

FLORIDA INTERNATIONAL UNIVERSITY

INTERNATIONAL PARTNERSHIPS AND AGREEMENTS TOOLKIT



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Office of the Vice Provost for Faculty and Global Affairs
in conjunction with the Office of the General Counsel

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CHAPTER 1. INTRODUCTION

In furtherance of its strategic goals, Florida International University is engaged in an extensive array of activities abroad. As the number and size of these activities have grown over the recent years, the University is in the process of taking a more coordinated and synergistic approach to initiating, managing and supporting these programs. Under the leadership of the Vice Provost for Faculty and Global Affairs, the office will be overseeing FIU's global initiatives, creating an internationalization strategy, which will include activities like planning, initiating, facilitating, coordinating and monitoring collaborations with international institutions and organizations. The Vice Provost will also serve as Chair of an FIU Global Council, made up of multidisciplinary representatives, whose mission includes facilitating the expansion of strategic global learning programs and other global initiatives for FIU.

The purpose of this International Partnerships and Agreements Toolkit ("Toolkit") is to help support the University's international endeavors, specifically:

- Improve the quality of support for faculty and administrators during the operational planning of a new program;
- Identify key academic, financial and legal issues; and
- Provide guidance to uphold the University's mission, strategic direction, and reputation.

[FIU BeyondPossible2020 Strategic Plan](#)

The [FIU BeyondPossible2020 Strategic Plan](#) includes two concrete internationally-related objectives:

1. Expanding FIU's enrollment area beyond the South Florida region, strategically targeting specific in-state, national and international regions.
2. Recruiting top Ph.D. and post-doctoral students nationally and internationally by leveraging faculty research match and preeminent programs.

Our international collaborations are one of the key ways we have been delivering on our mission and prior strategic plans. Going forward, FIU is committed to delivering on our ambitious strategic plan and concomitant commitment to the "worlds ahead" in our delivery. For more information regarding the University's international strategic goals, please visit: <http://stratplan.fiu.edu/>.

This Toolkit evolved as part of our commitment to improve the quality of service provided to faculty and administrators engaged in organizing and operating international programs. It is intended to provide information about the types of international opportunities we regularly pursue as well as the key academic, financial and legal considerations that go into planning and operating an international program thereby facilitating the accomplishment of our objectives.

Please note that for purposes of this Toolkit, the terms “Project,” “Program” and “Activity” will be used interchangeably to refer to foreign activity that is supported or sponsored by FIU. Because there is a tremendous range of international activity within FIU, from individual faculty to faculty contact and collaboration to a campus in a foreign country, we have designed the Toolkit to cover the universe of potential, though not, all activities.

Beyond these activities, because each country has its own laws and cultural norms, there is not a universal bright line test we can apply to answer the question of what is required in connection with a particular international activity; analysis of the specifics of that international activity is necessary. Accordingly, this Toolkit gives readers a sense of the internal processes and policies that need to be followed for the myriad of international activities in which we participate, the individuals on campus who can help address questions in this arena, and the legal and compliance considerations that apply. As we embark on this more coordinated, strategic approach, we will have the opportunity to further develop our collective knowledge and we will regularly update and refine the information included in this Toolkit.

Commonly Asked Questions

1. What is an international partnership?

An international partnership is often a reciprocal relationship between FIU and an educational entity outside of the U.S. in which the objective is to promote short- or-long-term cooperative activities, including exchanges. Examples of the common international activities are listed in Chapter 4 – Matrix for International Programs and Agreements.

2. Why are written agreements used to establish international partnerships?

International partnership agreements often commit staff and faculty as well as other financial resources. Just like we enter into agreements with U.S. based universities, research partners, and internship sites to memorialize our objectives and agreements, we take the same approach internationally. Also, our experience tells us that the agreement usually functions as a plan of action and therefore our faculty and students yield better results.

3. What is the difference between Memorandum of Understanding (“MOU”) and other written agreements?

A Memorandum of Understanding (“MOU”) is a non-binding written statement that acknowledges a general intent to explore the possibility of collaboration without committing institutional resources. MOUs are appropriate when a new project is under consideration, upon first meeting new international partners, or in connection with a one-time project. The MOU can serve as a signal of good will or a signal of the willingness to discuss the opportunities to cooperate further.

Once more detailed discussions have been had on a specific project, formal written agreements (the type will depend on the program) that give rise to binding legal obligations and financial commitments will be prepared and signed between the parties. Unlike MOUs, which are general and non-binding in nature, these agreements will contain detailed terms regarding a particular program.

4. Who initiates an international partnerships?

The best partnerships most often stem from an existing collegial relationship rather than by being proposed administratively with no prior connection. Cooperative relationships are most successful when specific mutual goals or collaborative initiatives are articulated from the start. Therefore, the most fruitful collaborations are initiated on a department-to-department level, where initial, attainable collaborative activities are set forth.

5. What things should I consider before initiating an international partnership agreement?

Consider your time commitment for you and other faculty; international programs can require a greater time investment than U.S. based programs. Also, previous partnerships FIU may have in the proposed country/region/city that can be maximized for synergistic benefits. In addition, the evaluation of unique safety and international travel and security concerns which may impact FIU faculty, staff and students should be a top priority.

The determination of the foreign institution's recognition status and accreditation of concerned academic programs is a more discipline-driven activity but you should have clear arguments why, or why not, to engage with an institution. Similarly, academic and institutional similarities between FIU and the foreign institution may serve as strong arguments either way. Finally, take into account financial resources required to implement the proposed collaboration activities.

Please review Chapter 3 (Strategic Program Assessments) for additional resources and considerations.

6. How do I initiate an international partnership?

If you are contemplating an international program or activity, this Toolkit is designed to help ease the way.

Step 1: The first step in initiating a new program is to determine what type of international program it is. Please review Chapter 4 (Matrix of International Programs and Agreements) of this Toolkit where all of the different types of program are defined and determine what type of program you would like to pursue. If it does not fit neatly into any definition, just pick the one or two programs it is most like. If you need assistance with making a determination or your idea does not fit any of these definitions, please contact the Office of Faculty & Global Affairs (ofga@fiu.edu) for additional assistance.

Step 2: Review the list of countries in which FIU already has programs so you have a feel for how your activity may complement or add to FIU's already existing activities in that country or those countries (these are available at: <https://globalaffairs.fiu.edu/>). Also, be aware that it may be difficult to conduct activities in some countries (e.g., countries without academic freedom as we think of it in the United States) and it may also be illegal to engage in some or all activities in some countries (Please review Appendix A – U.S. Government Restricted Countries Lists). We may have our greatest impact/benefit as an institution of higher education in countries in which it can be difficult to operate and this Toolkit is not designed to discourage or deter those activities; it is simply intended to inform you of the greater level of review and requirements which apply if you are proposing a program in one of these countries.

Step 3: Compose a one-to-two page summary of your idea for the proposed program and the type of program it is.

Step 4: Discuss the program idea with your chair, program director, and/or dean, as appropriate, to let them know you have the idea and to obtain their feedback to proceed. Some colleges have established procedures for initiating programs and you will want to make sure to follow those internal procedures.

Step 5: Reviews Chapter 5 of this Toolkit (Substantive Issues Considerations) and find the program(s) you are proposing. Use the definition you determined to be the type of program you are proposing to determine what checklists you need to review. The checklists will give you an idea of the different issues that need to be considered when establishing an international program.

You will see that the programs are grouped into categories of basic, intermediate and advanced, giving you some idea of the efforts necessary to operate the program. Some of you may find these checklists helpful to put together your program summary described in Step 2. It is okay to go ahead and work through these questions as part of Steps 1 and 2 but some intermediate and all advanced programs involve a lot of effort and therefore we strongly recommend obtaining the necessary departmental sign-off or go ahead before commencing this step in any depth.

Step 6: To turn a program idea into an actual agreement, please refer to the business processes further described in Chapter 2 (International Programs Approval Process) of this Toolkit.

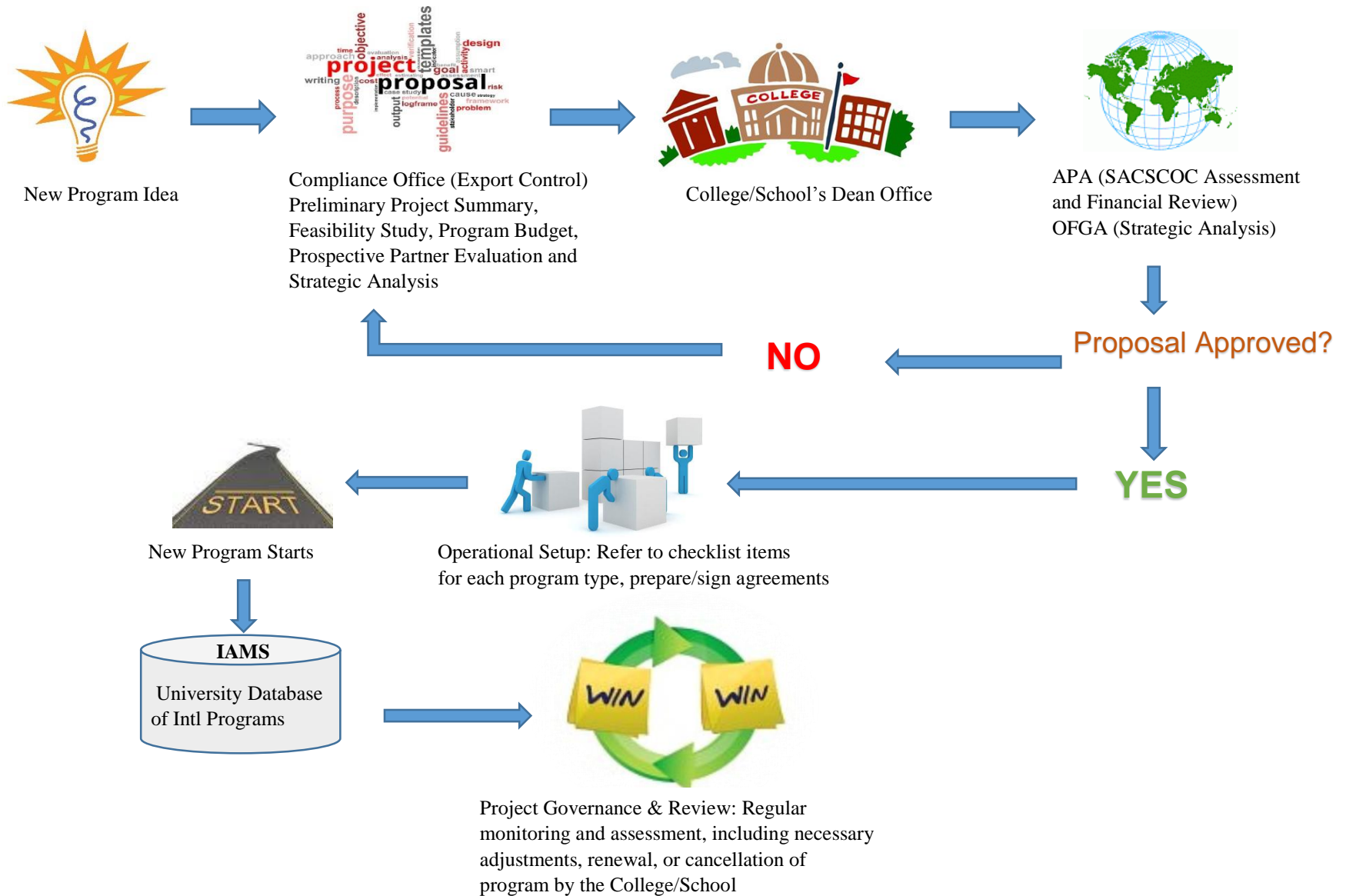
If at any time in the process you require assistance, please contact the Office of Faculty and Global Affairs at ofga@fiu.edu.

