



FLORIDA INTERNATIONAL UNIVERSITY

BOARD OF TRUSTEES

FULL BOARD MEETING

Wednesday, September 18, 2019

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

Florida International University
Modesto A. Maidique Campus
MARC 290, Earlene and Albert Dotson Pavilion

AGENDA

- | | |
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| 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, June 19, 2019 | |
| FF1. Approval of Carryforward Expenditures | |
| FF3. Amendment to Regulation FIU-1101 Tuition and Fees Schedule | |
| FF4. Amendment to Regulation FIU-2201 Purchasing | |
| FF5. Proposed Revisions to Finance and Facilities Committee Charter | |
| AP1. Tenure as a Condition of Employment Nominations | |
| AP2. Legislative Budget Requests | |
| AP3. Textbook and Instructional Materials Affordability Annual Report | |
| AP4. New Regulation FIU- 2506 Academic Program Termination and Temporary Suspension of New Enrollments | |
| AP5. Program Termination: Master of Science in Nursing in Anesthesiology | |
| AP6. New Program Proposal: Doctorate of Design | |
| AP7. New Program Proposal: Master of Science in the Internet of Things | |

5. Action Items – Consent Agenda *(Continued...)*

- G1. Revisions to Florida International University Annual Accountability Plan, 2019
- G2. Ratification of the revised 2018-2021 Collective Bargaining Agreement between the Florida International University Board of Trustees and the United Faculty of Florida - FIU Chapter
- G3. 2019 Florida Educational Equity Act Report

6. Action Item

**FF2. Public Safety and Emergency Management Facilities
Expansion- Amendment**

Leonard Boord

7. Status Reports, Board Committees

- Audit and Compliance Committee Report
- Finance and Facilities Committee Report
- Academic Policy and Student Affairs Committee Report
- Governance Committee Report

Gerald C. Grant, Jr.

Leonard Boord

Cesar L. Alvarez

Claudia Puig

8. New Business *(If any)*

Claudia Puig

9. Concluding Remarks and Adjournment

Claudia Puig

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Approval of Minutes of Meeting held June 19, 2019

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on Wednesday, June 19, 2019, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on Wednesday, June 19, 2019, at the Modesto A. Maidique Campus, Graham Center Ballrooms.

Supporting Documentation: Minutes: Full Board Meeting, June 19, 2019

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**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
JUNE 19, 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 2:04 p.m. on Wednesday, June 19, 2019, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

Deputy General Counsel Liz Marston 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.; Michael G. Joseph; Natasha Lowell; Justo L. Pozo; Joerg Reinhold; Sabrina L. Rosell; Marc D. Sarnoff; and Roger Tovar.

Chair Puig issued a reminder of the upcoming Board of Governors Trustee Summit scheduled for October 29, 2019 and encouraged full Trustee participation. She asked Trustees to save the date on Wednesday, February 5, 2020 for the next FIU Day.

2. Public Appearances

There were no public appearances.

3. Foundation Report

Trustee Gerald C. Grant, Jr., Board of Trustees Chair appointed representative for the Foundation Board of Directors, presented the Foundation Report. He reported that the Next Horizon Campaign has raised \$506.1M to-date towards the \$750M goal and that \$60.9M has been raised fiscal year-to-date towards the \$65M goal. In terms of the current fiscal year, he indicated that 19 gifts, within the \$1-\$5M range, were received totaling \$28.6M. Trustee Grant highlighted this year's number of donors, 16,436, as compared to that of last year, 9,754. He stated that to-date, faculty and staff have given over \$5.2M to support their favorite FIU programs and that this is one of the highest rates of giving among faculty and staff in the country.

Trustee Grant reported that the University was recently recognized by CASE, the Council for Advancement and Support of Education, with a gold award for the FIU Ignite Program, with a silver award for a short campaign video on the Center for Children and Families, and with a gold award for FIU's 2018 Alumni Participation Challenge. He indicated that, as of April 30, 2019, the Foundation's total investment portfolio totaled approximately \$290.7M.

4. Board of Trustees Self-Evaluation Survey

Trustee Grant presented highlights from the Board's self-evaluation survey, pointing out that Trustees received the electronic self-evaluation survey on May 9, 2019 with weekly reminders thereafter. He explained that for 19 of the total 22 questions, Board members were asked if they strongly agreed, agreed, disagreed, strongly disagreed, or were neutral to a series of statements and that for questions 20-22, Board members were asked to answer open-ended questions. Trustee Grant indicated that, while generally positive and reflective of an effective governing Board, the results also provided insight as to what responding Trustees view as areas for improvement. Trustee Grant added that Trustees will discuss the survey outcomes at upcoming meetings, in terms of developing goals to further enhance Board effectiveness.

