



FLORIDA INTERNATIONAL UNIVERSITY

BOARD OF TRUSTEES

FULL BOARD MEETING

Thursday, April 18, 2019

2:00 p.m. **approximate start time*

Florida International University
Modesto A. Maidique Campus
Graham Center Ballrooms

AGENDA

- | | |
|---|--------------------|
| 1. Call to Order and Chair's Remarks | Chair Claudia Puig |
| 2. Public Appearances | Claudia Puig |
| 3. Foundation Report | Richard Brilliant |
| 4. President's Report | Mark B. Rosenberg |
| 5. Action Items – Consent Agenda | Claudia Puig |
| BT1. Minutes, March 4, 2019 | |
| FF2. Biscayne Bay Campus Aquatic Center Repair and Renovation | |
| AP1. Proposed Regulation FIU-2504 Student Religious Observances, Practices, and Beliefs | |
| AP2. Honorary Degree Nomination | |
| 6. Action Items | |
| FF1. CasaCuba Building | Leonard Boord |
| AP3. University Strategic Plan 2020-2025 | Cesar L. Alvarez |
| G1. Florida International University Annual Accountability Plan, 2019 | Claudia Puig |
| G2. President's Management Review | Claudia Puig |
| G3. University and President's Performance Goals, 2019-20 | Claudia Puig |

7. Status Reports, Board Committees

- Governance Committee Report **Claudia Puig**
- Finance and Facilities Committee Report **Leonard Boord**
- Academic Policy and Student Affairs Committee Report **Cesar L. Alvarez**
- External Relations Committee Report **Claudia Puig**
- Athletics Committee Report **Justo L. Pozo**

8. New Business *(If any)* **Claudia Puig**

9. Concluding Remarks and Adjournment **Claudia Puig**

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: Approval of Minutes of Meeting held March 4, 2019

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on Monday, March 4, 2019, at the FIU, Modesto A. Maidique Campus, MARC 290, Earlene and Albert Dotson Pavilion.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on Monday, March 4, 2019, at the FIU, Modesto A. Maidique Campus, MARC 290, Earlene and Albert Dotson Pavilion.

Supporting Documentation: Minutes: Full Board Meeting, March 4, 2019

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
MARCH 4, 2019
MINUTES**

1. Call to Order and Chair's Remarks

Board Chair Claudia Puig convened the meeting of the Florida International University Board of Trustees at 1:06 pm on Monday, March 4, 2019, at the Modesto A. Maidique Campus, MARC 290, Earlene and Albert Dotson Pavilion.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Claudia Puig, *Board Chair*; Jose J. Armas, *Board Vice Chair*; Cesar L. Alvarez; Leonard Boord; Dean C. Colson; Gerald C. Grant, Jr.; Natasha Lowell; Justo L. Pozo; Joerg Reinhold; Sabrina L. Rosell; Marc D. Sarnoff; and Roger Tovar.

Trustee Michael G. Joseph was excused.

Board Chair Puig welcomed all Trustees and University faculty and staff. She encouraged Trustees to participate in the upcoming FIU Day in Tallahassee, scheduled for March 19, 2019.

2. Public Appearances

There were no public appearances.

3. Foundation Report

FIU Foundation, Inc. Board of Directors Chair Richard Brilliant described the role of the Foundation in terms of fundraising efforts over the last 10 years and provided an overview of the composition and responsibilities of the Next Horizon Campaign Committee. He then highlighted recent gifts from Dan and Trish Bell to build a non-denominational chapel at FIU, the Related Group to establish an endowment in support of the Metropolitan Center, and the scholarship endowment from Badia Spices, Inc.

Chair Brilliant indicated that the Next Horizon Campaign for FIU began in 2009 and that \$482M has been raised to date. He described the roles of the Foundation Board of Directors in terms of the Next Horizon Campaign. In terms of the capital campaign's public phase, Senior Vice President of University Advancement Howard R. Lipman presented an overview of materials available online and in print form, which include an overall Case Statement for the University, individual unit Case Statements, pledge card, and campaign tool kit.

Chair Brilliant reported that as of December 31, 2018, the Foundation's investment portfolio totaled at approximately \$273M. He concluded the Foundation Report by introducing a video that highlighted the University's Center for Children and Families and its positive impact on improving the lives of children and families struggling with mental health problems.

4. President's Report

University President Mark B. Rosenberg explained that the International Workshop on Antenna Technology (iWAT) is holding its annual forum for the exchange of information on the progress of research and development in innovative antenna technology at the University's Graham Center Ballrooms. He reported on student success, noting that over 1,500 University students volunteered at various Food Network & Cooking Channel South Beach Wine & Food Festival events, that FIU's Model UN team won Best Large Delegation at Harvard University's Model United Nations competition, and that a team of FIU students took first place in #OASDiploHack 2019, the first-ever cyber policy competition hosted by the Organization of American States and the U.S. State Department. He indicated that 27 FIU Theatre students and faculty attended the Region IV Kennedy Center American College Theater Festival and that a number of FIU students were recognized for the excellence of their work. President Rosenberg stated that 120 FIU students attended the BEYA STEM Conference and that 19 University students are completing an internship in Washington, D.C. this semester. He further stated that the University community would soon celebrate the culmination of student success at the Spring commencement ceremonies.