Useful Contacts

| | | |
|---|--|--|
| <p>Office of Faculty and Global Affairs (OFGA)</p> <p>Birgitta “Gitta” Rausch-Montoto Director, Office of Faculty and Global Affairs Tel: 305-348-3763 E-mail: gmontoto@fiu.edu</p> | <p>Office of Academic Planning and Accountability (APA) - Academics</p> <p>Mercedes M. Ponce Assistant VP of Academic Affairs Tel: 305-348-1560 E-mail: Mercedes.Ponce@fiu.edu</p> | <p>Office of Academic Planning and Accountability (APA) - Financial</p> <p>Jorge Zumaeta Senior Director Tel: 305-348-1690 E-mail: Jorge.Zumaeta@fiu.edu</p> |
| <p>Office of General Counsel</p> <p>Isis Carbajal de Garcia Senior University Counsel Tel: 305-348-2103 E-mail: isisc@fiu.edu</p> <p>Ralph Prohias Senior University Counsel Tel: 305-348-2103 E-mail: rafael.prohias@fiu.edu</p> | <p>Office of General Counsel – Academic Health Center</p> <p>Andrew B. Eisman Associate General Counsel Tel: 305-348-4854 E-mail: Andrew.Eisman@fiu.edu</p> | <p>Division of Research (for research-only programs)</p> <p>Diana Firvida-Oliva Director of Research Programs Tel: 305-348-2494 E-mail: Diana.Oliva@fiu.edu</p> |
| <p>University Compliance Office</p> <p>Nelson E. Perez Compliance Specialist Tel: 305-348-4726 E-mail: Nelson.Perez1@fiu.edu</p> | <p>Office of Study Abroad</p> <p>Laura Boudon Director of Study Abroad Tel: 305-348-1913 E-mail: Laura.Boudon@fiu.edu</p> | <p>International Student and Scholar Services (ISSS)</p> <p>Ana M. Sippin Senior Director of ISSS Tel: 305-348-3062 E-mail: Ana.Sippin@fiu.edu</p> |

CHAPTER 2. INTERNATIONAL PROGRAMS APPROVAL PROCESS

Flowchart of Approval Process



FIU

FLORIDA
INTERNATIONAL
UNIVERSITY



CHECKLIST (Draft)
FOR THE APPROVAL
OF INTERNATIONAL
PROGRAM AGREEMENTS

Mercedes M. Ponce and Jorge N. Zumaeta

FIU Office of Academic Planning and Accountability

Fall 2015

CHECKLIST FOR THE APPROVAL OF
INTERNATIONAL PROGRAM AGREEMENTS

Phase 1: Initial Intent and Due Diligence

- 1. Program title:
- 2. Program type:
- 3. Initiating unit seeks academic unit dean’s approval:

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

- 4. Upon approval of the respective dean’s office, Initiating Unit submits notification of intent to enter into an agreement and/or MOU to the Office of Faculty and Global Affairs (OFGA) and Academic Planning & Accountability (APA):

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

- 5. APA reviews Export Controls; and offers consultation to Initiating Unit on SACSCOC implications regarding off-shore programs and other types of contractual relationships as applicable:

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

6. Initiating Unit conducts analysis of foreign partner (e.g., university, non-governmental organization, business entity, etc.) and feasibility study (see Appendix C) and creates budget (see Appendix D) and submits all to APA:

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

*Please see Appendix C for Feasibility Study requirements. These requirements can be found, too, in APA’s *Continuing Education Handbook*, which is available from APA upon request.

7. For agreements requiring People Republic of China’s (PRC) Ministry of Education (MOE) approval only: Initiating Unit consults with APA on special requirements by Chinese government; unit completes waiver of the requirement to obtain MOE approval letter template and seeks approval of letter from APA before sending to Chinese partner for sign-off. The waiver letter models are located in APA’s International Agreements’ SharePoint (access can be provided by contacting APA.). Upon execution of waiver letter, Initiating Unit forwards document to APA:

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|---------------|----------|
| | | | | |

Phase 2 (If [hase 1 requirements are fulfilled, then proceed to the next checklists):

8. Initiating Unit submits first draft of agreement to APA:

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

9. APA reviews and provides feedback on first draft and then sends draft to Undergraduate Education (UE) or University Graduate School (UGS) for review and approval:

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

10. Upon approval by UE/UGS, APA sends draft to the Office of General Counsel (OGC) for review. Inquiries are documented via the International Agreements SharePoint site.

| Submitted by | Submitted to | Response given by | Response accepted on (Date) | Comments |
|--------------|--------------|-------------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

11. OCG approves final draft once text is finalized and review has been completed:

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

12. Initiating Unit forwards legally approved draft to foreign partner for review and approval prior to signing.

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

Phase 3: Obtaining Signatures on Approved Documents

13. Upon foreign partner’s acceptance, Initiating Unit works with OGC to obtain all signatures on two original agreements, generally in this order: OGC, Dean’s Office, and Office of the Provost:

| Submitted by | Submitted to | Signed by | Signed On (Date) | Comments |
|--------------|--------------|-----------|-----------------------------|----------|
| | | | Click here to enter a date. | |

14. Initiating Unit sends internally signed agreement (in two originals) to the foreign entity for signature:

| Submitted by | Submitted to | Signed by | Signed On (Date) | Comments |
|--------------|--------------|-----------|-----------------------------|----------|
| | | | Click here to enter a date. | |

15. Upon receipt of fully signed original of agreement, Initiating Unit submits electronic copy of agreement to APA along with an Input Form for uploading onto the International Agreements Management System (“IAMS”):

| Submitted by | Submitted to | Uploaded onto IAMS by | Date | Comments |
|--------------|--------------|-----------------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

16. APA conducts SACSCOC-related processes (notification of dual degrees or review and approve prospectus developed by unit(s) to obtain SACSCOC approval to implement an offshore program)

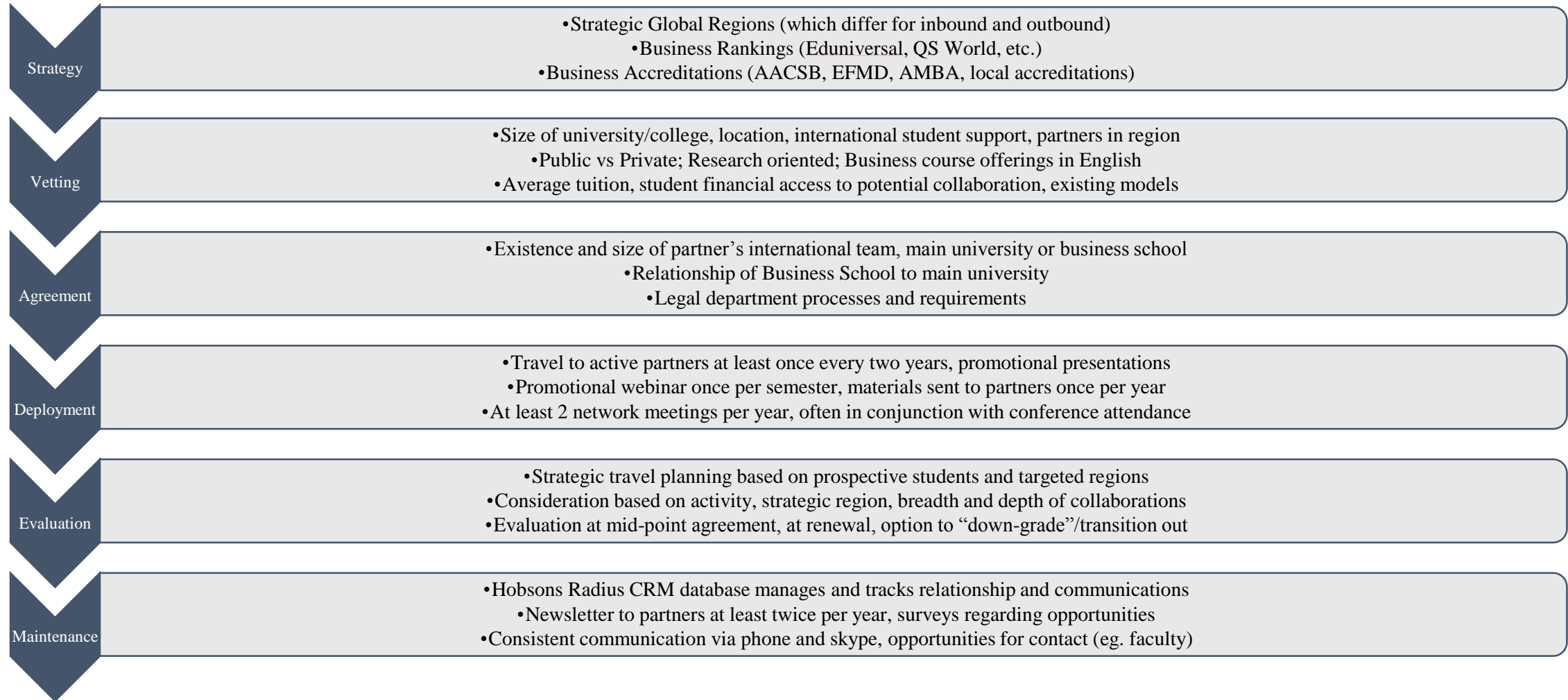
| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