5. President's Report

University President Mark B. Rosenberg requested a moment of silence in memory of former Vice President of Student Affairs, Dr. Patricia Telles-Irvin. President Rosenberg indicated that the University community recently joined together to celebrate commencement and highlighted two recent graduates, Laura and Natalia Coronado, who are now employed at Intel. He indicated that the first cohort has completed the Urban Potential Laboratories (UP Labs) program, pointing out that the program focuses on up-skilling under-employed learners in Miami with new skills that will help them succeed in the local job market.

President Rosenberg noted that in terms of new funding, legislative session highlights included \$15M in increased base funding and \$2.5M for the Targeted STEM Initiative and that continued funding highlights included \$2.5M for the Green Family Foundation NeighborhoodHELP and \$3.9M for FIU Unique. President Rosenberg provided an overview of student achievement, pointing out that FIU's Model UN team has earned the No. 1 team ranking in North America for the first time in the program's 31-year history. He indicated that 12 Honors College Dean's Scholars were in Washington, D.C., for a dynamic three-day introductory seminar to public policy and that led by faculty-member Fang Shu, a group of eight (8) students are studying abroad in China over the Summer. He stated that, during the mission trip to Israel, Governor Ron DeSantis announced a \$5.2M National Institute of Mental Health grant to fund a collaboration between researchers at FIU and Tel Aviv University (TAU). President Rosenberg added that, also while in Israel, the University signed agreements to explore the possibility of collaboration between FIU and TAU in areas such as autism-related research and disaster and emergency management.

President Rosenberg commented that, along with the Foundation Board of Directors business meetings in June, a Next Horizon Campaign reception was held for the University's more than 3,400 alumni living and working in New York City. He added that Ms. Cynthia Gonzalez was among the alumni in attendance, and then proceeded to read an excerpt from an e-mail she wrote, in which she credits FIU for her success. He also indicated that AMPARO, an immersive theatrical experience, was directed by FIU Theatre alumna Victoria Collado and features an ensemble cast comprised of seven FIU alumni.

President Rosenberg reported that the Florida Board of Governors (BOG) designated FIU as an "emerging preeminent state research university." He also reminded Trustees that the BOG will be hosting their Trustee Summit on October 29, 2019 at the University of Florida.

6. Financial Training

Senior Vice President of Administration and Chief Financial Officer presented the BOG's financial training, *Flavors of Money*, providing an overview of the key governing Florida Statutes and BOG Regulations. He delineated components of the State University System 2018-19 operating budget. He described Education and General (E&G) revenue governing guidelines, noting that E&G funds are used for operating activities only and that ending fund balances, or carryforward, must be used for operating activities only except where expressly allowed by law. He explained that at any time the unencumbered available balance in the E&G fund falls below seven (7) percent of the approved operating budget total, the University President must provide a written notification and explanation to the BOG. He stated that interest earnings resulting from the investment of current-year E&G appropriations or from invested carryforward funds are of the same nature as the original appropriations and are subject to the same expenditure regulations as the original appropriations.

Sr. VP and CFO Jessell delineated the governing guidelines relating to Contracts and Grants. In terms of Auxiliary Operations, he stated that each institution may determine whether its auxiliary services will be self-supporting on an individual or collective basis, except for athletics, which shall be a self-supporting entity. He explained that proceeds from Auxiliary Enterprise operations may be used for purposes deemed necessary by the institution's administration and then provided examples for allowable uses of auxiliary funds. He presented an overview of the governing guidelines pertaining to Local Funds, namely student activities and services, technology fee, student financial aid, and the self-insurance program related to the Faculty Practice Plan. He pointed out that Public Education Capital Outlay (PECO) funds are used for renovation/remodeling, new construction and/or land acquisition and that the Capital Improvement Trust Fund Fee (CITF) is funded by student fees and used for student related projects. In terms of State appropriations, he defined the authorized University and non-State revenue sources for Fixed Capital Outlay (FCO) projects.

Sr. VP and CFO Jessell presented an overview relating to financing mechanisms, noting that Florida Statute authorizes financing using revenues derived from or received in relation to sales and services of auxiliary enterprises or component units of the university, and provided specific examples. He described Florida Statute guidelines pertaining to bonds, loans, certificates of participation, equipment financing, and mortgage financing. He also explained that Public Private Partnerships (P3) are subject to approval by the BOG and include Bond Finance review.

7. Action Items – Consent Agenda

Chair Puig noted that the Finance and Facilities Committee recommended approval by the Board of action items FF4-FF6, that the Academic Policy and Student Affairs Committee recommended approval by the Board of action items AP1-AP2 and AP5-AP8, and that the Governance Committee recommended approval by the Board of action item G1 contained in the Consent Agenda.

In response to Trustee Cesar L. Alvarez's request, Deputy General Counsel Marston indicated that, relying on the presenters' information, the Office of the General Counsel certifies that the items presented are legally sufficient and that the Board of Trustees can act as it so chooses to do so.