President Rosenberg highlighted research-related milestones, noting that the University has retained Carnegie R1, Highest Research Activity, Classification and that the University has reached \$196M in total annual research expenditures and \$153M in annual non-medical, a BOG preeminence criterion. He indicated that the University has five of the eight STEM research categories reported by the NSF ranked in the top 100 nationally, another of the BOG's preeminence criterion. He reported that Professor Kim Tieu is the recipient of the first ever R35 award from the NIH to an FIU researcher and explained that the R35 is awarded to outstanding investigators, providing them with support for eight years to pursue their research. He added that the NIH awarded a \$1.39M grant to the Stempel College of Public Health and Social Work for a study led by Professor Mary Jo Trepka that will look at how variations in the care provided to low-income HIV-infected patients in the Ryan White program in Miami-Dade County is affecting overall health outcomes. President Rosenberg reported that the University of Murcia in Spain has awarded Dr. Robert Sackstein, Dean of the Herbert Wertheim College of Medicine and Senior Vice President for Health Affairs, an honorary doctorate degree.

President Rosenberg indicated that more than 1,200 alumni, students, faculty, donors and other members of the FIU community attended the Next Horizon campaign kickoff and that since 2012, the University's faculty and staff have raised \$21M towards the campaign. He shared the success of recent graduate Mr. Aldo Amenta, who was left paralyzed and in a wheelchair after a diving accident, noting that Mr. Amenta was able to return to FIU as the beneficiary of a scholarship awarded by FIU's Ignite Campaign. President Rosenberg explained that upon graduation, through the generosity of Trustee Roger Tovar and Palmetto57, Mr. Amenta and his family were given a wheelchair accessible van.

President Rosenberg shared highlights from the sixth annual Panther Alumni Week (PAW) and recognized Trustee Gerald C. Grant, Jr. for developing the concept. President Rosenberg stated that in terms of the topic of Venezuela, the University hosted the President of the United States of America Donald J. Trump and also Florida's Lt. Governor Jeanette Nunez, who led a roundtable discussion. President Rosenberg indicated that Mr. Delrish Moss, former police chief of Ferguson, Missouri, has joined FIU as the University's new police captain and that Emeritus Professor Zaida C. Morales-Martinez is among the 41 individuals and organizations who have been awarded the Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring. President Rosenberg mentioned that Judge Barbara Lagoa, FIU alumna, is the first Hispanic woman in history appointed to the Florida Supreme Court. He stated that University alumna Audrey M. Edmonson is now chairwoman of the Miami Dade County Board of County Commissioners and that over 800 guests attended the Greater Miami Chamber of Commerce in celebrating the 36th annual Sand in My Shoes Award Program honoring Tony Argiz.

President Rosenberg indicated that FIU Panthers Football set an all-time win record in a season when they defeated the Toledo Rockets in the Makers Wanted Bahamas Bowl in December. He added that the FIU Women's Swimming and Diving team captured its fifth consecutive conference title for the C-USA championship. President Rosenberg introduced a video that highlighted the University's research endeavors.

President Rosenberg provided an update on the status of the University's marketing and public relations review, noting that the University is in the final stages of the ITN for integrated marketing services to conduct brand research and university-wide marketing strategy in alignment with the 2025 strategic plan.

5. Action Items – Consent Agenda

Board Chair Puig noted that the Academic Policy and Student Affairs Committee recommended approval by the Board of action items AP1-AP6 and that the Governance Committee recommended approval by the Board of action items G1-G2 contained in the Consent Agenda.

A motion was made and unanimously passed to accept the Consent Agenda, and members of the Board unanimously approved the following actions:

- **BT1. Minutes, December 5, 2018:** Approve the Minutes of the FIU Board of Trustees, Full Board meeting held on Wednesday, December 5, 2018, at the Modesto A. Maidique Campus, Graham Center Ballrooms.
- **AP1. Program Termination of the Master of Arts in Liberal Studies -** Terminate the Master of Arts in Liberal Studies (CIP: 24.00101).
- **AP2. New Program Proposal: Ph.D. in Engineering and Computing Education -** Approve the New Program Proposal: Ph.D. in Engineering and Computing Education (CIP: 14.9999).

- **AP3. New Program Proposal: Bachelor of Arts in Natural and Applied Sciences -** Approve the New Program Proposal: Bachelor of Arts in Natural and Applied Sciences (CIP: 30.0101).
- **AP4. New Program Proposal: Bachelor of Arts in Global Studies –** Approve the New Program Proposal: Bachelor of Arts in Global Studies (CIP: 30.2001).
- **AP5. New Program Proposal: Master of Science in the Law of Technology -** Approve the New Program Proposal: Master of Science in the Law of Technology (CIP: 43.0116).
- **AP6. New Program Proposal: Bachelor of Arts in Disaster Management -** Approve the New Program Proposal: Bachelor of Arts in Disaster Management (CIP: 43.0302).
- **G1. Ratification of the 2018-2021 Collective Bargaining Agreement between The Florida International University Board of Trustees and The Dade County Police Benevolent Association Law Enforcement Bargaining Unit -** Ratify the 2018-2021 Collective Bargaining Agreement between The Florida International University Board of Trustees and The Dade County Police Benevolent Association Law Enforcement Bargaining Unit (*PBA Rank and File Unit*).
- **G2. Ratification of the 2018-2021 Collective Bargaining Agreement between The Florida International University Board of Trustees and The Dade County Police Benevolent Association Lieutenants Law Enforcement Bargaining Unit -** Ratify the 2018-2021 Collective Bargaining Agreement between The Florida International University Board of Trustees and The Dade County Police Benevolent Association Lieutenants Law Enforcement Bargaining Unit (*PBA Lieutenants Unit*).

6. Action Items

AC1. Performance Based Funding Metrics

A. Performance Based Funding – Data Integrity Certification

B. Audit of Performance Based Funding Metrics Data Integrity

Trustee Gerald C. Grant, Jr., Chair of the Audit and Compliance Committee, noted that the BOG requires the Board Chair and University President to jointly execute a Data Integrity Certification affirmatively certifying that the University maintains reliable systems as they relate to BOG data and reporting requirements. Additionally, he added that the University's Chief Audit Executive Trevor L. Williams conducted an audit of the University's processes completeness, accuracy, and timeliness. Trustee Grant stated that the current audit confirms the results of prior audits and that the University continues to have good process controls for maintaining and reporting performance metrics data.