17. Initiating Unit formally notifies Dean's Office of new agreement/partnership; -

| Submitted by | Submitted to | Approved by | Approved Date | Comments |
|--------------|--------------|-------------|-----------------------------|----------|
| | | | Click here to enter a date. | |

SAMPLE FROM THE COLLEGE OF BUSINESS

Steps for International Agreement Success



Checklist and Timeline for Establishing an International Dual Degree Graduate Agreement with Florida International University (“FIU”):

**** An estimated timeline is provided, as the speed of the agreement process depends on many factors both at FIU and at the partner school. The process can take a minimum of 9 months to 1 year should all steps be completed in a timely manner.**

- For new agreements, we will need to begin this process 9 months to 1 year before the semester of desired implementation due to required notification to and approval by the Commission on Colleges of the Southern Association of Colleges and Schools (“SACSCOC”) the regional body for the accreditation of degree-granting higher education institutions in the Southern states, which accredits FIU.
- For the renewal of agreements, we will need to begin this process 9 months to 1 year before the agreement expiration date due to required SACSCOC notification and approval
- Should an institution wish to implement in a faster time period, we can consider first implementing an articulation agreement which does not require SACSCOC notification. This model involves only the transfer of courses from the partner institution to FIU, and does not include the option for FIU students to attend the partner school in pursuance of a degree. Articulation models do not include terminology for the transfer of courses back to the foreign institution towards a degree, however the foreign institution has complete authority over their requirements for graduation.

Month 1 to 2 - Initial Review of Compatibility

- _____ 1) **Institutional Accreditation** – In order for FIU to accept transfer credits from incoming students, the accreditation of the home University’s graduate program must be verified. Accreditation documents must be sent, and approved, prior to engaging in an agreement. Additional information such as rankings and prestige are also encouraged.
- _____ 2) **Program of Study** - In order to establish compatibility of programs being considered and tentative course equivalency, submit a program of study translated to English showing (included in ATTACHMENT A: Sample Program of Study):
 - courses taken and during what semester
 - general dates of the semesters and length of the program
 - credits per course
 - total credits of the program
 - contact hours per course
 - total contact hours in the program
 - course names in the original language and translated to English.
- _____ 3) **Course Descriptions** - Submit short course descriptions translated to English of all the courses in the program.
- _____ 4) **Tentative Course Equivalencies** - Review tentative course equivalencies for transfer with FIU program directors and/or department chairs
- _____ 5) **Syllabi Submission** - Submit syllabi translated to English of specific courses requested to be considered for transfer (included in ATTACHMENT B: Sample Syllabus)
- _____ 6) **Program Director / Department Chair Approval** - Receive approval that sufficient course equivalencies allow us to progress to draft the agreement

Month 2 to 3 – Drafting of Agreement and Terms

- _____ 7) **Official Contact Information** - Submit excel worksheet of official contacts and signatory information for the agreement draft (included in ATTACHMENT C: Partner Information)
- _____ 8) **Draft Agreement Review** - Review and submit comments in draft agreement document (Included in ATTACHMENT D: Sample Agreement)
- _____ 9) **Negotiation** - Participate in draft agreement negotiation regarding agreement terms

_____ 10) **Partner Official Review** - partner school should review and tentatively approve terms before submission to FIU academic and legal review, but cannot perform final approval and signatures until FIU review and approval is complete

_____ 11) **Draft Agreement Finalized** - Finalize agreement for FIU academic and legal review

Month 3 to 4 – FIU Official Review, Approval, and Signature

_____ 12) **FIU Official Review** - Agreement is submitted to FIU academic and legal departments, further negotiation on terms may be necessary based on this review

_____ 13) **Agreement Translation** – Should it be necessary for the agreement to be translated into another language and signed in addition with the English version, the agreement must be translated by an FIU certified translator. Both language versions of the agreement will be submitted for FIU signatures. The English version will carry all legal validity. As translation can further delay the process, we recommend using only the English version of the agreement. The school may have a translated version without FIU signatures for their own records.

_____ 14) **FIU Signature** - Agreement is finalized and final electronic copy is provided to partner, signature of FIU authorities is obtained

Month 4 to 6 – Partner Official Approval and Signature

_____ 15) **FIU Final Agreement Shipment** - Three physical copies of document signed by FIU authorities is sent via Fed-Ex to partner school,

_____ 16) **Partner Signature** - Partner school performs final signature process (no further changes)

_____ 17) **Partner Final Agreement Shipment** - Partner school keeps one original signed physical copy of agreement and returns two original signed physical copies to FIU.

Month 6 – 12 - SACS Notification and Approval:

_____ 1) **SACSCOC Notification** - SACSCOC notification must be sent at least 6 months before desired implementation date, and we must receive written approval in return from SACSCOC in order to implement

_____ 2) **Implementation** - Dual degree agreement is final and marketing/promotion may begin

Agreement Implementation Guidelines:

* * Agreement Signature Goals are set 6 months before semester start month to provide SACSCOC a minimum of 6 months notice and time to approve for implementation.

| FIU Application Deadline | Agreement Signature Goal |
|--|--|
| Summer (May) Application Deadline: February 1 st | Agreement signed and SACSCOC notified by November 1 st of previous year |
| Fall (August) Application Deadline: April 1 st | Agreement signed and SACSCOC notified by February 1 st |
| Spring (January) Application Deadline: September 1 st | Agreement signed and SACSCOC notified by July 1 st of previous year |

Contact Information

For Questions: Jennifer Hilton Montero
Director, International Programs
Office of International Affairs & Projects
College of Business
Florida International University
Phone: +1 305-348-2780
Fax: +1 305-348-7204
Email: jhiltonm@fiu.edu

Mailing Address: 11200 SW 8th Street, CBC 223
Miami, FL 33199

Tips for International Agreement Success

- When collaborations are based on personal relationships, when people move on, so does the relationship → Deep, wide, active institutional relationships last
- We do our homework and find resources that consistently evaluate other universities in our field, and keep a constant eye on them – stay active in international education and departmental associations so that we are aware of trends and demands in the market
- Marry a peer or marry up – relationships based on quantity only and not quality always eventually face challenges – compatibility is key!
- Quality + Quantity + Benefits on both sides = Everybody's happy! Make sure partners feel like they are also getting a return on their investment, and that we are offering them collaborations on multiple levels we can actually deliver on
- Consistent communication, feedback, and adjustments in the relationship are key
- Successful collaborations require consistent in-person interaction between partners, at both locations – our most successful relationships have consistent visits scheduled
- Cultural quid-pro-quo – make every effort to reciprocate the attention partners give us on their campus when they are visiting FIU
- Keep open communication with your FIU colleagues to ensure we are taking advantage of every opportunity to interact with our partners

CHAPTER 4. MATRIX OF INTERNATIONAL PROGRAMS AND AGREEMENTS

| Definitions of International Programs/Agreements | Academic Approval | Financial Approval | OGC Approval | Applicable Agreement Template(s) |
|--|--|--|--|--|
| <p>Affiliation Agreement: An agreement between FIU and a facility and/or university for FIU to send or receive students for course-related off-campus fieldwork or clinical experience.</p> | <p>College of Medicine - Sandra Fernandez</p> | <p>College of Medicine - Deborah Tavera</p> | <p>Andrew Eisman</p> | <p>https://generalcounsel.fiu.edu/wp-content/uploads/sites/26/2014/07/Standard-Affiliation-Agreement-International-Programs1.pdf</p> |
| <p>Articulation Agreement: An agreement that allows FIU and another international postsecondary institution to review course content, evaluate course equivalences between the courses offered at both institutions, and allow students from the foreign institution to transfer courses/credits to FIU for degree matriculation purposes. Can be offered for undergraduate and graduate programs. Some programs may require in-country approval by local government authorities.</p> | <ul style="list-style-type: none"> • Department Level Approval • APA Approval (Mercedes Ponce) | <p>APA - Jorge Zumaeta</p> | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>FIU APA Sharepoint → International → Agreement Templates</p> <ul style="list-style-type: none"> • Different templates for undergraduate and graduate programs • There are specific templates applicable for China |
| <p>Consortium Agreement: An agreement between FIU and two or more other postsecondary institutions (located either in the U.S. and/or abroad) to collaborate together on one or more international programs.</p> | <ul style="list-style-type: none"> • Department Level Approval • APA Approval (Mercedes Ponce) | <p>Varies – Depends on the contents of the agreement</p> | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>N/A. Please coordinate directly with Mercedes Ponce (APA) to get started on the agreement process.</p> |

| Definitions of International Programs/Agreements | Academic Approval | Financial Approval | OGC Approval | Applicable Agreement Template(s) |
|--|--|--|--|--|
| <p>Distance Learning Agreements: An agreement between FIU and another international postsecondary institution or private provider to deliver teaching and instruction to students who are not physically present in traditional classroom settings. Some programs may offer a blended hybrid program structure, involving both online and physical on-site attendance and participation by students. Some programs may require in-country approval by local government authorities.</p> | <ul style="list-style-type: none"> • FIU Online • Department Level Approval • APA Approval (Mercedes Ponce) as necessary | <p>If for academic agreements, then FIU Online.</p> <p>If for Continuing Education Programs, then Jorge Zumaeta.</p> | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>Please coordinate directly with FIU Online to get started on the agreement process.</p> |
| <p>Dual Degree Agreement: An agreement between FIU and another international postsecondary institution to offer students (from one or both institutions) a dual degree. In view that transfer of credit is involved, FIU and the foreign institution must review degree curriculum and evaluate course equivalencies to allow students to transfer credit towards to support the awarding of two degrees from both institutions. Each degree is awarded <i>individually</i> upon the satisfactory completion of required credits and all other standard academic requirements. Can be offered for undergraduate and graduate programs. Some programs may require in-country approval by local government authorities.</p> | <ul style="list-style-type: none"> • Department Level Approval • APA Approval (Mercedes Ponce) | <p>APA- Jorge Zumaeta</p> | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>FIU APA Sharepoint → International → Agreement Templates</p> <ul style="list-style-type: none"> • Different templates for undergraduate and graduate programs • There are specific templates applicable for China |
| <p>Faculty Research Agreement: An agreement between FIU and a third party entity (whether domestic or international) to allow FIU faculty to carry out research work abroad, or an agreement between a third party international entity and FIU to allow FIU faculty to carry out research work domestically or internationally. Some programs may require in-country approval by local government authorities.</p> | <p>Standard approvals required by the Office of Research and Economic Development (ORED) are required. See http://research.fiu.edu/proposal-preparation/pages/proposal-process.html</p> | <p>Standard approvals required by the ORED are required. See http://research.fiu.edu/proposal-preparation/pages/proposal-process.html</p> | <p>For all ORED agreements: Diana Firvida-Oliva</p> | <p>ORED has sponsored research agreement templates, or will review/negotiate the proposed sponsor agreement form. Please contact ORED – Diana Firvida Oliva.</p> |