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

- **BT1. Minutes, April 18, 2019:** Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on Thursday, April 18, 2019, at the Modesto A. Maidique Campus, Graham Center Ballrooms.
- **BT2. Minutes, May 24, 2019:** Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on Friday, May 24, 2019, via conference call.
- **FF4. Proposed 2019-20 Fixed Capital Outlay Budget/Capital Improvement:** Approve Florida International University's 2019-20 Fixed Capital Outlay Budget and authorize the University President to amend the budget as necessary, consistent with Legislative, Florida Board of Governors', and BOT directives and guidelines.
- **FF5. Request for Approval of Florida International University's 2020-2021 Fixed Capital Outlay Legislative Budget Request, consisting of the five-year Capital Improvement Plan:** Approve FIU's 2020-2021 Fixed Capital Outlay Legislative Budget Request, consisting of the five- year Capital Improvement Plan and authorize the University President to amend the Legislative Budget Request as necessary, consistent with Florida Board of Governors and BOT directives and guidelines.
- **FF6. Public Safety and Emergency Management Facilities Expansion-Amendment:** Approve proceeding with the 100 percent construction drawings with the Architectural and Engineering firm PGAL and obtaining competitive bids for the complete project using the Construction Manager firm Biltmore and present the final guaranteed maximum price to the Finance and Facilities Committee for consideration of the project at its September 5, 2019 meeting.
- **AP1. Tenure Nominations:** Approve the Tenure Nominations as specified in the Board materials.
- **AP2. Tenure as a Condition of Employment Nominations:** Approve three (3) candidates for Tenure as a Condition of Employment (TACOE).
- **AP5. Program Termination of the Bachelor of Architecture:** Approve the termination of the Bachelor of Architecture (CIP 4.0201).
- **AP6. Program Termination of the Bachelor of Interior Design:** Approve the termination of the Bachelor of Interior Design (CIP 50.0408).
- **AP7. Program Termination of the Bachelor of Landscape Architecture:** Approve the termination of the Bachelor of Landscape Architecture (CIP 4.0601).
- **AP8. New Program Proposal: Bachelor of Fine Arts in Digital Arts:** Approve the Bachelor of Fine Arts in Digital Arts (CIP 50.0102) new program proposal.

- **G1. Direct Support Organizations Board Appointments:** Approve the appointments of the individuals listed in the board materials, to the Florida International University Foundation, Inc. Board of Directors.

8. Action Items

Trustee Leonard Boord, Finance and Facilities Committee Chair, provided highlights from the Committee's meeting earlier in the day and pointed out that the Committee engaged in a thorough review of the agenda items. He explained that the Committee had a substantive discussion relating to the Public Safety and Emergency Management Facilities Expansion-Amendment, ultimately recommending that the Board of Trustees approve proceeding with the 100 percent construction drawings with the Architectural and Engineering firm PGAL and obtaining competitive bids and present the final guaranteed maximum price to the Finance and Facilities Committee for consideration of the project at its September 5, 2019 meeting.

FF1. Proposed 2019-2020 University and Direct Support Organizations Operating Budgets

A motion was made and unanimously passed that the FIU Board of Trustees approve the FIU 2019-20 University and Direct Support Organizations Operating Budgets and authorize the University President to amend the budgets consistent with Legislative, Board of Governors' and Florida International University Board of Trustees directives and guidelines.

FF2. Proposed Amendments to Regulation FIU-1101 Tuition and Fees Schedule and FIU-1114 Tuition and Fee Refunds

A motion was made and unanimously passed that the FIU Board of Trustees approve the revisions to Regulations FIU-1101 Tuition and Fees Schedule and FIU-1114 Tuition and Fee Refunds, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulations received from the Florida Board of Governors or as a result of the regulation-making process.

FF3. Proposed Amendment to FIU-1105 University Traffic and Parking Regulations

A motion was made and unanimously passed that the FIU Board of Trustees approve the proposed amendments to FIU-1105 University Traffic and Parking Regulations and delegate authority to the University President to approve any subsequent amendments that are based on comments to the Regulation received from the Florida Board of Governors and as a result of the regulation-making process.

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

Trustee Alvarez, Academic Policy and Student Affairs Committee Chair, pointed out that the Committee engaged in a substantive discussion relating to the revisions to Regulation FIU-2501 Student Code of Conduct. He explained that the proposed amendments include a new title to reflect the inclusion of Academic Misconduct and outline of behaviors that violate the Academic Code and corresponding sanctions. He added that, in response to Florida Senate Bill 1080, the revisions also reflect that organizational leaders may be responsible for hazing violations. In terms of additional revisions, he stated that medical amnesty is expanding to include hazing and that the Regulation provides for additional definitions for new terms included in the Student Conduct and Honor Code and changes to the composition of hearing panels for Title IX and Academic Misconduct violations.

