



FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES FULL BOARD MEETING

Zoom Meeting
Public access via <http://webcast.fiu.edu/>

Wednesday, October 28, 2020

10:30 AM

or

Upon Adjournment of Previous Meeting

AGENDA

- | | |
|---|----------------------|
| 1. Call to Order and Chair's Remarks | Chair Dean C. Colson |
| 2. Public Appearances | Dean C. Colson |
| 3. Action Items | |
| FF1. Approval of Gift of Real Property and New Educational Site | Leonard Boord |
| FF2. Approval of the Agreement for Integrated Branding, Marketing and Communication Services | Leonard Boord |
| FF3. Facility Renaming from "Torrey Pines at FIU" to "FIU Center for Translational Science (FIU-CTS)" | Leonard Boord |
| AP1. Proposed Amendment to Regulation FIU-105 Sexual Misconduct (Title IX) | Natasha Lowell |
| AP2. Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code | Natasha Lowell |
| 4. President's Report | Mark B. Rosenberg |
| • <i>Update on Repopulating FIU Campuses and Regional Academic Locations</i> | |
| 5. New Business (If any) | Dean C. Colson |
| 6. Concluding Remarks and Adjournment | Dean C. Colson |

The next Full Board Meeting is scheduled for Thursday, December 3, 2020

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

October 28, 2020

Subject: Approval of Gift of Real Property and New Educational Site

Proposed Board Action:

Approve (1) the acceptance of a gift of real property located in the Redland agricultural area of south Miami-Dade County referred to as “Possum Trot” at no cost; (2) the establishment of a Special Purpose Center and the University’s submission of a request to the Board of Governors for approval of the operation of the property as a Special Purpose Center; and (3) the delegation of authority to the University President, or designee, to execute on behalf of the University all other documents that may be necessary to effectuate the transactions contemplated in the Agreement.

RESOLUTION

WHEREAS, Possum Trot is a 30 acre commercially productive tropical fruit grove producing multiple important tropical specialty fruits located at the northeast intersection of SW 216 Street and SW 152 Avenue in the Redland agricultural area of south Miami-Dade County;

WHEREAS, the current owner of Possum Trot previously made a planned gift of the property to the FIU Foundation, Inc. in 2014 and now wishes to convey the property to FIU during his lifetime through a Transfer and Life Estate Agreement (the “Agreement”);

WHEREAS, the University believes that the acquisition of Possum Trot will further the University’s research and academic mission by providing a field site for agricultural and ecological research; training in farming and farm management practices; opportunities for improving food production in urban and peri-urban areas; and opportunities for economic growth and social improvement of Miami-Dade County’s agricultural production areas;

WHEREAS, the University’s acceptance of Possum Trot is believed to be supportive of FIU’s mission and the goals incorporated into the Next Horizon 2025 Strategic Plan and the Board of Governors State University System Strategic Plan; and

WHEREAS, the University wishes to establish a Special Purpose Center and to submit a request to the Florida Board of Governors for approval to operate the Possum Trot site as a Special Purpose Center.

NOW THEREFORE, BE IT RESOLVED, that the University is authorized to submit to the Florida Board of Governors the Proposal to Establish a New Type I, II or III Campus or Special Purpose Center for approval to operate the Possum Trot site as a Special Purpose Center; and

BE IT FURTHER RESOLVED, that, following receipt of the foregoing approval by the Florida Board of Governors, the University is authorized to consummate the transactions contemplated by the Agreement and operate the Possum Trot site as a Special Purpose Center, and

further authorizes the University President, or his designee, to execute on behalf of the University any agreements or documents that may be necessary in connection with the foregoing.

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

Adopted this _____ day of _____, 2020 by the Board of Trustees of Florida International University.

Dean Colson
Chair
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

Legal Authority:

BOG Regulation 1.001(7)(b) provides in pertinent part: “[e]ach board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same.”

BOG Regulation 8.009(1)(c) defines a “special purpose center” as “a unit of a university, apart from the main campus, that provides certain special, clearly defined programs or services, such as research or public service, and reflects a relatively permanent commitment by a university for the foreseeable future, not an occasional, time-limited, or transitory activity, in facilities which are university-owned, university-leased, or jointly used with another public institution.”

BOG Regulation 8.009(3)(d) and FIU Regulation FIU-116(3)(B)(2) each provide that “[e]stablishing, reclassifying, relocating, or closing an additional campus or special purpose center, including acquiring real property for such educational sites, shall be approved by the [Board of Trustees] and, subsequently, the Board of Governors.”

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**

October 28, 2020

Subject: Approval of the Agreement for Integrated Branding, Marketing and Communication Services (E-ITN-2019-00009)

Proposed Board Action:

Pursuant to the Delegations of Authority from the Florida International University Board of Trustees to the University President, as reflected in the Resolution on the President's Powers and Duties approved by the Board of Trustees on March 4, 2019, approve (i) the media incentive budget of up to \$2.5M annually for the duration of the 160over90 agreement, which was approved by the Board of Trustees in April 2019, (ii) estimated additional expenditures by various FIU departments under the aforementioned agreement, which were not originally anticipated, and (iii) authorize the University President or his designee to execute, on behalf of the University, a contract document with terms consistent with those set forth herein.

Background Information:

The Florida International University Board of Trustees (BOT) approved the contract with 160over90 for Integrated Branding Marketing and Communication Services on April 18, 2019, with estimated total cost of the Agreement at \$1,967,800 for a five-year term before any savings or incentives. Per the Agreement, media incentives must be agreed to at the beginning of each fiscal year. A budget of up to \$2.5M has been allocated annually to create and execute effective brand marketing for the University as a whole. In addition, several FIU departments decided to use the Agreement for 160over90 services whereas such expenditures were not originally anticipated and, as such, were not included in the total cost of the Agreement. Therefore, the increase of the estimated total spend under the Agreement requires BOT approval as per the Resolution on the President's Powers and Duties.