| Definitions of International Programs/Agreements | Academic Approval | Financial Approval | OGC Approval | Applicable Agreement Template(s) |
|--|--|--|--|---|
| <p>In-Bound For-Credit Non-Degree Seeking Program Agreement: An agreement between FIU and another foreign higher education entity to allow participants to enroll as a non-degree seeking student in certain courses, as stipulated in an agreement, at FIU. This opportunity can be offered at undergraduate and graduate levels.</p> | <ul style="list-style-type: none"> • Department Level Approval • APA – Mercedes Ponce • ISSS – Ana Sippin | <p>APA- Jorge Zumaeta</p> | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>FIU APA Sharepoint → International → Agreement Templates</p> |
| <p>In-Bound Non-Credit Continuing Education Program Agreement: An agreement between FIU and another entity (including other post-secondary institutions and organizations) to allow participants to attend certain courses at FIU in the U.S. or via online delivery on a non-credit professional development basis.</p> | <ul style="list-style-type: none"> • Department Level Approval | <ul style="list-style-type: none"> • Department Level Approval (Consult as needed with APA- Jorge Zumaeta for guidance) | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>FIU APA Sharepoint → International → Agreement Templates</p> |
| <p>Memorandum of Understanding: A non-binding written statement that acknowledges a general intent to explore the possibility of collaboration without committing institutional resources. MOUs are appropriate when a new project is under consideration, upon first meeting new international partners, or in connection with a one-time project. The MOU can serve as a signal of goodwill or a signal of the willingness to discuss the opportunities to cooperate further.</p> | <ul style="list-style-type: none"> • Department Level Approval • APA Approval (Mercedes Ponce) | <p>N/A.</p> | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> <p>For those involving the College of Medicine: Andrew Eisman</p> | <p>FIU APA Sharepoint → International → Agreement Templates</p> |

| Definitions of International Programs/Agreements | Academic Approval | Financial Approval | OGC Approval | Applicable Agreement Template(s) |
|---|--|---|--|--|
| <p>Offshore Degree Program Agreement: An agreement between FIU and a foreign postsecondary institution to offer FIU’s academic program(s) and award an FIU degree. These programs require extensive collaboration with the foreign institution. The FIU degree, however, would be offered independently upon students meeting all academic requirements. An offshore degree program could also involve a dual degree arrangement. Can be offered at undergraduate and graduate levels. Most of these agreements require in-country approval by local government authorities.</p> | <ul style="list-style-type: none"> • Department Level Approval • APA Approval (Mercedes Ponce) | <p>APA-Jorge Zumaeta</p> | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>Please coordinate directly with Mercedes Ponce (APA) to get started on the agreement process.</p> |
| <p>Offshore Non-Degree, Non-Credit Program Agreement: An agreement between FIU and a foreign entity or postsecondary institution to offer certain FIU courses abroad on a non-credit non-degree seeking basis. Participants usually receive a certificate of completion from FIU. Some programs may require in-country approval by local government authorities.</p> | <ul style="list-style-type: none"> • Department Level Approval | <ul style="list-style-type: none"> • Department Level Approval | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>Please coordinate directly with Mercedes Ponce (APA) to get started on the agreement process.</p> |

| Definitions of International Programs/Agreements | Academic Approval | Financial Approval | OGC Approval | Applicable Agreement Template(s) |
|---|---|---|--|---|
| <p>Student Cohort Pipeline Agreement: An agreement between FIU and a foreign post-secondary institution that specifies the details by which graduates of the foreign institution may be admitted into certain programs at FIU at a discounted market-rate, provided a student cohort-size is satisfied each year.</p> | <ul style="list-style-type: none"> • Department Level Approval • APA Approval (Mercedes Ponce) | <ul style="list-style-type: none"> • APA-Jorge Zumaeta | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>FIU APA Sharepoint → International → Agreement Templates</p> |
| <p>Student and Faculty Exchange Program Agreements: An agreement by which students from FIU study abroad at one of FIU’s partner institutions for a semester or academic year and students from our partner institutions study at FIU for a semester or academic year. FIU students and exchange students from all partner institutions must be enrolled full-time during the international student exchange program. Grades received internationally may or may not be counted to the student’s overall cumulative GPA.</p> | <ul style="list-style-type: none"> • Department Level Approval • APA Approval (Mercedes Ponce) • Office of Study Abroad (Laura Boudon) | <ul style="list-style-type: none"> • Coordinated through Office of Study Abroad (Laura Boudon) | <p>For all international agreements (except China): Isis Carbajal de Garcia</p> <p>For China agreements: Liz Marston</p> | <p>FIU APA Sharepoint → International → Agreement Templates</p> |

| Definitions of International Programs/Agreements | Academic Approval | Financial Approval | OGC Approval | Applicable Agreement Template(s) |
|--|--|---|-------------------|--|
| <p>Student Study Abroad Program: An academic program led by an FIU faculty member (or other provider of study abroad programs) for FIU students to take FIU courses abroad or obtain academic credit of courses those courses taken abroad. These programs can be in one location, possibly working with a foreign university or travel through a country, exposing the students to different places on the itinerary. The students must be enrolled for FIU credit and must pay a program fee to participate in the program. They must complete all the legal requirements to be able to participate in program abroad, including medical form, pre-departure session and documents, and passport copy. Programs sponsored by FIU faculty are guaranteed FIU credit and will count towards the student's overall cumulative GPA. Programs involving a foreign provider require a formal signed agreement between FIU and the third party provider.</p> | <ul style="list-style-type: none"> • Department Level Approval • Office of Study Abroad (Laura Boudon) | <ul style="list-style-type: none"> • Coordinated through Office of Study Abroad (Laura Boudon) | Liz Marston (OGC) | <p>For agreements with outside providers: https://generalcounsel.fiu.edu/wp-content/uploads/sites/26/2014/07/Study-Abroad-Program.pdf</p> |

CHAPTER 5. SUBSTANTIVE ISSUES CONSIDERATIONS

As noted in the introductory section of this Toolkit, because each country has its own laws and cultural norms, there is not a universal bright line test we can apply to answer the question of what is required in connection with a particular international activity; analysis of the specifics of that international activity is necessary.

Generally speaking, two rules of thumb apply. First, if there will be a written agreement with a foreign partner to accomplish a program, FIU will be conducting activities in a country by leasing or owning a building, locating faculty and/or staff in a country and/or otherwise engaging in activities and doing business to establish a presence in a country, whether or not an agreement will be involved, we will likely trigger certain regulatory schemes in the country, including tax, employment and registration requirements.

Second, university international activities generally fall into three types: basic, intermediate and advanced. Basic programs are the most straightforward. While there may be a number of items for you to consider in developing and operating these international activities, they are the easiest and quickest to accomplish. At the other end of the spectrum are the advanced programs. Advanced programs are the most complicated and will require a substantial investment of time and effort to accomplish; they may also require approvals from the Board of Governors and a governmental body, like a department of education, before they can commence.

How to Use the Issue Spotting Checklists

The following is a list of types of international activities categorized into three color-coded groups: basic, intermediate or advanced. Each type of international activity then refers you to the specific checklists applicable to the international activity. The checklists are not a to-do list of items that must be accomplished in order to get approval for a particular activity or program. Rather, these checklists are intended to help you ascertain the things you need to know about or think about for your particular program or activity proposal and how the issues generally can be managed. The checklists are utilized by the Office of Faculty and Global Affairs to determine what specific actions will be required to implement the various international activities. For example, whether the General Counsel's office will need to retain local counsel, whether SACS approval is required, whether a bank account must be established in the foreign jurisdiction.

Basic Program Types

| Program Type | Please Refer To |
|--|---|
| Affiliation Agreement | 1, 7, 9, 10, 11, 13, 14, 18, 19 |
| Dual Degree Agreement | 1, 2, 7, 9, 11, 17, 18, 19 |
| Faculty Visits and Exchanges | 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19 |
| In-Bound For-Credit Non-Degree Seeking Program Agreement | 1, 7, 8, 9, 11, 18, 19 |
| In-Bound Non-Credit Continuing Education Program Agreement | 1, 7, 8, 9, 11, 18, 19 |
| Memorandum of Understanding | 1, 11, 18, 19 |
| Student Exchange Program Agreements | 1, 7, 8, 9, 11, 12, 13, 14, 15, 18, 19 |
| Student Study Abroad Program | 1, 7, 8, 9, 11, 12, 13, 14, 15, 18, 19 |
| | |

Intermediate Program Types

| Program Type | Please Refer To |
|-----------------------------|--|
| Articulation Agreement | 1, 2, 7, 9, 11, 17, 18, 19 |
| Consortium Agreement | 1, 8, 9, 11, 18, 19 |
| Distance Learning Agreement | 1, 2, 4, 5, 8, 9, 11, 17, 18, 19 |
| Faculty Research Agreement | 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 18, 19 |

Advanced Program Types

| Program Type | Please Refer To |
|---|---------------------|
| Offshore Degree Program Agreement | All checklist items |
| Offshore Non-Degree, Non-Credit Program Agreement | All checklist items |