A motion was made and unanimously passed that the FIU 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.

AP4. Revisions to Regulation FIU-2505 Alcoholic Beverages

Trustee Alvarez indicated that the Committee also engaged in a review pertaining to the Revisions to Regulation FIU-2505 Alcoholic Beverages, pointing out that the Regulation governs the responsible and permissible possession, service, sale, consumption, and distribution of alcohol at Florida International University. He 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 updates to the request and approval process.

A motion was made and unanimously passed that the FIU 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.

G2. Amendments to Employment Agreement for President Mark B. Rosenberg, for 2020-2021 Term

Chair Puig explained that, pursuant to the President's current employment agreement, which continues until August 3, 2020, a contract extension must be formalized in an agreement by no later than October 1, 2019. Chair Puig noted that included in the meeting materials was a Term Sheet that delineated the amendments that would form the President's employment agreement for a fourth term, from 2020-2021. Chair Puig added that, if approved by the Board, she would enter into a contract extension with the President on the terms set forth in the Term Sheet and delineated that the proposed changes include an increase to the potential annual incentive bonus from \$100k to \$150k and a new retention bonus of \$50k. She noted that the President's reappointment would then be submitted to the Florida Board of Governors for final approval.

A motion was made and unanimously passed that the FIU Board of Trustees approve (i) amendments to the employment agreement for President Mark B. Rosenberg for the 2020-2021 Term, as described in the attached Term Sheet, and (ii) authorize the Chair of the BOT to execute, on behalf of the BOT, a contract document with language carrying forward the current contract provisions as amended per the Term Sheet.

9. Status Reports, Board Committees Audit and Compliance Committee Report

Trustee Grant provided highlights from the Committee's meeting earlier in the day, pointing out that the Committee approved the 2019-20 Work Plans for Internal Audit and Compliance and Ethics. He indicated that Mr. Trevor L. Williams, the University's Chief Audit Executive, provided an overview of the risk assessment development methodology, presented the University risk

assessment heat map and described the risk assessment development schedule. Trustee Grant stated that Mr. Williams also provided updates on recently completed audits that involved Internal Control and Data Security Audit over Personal Data Pursuant to Florida Department of Highway Safety and Motor Vehicles, Procurement Process at the Chaplin School of Hospitality and Tourism Management, College of Business, Patricia and Phillip Frost Art Museum, and Sub-recipient Monitoring.

Trustee Grant explained that Ms. Jennifer LaPorta, Chief Compliance and Privacy Officer, provided a status update on the 2018-19 Compliance Work Plan. Trustee Grant indicated that he will be conferring with members of the University administration in terms of the review of the Committee's Charter and added that as is mandated by the Committee's Charter, the Committee met with Senior Management without the presence of Internal Audit.

Finance and Facilities Committee Report

Trustee Board provided the Finance and Facilities Committee report as part of action items FF1-FF3, during which he reported on the forthcoming review of the Committee's Charter and indicated that operating revenues are above estimates by \$13.2M and that operating expenses below estimates by \$23.0M.

Academic Policy and Student Affairs Committee Report

Trustee Alvarez provided highlights from the Committee's meeting earlier in the day, pointing out that the Committee engaged in reviews relating to Tenure, Tenure as a Condition of Employment, and program terminations.

Governance Committee Report

Provided as part of action item G2.

10. New Business

Trustee Sabrina L. Rosell provided an overview of Student Government activities and initiatives, namely, Pantherization efforts at the Engineering Center, efforts to deepen collaboration with the University's alumni association, and planned visits to counterparts across the State University System.

In terms of the Board's self-evaluation survey, Trustee Board recommended that the Governance Committee discuss the identified areas for improvement at the Committee's next regularly scheduled meeting.

President Rosenberg introduced a video that highlighted sisters Shonda and Shalisha Witherspoon, explaining that their education at FIU prepared them for their careers as software engineers at IBM.

11. 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 on Wednesday, June 19, 2019 at 3:21 p.m.

There were no Trustee requests.

Claudia Puig
Chair
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES

September 5, 2019

Subject: Approval of Educational and General Carryforward Funds

Proposed Board Action:

Approve the Florida International University (FIU) Educational and General (E&G) expenditure plan for carryforward funds in accordance with State University System of Florida Board of Governors (BOG) Regulation 9.007 *State University Operating Budgets* and Florida Statute 1011.45 End of Year Balance of Funds; submit the BOT-approved expenditure plan to the BOG for approval at its October 29-30, 2019 meetings; authorize the University Chief Financial Officer to certify the unexpended amount of funds appropriated to the University from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund as of June 30, 2019; and authorize the University President to amend the BOT expenditure plan as necessary and report to the BOT and the BOG any amendments to the spending plan in a format prescribed by the BOG Office of University Budgets.