A motion was made and unanimously passed that the FIU Board of Trustees:

1. Approve the Performance Based Funding – Data Integrity Certification to be signed by the Chair of the FIU Board of Trustees and the University President; and
2. Approve the Audit Report - Audit of the Performance Based Funding Metrics Data Integrity

FF1. Puerto Rico and the Virgin Islands Tuition Waiver Extension

Trustee Leonard Boord, Chair of the Finance and Facilities Committee, explained that in response to Hurricane Maria in September 2017, the University waived out-of-state fees and charged in-state tuition beginning in Spring 2018 through Spring 2019 for students from Puerto Rico and the Virgin Islands. He indicated that the current request would extend the waiver through Summer 2022.

A motion was made and unanimously passed that the FIU Board of Trustees extend granting in-state tuition rates for students from Puerto Rico and the Virgin Islands who were impacted by Hurricane Maria.

G3. Revisions to Regulation FIU-1502 Direct Support Organizations

Board Chair Puig explained that since the December Board of Trustees meetings, Trustee Dean C. Colson has worked closely with University administrators where three publicly noticed meetings were held to discuss revisions to the University's DSO Regulation, during which he also received input on the Presidential Delegations of Authority. She indicated that several Trustees and members of the Foundation Board's leadership were part of the process and provided input.

A motion was made and unanimously passed that the FIU Board of Trustees approve the revisions to Regulation FIU-1502 Direct Support Organizations.

G4. Presidential Delegations of Authority

Board Chair Puig explained that that the Governance Committee also discussed the Resolution that addresses the Presidential Delegations of Authority, noting that the Resolution is consistent with Board of Governors best practices.

A motion was made and unanimously passed that the FIU Board of Trustees approve the revised Resolution on the Delegations of Authority from the board of Trustees to the President. *Attachment A (as revised/final).*

7. Status Reports, Board Committees

Audit and Compliance Committee Report

Trustee Grant provided highlights from the Committee's meeting earlier in the day. He noted that Mr. Williams reported on recently completed audits that pertained to a follow-up audit of the FIU Health Care Network's Billing, Collections, and Electronic Medical Record Systems, a certified audit of FIU Football Attendance for the 2018 Season in accordance with the National Collegiate Athletic Association Operating Bylaws, an audit of the University's Student Technology Fees, and sub-recipient monitoring.

Trustee Grant reported that Mr. Williams highlighted a positive trend where the reported rate of fully implemented recommendations has increased by 21% from the rate of six months prior and 39% from the rate of approximately one year prior. Trustee Grant indicated that Chief Compliance and Privacy Officer Ms. Jennifer LaPorta provided updates on the number of policy and training campaigns achieved, the status of the assessments outlined in the 2018-19 Work Plan, and a new initiative to coordinate mandatory trainings across the University. He mentioned that, as is

mandated by the Committee's Charter, the Committee met with Chief Audit Executive without the presence of Senior Management.

Finance and Facilities Committee Report

Trustee Boord provided highlights from the Committee's meeting earlier in the day. He reported that in response to a request from the Committee's December 2018 meeting, the Committee reviewed a prioritized schedule of deferred maintenance/infrastructure projects. Trustee Boord indicated that Senior Vice President and CFO Kenneth A. Jessell presented the Financial Performance Review for the second quarter of 2018-19 and reported that the University and direct support organizations' operating revenues were above estimates by \$11.1M and that operating expenses were below estimates by \$3.3M. Trustee Boord stated that the University's Treasurer, Benjamin "Powell" Jarrell provided a comprehensive review of the University's operating funds investment program.

Academic Policy and Student Affairs Committee Report

Trustee Cesar L. Alvarez, Academic Policy and Student Affairs Committee Chair, explained that in terms of the 2025 Strategic Plan, the Committee met in January and engaged in a substantive discussion centered around the University's mission and ultimately reached a consensus on the vision to be a top-50 public research university. He then provided highlights from the Committee's meeting earlier in the day, indicating that the Committee continued the discussion in order to undertake a comprehensive review of the budgetary plan associated with the Strategic Plan.

Governance Committee Report

Board Chair Puig, on behalf of the Board, thanked Trustee Colson for his leadership and work to develop and finalize amendments to the University's DSO Regulation and the Delegations of Presidential Authority.

8. New Business

Trustee Sabrina L. Rosell provided an overview of Student Government activities and initiatives.

As a follow-up to the November 2, 2018 Meeting of the Academic Policy and Student Affairs Committee, President Rosenberg indicated that Trustees received FY2017-18 actuals relating to College/Department financial performance. President Rosenberg described the successful season of FIU Men's Basketball, adding that the team has secured its first winning season since 2012-13. President Rosenberg then introduced a video that highlighted student success and achievement.

9. Concluding Remarks and Adjournment

With no other business, Board Chair Claudia Puig adjourned the meeting of the Florida International University Board of Trustees Full Board meeting on Monday, March 4, 2019 at 2:18 pm.

There were no Trustee requests.