Checklist 1-General Considerations for all International Programs

- Are there any U.S. Government restrictions on conducting activities in this country? Refer to the U.S. government export controlled or embargo country list, available at: http://www.pmddtc.state.gov/embargoed_countries/. Please note that Florida law that does not allow FIU funds to be used for travel to/from countries on these U.S. government lists. Please also refer to Checklist 11. Consult as necessary with the Office of University Compliance and Integrity at (305) 348-2216 or compliance@fiu.edu.
- Have export control checks and restricted party screenings been conducted on international persons and entities that the University will be conducting business with? Please also refer to Checklist 11. Consult as necessary with the Office of University Compliance and Integrity at (305) 348-2216 or compliance@fiu.edu.
- Is a visa required for University employees (U.S.-based and on FIU's payroll) to allow entry into the foreign country for a particular length of time? Please also refer to Checklist 7.
- For proposed programs involving travel abroad by FIU faculty and staff, please also refer to Appendix G – Faculty/Staff International Travel Checklist.
- Is a work permit required for University employees to carry out the type of activity proposed in the foreign country? Please also refer to Checklists 5 and 6.
- Has the University employee consulted with the University Controller's Tax Office and/or HR regarding potential tax liabilities related to the employee's activities abroad? For legal questions regarding taxation, please consult with Mr. Edgar Salazar, Associate Controller, Tax Compliance Services at the Office of the Controller, at edgardo.salazar@fiu.edu or 305-348-2655.
- Has the University employee traveling abroad received training on the University's practices on the Foreign Corrupt Practices Act and other similar anti-corruption and bribery regulations particular to the region s/he will be traveling to? Please also refer to Checklist 18. Consult as necessary with the Office of University Compliance and Integrity at (305) 348-2216 or compliance@fiu.edu.
- Has the University employee traveling abroad purchased travel insurance for the duration of the period he/she will be abroad conducting University business? Please also refer to Checklist 13.
- Have University students traveling abroad to participate in FIU sponsored programs been sufficiently advised of University policies on studying abroad and completed the necessary forms? For additional questions regarding study abroad, please contact Ms. Laura Boudon, Director of Study Abroad, at 305-348-1913 or Laura.Boudon@fiu.edu.
- Does the college/school have a process in place to monitor and address the personal safety of employees on overseas assignments and/or students studying abroad, including ways to maintain communications regarding travel alert and warnings and procedures to remove the employee/student in the event of a local crisis or conflict? Please also refer to Checklist 15.

Checklist 2-Registration/Legal Status

- Is the University registered or otherwise qualified to do business in this country?
 - If yes, what is the official registered name and the legal nature/structure (e.g., direct registration, branch office, wholly-owned subsidiary, etc.)?
 - If no, do the proposed activities require registration of the University (e.g., as an employer) as a foreign organization conducting business in this country?
 - Factors in determining whether to register locally include (but are not limited to) the following: extent of local "presence," such as whether an office is needed;

duration of an activity; request/requirements of sponsor; licensing or accreditation rules; local banking rules, etc.

- Note that even where the University is working through a local partner institution, University staff working in-country paid directly by the University may trigger local employment obligations (e.g. tax withholding).
- Consult with the Office of Faculty and Global Affairs before commencing any program activities to determine whether an existing registration or other activities in the same location.
- OGC will often need to retain local counsel to determine whether registration of the University as a legal entity conducting business in the foreign jurisdiction will be required. Please remember that schools/units of the University are not authorized to retain outside counsel.
-

Checklist 3- Real Estate and Facilities

Office:

- Will the activities require the leasing of administrative or program office space by the University?
- How will the Program Office be adequately secured and in compliance with local building, fire or safety code requirements, local ordinances, zoning requirements and laws?
- Will the space be inspected by a University person prior to facility use?
- Create an inventory of all University owned, leased, and rented personal property. Consult with University risk manager to ensure appropriate insurance coverage(s), including coverage for items in transit.
- Will this facility require prior approval by the BOT or BOG?
- Will this facility trigger any reporting requirements under federal law (e.g., Higher Education Opportunity Act and/or Clery Act)?
- If this facility could be deemed a Clery property or if you are unsure, please consult with Ms. Alexis Fernandez, Compliance Analyst of the University Police, via alexis.fernandez6@fiu.edu or 305-348-2626.

Classroom Space:

- Will the activities require the leasing of Classroom Space by University?
- How will the Classroom Space be adequately secured and in compliance with local building, fire or safety code requirements, local ordinances, zoning requirements and laws?
- Will the space be inspected by a University person prior to facility use?
- Is there lab/research space? What steps need to be taken to comply with University policy and local regulations with hazardous materials disposal, etc.? The best practice here is to include all of the relevant services in the agreement.
- Will this facility require prior approval by the BOT or BOG?
- Will this facility trigger any reporting requirements under federal law (e.g., Higher Education Opportunity Act and/or Clery Act)?
- If this facility could be deemed a Clery property or if you are unsure, please consult with Ms. Alexis Fernandez, Compliance Analyst of the University Police, via alexis.fernandez6@fiu.edu or 305-348-2626.

Student Housing

- What will be the arrangements for housing students during the program (e.g. dormitory, homestay)?
- If dormitory or other institutional space will be utilized, how will the space be adequately secured and in compliance with local building, fire or safety code requirements, local ordinances, zoning requirements and laws?

- Will the space be inspected by a University person prior to facility use? Is there a checklist for inspection?
- If homestay or similar non-institutional space will be utilized, how will placements be handled? How will screening and orientation of families be accomplished?
- Will this facility require prior approval by the BOT or BOG?
- Will this facility trigger any reporting requirements under federal law (e.g., Higher Education Opportunity Act and/or Clery Act)?
- If this facility could be deemed a Clery property or if you are unsure, please consult with Ms. Alexis Fernandez, Compliance Analyst of the University Police, via alexis.fernandez6@fiu.edu or 305-348-2626.

Excursion Sites:

- Briefly inventory and describe the nature, frequency, duration and location of Program excursions or other travel related to the proposed activities (include rural homestays).
- Will any written contracts be required to govern any aspects of these excursions (i.e. transportation, lodging, activities, etc.)?
- How will excursion lodgings be adequately secured, and in compliance with local building, fire or safety code requirements, local ordinances, zoning requirements and laws?
- Will any activities not be authorized for risk management reasons?
- Will student activities at this site trigger reporting requirements under federal law (e.g., Higher Education Opportunity Act and/or Clery Act)?
- If this facility could be deemed a Clery property or if you are unsure, please consult with Ms. Alexis Fernandez, Compliance Analyst of the University Police, via alexis.fernandez6@fiu.edu or 305-348-2626.

Checklist 4- Independent Contractors

- Will the activities require the hiring of independent contractors?
 - If yes, have you inquired about whether there are any local law prohibitions on the University's ability to engage independent contractors in the foreign country for the type of proposed activity/services?
- What types of services and at what rate of compensation?
- Do you have any knowledge of what local registration requirements are applicable, including registrations for local tax withholding?
- How will independent contractors be paid – e.g. by check, direct deposit, international wire?
- How will required deductions and remittances for taxes be handled and what reporting systems will be needed?
- Will an agreement be entered into between the University and the independent contractor(s)? (recommended). A form template is available here: <https://generalcounsel.fiu.edu/wp-content/uploads/sites/26/2014/07/Independent-Contractor-Agreement-for-professional-services.pdf>
- Are you aware of the applicable local laws and rules regarding classification of service providers who are individuals (employee vs. independent contractor)?

Checklist 5-Employees- Local Hires

- Will the University's activities in the foreign country require the hiring of local nationals?

- If yes, have you inquired as to whether there are any local law prohibitions on the University's ability to hire local nationals in the foreign country for the type of proposed activity?
- For what types of positions and at what rate of compensation?
- What employer registration requirements are applicable, including registrations for local tax withholding, retirement, social security, health and other benefits?
- How will local hires be paid – e.g., through a local payroll, direct deposit, international wire?
- How will required deductions and remittances for local payroll be handled and what reporting systems will be needed?

Checklist 6-Employees- Expatriates (U.S. based or 3rd party nationals)

- Will the activities require the hiring of expatriate staff (U.S. or third country nationals)?
 - If yes, for what types of position and at what rate of compensation?
- If yes, what employer registration requirements are applicable, including registrations for local tax withholding, retirement, social security, health and other benefits?
- How will expatriates be paid – e.g., through a U.S. bank account, local payroll, direct deposit?
- How will required deductions and remittances for payroll be handled and what reporting systems will be needed?
- What work authorization or visa will be necessary for proper employment and immigration status in country?

Checklist 7-Visas

- What types of entry and/or exit visas do students, faculty, and/or other University employees need to have apply for in order to travel abroad in order to participation in the international program for the intended period of time?
- How long does the visa application process take, and what are the fees?
- Does the student, faculty, and/or University employee need to name a sponsoring organization other than the University?

Checklist 8-Taxation

Corporate Income Tax:

- Based on the local registration status of University and University's U.S. tax-exempt status, will University have any obligation to report on its activities to local income tax authorities?
- If yes, what local taxes is the University's activity subject to?
- Do University's activities in the local country trigger a permanent establishment?
- What are the rates of the applicable various levels of local taxes?
- How will the University pay the local taxes?
- How frequently do the local taxes need to be paid (e.g., annually, quarterly, monthly) and who will prepare the required filings?
- Will tuition revenues in the United States be considered gross revenue to the University derived from local activities and therefore subject to local corporate income tax regime (absent a local exemption)?
- Will any of the University's activities abroad trigger Unrelated Business Tax Income obligations ("UBIT")?

Other Taxes:

- Briefly inventory local tax withholding obligations in each category noting any balance/payment level that may trigger a tax liability, including but not limited to the following:
 - Local Hires;
 - Expatriates (generally subject to local income tax if staying in country longer than 183 days);
 - Independent contractors;
 - Program funds;
 - Rental / leased property;
 - Value Added Tax (“VAT”) and/or Goods and Services Tax (“GST”) paid/refunds; and/or
 - Fringe Benefits paid in-country.

Checklist 9-Banking and Financial Management

- How will the proposed activities be funded?
- Has a program budget been prepared and internally approved?
- What is the average annual program expenditure?
- Will a bank account be required to the program abroad?
 - If yes,
 - Which bank will be selected (e.g., local bank or multinational bank)?
 - Who should be the signatories on this account?
 - What University funds will stay in the foreign country and what funds will be sent back the U.S.?
 - How frequently will funds transfer occur back to the U.S.?
 - How will the funds transfers be conducted?
 - If no, what alternative cash safekeeping/management strategies are in place?
- FIU approvals may be required (including FIU BOT resolution to allow for the bank account and approval of the authorized signatories).
- Who will be primarily responsible for program record-keeping and account reconciliation?