Background Information:

Beginning in 1985, State University System (SUS) institutions received statutory authority to carry forward unexpended E&G funds in the current year operating budget and include these funds in the operating budget the following year. Carryforward fund balances are used for activities such as, but not limited to, student success, potential budget reductions, anticipated increases in university operations and prior-year encumbrances. During the 2019 legislative session, Florida Statute 1011.45 was amended to provide greater specificity on allowable expenditures from E&G carryforward fund balances. Key amendments include:

- *Maintenance of a minimum carryforward balance of 7 percent (previously 5 percent)*
- *BOT approval of an expenditure plan for carryforward balances in excess of the 7 percent minimum*
- *BOG review and approval of the BOT carryforward expenditure plan*
- *Authorized expenditures in the E&G carryforward expenditure plan may include:*
 - *Commitment of funds to a PECO project that has received a prior appropriation in order to complete the project*
 - *Completion of a renovation, repair, or maintenance project up to \$5 million per project*
 - *Replacement of a minor facility not exceeding 10,000 square feet up to \$2 million*
 - *Completion of a remodeling or infrastructure project that is survey recommended up to \$10 million*
 - *Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings*
 - *Operating expenditures that support the university mission and that are nonrecurring*
 - *Any purpose specified by the board or in the General Appropriations Act*

The E&G expenditure plan shall include the estimated cost per planned expenditure and a timeline for completion of the expenditure. Additionally, F.S. 1011.45 now requires the chief financial officer of each university to certify annually, by September 30, the unexpended amount of funds appropriated to the university from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund as of June 30 of the previous year. F.S. 1011.45 also allows the university to spend the minimum carryforward balance of 7 percent if a demonstrated emergency exists and the plan is approved by the university's board of trustees and the Board of Governors. In accordance with F.S. 1011.45 and BOG Regulation 9.007, any amendments to the approved E&G carryforward spending plan during the fiscal year shall be reported to the Board of Governors in a format prescribed by the Board's Office of University Budgets.

The E&G carryforward fund balance as of July 1, 2019, including accounts receivables, accounts payables, and deferred student tuition and fees, totals \$90,612,131 for the University and \$12,593,168 for the Herbert Wertheim College of Medicine (HWCOM). After the 7 percent statutory reserve of \$37,609,649 for the University and \$3,579,829 for HWCOM, the carryforward spending plans total \$53,002,482 for the University and \$9,013,339 for HWCOM.

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

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Amendment to Regulation FIU-1101 Tuition and Fees Schedule

Proposed Board Action:

Approve the revisions to Regulation FIU-1101 Tuition and Fees Schedule, 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) or as a result of the regulation-making process.

Background Information:

Regulation FIU-1101 Tuition and Fees Schedule is a select regulation that must be reviewed and approved by the BOG prior to implementation in accordance with the BOG's Regulation Development Procedure. At its June 19, 2019 meeting, the BOT approved amendments to FIU-1101. Subsequent to BOT approval, the BOG provided substantive changes as a result of the review process.

This revised regulation incorporates substantive changes and comments received from the BOG as part of the regulation-making process. The amendments to Regulation FIU-1101 Tuition and Fees Schedule are statutorily required changes to the excess credit hours calculations in response to the passage of Senate Bill 190, which became effective July 1, 2019.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Amendment to Regulation FIU-2201 Purchasing

Proposed Board Action:

Approve the revisions to Regulation FIU-2201 Purchasing, 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:

Regulation FIU-2201 Purchasing provides the basic criteria related to procurement, including but not limited to: definitions, the Procurement Department's duties, information regarding the competitive solicitation process, ethical obligations, and contracts.

The proposed revisions to Regulation FIU-2201 are to formalize the practices that have been followed during FIU's procurement process, and also to make it consistent with the Board of Governors' Purchasing regulations, including but not limited to:

- changing provisions regarding contract extensions and renewals;
- clarifying the language on exceptions from the competitive solicitation requirements, and
- specifying more in detail the standard of conduct during the procurement process.

Section 1001.706 (7)(b) of the Florida Statutes, provides, in relevant part, that each board of trustees shall have responsibility to develop guidelines for university boards of trustees relating to the use, maintenance, protection, and control of 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.

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 Finance and Facilities Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Proposed revisions to Finance and Facilities Committee Charter

Proposed Board Action:

Approve the proposed revisions to the Finance and Facilities Committee Charter.

Background Information:

The Florida International University Board of Trustees (the BOT) Finance and Facilities Committee Charter states, in relevant part, that the Committee will: (5.24) Review the Committee charter at least every two (2) years and discuss any required changes with the Board; and (5.25) Ensure that the charter is approved or reapproved by the Board, after each update.

The BOT Bylaws provide that each Committee shall have a written statement of purpose and primary responsibilities, or charter, as approved by the Board.

