)

Ms. McWhorter presented the proposed Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII) for Committee review. She noted that FIU-106 is dedicated solely to Title VII misconduct adding that the time to file an appeal and to respond to an appeal was also increased to seven business days.

Trustee Colson requested that executive summaries be included for future items where the Board will review new regulations.

Trustee Kathleen L. Wilson noted that the Office of General Counsel was very responsive in amending the document based on extensive conversations.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend for Board of Trustees approval of the creation of Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII).

AP5. Repeal of Regulation FIU-2520 Disruptive Student Conduct

Vice President for Student Affairs Larry Lunsford presented the repeal of Regulation FIU-2520 Disruptive Student Conduct for Committee review. He stated that the code is being revised to address changes in the law, make it more user friendly, adopt best practices, and incorporate FIU-2520 Disruptive Conduct into the code so that students have one place to obtain information.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend for Board of Trustees approval the repeal of Regulation FIU-2520 Disruptive Student Conduct.

AP6. Revisions to Regulation FIU- 2501 Student Code of Conduct

VP Larry Lunsford presented the revisions to Regulation FIU-2501 Student Code of Conduct for Committee review. He stated that the revised Student Code of Conduct reflects zero tolerance for misconduct that jeopardizes the health, safety and welfare of the University community. He noted that the University President can modify the code process in limited circumstances and includes a process for Presidential review of certain outcomes and sanctions. He added that some examples include sexual misconduct, hazing, stalking, reference drug distribution or selling of drugs, and endangerment.

In response to Trustee Marc D. Sarnoff's inquiry regarding big brother/little brother and big sister/little sister activities and the banning of speech, General Counsel Castillo explained that the referenced activity is within the context of hazing where certain activity is being prohibited by the Student Code of Conduct.

A discussion ensued regarding the tabling of the Revisions to Regulation FIU-2501 Student Code of Conduct. In response, Trustee Jose L. Sirven, III expressed the importance of the Student Code of Conduct given that in the coming weeks, there would be new students on campus and Greek

recruitment will be taking place. He added that implementing the Student Code of Conduct is necessary for student safety.

For the next regularly scheduled committee meeting, Trustee Colson requested to know who the University investigators are and how many incidents there are for Student Conduct and Conflict Resolution and Title IX.

In terms of student codes of conduct, Trustee Natasha Lowell requested a comparative analysis contrasting other comparable universities, as well as the State University System (SUS) for the next regularly scheduled committee meeting,

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend for Board of Trustees approval of the revisions to Regulation FIU-2501 Student Code of Conduct and that Trustee comments and concerns be addressed at the next scheduled committee meeting.

Trustee Sarnoff voted against the motion.

AP7. Revisions to Regulation FIU-110 Demonstrations

General Counsel Castillo presented the revisions to Regulation FIU-110 Demonstrations for Committee review. He stated that Regulation FIU-110 is being updated to align the Regulation with the provisions of the Florida Campus Free Expression Act (“CFEA”), which became effective March 11, 2018. He noted that the title of Regulation FIU-110 is being changed from “Demonstrations” to “Expressive Activities in Outdoor Areas of Campus”. He added that the Regulation also is being updated to remove all references to “Free Assembly Areas”, since the CFEA prohibits the creation of free speech zones. He noted that the Regulation defines expressive activities and outdoor areas of campus, the hours during which certain such activities are not allowed to take place on campus, and the procedure for requests to engage in expressive activities with the use of amplification and appeals of the denials of such requests. General Counsel Castillo responded to questions that Trustees Sarnoff and Wilson had about certain Regulation revisions.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend for Board of Trustees approval of the amendments to FIU Regulation 110, Demonstrations.

Trustee Sarnoff voted against the motion.

AP8. Revisions to Regulation FIU-111 Camping

General Counsel Castillo presented the revisions to Regulation FIU-111 Camping for Committee review. He noted that Regulation FIU-111 is being amended to replace the reference to “Demonstrations” with “Expressive activities in outdoor areas on campus” adding that references to “Free Assembly Areas” are being removed since the CFEA prohibits the creation of such zones.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend for Board of Trustees approval of the amendments to FIU Regulation 111, Camping.

Trustee Sarnoff voted against the motion.

4. Information/Discussion Items *(No Action Required)*

4.1 Mental Health Counseling

VP Lunsford noted that FIU's Counseling and Psychological Services (CAPS), provides mental health services for students, facilitates and enhances personal learning, emotional well-being, academic skills, and development. He stated that FIU's CAPS is comprised of licensed psychologists and clinical therapists who are engaged at the direct counseling of students. He reported that (CAPS) is in the process of hiring an additional seven psychologists which will reduce the counselor to student ratio 1:1,591, adding that the goal is to increase the counselor to student ratio by June 2019.

VP Lunsford reported that the number of incidents in the State of Florida and across the nation have increased concerns in the (SUS) about college student mental health and substance abuse. He noted that the Board of Governors has created a Drugs, Alcohol, and Mental Health Task Force. He indicated that the purpose of the Drugs, Alcohol, and Mental Health Task Force is to develop system-wide recommendations, document most critical issues, identify best practices, and identify resources needed.

4.2 Academic Affairs Regular Reports

There were no questions from the Committee members about the reports included as part of the agenda materials: FIU *Beyond Possible 2020*; Academic and Career Services; Engagement; Enrollment Management and Services; Information Technology; Research and Economic Development/ University Graduate School; and Student Affairs.

5. New Business

No new business was raised.

6. Concluding Remarks and Adjournment

With no other business, Committee Chair Cesar L. Alvarez adjourned the meeting of the Florida International University Board of Trustees Academic Policy and Student Affairs Committee meeting on Wednesday, June 6, 2018 at 11:27 a.m.

<i>Trustee Requests</i>	<i>Follow-up</i>	<i>Completion Date</i>
<i>1. Trustee Colson requested the percentage of departments with tenured faculty.</i>	<i>Provost and Executive Vice President Kenneth G. Furton</i>	<i>September meeting</i>

<p>2. <i>Trustee Colson requested that executive summaries be included for future items where the Board will review new regulations.</i></p>	<p><i>The Presenter of the New Regulation</i></p>	<p><i>On-going</i></p>
<p>3. <i>Committee members requested that the comments and concerns pertaining to Revisions to Regulation FIU-2501 Student Code of Conduct be addressed at the next regularly scheduled meeting.</i></p>	<p><i>Vice President for Student Affairs, Larry Lunsford</i></p>	<p><i>September Meeting</i></p>
<p>4. <i>For the next regularly scheduled committee meeting, Trustee Colson requested to know who the University investigators are and how many incidents there are for Student Conduct and Conflict Resolution and Title IX.</i></p>	<p><i>Vice President for Student Affairs, Larry Lunsford/ Director of Equal Opportunity Programs and Diversity, Shirlyon J. McWhorter</i></p>	<p><i>September meeting</i></p>
<p>5. <i>Trustee Natasha Lowell requested the comparison to other comparable universities, as well as State University System (SUS).</i></p>	<p><i>Vice President for Student Affairs, Larry Lunsford</i></p>	<p><i>On-going</i></p>

KS June 14, 2018