Claudia Puig
Chair
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

MB 3.8.19

Attachment A

RESOLUTION
President's Powers and Duties

WHEREAS, the president of the university (the "President") serves as the Chief Executive Officer of the University and Corporate Secretary of the Board of Trustees; and

WHEREAS, the President is authorized by Florida Statutes, Florida Board of Governors' regulations and through the Bylaws, or by resolutions, of the University's Board of Trustees, to operate and administer the University, consistently with applicable laws, rules, regulations, policies and guidelines and subject to the reserved powers of the Board of Trustees and oversight by the Board of Trustees required to fulfill its fiduciary and policy-making responsibilities; and

WHEREAS, the Board of Trustees previously has delegated powers and duties to the President by resolutions dated December 6, 2001, February 18, 2002, September 2, 2003, November 22, 2004,¹ and November 14, 2008 (collectively, "the Existing Delegations"); and

WHEREAS, a number of changes or clarifications in law and Board of Governors' regulations have occurred since 2008; and

WHEREAS, in September, 2013, the Board of Trustees conducted an extensive review and update to its Bylaws, including bylaw provisions describing certain of the President's powers and duties; and

WHEREAS, the Board of Trustees now desires to update the delegation of powers and duties of the President and to rescind the Existing Delegations effective as of the date of this Resolution; and

WHEREAS, the Board of Trustees intends that any power or duty not delegated to the President in this Resolution be reserved in the Board of Trustees.

THEREFORE, BE IT RESOLVED that (a) the Existing Delegations are rescinded effective as of the date of this Resolution; (b) the President's powers and duties specified in Florida Statutes, regulations of the Board of Governors and in the Board of Trustees' regulations and Bylaws are hereby affirmed; and (c) the President is hereby delegated the following powers and duties to be exercised consistently with laws, rules, regulations, policies and guidelines and subject at all times to the reserved powers of the Board of Trustees:

(1) General University Administration and Oversight.

- (a) Direct the day-to-day operations of the University.
- (b) Organize the University to efficiently and effectively achieve its goals, and periodically review and provide reports to the Board of Trustees on operations in order to determine how effectively and efficiently the University is being administered and whether it is meeting the strategic goals of the University, including the goals of its strategic plan adopted by the

¹ Three separate resolutions were passed by the Board of Trustees on November 22, 2004.

Board of Governors and other strategic goals for advancement of the University endorsed by the Board of Trustees.

- (c) Prepare a strategic plan in alignment with the Board of Governors' system wide strategic plan and regulations and the University's mission for Board of Trustees' approval and submission to the Board of Governors.
- (d) Prepare the University's multi-year work plan for approval by the Board of Trustees and submission to the Board of Governors.
- (e) Prepare any additional reports or documents required by the Board of Governors or Legislature for Board of Trustees' approval.
- (f) Keep the Board of Trustees informed and consult with the Board of Trustees, as appropriate, in a timely manner on any matters within the Board of Trustees' policy-making and fiduciary functions, regardless of whether authorized to address the matter in a delegation granted hereby, including, items anticipated to have or having an unexpected material impact on the financial statements, significant strategic decisions not contemplated in the University's strategic plan, and significant reputational matters. The Chair of the Board of Trustees ("Board Chair") and the President will collaborate over time to support their mutual understanding of this expectation, recognizing that there are judgments involved for both of them.
- (g) Prepare and periodically update conflict of interest policies for University employees and, when appropriate, for students, independent contractors and volunteers.
- (h) Periodically review the Board of Trustees' conflict of interest policy with the Board of Trustees and recommend changes for Board of Trustees' consideration
- (i) Maintain an effective information system to provide accurate, timely, and cost-effective information about the University, and require that all data and reporting requirements of the Board of Trustees and Board of Governors are met.
- (j) Establish policies and procedures related to data and technology, including information systems, communication systems, computer hardware and software, and networks.
- (k) Prepare regulations, regulation amendments and regulation repeals for Board of Trustees' approval.
- (l) Take routine administrative actions related to the development, adoption, amendment or repeal of University regulations, or any action required under the Florida Administrative Procedures Act, Chapter 120, Florida Statutes.
- (m) Review Board of Trustees' approved regulations and policies and recommend, on a periodic basis, updates.
- (n) Operate a risk management program and secure comprehensive general liability insurance and other insurance as appropriate.
- (o) Provide for payment of the cost of civil actions against trustees, officers, employees, or agents of the Board of Trustees, as the Board of Trustees is a corporation primarily acting as an instrumentality of the state pursuant to Section 768.28, Florida Statutes, for purposes of sovereign immunity.
- (p) Govern traffic on university grounds and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.

- (q) Establish the program for campus safety and emergency preparedness, including safety and security measures for University personnel, students, and campus visitors.
- (r) Close all or portions of the University campus and cease normal operations and services in the event of an emergency, when, in the President's judgment, such action would protect the safety, health and welfare of the University faculty, students and staff, and the University facilities and grounds. In exercising this authority, the President is authorized to determine and assign those employees who are required to provide essential services.
- (s) Take all actions necessary or desirable, including serving as the signatory on all documents and agreements, necessary or desirable to carry out the powers and duties enumerated in this Resolution and those reasonably inferable therefrom.
- (t) Adopt policies and procedures for the delegation of the powers and duties set forth in this Resolution, including delegations of signature authority, and delegate, and authorize the sub-delegation of, the powers and duties set forth in this Resolution pursuant to such policies and procedures.

(2) Academic Programs, Research Program and Student Affairs.

- (a) Recommend for Board of Trustees' approval, regulations and to the extent permissible, policies, in the area of academic programs and student affairs as follows and such additional areas from time to time designated by the Legislature or Board of Governors as requiring Board of Trustees' approval:
 - 1. Authorization and discontinuance of degree programs;
 - 2. Articulation and access;
 - 3. Admission and enrollment of students;
 - 4. Minimum academic performance standards for the award of a degree;
 - 5. Student financial assistance;
 - 6. Student activities and organizations;
 - 7. Student records and reports;
 - 8. Anti-hazing, related penalties, and program for enforcement;
 - 9. Reasonable accommodation of religious observances;
 - 10. Textbook and instructional materials affordability; and
 - 11. Uniform student code of conduct and related penalties.
- (b) Adopt and revise policies and procedures as required in the area of academic programs and student affairs not listed in the foregoing section.
- (c) Govern admissions.
- (d) Recommend the establishment and termination of undergraduate and graduate degree programs for Board of Trustees' approval.
- (e) Develop, approve, and implement non-degree, including non-college credit, granting educational programs of the University.
- (f) Award degrees, including posthumous degrees, and recommend for Board of Trustees' approval, in memoriam and honorary degrees.

