



**FLORIDA INTERNATIONAL UNIVERSITY**  
**BOARD OF TRUSTEES**  
**ACADEMIC POLICY AND STUDENT AFFAIRS COMMITTEE**  
**MINUTES**  
**JUNE 19, 2019**

**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 12:14 p.m. on Wednesday, June 19, 2019 at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

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

Deputy General Counsel Liz Marston conducted roll call of the Academic Policy and Student Affairs Committee members and verified a quorum. Present were Trustees Cesar L. Alvarez, *Chair*; Natasha Lowell, *Vice Chair*; Dean C. Colson; Joerg Reinhold; Sabrina L. Rosell; and Marc D. Sarnoff. Trustees Jose J. Armas, *Board Vice Chair* and Michael G. Joseph arrived late.

Board Chair Claudia Puig and Trustees Leonard Boord, Gerald C. Grant, Jr., Justo L. Pozo, and Roger Tovar, and University President Mark B. Rosenberg were also in attendance.

Committee Chair Alvarez commented that Ms. Dulce Beltran recently joined FIU as the University's Registrar, that Dr. Hiselgis Perez was recently appointed as the Associate Vice President for the Office of Analysis and Information Management, and that Mr. Michael Hearon also recently joined the University as the Assistant Vice President of Operations for FIU's Biscayne Bay Campus and Regional Academic Locations.

**2. Approval of Minutes**

Committee Chair Alvarez asked if there were any additions or corrections to the minutes of the April 18, 2019 Academic Policy and Student Affairs Committee meeting. A motion was made and unanimously passed to approve the minutes of the Academic Policy and Student Affairs Committee meeting held on Thursday, April 18, 2019.

**3. Action Items**

**AP1. Tenure Nominations**

Committee Chair Alvarez explained that forty 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 indicated that collectively the candidates have nearly \$107M in research grants, have published or had their creative work presented over 644 times, and have 18 patent submissions since joining FIU.

Trustee Dean C. Colson requested additional information for next year's Tenure nominees, specifically demographic data on gender and the number of faculty members that were not recommended for tenure.

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

### **AP2. Tenure as a Condition of Employment Nominations**

Committee Chair Alvarez noted that the three candidates for Tenure as a condition of employment (TACOE) were selected to receive TACOE based on the caliber of their scholarly work. Provost Furton provided a brief overview on the TACOE candidates.

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend to the Florida International University Board of Trustees the approval of three (3) candidates for Tenure as a Condition of Employment (TACOE).

### **AP3. Revisions to Regulation FIU-2501 Student Code of Conduct**

Senior Vice President for Academic and Student Affairs Elizabeth M. Bejar presented the proposed revisions to Regulation FIU-2501 Student Code of Conduct for Committee review, pointing out that the proposed revisions are aligned with governing Florida Statutes and Florida Board of Governors (BOG) Regulations. She explained that Regulation FIU-2501 is being amended after a collaborative process to develop a best practice model that reflects the inclusion of academic misconduct and outlines behaviors that violate the University's Honor Code and corresponding sanctions. She indicated that procedures, practices, and policies governing academic and behavior conducts have been in place through other mechanisms within Academic Affairs.

Sr. VP Bejar commented that the revisions relating to hazing of the Student Code of Conduct are aligned with best practices and respond to Florida Senate Bill 1080 in which organizational leaders may be responsible for hazing violations. She added that the proposed amendments also reflect that amnesty is expanding to include hazing, additional definitions for new terms included in the Student Code and Honor Code, and changes to the composition of hearing panels for Title IX and Academic Misconduct violations. She stated that FIU students, faculty, and staff have been part of the review process, and that the proposed revisions to the Student Code of Conduct prioritizes the health, safety, and welfare of the University community.

In response to Committee Chair Alvarez' inquiry relating to the Committee's last review of the Student Code of Conduct and comments pertaining to protected freedoms, Sr. VP Bejar explained that proposed language within the preamble mentions that "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.”

Trustee Marc D. Sarnoff commented that a student should not lose the right to attendance at the University easily and delineated three concerns: namely language in the hazing definition; what happens to a student when, based on the alleged academic misconduct, the Sr. VP determines that there is an issue involving the safety, health or welfare of the University community; and the ability to provide written statements during a hearing on academic misconduct that are not verified and used as evidence.

In terms of hazing, Trustee Sarnoff noted that the proposed language under section 1(l) makes reference to any action or situation and voiced a concern relating to what could be included under said situation given that this could potentially lead to a discharge from the University. Deputy General Counsel Marston explained that the language was derived directly from Florida Statute. Sr. VP Bejar directed the Trustees to the BOG’s Regulation on Hazing.