Checklist 10 - Research

Anyone who wishes to pursue an international research sponsored project should contact Dr. Susan Webster, Director of the Training and International Research Initiative Unit of the Office of Research and Economic Development (“ORED”). Dr. Webster may be reached at 305-348-2349 or via e-mail at websters@fiu.edu.

General questions regarding international research and research compliance can be directed to Ms. Diana Firvida-Oliva, Director of Research Programs at Diana.Oliva@fiu.edu or 305-348-2494.

Some general considerations include:

- Determine if funding should be added to the proposed budget for the international project for items such as: local counsel fees, VAT payments that may be required for in country purchases, additional personnel costs for any in-country hires in light of human resources laws of the country involved, housing costs for in-country personnel, insurance that may need to be purchased in-country (e.g., if vehicles are to be purchased or space leased). Project sponsor may not allow all costs, however, to be charged.

- ❑ Faculty should be aware that, if a local legal entity must be established to do business in-country (along the lines of a NGO), it may take time to have such an entity set up. ORED and OGC would work with local counsel to have that entity created. The project principal investigator (“PI”), however, should be aware that until the entity is registered, the project may be delayed because things such as local purchases, in-country hires or leasing of space may not be possible. The project timeline should take those potential time constraints into consideration. Also, FIU policies and procedures will dictate what FIU approval is required to establish the in-country entity.
- ❑ If the project involves human subjects, there may be additional institutional review board (“IRB”) requirements.
- ❑ The Office of Foreign Assets Control (“OFAC”) restricts collaborations with countries that are on the U.S. embargoed or sanctioned list, as well as any entities or persons who are on the restricted parties list.
- ❑ The exportation of research equipment and materials, or the transfer of data and software, from the U.S. to the country of collaboration, or re-exportation or re-transfer from the country of collaboration to another country, may require a license from the U.S. State Department if it is Export Controlled by the International Traffic in Arms Regulations (“ITAR”) or by the Export Administration Regulations (“EAR”). Consult as necessary with the Office of University Compliance and Integrity at (305) 348-2216 or compliance@fiu.edu.
- ❑ Faculty should take into consideration that when the project is concluded, there most likely will be budgetary costs and time requirements for closing down the local office, disposing of any in-country assets, equipment, vehicles, and winding down the employment relationship of any local hires
- ❑ Audits of the local project may be required which may be additional cost. ORED would be involved in determining and setting up the audits.
- ❑ Local government permission may be required for the performance of the project in-country. An agreement (e.g., MOU) may be needed between FIU (or the US government sponsor) and the appropriate local government entity.

Checklist 11-Export Controls

- ❑ Has export control checks been made? In order to determine whether there are any export control issues, please answer the following questions:
 - Will you be transporting or exporting any equipment, materials, software, or technical data that is restricted from distribution or considered to be proprietary?
 - Are any of the items that you will be transporting or exporting either intended, or could be used, for military use or applications?
 - Will you be transferring, exporting or discussing any restricted items or data with foreign individuals, businesses, organizations, or foreign government officials?
- ❑ Have restricted party screenings been conducted on the prospective foreign university partner and/or entity, proposed foreign university signatories and subject areas of proposed collaboration?

Below is a sample list of questions from the Compliance Office regarding international travel:

Where are you traveling?

Are you a citizen or dual-citizen of the country you will be traveling to?

When are you traveling?

What is the purpose of your trip?

What organization or person(s) are you visiting?

Will you receive compensation your travel expenses or other compensation from a foreign sponsor or government?

If “yes,” please specify amount and source.

Please supply a list of items and equipment that you will be taking with you on your travel and state that purpose for each item.

Will you be taking a smart phone, tablet, GPS system, or any computer equipment, including lab tops, and/or any software?

Please describe the computer equipment and software you intend on taking with you.

Do you know whether any software or hardware you are taking is encrypted? (IT Security may be contacting you to ascertain the specifications of the equipment and/or software.)

Have you checked with IT security to determine whether you would need to take a loaned laptop from the IT Department that has been wiped in order to ensure that information or technology that is stored on your personal laptop is not shared while on your trip?

If you will be making a speaking presentation or submitting a paper, please supply the topic(s) and specifics that you will be covering.

Are you planning on providing any type of assistance or service, including consulting services, inspections, evaluations or testing to the entity or government during your travel?

If so, please describe in detail.

Checklist 12-Transportation

- What methods of transportation will be used in connection with the proposed activities?
- Will the University own or control any vehicles used in transporting students, faculty, and/or staff?
- Will there be any recurring transportation arrangements with local companies to provide transport for students, faculty and/or staff?
- If yes, will agreements need to be signed with local companies and how will they be paid?
- Have Certificates of Insurance Coverage been obtained from transportation providers? For questions regarding insurance certificates, amounts and coverages, please consult with Ms. Alexis Fernandez, Compliance Analyst of the University Police, via alexis.fernandez6@fiu.edu or 305-348-2626.

Checklist 13-Insurance

- Is the University required to purchase any form of insurance locally for the international activity or program (e.g., property, fire, health for local employees, disability, workers' compensation, etc.)?
- Do the students/participants have appropriate health/medical insurance coverage while in-country?

- What health/medical coverage does the University provide for University employees working outside the United States?
- What types of insurance coverages does the University provide for the proposed activities abroad?
- Will University require a formal release and/or liability waiver from participants before permitting them to participate in the program?
- For questions regarding insurance, consult with Mr. Alex Fals, Insurance Coordinator of the Analysis, Assessment, and Risk Management Department, at 305-348-6970 or Alexander.Fals@fiu.edu.

Checklist 14-Health and Safety

- Does the proposed program involve any abnormally dangerous activities and/or the handling of potentially dangerous or unstable substances?
- Are there any abnormally dangerous conditions at the program/activity site (including excursion, homestay and rural visit sites), such as terrorism, unusually high crime rates, potential for sexual harassment, unique risks for disease, unsafe blood supply, civil unrest, etc.?
- Are there any travel alerts and/or warnings issued by the U.S. Embassy or Consulate regarding the program/activity site?

Checklist 15-Crisis Management and Communication

- Are all students, participants and expatriate staff advised to promptly register with the local Embassy or Consulate? Alternatively, U.S. citizens are also encouraged to register with the State Department's online program called the Smart Traveler Enrollment Program ("STEP"), available at <https://step.state.gov/step/>.
- In the event of an emergency situation in-country, is there an established written communication procedure for reaching all students, participants and staff and University headquarters?
- In the event of an emergency situation in-country, is there an established written evacuation procedure for students, participants and staff?
- In the event of a medical emergency situation in-country, is there an established written medical emergency plan for all phases of the program activity?
- In the event of an emergency situation involving discrimination and/or assault (e.g. rape), is there a written response plan in place for affected students, faculty and staff?
- For additional questions regarding emergency management, please consult with Mr. Ruben Almaguer, Associate Vice President of Disaster Management and Emergency Operations, at ruben.almaguer@fiu.edu or 305-348-4779.

Checklist 16-BOT and/or BOG Approval

- Will the proposed activity require approval by the FIU Board of Trustees prior to implementation?
- If yes, what is the required process involved for the FIU Board of Trustees approval and the entailed timeframe?
- Will the proposed activity require approval by the Florida Board of Governor's prior to implementation?
- If yes, what is the required process involved for the Florida Board of Governor's approval and the entailed timeframe?

Checklist 17-SACSCOC Notification and/or Approval

- Will the proposed activity trigger a substantive change reporting to FIU's regional accreditor, the Southern Association of Colleges and Schools Commission on Colleges ("SACSCOC"), as required under [FIU Policy 350.050](#)?
- Please consult Appendix E regarding the types of changes and the appropriate notification to and/or approval by SACSCOC.
- For additional questions regarding SACSCOC notification and/or approval, please contact Dr. Susan Himburg, Associate Vice President for Academic Planning and Accountability, at 305-348-3233, or via e-mail at susan.himburg@fiu.edu.

Checklist 18-International Compliance

General Compliance Questions

- What federal laws (e.g., Title IX of the Education Amendments, the Violence Against Women Act, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act), if any, apply to the proposed activity abroad?
- Does the proposed activity trigger any reporting requirements under federal laws (e.g., Clery Act)?
- What Florida state laws, if any, apply to the proposed activity abroad?
- Does the proposed activity trigger any reporting requirements under Florida state laws?
- Does the proposed activity trigger any international compliance requirements under local laws?
- Consult with the Office of the General Counsel and the Office of University Compliance and Integrity as necessary for additional guidance.