Board of Governors' Regulation 1.001, University Board of Trustees Powers and Duties, (3)(b) states that each board of trustees may establish committees of the board to address matters, including, but not limited to, academic and student affairs, strategic planning, finance, audit, property acquisition and construction, personnel, and budgets.

Supporting Documentation:

Information behind the Finance and Facilities Committee tab

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Tenure as a Condition of Employment Nominations

Proposed Board Action:

Approve three (3) candidates for Tenure as a Condition of Employment (TACOE).

Background Information:

Pursuant to Florida Board of Governors Regulation 1.001(5)(a), each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

The TACOE nominees hold tenure at their previous institutions and have been selected to receive TACOE based on the caliber of their work.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: 2020-2021 Legislative Budget Requests

Proposed Board Action:

Approve the 2020-2021 Legislative Budget Requests:

- | | |
|-----------------------------|-----------------------|
| ▪ Targeted STEM Initiatives | Request: \$4,998,664 |
| ▪ Base Funding | Request: \$17,000,000 |
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Background Information:

Pursuant to Section 7, Article 9 of the Florida Constitution, the Board "...shall operate, regulate, control, and be fully responsible for the management of the whole university system." Included within this responsibility is the development of a Legislative Budget Request (LBR). In addition, Section 216.023(1), Florida Statutes, requires the submission of a LBR to the Legislature and Governor based on an independent judgment of needs.

The LBR is an assessment of needs developed by the Florida Board of Governors in cooperation with the universities. The Florida Board of Governors requires that all State University System institutions submit their institutional LBR request for review and approval.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Textbook and Instructional Materials Affordability Annual Report

Proposed Board Action:

Approve the Textbook and Instructional Materials Affordability Annual Report.

Background Information:

Effective July 1, 2016, Florida House Bill 7019, Education Access and Affordability, requires the Board of Governors and the State Board of Education to annually identify strategies to promote college affordability. Under this bill, all State University System institutions are required to submit a Textbook and Instructional Materials Affordability Report that determines the wide cost variance for required and recommended course materials for General Education courses. In addition, the report must include an overview of institutional initiatives and policies designed to reduce the costs of course materials and promote college affordability.

Pursuant to Florida Board of Governors Regulation 8.003, Textbook and Instructional Materials Affordability, (3) each university board of trustees shall provide a report, by September 30 of each year, to the Chancellor of the State University System, in a format determined by the Chancellor.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

**Subject: Proposed Regulation FIU- 2506 Academic Program Termination and
Temporary Suspension of New Enrollments**

Proposed Board Action:

Approve the proposed Regulation 2506 Academic Program Termination and Temporary Suspension of New Enrollments.

Background Information:

The proposed Regulation, FIU-2506, provides direction to faculty, staff, and administrators regarding the process and authorities by which academic programs may be terminated due to lack of financial resources (low enrollment or lack of faculty), misalignment with institution or BOG mission, or no longer serves the needs of Florida constituents. FIU-2506 also outlines the termination procedure which includes the creation of a teach-out plan for existing students and accommodation of existing faculty, Faculty Senate review, BOT approval, and for PhD programs, BOG approval. The Southern Association of Colleges and Schools must approve the teach-out plan prior to implementation.

Florida Board of Governors Regulation 8.012, 2506 Academic Program Termination and Temporary Suspension of New Enrollments, provides that each university board of trustees shall adopt a regulation which must establish (1) A formal process for determining degree programs that are candidates for termination that includes review by the appropriate curriculum, financial, and administrative councils of the university; and (2) A plan to accommodate any students or faculty who are currently active in a program that is scheduled to be terminated; (3) A plan to notify Florida College System (FCS) institutions that the university has begun the process of terminating a baccalaureate program so that FCS students may be advised appropriately; and (4) A process for evaluation and mitigation of any potential negative impact the proposed termination may have on the current representation of females and ethnic minorities within the faculty and students.

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 Procedures 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.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

**Subject: Program Termination of the Master of Science in Nursing in
Anesthesiology**

Proposed Board Action:

Approve the termination of the Master of Science in Nursing in Anesthesiology (CIP 51.3804).

Background Information:

FIU's Anesthesiology Nursing Program began offering in spring 2014 a dual degree option of the existing Masters of Nursing (MSN) with the additional requirements of the Doctor of Nursing Practice (DNP). Effective spring 2016, FIU began direct entry admissions into the DNP Degree in anticipation of changing accreditation requirements.

Given the new doctoral-level education requirements for practice in Nursing Anesthesiology, and the fact that no current students are enrolled in the MSN Anesthesiology, FIU will now close this degree.