- (g) Develop, approve, and enter into agreements for student exchange and study abroad programs and implement such programs, including, those that are ancillary to the degree and non-degree, including non-college credit, granting programs of the University.
- (h) Establish the internal academic calendar of the University.
- (i) Establish a committee to periodically review and evaluate the student disciplinary system. The committee shall include student representation as part of its membership.
- (j) Approve the internal procedures of student government organizations and provide purchasing, contracting and budgetary review for student government organizations.
- (k) Establish, reclassify, relocate, and close instructional sites and special purpose sites (other than those legislatively funded or created by law), as defined in FIU Regulations.
- (l) Consult with the Chancellor of the State University System prior to recommending to the Board of Trustees any acquisition, establishment, reclassification, relocation, or closure of additional campuses or special purpose centers.
- (m) Recommend for Board of Trustees' approval the acquisition, establishment, reclassification, relocation or closure of a special purpose center or campus. Any real property leasing associated with the establishment of a new site should be described in the approval request.
- (n) Administer and operate a program of sponsored research and programs, including adopting and implementing policies and procedures governing the same; soliciting and accepting research grants and donations; fixing and collecting fees, other payments, and donations that may accrue by reason thereof; negotiating, and entering into, and executing research contracts, including on a cost-reimbursement basis and, when permissible, providing temporary financing of such costs prior to reimbursement from moneys on deposit in a sponsored research development fund.
- (o) Administer all aspects of the University intercollegiate athletics program, with periodic reports to the Board of Trustees on the operations of the program including, but not limited to, finances, audit and compliance, and changes in key personnel.

(3) Personnel.

- (a) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel.
- (b) Recommend for Board of Trustees' approval candidates for tenure.
- (c) Consult with the Board Chair, or other trustee designee, on the hiring, dismissal, and compensation of any person to serve in a Vice President capacity, as the Athletic Director, or as a Head Coach, or other executive direct report position to the President or the Board of Trustees. The President shall consult with the Board Chair or other trustee designee on an annual basis to review the positions covered by this provision and amend the list based on the mission and strategic priorities of the University.
- (d) Approve and implement travel policies and approve expenditures related thereto.
- (e) Administer collective bargaining agreements and matters related thereto, including the appointment of University collective bargaining team members to negotiate collective bargaining agreements; recommend for Board of Trustees' approval actions to be taken on

collective bargaining agreements under negotiation; and execute Board of Trustees' approved collective bargaining agreements.

- (f) Exercise authority over the day-to-day administration of the Florida International University 403(b) Plan ("Plan"); implement formal Plan governance procedures and processes in connection with a current redesign of the Plan, future amendments to the Plan, including but not limited to, those required from time-to-time to comply with applicable law, and selection, removal, substitution, and monitoring of providers and investments offered or to be offered thereunder.
- (g) Approve the establishment of and closure of childcare facilities, including educational research center for child development, serving University faculty, staff, students and affiliates.

(4) Financial Management.

- (a) Recommend for Board of Trustees' approval the annual legislative budget request.
- (b) Recommend for Board of Trustees' approval each year the University's Fixed Capital Outlay Legislative Budget Request, consisting of the five-year Capital Improvement Plan.
- (c) Recommend for Board of Trustees' approval each year following the annual legislative session, the annual operating budget of the University and, if required, a fixed capital outlay budget.
- (d) Amend the Board of Trustees' approved operating budget when necessary to accommodate changes in revenues, expenditures, and statutory budget amendments. As part of reporting on the financial condition of the University, keep the Board of Trustees informed about budget changes and notify the Board of Trustees of any changes in excess of two percent (2%) made to the total approved operating budget during the operating year.
- (e) Make budget transfers to and from depositories and accounts.
- (f) Recommend for Board of Trustees' approval through regulations, the tuition and fees to be charged by the University.
- (g) Recommend for Board of Trustees' approval through regulations, the circumstances in which waivers of tuition and fees may be granted by the University.
- (h) Recommend for Board of Trustees' approval an investment policy for University funds and invest University funds in accordance with the policy.
- (i) Keep the Board of Trustees apprised on a regular basis of the financial condition of the University and its component units.
- (j) Report annually to the Board of Trustees on the status of accounts receivable charge-offs, which report may be provided as part of the university's financial statements or reports.
- (k) Notify the Board Chair and Board of Governors, in writing, if at any time the unencumbered balance in the Education and General fund of the operating budget goes below five percent (5%).
- (l) Account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by law.
- (m) Establish policies and procedures for the implementation of appropriate financial controls.

- (n) Establish policies and procedures for the performance of annual internal audits of University finances, controls and operations.
- (o) Submit all audit reports performed by the University's Internal Auditor for review and acceptance by the Board of Trustees and, thereafter, to the Board of Governors.
- (p) Sign checks and authorize other forms of payment to pay legal obligations of the University.
- (q) Enter into agreements for banking services and perform banking transactions.
- (r) Enter into agreements for, and accept, credit card payments or other electronic payments as compensation for goods, services, tuition, and fees.
- (s) Enter into agreements for collection services when deemed advisable in collecting delinquent accounts and charging off and settling uncollectible accounts.

(5) Property and Purchasing.