FCPA Compliance

- Does the proposed activity trigger any red flags under the U.S. Foreign Corrupt Practices Act ("FCPA")? Please refer to Appendix F for a guidance prepared by the University Compliance that presents a general overview on the FCPA.
- Review the University's expense and travel policies.
- Seek guidance before giving anything of value to a foreign official.
- Pay lodging and meal expenses for a foreign official, directly to the vendor providing the service.
- Ensure that stipends are reasonable estimates of expected costs. Do not provide any additional compensation or money to foreign officials
- Do not condition payments on any specific action by a foreign official
- Before engaging third-parties to act on behalf of FIU, conduct due diligence by doing the following:
 - Ask for the names of all individuals that have an ownership interest in the entity and ask specifically whether any of the owners are foreign officials or related to a foreign official.
 - Ask for and check references. You should also research and inquire about whether the 3rd party is knowledgeable about FCPA compliance.
- When to specifically seek guidance from the Office of the General Counsel:
 - To draft or review a contract with the foreign entity;
 - Before making a facilitation payment; or

- If you suspect that you or another representative of FIU has violated the FCPA. (You may also file an anonymous report by accessing the Ethical Panther hotline at <http://www.convercent.com/report/> or by calling 1-844-312-5358 calling if you want to file an anonymous complaint.)
- When to specifically seek guidance from the Office of University Compliance and Integrity:
 - To research a foreign entity or a third party vendor.
 - If you are discussing the receipt or delivery of potential export controlled items.
 - If you need help interpreting an FIU policy.
 - If you have questions regarding FCPA training or policy.

| Matrix for Analyzing Third Party Relationships | | Due Diligence Efforts | | Report Red Flags to the Office of the General Counsel Immediately: | |
|--|---|--------------------------|---|--|---|
| Definition Third Party / Third Parties: Companies or individuals who perform services for or acts on behalf of FIU regardless of the capacity in which the Third Party performs services. Third Party / Third Parties includes: - Subsidiaries; - Distributors; - Intermediaries; - Agents; - Brokers; - Advisors; - Suppliers - Consultants / (sub) contractors - Vendors - Outsourcing partners - Joint venture partners | Due Diligence Prior to agreeing to do business with a Third Party as part of an international initiative, it is important to do your due diligence by asking, verifying the following information about the Third Party. Standard due diligence measures: - Search independent/public sources for information about reputation, including convictions, sanctions - Ask for information about the Third Party's past and present clients - Request identity information to confirm business operations and organization - Request information about whether the Third Party or the Third Party's employees is a Public Official or holds a position with a government, political party, or State-owned enterprise - Obtain input from others about past experience, if any, with the Third Party - Find out whether Third Party has a anti-bribery program Enhanced due diligence measures: - Verify identity (incl. license requirements, legalization documents for legal entities, statement by individual/legal representatives of non-criminal record/non conviction, etc.) - Obtain written comments from the Third Party's past / present clients about the Third Party's ethical behavior to assess bribery risk - Verify the identity of any ultimate beneficial owners | New Relationships | Standard due diligence conducted by FIU business - Third Party is not associated or affiliated directly or indirectly to a government or State agency, political party, Public Official or State-owned enterprise - Third Party does not have convictions or sanctions related to bribery, fraud, or other unethical conduct - Third Party does not outsource the outsourced activity to a (sub) contractor - Third Party is not located in a high risk country* - Third Party is / was associated with well-known and respected clients - (criteria for periodic review) Monitoring illustrates that Third Party is adhering to FIU standards (stated above) | Enhanced due diligence conducted by Univ. Compliance Office. and/or Office of General Counsel - Third Party is associated or affiliated directly or indirectly to a government or State agency, political party, Public Official or State-owned enterprise - Third Party has convictions or sanctions related to bribery, fraud, or other unethical conduct - Third Party plans to outsource the activity to another / different (sub) contractor or Third Party - Third Party is located in a high risk country* - Third Party is / was associated with clients with a low reputation - (criteria for periodic review) Monitoring illustrates that Third Party is not adhering to FIU standards | High Risk indicators <input type="checkbox"/> Red Flags - Requests for anonymous payments, such as checks made out to “bearer” or “cash”; - Shell companies created to receive revenues and facilitate transactions; - Requests to backdate or alter invoices; - Requests for unusually large credit lines for new clients, unusually large bonuses or similar payments, or substantial and unorthodox up-front payments; - Unusual payments made in a country with a history of corruption*; - Last minute requests for additional or surprise fees or commissions; - Suggestions that a sum of money will “fix” a problem; - Lack of transparency in expenses and accounting records |
| | Periodic Review | | | | |

| Third-Party Backgrounds | | | | |
|--|--|---|---|---|
| Identified to be a Public Official or to have a link to government agency, political party, Public Official or State-owned enterprise | | Standard due diligence: Request information regarding government relationship and advise Univ. Compliance Office. | Enhanced due diligence: Univ. Compliance Office and Office of General Counsel will review and assess risk | Enhanced due diligence. Contract may be terminated |
| Residence/registration/Business activity in a High Risk Country* | | Standard due diligence: Contact Univ. Compliance Office for recent list of high risk countries | Enhanced due diligence: Univ. Compliance Office will review and assess risk | Enhanced due diligence: Applicable if Third Party has set up operations in a high risk country after the initial contract was executed |
| Third Party is likely to come into contact with Public Officials or employees of State-owned enterprises as part of business activities for FIU | | Standard due diligence: Inquire about interaction between Third Party and Gov. and advise Office of General Counsel | Enhanced due diligence: Office of General Counsel will review and assess risk | Enhanced due diligence: Review scope of work and understanding about interaction between Third Party and Gov. |
| Third Party has criminal conviction or sanction for serious crimes, such as financial or economic crime, corruption, etc. | | Unacceptable risk | Unacceptable risk | Contact Office of General Counsel to discuss applying termination clause |
| Third Party's business involves complex business ownership structures | | Standard due diligence: Obtain documentation about structure and ownership and advise Office of General Counsel | Enhanced due diligence: General Counsel will review and assess legal risk | Enhanced due diligence: Review scope of work to determine if structure or ownership has changed |
| Third Party is reluctant to provide Identification or appropriate credentials | | Standard due diligence: Inquire about rationale, ask others about Third Party and advise Univ Compliance Office | Enhanced due diligence: Depending on initiative, outside resources may be needed to investigate | Enhanced due diligence: Applicable if ownership has changed |
| Third Party does not have a anti-bribery program | | Standard due diligence: Inquire about how Third Party manages anti-bribery issues and advise Office of Univ Compliance Office | Enhanced due diligence: Depending on the initiative, Office of General Counsel may need to speak with Third Party or representative | Enhanced due diligence: Applicable if you are aware that Third Party has had anti-bribery issues. |
| Third Party requests payment of commission or fees to foreign bank account or in name of another person or Third Party | | Standard due diligence: Inquire as to why the commission or payment to a foreign bank is necessary and advise Office of General Counsel | Enhanced due diligence: General Counsel will review and assess risk | Enhanced due diligence: Inquire as to why the commission or payment to a foreign bank is necessary and advise Office of General Counsel |
| *FIU considers the following countries to be high risk with respect to bribery of Public Officials: Brazil, Russia, India, China, Korea, Mexico, Malaysia, Romania, Bulgaria and Indonesia | | | | |

Checklist 19-General Program Oversight

- ❑ Each program should be assigned both an academic program manager and a financial manager whose role is to provide academic, operational and financial oversight throughout the active term of the program/activity.
- ❑ An academic oversight process should be established to include periodic review by the school/college's dean to ensure that the program remains consistent with University policies and objectives, and that it does not deviate from its original intentions and/or contractual terms.
- ❑ An financial/operational oversight process should be establish to include period reviews of the following (if applicable):
 - Compliance with FIU BOT and FL BOG regulations and policies;
 - Financial targets as per the agreement are being met by both sides;
 - Satisfaction of foreign country regulatory filing and report requirements;
 - Appropriateness of program income, expenses and operational controls;
 - Compliance with foreign laws; and
 - Complete and accurate reporting and recording of financial activities in accordance with University financial accounting policies.

CHAPTER 6. MID-TERM AND END-OF-TERM PROGRAM EVALUATIONS

Mid-Term Program Evaluations

SACSCOC 3.4.7 requires FIU to have in place a process to evaluate academic agreements. The SACSCOC standard stipulates the following:

“The institution ensures the quality of educational programs and courses offered through consortial relationships or contractual agreements, ensures ongoing compliance with the Principles, and periodically evaluates the consortial relationship and/or agreement against the mission of the institution...” (Consortial relationships/contractual agreements)”

While offshore agreements are evaluated by Academic Planning and Accountability (APA) with the collaboration of an external consultant and require a) the preparation of self-studies by academic units and b) visits by the consultant to the offshore program and c) the submission of a written assessment to APA, agreements such as articulation agreements, dual degree agreements, student and faculty exchange agreements and pipeline agreements, undergo an evaluation process mid-point through their duration.

Annually, at the end of the fiscal year, APA notifies a college and/or unit that an agreement needs evaluation in view that the agreement has reached its mid-term duration. While the evaluation is not prescriptive in scope, units are provided a template (**please see Appendix H**) to guide the evaluation of their agreements. The fields indicated in the template can be modified to ensure relevance vis-à-vis the fulfillment of important indicators of success, such as enrollment. The evaluation process facilitates the strategic thinking of the unit in terms of the value of the relationship and results and/or the need to introduce improvements to further enhance the quality of the partnership. The mid-term evaluation serves as a valuable tool to determine whether an agreement should be renewed.

Units are given a semester to submit results of findings to APA.

Evaluation of Agreements and Partners (Sample from College of Business)

When evaluating current partners for mid-point evaluation and potential renewal, we take various factors under consideration, which we have worked into our SACS evaluation procedure.

- First we consider the history of the relationship and overall strategic advantage to FIU (for examples some schools have Dean/Presidential relationships, or important locations and/or rankings where the relationship itself benefits FIU in addition to student mobility and tuition revenue).
- Second we track the student mobility on the agreement in comparison to the number of nominations allowed in the agreement, we report student GPA, graduation, and OPT participation when possible.

- Third we consider business accreditations and rankings the institution holds, thus noting the quality and prestige that relationship with the university also reflects well on FIU.
- Fourth we consider the other agreements and relationships with the university in our unit and other units, as we are careful to factor in the overall relationship. For example, will canceling our agreement damage the relationship the two universities have in other units. Or, could renewing or adding other agreements with the university benefit the overall institutional relationship.

We also make notes and prioritize the overall relationship and any other things that are important to keep in mind when evaluation. Sometimes a university can change, perhaps show sudden interest from students, or have new institutional leadership or rankings/accreditations develop that will change how we evaluate renewal or cancellation. Mid-point and final evaluations help us track these changes in the overall institutional relationship.

Use of Hobson's Radius by the College of Business

FIU COB's Office of International Affairs & Projects took advantage of the Hobson's Radius (<http://radius.hobsons.com/>) license held by COB to manage our international network through their database platform. The Hobson's Radius database is principally used by COB to manage the lifecycle of student prospects, applications, and marketing.

The database allows a high level of customization and creation of fields etc. COB IAP customized the database in order to manage the relationships with institutional partner organizations, the agreements in place with those institutions, and the student activity under the agreements. This has greatly increased our efficiency as a department when managing 75+ institutional relationships, 45-50 which are active in sending and receiving students at any one given time. It also allowed us to move the departmental knowledge of the status of relationships from a purely individual email history or cumbersome manual excel tracking documents, to a live constantly updating database where all members of the department can access and modify the status of an organization, student, or marketing initiative at any time. It also allows us to develop and pull reports on organizations, contacts, and students quickly and at any time for internal and external reporting purposes. See example screenshots of how we use the database attached.