In response to Trustee Sarnoff’s concern over the “submission by the Charged Student or Student Organization of written statements (if any) of Witnesses who are not present” as stated in section 13(j)(9)(10), Deputy General Counsel Marston explained that the University is not required to follow rules of evidence as per BOG Regulation. In response to Trustee Sarnoff’s concern over a charged student’s inability to register for future semesters when there is certain academic misconduct, Deputy General Counsel Marston explained that this will occur only in extreme situations where it is determined that the health, safety, or welfare of the charged student or the University community are in jeopardy or in danger.

In response to Committee Chair Alvarez’ inquiry relating to the Collective Bargaining Agreement between FIU and the United Faculty of Florida and whether unsworn witness statements are allowed in arbitration proceedings, Deputy General Counsel Marston explained that the processes are very similar in that there is a grievance procedure and that a faculty member can be terminated for misconduct. In response to Committee Chair Alvarez’ inquiry, Sr. VP Bejar indicated that there is a fair and just due process whereby the charged student has the right to a hearing with their peers and faculty and that, within the last 11 years, there has been only one (1) instance in which a student was expelled for cheating. Given that the instances are so rare, Committee Chair Alvarez requested regular updates regarding charged students facing possible expulsion. Sr. VP Bejar indicated that she would comply subject to the requirements of the Family Educational Rights and Privacy Act.

In response to Trustee Colson’s inquiry, Sr. VP Bejar indicated that the proposed revisions relating to hazing and accepting written statements as information for consideration in disciplinary proceedings follow the BOG Regulations.

A motion was made and passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend that the Florida International University Board of Trustees approve the revisions to Regulation FIU-2501 Student Code of Conduct, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to

the Regulation received from the Florida Board of Governors or as a result of the regulation-making process.

Trustee Sarnoff voted against the motion.

#### **AP4. Revisions to Regulation FIU-2505 Alcoholic Beverages**

Sr. VP Bejar presented the proposed revisions to Regulation FIU-2505 Alcoholic Beverages for Committee review. She pointed out that Regulation FIU-2505 Alcoholic Beverages governs the responsible and permissible possession, service, sale, consumption, and distribution of alcohol at the University. She indicated that the proposed changes include removal of specified locations where service and sale of alcohol is permitted to allow for applicability to all university premises as defined in this regulation, addition of applicable definitions, update to the title of the Senior Vice President of Academic and Student Affairs, and improvements to the request and approval process.

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

#### **AP5 – AP7**

At the request of Committee Chair Alvarez, Sr. VP Bejar presented, collectively, the program terminations for the Bachelor of Architecture, the Bachelor of Interior Design, and the Bachelor of Landscape Architecture for Committee review. She explained that the professional programs were transitioned as of fall 2009 with the approval and establishment of accelerated master's degrees. She indicated that the University submitted to the BOG an Inactive Program Notification form to suspend enrollment in the degrees effective spring 2014 and that FIU has not enrolled students in the undergraduate programs since that time.

#### **AP5. Program Termination of the Bachelor of Architecture**

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend to the Florida International University Board of Trustees termination of the Bachelor of Architecture (CIP 4.0201).

#### **AP6. Program Termination of the Bachelor of Interior Design**

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend to the Florida International University Board of Trustees termination of the Bachelor of Interior Design (CIP 50.0408).

#### **AP7. Program Termination of the Bachelor of Landscape Architecture**

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend to the Florida International University Board of Trustees termination of the Bachelor of Landscape Architecture (CIP 4.0601).

#### **AP8. New Program Proposal: Bachelor of Fine Arts in Digital Arts**

Sr. VP Bejar presented the Bachelor of Fine Arts in Digital Arts new program proposal for Committee review. She explained that the BFA in Digital Arts is designed to prepare students for technological and conceptual relevance within contemporary digital arts practice. She indicated that the BOG has defined Digital Arts as an area of “Strategic Emphasis” and outlined careers in this field as a key to the economic development of Florida.

A motion was made and unanimously passed that the FIU Board of Trustees Academic Policy and Student Affairs Committee recommend to the Florida International University Board of Trustees approval of the Bachelor of Fine Arts in Digital Arts (CIP 50.0102) new program proposal.

#### **4. New Business**

*No new business was raised.*

#### **5. 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 on Wednesday, June 19, 2019 at 12:55 p.m.

#### *Trustee Requests:*

- 1. Trustee Dean C. Colson requested additional information for next year’s Tenure nominees, specifically demographic data on gender and the number of faculty members that were not recommended for tenure.*
- 2. Committee Chair Alvarez requested regular updates regarding charged students facing possible expulsion.*