Section (1c) of Florida Board of Governors Regulation 8.012 – *Academic Program Termination and Temporary Suspension of New Enrollments* states it is the University Board of Trustees responsibility and authority to approve termination of degree programs.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: New Program Proposal: Doctorate of Design (CIP 4.0902)

Proposed Board Action:

Approve the Doctorate of Design (CIP 4.0902) new program proposal.

Background Information:

The College of Architecture + the Arts is proposing to offer a Doctorate of Design (DDes). The DDes is a two-year program 60-credit post-master's applied architectural research and professional practice degree. The purpose of the STEM- focused doctoral program is to train candidates for key leadership positions in design investigation and the growing related technology fields. The interdisciplinary course of study, which includes up to 75% on-line learning, prepares graduates for national and international careers in the design professions, industry, applied research, teaching, as well as leadership positions in public agencies and municipalities. Expanding on advances in emerging technologies, the DDes program supports research in Architecture, a STEM field.

Through the DDes, FIU will be able to increase the number of degrees awarded in architecture and build on its recognized Architecture collaborations in South Florida and beyond. The master's program was recently nationally ranked by GraduatePrograms.com.

Each university board of trustees shall approve new research and professional doctoral degree programs for submission to the Board of Governors for authorization, in accordance with the criteria outlined in section (3) of Board of Governors Regulation 8.011 – *Authorization of New Academic Degree Programs and Other Curricular Offerings*

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: New Program Proposal: Master of Science in the Internet of Things

Proposed Board Action:

Approve the Master of Science in Internet of Things (CIP 15.999) new program proposal.

Background Information:

The Department of Electrical and Computer Engineering in the College of Engineering and Computing at Florida International University is proposing a new Master of Science degree in Internet of Things (IoT) under Science, Technology, Engineering, and Mathematics (STEM).

The proposed degree program aims to establish a new 30-credit master degree in the area of Internet of Things (IoT). The program is a graduate level degree without any concentration, track, or specialization. It enables BS graduates in computing and related areas, including our new BS in IoT, to pursue a graduate degree in a very competitive and growing discipline. In this fast-growing area, this degree provides a sought-after set of technological skills. Graduates of this program can expect jobs as IoT Hardware, Software, and Application Engineers; Technical Architects; Senior Electrical Architects; Platform Technical Product Managers; and Data Scientists. The MS in IoT furthers the student's research capabilities in developing and analyzing IoT related challenges. The current growth and demand for professionals with the skill sets for developing and implementing IoT will have significant potential for employment locally, statewide, nationally and internationally.

Each university board of trustees shall approve for implementation new degree programs at the bachelor's, master's, advanced master's, and specialist levels in accordance with sections (3) and (5) of Florida Board of Governors Regulation 8.011 – *Authorization of New Academic Degree Programs and Other Curricular Offerings*.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Revisions to Florida International University Annual Accountability Plan, 2019

Proposed Board Action:

Approve the revisions to 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 BOG reviewed the 2019 university accountability plans at their June 2019 meetings. The revisions to FIU's 2019 Accountability Plan incorporate comments received from the BOG as part of the review process.

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*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Ratification of the revised 2018-2021 Collective Bargaining Agreement between the Florida International University Board of Trustees and the United Faculty of Florida - FIU Chapter

Proposed Board Action:

Ratify the revised 2018-2021 Collective Bargaining Agreement between the Florida International University Board of Trustees (BOT) and the United Faculty of Florida (UFF) – FIU Chapter. Amendments have been made to the following section:

- Article 11: Salaries
-

Background information:

At FIU, 70% of the faculty are in-unit faculty members who are governed by the Collective Bargaining Agreement.

Representatives of the BOT and the UFF have engaged in collective bargaining negotiations to discuss the terms and conditions of employment that will govern personnel who fall within the bargaining unit represented by the UFF. The bargaining teams have reached an agreement on revisions to the terms of the currently in-force 2018-2021 BOT-UFF Collective Bargaining Agreement running through July 1, 2021.

Florida Board of Governors Regulation 1.001, University Board of Trustees Powers and Duties, (5)(b) provides that each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

Supporting Documentation: *Information behind the Governance Committee tab*

Pending ratification by the United Faculty of Florida – FIU Chapter

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: 2019 Florida Educational Equity Act Report

Proposed Board Action:

Approve the 2019 Florida Educational Equity Act Report.

Background Information:

In accordance with Florida Board of Governors Regulation 2.003, Equity and Access, Florida International University has prepared an annual Florida Equity Report for 2018-19 that encompasses enrollment, gender equity in athletics, and employment.

The Florida International University Board of Trustees must approve the annual University's Equity Report prior to submission to the Florida Board of Governors.

The University President shall submit the Report to the Chancellor of the State University System.

Florida Board of Governors Regulation 2.003 Equity and Access (5) provides that each university shall prepare an annual Florida Equity Report in accordance with Regulation 2.003 and reporting guidelines established by the Board of Governors Office.