- (a) Administer a program for the maintenance and construction of facilities, including the following activities:
 1. Recommend for Board of Trustees' approval campus master plans and campus development agreements for each campus and, when required, amendments thereto.
 2. Recommend for Board of Trustees' prior approval any construction project (new, remodeling, site work) with a projected construction cost, in one or a series of related transactions, during any given fiscal year, in an amount greater than \$2 million ("Major Project") from any funding source(s) not specifically appropriated by the Legislature.
 3. Initiate and manage construction projects (new, remodeling, site work) with a projected construction cost, in one or a series of related transactions, during any given fiscal year, in the amount equal to or less than \$2 million ("Minor Project) and Board of Trustees' approved Major Projects. Minor Projects with a projected cost, in one or a series of related transactions, during any given fiscal year, in an amount greater than or equal to \$500,000 and equal to or less than \$2,000,000, and all change orders, on Minor Projects, of \$50,000 or more, shall be reported on a quarterly basis to the Finance and Facilities Committee of the Board of Trustees (the "Finance Committee") as part of the comprehensive report required in sub-section (10) below.
 4. Approve a facilities program for each Major Project.
 5. Exercise responsibility for the fire safety, maintenance and sanitation of facilities.
 6. Conduct plan reviews, issue permits and construction inspections to enforce building code compliance for projects subject to the Florida Building Code.
 7. Approve additional service authorizations and change orders in the name of the Board of Trustees on Major Projects, provided any change order(s) related to a facilities' construction or renovation project, in one or a series of related transactions during a given fiscal year, that increases the approved project budget in an amount greater than or equal to \$50,000 and five percent (5%) of the total value of a project, shall require the prior approval of the Board of Trustees.
 8. Establish policies and procedures for the selection of vendors providing design and construction services incorporating applicable competitive solicitation requirements.

9. Contract for all required design, engineers and construction services, including design-build services.
 10. Provide a comprehensive report on construction-related activities at each regular meeting of the Finance Committee meeting, including information regarding change order activity.
- (b) Recommend for Board of Trustees' approval of any debt issuance or public private partnership and ensure the Board of Trustees is presented with sufficient information for prudent decision-making for such projects.
 - (c) Recommend for Board of Trustees' approval, regulations setting forth competitive solicitation requirements and other criteria related to the procurement of commodities, goods, equipment and other types of personal property, software and contractual services.
 - (d) Contract for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment and other types of personal property, software and contractual services, including private attorney services, provided that
 1. Any such transaction great than or equal to \$500,000 and less than \$1,000,000, shall be reported on a quarterly basis to the Finance Committee;
 2. Any such transaction greater than or equal to \$1,000,000 and less than \$3,000,000, shall require the approval of the Finance Committee and thereafter, reported to the Board of Trustees; and
 3. Any such transaction greater than or equal to \$3,000,000, shall require the prior approval of the Board of Trustees.
 - (e) Contract for the lease-purchase equipment and software in accordance with the Board of Governors Debt Management Guidelines.
 - (f) Enter into real property leases and licenses for property being leased/licensed to the University, provided Board of Trustees' approval shall be obtained for any real property leases or licenses as follows: Any real property lease or license (i) with a total value greater than \$500,000, (ii) greater than 5,000 square feet, and (iii) with a term longer than five (5) years shall require the prior approval of the Board of Trustees; provided, however, that any lease or license that does not meet all three requirements stated in (i), (ii), and (iii) but meets at least one of these requirements must be approved by the Finance Committee.
 - (g) Enter into real property licenses for use of University owned or controlled property. Real property leases of University property to third parties require Board of Trustees' approval.
 - (h) Act for the Board of Trustees as custodian of all University personal property, including:
 1. Recommend for Board of Trustees' approval, procedures for the disposal of personal property no longer needed by the University.
 2. Adjust property records and dispose of personal property in the University's custody.
 - (i) Recommend for Board of Trustees' approval, a regulation regarding the disposal and/or use of lost or abandoned property.
 - (j) Take charge of lost or abandoned personal property found within areas under the University's jurisdiction and dispose of or make use of the property, which may include selling the property.
 - (k) Regulate the use, maintenance, protection, and control of, and the imposition of charges for, University-owned or University-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the University.

- (l) Protect, develop, and transfer the work products of University personnel and other University agents and contractors, including licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks therein. The President shall confer with the Board Chair before initiating, appealing or settling any litigation related to the enforcement of patents, copyrights and trademarks.

(6) Miscellaneous Powers and Duties.

- (a) Recommend for Board of Trustees' approval, the creation and certification, as well as the decertification and dissolution, of affiliated organizations of the University.
- (b) Oversee the University's fundraising operations and accept and administer gifts, grants, bequests, and devises made directly to the University.
- (c) Initiate, appeal and settle lawsuits and join amicus briefs after consultation with the Board Chair, provided routine claims and lawsuits covered by the State of Florida's Division of Risk Management may be appealed and settled without Board Chair consultation.
- (d) Operate a University-wide compliance program to maintain compliance with all applicable laws, rules, regulations, policies and other requirements.

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: Biscayne Bay Campus Aquatic Center Repair and Renovation

Proposed Board Action:

Approve up to \$2,000,000 in structural repairs to the Aquatic Center at the Biscayne Bay Campus (BBC) utilizing unexpended Activity and Service (A&S) fee funds and approve a request to the Florida Board of Governors (BOG) authorizing reimbursement of (A&S) fee funds expended for Aquatic Center repairs from the Capital Improvement Trust Fund (CITF) fees allocation and a reduction of the same amount in CITF fees previously approved for the Graham University Center expansion.

Background Information

The Aquatic Center in Wellness and Recreation at BBC provides both the recreational and National Collegiate Athletic Association (NCAA) competition needs as the home to the five-time Conference USA Championship FIU Swimming and Diving team. The Aquatic Center also serves almost 250,000 students and members of the community each year. The Aquatic Center is a premier aquatic training facility within the State of Florida and the east coast of the United States. University and club teams from across the country consider the FIU Aquatic Center at BBC their home winter training facility. Operating costs of the Aquatic Center are paid by A&S Fee funds and fees paid by non-students.