Estimated additional annual cost of the Agreement: up to \$3M for Initial Term, and up to \$6M if renewed as provided in the Agreement. The cost is calculated based on historical spend data and estimated costs.

Funding source: The master agreement is funded from the \$32M LBR; Unit addendums are funded by unit budget allocation.

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

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

October 28, 2020

Subject: Facility Renaming from “Torrey Pines at FIU” to “FIU Center for Translational Science (FIU-CTS)”

Proposed Board Action:

Approve the renaming of “Torrey Pines at FIU” to “FIU Center for Translational Science (FIU-CTS)”

Background Information:

As part of the FIU branding for Torrey Pines that was discussed at the time of approval by the Board of Trustees of the Torrey Pines asset acquisition, the University seeks to have the name of that Special Purpose Center changed to the “FIU Center for Translational Science.” The name Torrey Pines (Torrey Pines Institute for Molecular Studies) has no connection to FIU or real name recognition outside of California. Moreover, the proposed name represents the type of research that will be taking place at that facility. As part of the establishment of the Special Purpose Center approval with the Board of Governors related to the Torrey Pines asset acquisition, the following language was included:

This facility will enhance FIU’s research base in the STEM fields of chemistry and chemical biology and accelerate FIU’s translational medicinal chemistry and chemical biology research, drug discovery and basic research efforts leading to the cure of diseases in areas of cancer and neurodegenerative diseases.

Hence, the new name better describes the purpose of the Special Purpose Center. The name change also will complement other branding, including signage, paint colors and landscaping planned.

Supporting Documentation: None

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

October 28, 2020

Subject: Proposed Amendment to Regulation FIU-105 Sexual Misconduct (Title IX)

Proposed Board Action:

Approve the proposed amendment to Regulation FIU-105 Sexual Misconduct (Title IX) including the renaming to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors or as a result of the regulation-making process.

Background information:

Florida Board of Governors Regulation 1.001(5)(a), University Board of Trustees Powers and Duties, provides, in relevant part, that each boards of trustees shall provide for the establishment of "the personnel program for all the employees of the university, including ... standards for performance and conduct,... disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment."

Florida Board of Governors Regulation 1.001(3)(j)(l) provides, in relevant part, that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors; and each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students and campus visitors.

Florida Board of Governors Regulation 6.0105(8), Student Conduct and Discipline, in relevant part, requires university Boards of Trustees to incorporate minimum standards into any process that evaluates whether a student is responsible for sexual misconduct, gender-based discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

This Regulation was approved by the FIU Board of Trustees on August 12, 2020, on an emergency basis to satisfy a U.S. Department of Education Office of Civil Rights deadline. The Board of Governors requires the Board to approve this Regulation within 90 days after such action pursuant to the normal Regulation Development Procedure.

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

Facilitator/Presenter: *Natasha Lowell, Academic Policy and Student Affairs Committee Chair*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

October 28, 2020

Subject: Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code

Proposed Board Action:

Approve the revisions to Regulation FIU-2501 Student Conduct and Honor Code 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 (BOG).

Background information:

Florida Board of Governors Regulations 1.001(4)(a)(10), University Board of Trustees Powers and Duties, and 6.0105, Student Conduct and Discipline, grant university boards of Trustees authority to establish a student disciplinary system, including a code of conduct.

Florida Board of Governors Regulation 1.001(4)(a)(10), states, in part, as follows: “Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to: ... uniform student code of conduct and related penalties.”

Florida Board of Governors Regulation 6.0105 states, in part, as follows: “In furtherance of the educational mission of the universities, each university board of trustees shall establish a student disciplinary system, including a code of conduct...”

On August 12, 2020, pursuant to the Emergency Regulation Promulgation Procedures, the Board of Trustees approved the following changes to Regulation FIU-2501 Student Conduct and Honor Code: remove all matters related to sexual misconduct and sexual harassment to be adjudicated under Regulation FIU-105 Sexual Misconduct (Title IX); editorial changes; expanding the amnesty provisions under the Code; expanding the interim measures under the Code and adding the specific process of petitioning for review of an interim suspension; changing the restrictions related to probation under to Code to better align with the educational and developmental aims of the document; adding (and in some instances incorporating existing language from the Code) the following as distinct violations under the Code: assisting, failure to comply, harassment, and social host responsibility; and revising the length of the notation of suspension on a Respondent’s academic transcript.

The following changes are now presented for approval:

- Clarifying that when a case is ceded to adjudication under Regulation 105 because of an overlap of facts between Regulations 2501 and 105, such a case may be resolved by an informal resolution or formal proceeding;
- Clarifying that if the University President exercises authority deemed necessary to meet the goals of this Code regarding sexual misconduct or stalking, that authority is being exercised under Regulation 105;

- Fixing scrivener errors such as updating violation numbers and letters which were changed, alphabetizing violations which were not in alphabetical order, adding missing conjunctions, and, replacing “charged student” with “respondent”;
- Editorial changes such as fixing formatting issues that include spacing and sub-lettering and adding page numbers to the document; and
- Incorporating language to the hazing definition to ensure compliance with Board of Governors Regulation 6.021.

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

Facilitator/Presenter: Natasha Lowell, *Academic Policy and Student Affairs Committee Chair*