Supporting Documentation: *Information behind the Governance Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 5, 2019

Subject: Public Safety and Emergency Management Facilities Expansion-Amendment

Proposed Board Action:

Approve an amendment to the budget for the expansion of space within Parking Garage 5 “Market Station” (PG-5) to provide additional hardened space for Public Safety and Emergency Operations including offices, emergency operations center, conference/breakout/meeting room, locker room and showers, and storage.

Background Information

The Florida International University Board of Trustees (the BOT) approved the expansion of the Public Safety and Emergency Management Operations facility at Parking Garage 5 at the February 27, 2018 meeting. The BOT-approved budget associated with the expansion was \$5,500,000, paid from unrestricted auxiliary funds.

At the June 19, 2019 BOT meeting, considering the anticipated higher project cost, the BOT approved proceeding with the 100 percent construction drawings with the Architectural and Engineering firm PGAL and obtaining competitive bids for the complete project using the Construction Manager firm Biltmore and to then present the final guaranteed maximum price to the Finance and Facilities Committee for consideration of the project at its September 5, 2019 meeting.

The expansion utilizes parking space on the second floor of PG-5, just north of the existing space utilized by Public Safety and Emergency Management, to provide a large emergency operations center, food storage and service operations, equipment storage, offices, conference rooms, and meeting breakout rooms. Additionally, existing Public Safety and Emergency Management space will be reconfigured to provide for a locker room, showers, laundry service space, and offices that are needed during emergency events when occupied on a continuous basis, not only by Public Safety and Emergency Management personnel but also FIU essential personnel from Facilities, Information Technology, External Relations, FIU Health, Environmental Health and Safety, Parking and Transportation, Finance and Administration, and Business Services. The reconfigured space will also accommodate the significant increase in police officers hired over the past three years.

The architectural and engineering (A/E) and construction management (CM) services for this project were competitively solicited. The A/E is PGAL and the CM is Biltmore Construction. PGAL has completed the 100 percent construction drawings and Biltmore Construction has provided a guaranteed maximum price. Total construction cost is \$6,540,090. The total project cost, including telecommunications, professional fees for architectural/engineering services, construction management services, inspections, surveys, and furnishings and equipment is estimated at \$8,322,914, approximately \$2.82 million more than the budget approved by the BOT in February 2018. The higher cost is the result of continuing increases in construction costs in the Miami market and the following factors:

- Increase in new construction area from 9,000 to 10,682 square feet, additional corridor hardening on the first floor of 368 square feet to meet building code egress requirements and increase in renovation space from 2,500 to 4,058 square feet in order to meet the programmatic and space needs identified in the building program.
- Increased complexity of constructing space within an existing garage, particularly concrete and structural reinforcement of the parking deck required by code as load bearing requirements for the intended occupancy are greater than the existing requirements for vehicles (approximately \$1,100,000).

Based upon the completion of the 100 percent construction drawings and the guaranteed maximum price, the following are the adjusted per square foot costs (new space plus one-half of renovation space and corridor hardening [12,895]:

- Total construction cost (\$6,540,090) per adjusted square foot (12,895): \$507
- Total project cost (\$8,322,914) per adjusted square foot (12,895): \$645*

**Total project cost per adjusted square foot is \$574 excluding furniture and fixtures, telecommunications, security cameras, and contingency (\$923,816)*

Working with PGAL and Biltmore Construction, FIU estimates that a stand-alone facility would require a minimum of 13,377 square feet at a projected construction cost of \$8.3 million (\$623 per square foot) and a projected total project cost of \$11.2 million, assuming two years of cost escalation due to additional planning and design. The 13,337 square feet represents replicating the 10,682 square feet in the proposed expansion budget plus approximately 2,695 of additional square feet required to replicate existing space that is already in place in the existing facility, such as lobby, conference room, kitchenette/breakroom, restrooms, emergency egress/stairwells, mechanical room, janitorial room, and elevator. These estimates assume there is no additional gross-to-net adjustments for circulation and required mechanical systems. Additionally, we would be using valuable land for a small facility and there is no allowance for renovation of existing space vacated by Emergency Management for use by Public Safety.

FIU also obtained comparable data for recently completed municipal Emergency Operations Centers in Texas (League City, Dayton, Houston) and Florida (St. Petersburg). Construction costs for these projects, adjusted to 2019, range from \$270 to \$561 per square foot; if adjusted to a 2021 opening, the estimated range is \$301 to \$624 per square foot. The Pinellas County Largo Emergency operations Center, which opened in 2019, was the most comparable facility, which contained 13,180 square feet at a construction cost of \$520 per square foot, estimated at \$579, or 11 percent more, if designed, priced and built for 2021 opening.

The additional \$2.82 million funding will come from unrestricted auxiliary funds and, with Board of Governors approval, carryforward funding.

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

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

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