The Aquatic Center is approximately 35 years old, with the last renovation occurring in 2009. Recently, a comprehensive structural and safety review identified over \$1,600,000 in needed repairs to correct structural deficiencies, water intrusion issues, and critical deferred maintenance issues. FIU has received a Guaranteed Maximum Price proposal from Thornton Construction Company, one of FIU's continuing services contractors acquired through a competitive selection process. Additional funding authorization of approximately \$400,000 is requested beyond the preliminary cost projection due to unforeseen conditions that may be present as the project gets underway. In order to have the Aquatic Center ready for the first 2019-20 swim meet on September 26, 2019, the project needs to begin as quickly as possible based upon the projected six-month repair period.

FIU has consulted with (BOG) staff on the project and the source of funding to undertake the repairs. The temporary utilization of unexpended A&S fee funds and subsequent reimbursement by CITF fees requires BOG authorization; BOG approval is required for all CITF projects. Upon approval by the Florida International University Board of Trustees, it is anticipated that the BOG will consider the request at its June 13, 2019 meeting.

BOG Regulation 7.003(16), Fees, Fines, and Penalties, provides, in relevant part, that no project proposed by a university which is to be funded by the Capital Improvement fee shall be submitted to the Board of Governors for approval without prior consultation with the student government association of that university. In accordance with BOG Regulation, FIU

has consulted with the FIU Student Government Association on the utilization of CITF funds to complete the Aquatic Center repairs.

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: Proposed Regulation FIU-2504 Student Religious Observances, Practices, and Beliefs

Proposed Board Action:

Approve the proposed Regulation FIU-2504 Student Religious Observances, Practices, and Beliefs.

Background Information:

The proposed Regulation, FIU-2504, provides direction to faculty, staff, and students regarding a student's rights and responsibilities related to the observance of their religious practices in the admissions process, their classroom attendance, and completion of assignments/exams. FIU-2504 also outlines the student grievance procedure if a student believes their religious observances, practices, or beliefs are not reasonably accommodated.

Florida Board of Governors Regulation 6.0115, Religious Observances, provides that (1) each university board of trustees shall adopt a regulation which reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments; (2) each regulation shall include a grievance procedure by which a student who believes that he or she has been unreasonably denied an educational benefit due to his or her religious belief or practices may seek redress; and (3) such regulation shall be made known to faculty and students annually and included in the institution's handbook, manual, or other similar document regularly provided to faculty and students.

Florida Board of Governors Regulation 1.001(3)(j), University Board of Trustees Powers and Duties, provides that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedures adopted by the Board of Governors.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: Honorary Degree Nomination

Proposed Board Action:

Endorse Mr. Charles R. “Chipper” Wichman, Jr. as a recipient of a doctoral degree *honoris causa* from Florida International University.

Background Information:

The nomination was recommended by the Faculty Senate on Tuesday, January 15, 2019.

The nominee was approved by the University President and Provost to receive an honorary degree at Commencement.

Florida Board of Governors Regulation 3.004, Honorary Degrees, provides, in relevant part, that each university board of trustees shall establish policies and procedures for recommending candidates for honorary degrees.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: CasaCuba Building

Proposed Board Action:

Approve the design and, upon receipt of required funding, future construction of the CasaCuba building on the east side of the FIU Modesto A. Maidique Campus and approve an amendment to the University Campus Master Plan to include the CasaCuba project.

Background Information

FIU is a global leader in the study of Cuba and the preservation of Cuban culture. In addition to enrolling the largest number of University students of Cuban origin outside of Cuba and housing the largest nucleus of faculty experts on Cuba, FIU's prominence in Cuban history, oral narrative, genealogy, photography and art collections across multiple colleges and museums uniquely positions the University as the country's preeminent intellectual and cultural hub dedicated to fostering understanding of the Cuban heritage. CasaCuba will leverage these significant academic and non-academic resources to expand FIU's depth and breadth of teaching, scholarship, and cultural engagement on Cuba and the Cuban diaspora.

CasaCuba will allow FIU to build a leading intellectual and cultural center dedicated to creating and disseminating knowledge about Cuba, and preserving Cuban culture. As a gathering place for researchers, students, the South Florida community, and visitors from around the world, CasaCuba will offer a welcoming home away from home to learn about Cuba and the Cuban diaspora, and a think tank that provides a forum for exploration and discussion of Cuban affairs, producing impactful analysis to guide policymakers and business leaders. As a cultural institution, CasaCuba will celebrate artistic expression in all its forms, recognizing talent and achievement and inspiring creativity in the Cuban community and beyond. CasaCuba will be fully integrated with our existing institutes, programs, research initiatives and cultural collections related to Cuba and Cuban-Americans, including the Cuban Research Institute; the Kimberly Green Latin American and Caribbean Center; collaborative research and professional engagement with Cuban scholars, artists, and intellectuals; Patricia and Phillip Frost Art Museum; Wolfsonian-FIU; The Jewish Museum of Florida-FIU; and FIU Libraries.

CasaCuba will be located at the SW corner of SW 16 Street and SW 107 Avenue, directly across from the Ronald W. Reagan Presidential House. CasaCuba will contain approximately 63,000 gross square feet (GSF), including 40,000 GSF of auditorium and exhibition space, 5,500 GSF of classroom space, 5,600 GSF of teaching and research labs, and 12,000 GSF of office, computer and campus support space. The total cost of the project is \$37.3 million, reflecting \$28 million in construction, site and utility costs; \$2.5 million in architectural, engineering and professional fees; \$3.8 million for movable furnishings and equipment; \$1.9 million contingency; and \$1.1 million for construction services.

Funding for planning, design, construction, and equipment will come from private funds through fundraising, private grants, and private foundations. The estimated annual operation and maintenance (O&M) budget for utilities, normal maintenance, repairs, routine equipment replacement, and custodial and landscaping services is \$635,000. O&M funding will come from an endowment reserve and net revenues from events taking place within CasaCuba. The total fundraising goal to build and operate the facility is \$50 million.

Currently, over \$4.1 million has been raised for the project. The John S. and James L. Knight Foundation, which contributed \$200,000 in 2017 to hire an executive director and launch CasaCuba operations, also donated \$2 million in 2018 in support of project development. Additionally, FIU Foundation, Inc. Board of Directors member Agustin R. Arellano, Sr. and his family donated \$1 million to CasaCuba in 2018. The National Endowment for the Humanities recently awarded a 2019 grant in the amount of \$750,000. Other gifts in the amount of \$172,145 have also been received to support the CasaCuba project. Anticipated available cash through next year in the amount of \$1.7 million will be used to begin the architectural/engineering selection process and the development of design plans consistent with the approved building program. Once design development and architectural and engineering design plans are finalized and approved and the total funds for the project are obtained, FIU will begin the process of advertising for and selecting a Construction Manager for the project. Construction is expected to take approximately 19 months.

The University Campus Master Plan will be amended to reflect the location of the CasaCuba building on the SE corner of campus, at SW 16 Street and SW 107 Avenue. The project is consistent with required elements of the Campus Master Plan including future land use and academic/support facilities described in the capital improvement element to accommodate future needs.

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

Facilitator/Presenter: Leonard Boord, *Finance and Facilities Committee Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: University Strategic Plan, 2020-2025

Proposed Board Action:

Approve the University Strategic Plan 2020-2025.

Background Information:

Florida Board of Governors Regulation 1.001(3)(c), University Board of Trustees Powers and Duties, provides that each board of trustees shall adopt a strategic plan in alignment with the Board of Governors' systemwide strategic plan and regulations, and the university's mission. University strategic plans shall be submitted to the Board of Governors for approval.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

Facilitator/Presenter: Cesar L. Alvarez, *Academic Policy and Student Affairs Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: Florida International University Annual Accountability Plan, 2019

Proposed Board Action:

Approve Florida International University's Annual Accountability Plan as provided in the Board materials and delegate authority to the University President to perform finish editing as needed and to amend consistent with comments received from the Board of Governors (BOG).

Background Information:

The Accountability Plan is a new report that combines the previous Annual Accountability Report and University Work Plans into a single document. This revised document enables comparisons between past goals and actual data.

Florida Board of Governors Regulation 2.002, University Accountability Plans, provides, in relevant part, that (2) each university's accountability plan shall reflect the institution's distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs; and (3) each board of trustees shall prepare an accountability plan and submit updates on an annual basis for consideration by the Board of Governors. The accountability plan shall outline the university's top priorities, strategic directions, and specific actions for achieving those priorities, as well as progress towards previously approved institutional and System-wide goals.

This document may require finish editing or necessary updates. Additionally, the BOG may require changes to the annual report. Therefore, a delegation of authority to the University President to make changes as necessary is being requested.

Supporting Documentation: *Information behind the Governance Committee tab*

Facilitator/Presenter: *Claudia Puig, Board Chair/Governance Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: President’s Management Review

Proposed Board Action:

The Florida International University Board of Trustees will (1) conduct an annual evaluation of President Mark B. Rosenberg; (2) grant a performance rating; and (3) authorize the Vice President for Human Resources to submit the evaluation of the President to the Florida Board of Governors.

Background Information:

President Mark B. Rosenberg will report on the University’s progress towards meeting the goals and targets delineated for the 2019 reporting year. The report will present an overview of the key indicators and achievements contained within the University’s 2019 Accountability Plan to the Florida Board of Governors, which addresses FIU-specific initiatives and system-wide goals.

The President’s employment agreement specifies the objectives and process for the evaluation. Pursuant to Section 3.2 of the Employment Agreement, as amended, Dr. Rosenberg will initiate his evaluation process no later than the date which is sixty (60) days prior to the date the Board will consider the University’s Accountability Plan.

Section 4.3 of the President’s employment agreement states, in relevant part, that:
 The Board may, in its discretion, annually award Dr. Rosenberg incentive compensation of up to \$50,000 for the 2013-2014 academic year and of up to \$100,000 for each of the subsequent academic years occurring during the Term. Annual goals and objectives related to incentive compensation shall be developed by Board in consultation with Dr. Rosenberg, and they shall be stated separately from the regular annual performance evaluation goals and objectives, whether or not any such goals and objectives overlap. The timetable for development and evaluation of goals and objectives related to incentive compensation shall parallel the timetable for goals and objectives related to the regular annual evaluation cycle.

In accordance with Florida Board of Governors Regulation 1.001 (5)(f), each board of trustees shall conduct an annual evaluation of the president. The chair of the board of trustees shall request input from the Chair of the Board of Governors, who may involve the Chancellor, during the annual evaluation process pertaining to responsiveness to the Board of Governors’ strategic goals and priorities, and compliance with systemwide regulations.

Supporting Documentation: *Information behind the Governance Committee tab*

Facilitator/Presenter: *Claudia Puig, Board Chair/Governance Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

April 18, 2019

Subject: University and President's Performance Goals, 2019-20 Academic Year

Proposed Board Action:

Adopt the University and President's Performance Goals for the 2019-20 academic year as included in the Board materials.

Background information:

The University and President's Performance Goals are directed towards achieving the University's strategic plan and will be one component of the President's Management Review by the Florida International University Board of Trustees for the 2019-20 academic year.

Supporting Documentation: *Information behind the Governance Committee tab*

Facilitator/Presenter: Claudia Puig, *Board Chair/Governance Committee Chair*

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