Should you be interested in implementing a similar system for managing your international partnerships and agreements, please contact the Office of Faculty and Global Affairs at ofga@fiu.edu.

APPENDICES

APPENDIX A

U.S. Government Restricted or Embargoed Country List

U.S. Department of State, Directorate of Defense Trade Controls, available at: http://www.pmddtc.state.gov/embargoed_countries/.

U.S. Government Sanctioned Country List

U.S. Department of Treasury, Office of Foreign Assets Control, available at: <http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx#fragment-7>.

Countries with Restricted Entities on the Export Administration Regulations (EAR) Entity Chart

U.S. Department of Commerce, Bureau of Industry and Security, available at: <http://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern/entity-list>.

APPENDIX B

List of International Program Agreement Templates (available via APA Sharepoint)

- Template for International Dual Degree Agreement
- Template for International Pipeline Agreement (Country NOT on Alert List)
- Template for International Pipeline Agreement (Country on Alert List)
- Template of MOU for Country NOT on US Alert List
- Template of MOU for Country on US Alert List
- Template for International Articulation Agreement- Graduate Program (Country NOT on Alert List)
- Template for International Articulation Agreement- Undergraduate Program (Country NOT on Alert List)
- Template for International Articulation Agreement- Undergraduate Program (Country on Alert List)
- Template for International Offshore Agreement – Multiple Cohorts
- Template for International Student and Faculty Exchange Agreement (Country on the Alert List)
- Template for International Student and Faculty Exchange Agreement (Country NOT the Alert List)
- Template for In-Bound Non-Credit Continuing Education Programs
- Template for In-Bound For-Credit Non-Degree Seeking Programs

List of China Agreement Templates (available via APA Sharepoint)

- China Agreement Template for Graduate Articulation Program
- China Agreement Template for Undergraduate Articulation Program
- China Agreement Template for Graduate Dual Degree Program- Inbound and Outbound
- China Agreement Template for Graduate Dual Degree Program- Inbound Only
- China Agreement Template for Undergraduate Dual Degree Program- Inbound Only
- China MOU Template
- China- MOE Waiver Template- Graduate Articulation – Existing Programs
- China- MOE Waiver Template- Graduate Articulation – New Programs
- China- MOE Waiver Template- Graduate Dual Degree – Existing Programs
- China- MOE Waiver Template- Graduate Dual Degree – New Programs
- China- MOE Waiver Template- Undergraduate Articulation – Existing Programs
- China- MOE Waiver Template- Undergraduate Articulation – New Programs
- China- MOE Waiver Template- Undergraduate Dual Degree – Existing Programs
- China- MOE Waiver Template- Undergraduate Dual Degree – New Programs

❖ Please contact Ms. Carolina Zapata at the Office of Academic Planning and Accountability for access to the FIU APA Sharepoint site. Ms. Zapata can be reached at ext. 305-348-6385 or zapatac@fiu.edu.

APPENDIX C

Feasibility Study for Academic Agreements

(Source: - APA *Continuing Education Handbook*)

Agreements governed by Self-Supporting Budgets must follow the procedures outlined in the APA's Continuing Education Manual (<http://universitycollege.fiu.edu/>)

Continuing Education Credit Program Feasibility Study

1. Academic units must obtain approval for a new Continuing Education Credit program from the Provost. A new program must have gone through all of the official approvals before it can be approved as a Continuing Education Credit program. Email will be sent to unit to communicate approval status.
2. A feasibility study must be submitted to OFGA copying APA at least six (6) months prior to the proposed starting date. Based on the Feasibility Study, OFGA (tentative) will make a recommendation on whether to proceed or not with the proposed Continuing Education Credit program. PRODUCT: Feasibility Study.
3. The Continuing Education Credit Program Feasibility study contains the following information:
 - a. Program name/degree
 - b. Department and College
 - c. Faculty Director
 - d. Proposed implementation date
 - e. Program Description including goals and objectives, instructional level and emphasis, targeted population, and partnering institution as applicable
 - f. Program needs assessment (market demand, ROI analysis, and value to the mission of the university, market niche)
 - g. Confirmation from the OPA that programs meet SACSCOC standards.
 - h. If new degree program or new track, confirmation that all university approvals, with dates of approval, have been obtained -Faculty Senate bulletins.
 - i. Curriculum (Program of study – for off-shore agreements)
4. Budget Supporting Information
 - a. Description of how instructional cost was calculated. If self-supporting, budget has to be cost-recovery and thus cannot generate surplus(es). If Market Rate Tuition program, justification of market price must be provided.
 - b. Information on any Shared Services (e.g., marketing, technology, financial management) included in the budget that are charged proportionately to a program. List the Shared Services and the budget for each. Specify the methodology for allocating these Shared Services to the program.
 - c. Description of how marketing and recruitment will be carried out. Specify salaries allocated to these functions or amount paid to 3rd party providing these services. Also specify the amount of funds allocated to direct marketing spend.
 - d. Description of support services to be provided and the salaries allocated to these services.
5. Assessment of impact on programs currently offered. Written confirmation in the feasibility study that program will not supplant E&G funded enrollment in similar program.
6. Space requirements.
7. Faculty names and short CVs.
8. Student learning and program outcomes (e.g., learning goals, student credit hours, degrees, certificates, student satisfaction surveys, job placement, etc.)
9. Start-up funding source, if required.
10. Budget approval by APA.

APPENDIX D

Budget Template

Program Title:

Academic Unit:

Type:

Cohort:.....

Panthersoft Auxiliary Activity Code:

Term:.....

FY:.....

| | Year 1 | | | Year 5 | | |
|--|-----------|-----|-----------|-----------|-----|-----------|
| | Unit Cost | Qty | Sub-Total | Unit Cost | Qty | Sub-Total |
| Course fees per student: Resident | - | | | - | | |
| Program fees per student: Resident | - | | | - | | |
| Course fees per student: Non-Resident/International | - | | | - | | |
| Program fees per student: Non-Resident/International | - | | | - | | |
| Gross Revenue (80% Resident + 20% Non-Resident) | - | | - | - | | - |
| Less Per Credit Hour Student Fees (75.69/101.69) | - | | - | - | | - |
| Less Annual/Semester Student Fees | - | | - | - | | - |
| Total Net Revenue | | | - | | | - |
| Fixed Costs | | | | | | |
| Expense Description | Unit Cost | Qty | Sub-Total | Unit Cost | Qty | Sub-Total |
| Faculty Salaries (Inloads) | | | | | | - |
| Fringe Benefits (Faculty Inloads) | - | | | - | | - |
| Faculty Salaries (Overloads) | | | | | | - |
| Fringe Benefits (Faculty Inloads) | - | | | - | | - |
| Faculty Director AI | | | | | | - |
| Total Faculty Salaries | | | | | | - |
| A&P Salaries | | | | | | - |
| A&P Fringe Benefits | - | | | - | | - |
| Total A&P Salaries | | | | | | - |
| Administration/Staff Development | | | | | | - |
| Faculty Development | | | | | | - |
| Equipment | | | | | | - |
| Photocopies/Duplicating | | | | | | - |
| Supplies | | | | | | - |
| Guest Speaker Costs | | | | | | - |
| Professional Development Seminars | | | | | | - |
| Advisory Board Meetings | | | | | | - |
| Marketing/Advertising Costs | | | | | | - |
| Total Operating Expenses | | | | | | - |
| Shared Services Fee | | 7% | - | | 7% | - |
| Total Fixed Costs | | | - | | | - |
| Variable Costs | | | | | | |
| Expense Description | Unit Cost | Qty | Sub-Total | Unit Cost | Qty | Sub-Total |
| Student Scholarships | | | - | | | - |
| Student Course Materials, Cases | | | - | | | - |
| Student Meals | | | - | | | - |
| Student Events | | | - | | | - |
| Shared Services Fees | | 7% | - | | 7% | - |
| Bad Debt (0.6% of Gross Revenue) | | 1 | - | | | - |
| UC Fee (1% of Gross Revenue) | | 1% | - | | 1% | - |
| AA Fee (10% of Gross Revenue) | | 10% | - | | 10% | - |
| Academic Unit - Fee (35% of Gross Revenue) | | 30% | - | | 32% | - |
| Total Variable Costs | | | - | | | - |
| Unit Variable Cost | | | - | | | - |
| Total Cost | | | - | | | - |
| Surplus | | | - | | | - |
| Breakeven Analysis | | | | | | |
| Contribution Margin | | | - | | | - |
| Breakeven Units | | | | | | |
| Breakeven Revenue | | | - | | | - |

APPENDIX E

**FLORIDA INTERNATIONAL UNIVERSITY
SUBSTANTIVE CHANGE NOTIFICATION PROCEDURE TO MAINTAIN
COMPLIANCE WITH THE COMMISSION ON COLLEGES, SOUTHERN
ASSOCIATION OF COLLEGES AND SCHOOLS**

The Commission on Colleges of the Southern Association of Colleges and Schools requires its accredited institutions to receive prior approval for any substantive change in advance of the implementation of that substantive change. A substantive change is “a significant modification or expansion of the nature and scope of an accredited institution.” ([Substantive Change for Accredited Institutions](#) of the Commission on Colleges, page 1).

The different types of substantive changes, the respective approval/notification requirements, and their reporting time lines are listed in the chart below.

If an academic unit is considering any of the substantive changes listed, the college dean/school director should contact the Vice President for Academic Affairs or designee in writing according to the time frame shown in the chart below. The dean/director should submit a program change that has been approved by the departmental and college curriculum committee, the dean’s/director’s office, and the Faculty Senate. (Depending on the type of substantive change being proposed, the Vice President for Academic Affairs or designee may direct the unit to the Dean, University College, for online programs and assistance with budgets for off-site programs.)

This chart is managed and maintained by the Office of Academic Planning and Accountability, and also available at:

http://apa.fiu.edu/documents/FIU%20Substantive%20Change%20Notification%20Procedure_12-12-14.pdf

Types of Substantive Change

| Types of Changes | Prior Approval Required | Prior Notification Required | Time Frame for Contacting FIU VP Acad. Affairs or Designee | Time Frame for Contacting SACSCOC | Documentation |
|---|--------------------------------|------------------------------------|---|--|----------------------|
| Expanding at current degree level (significant departure from current programs) | Yes | Yes | 9-12 months | 6 months | Prospectus |
| Initiating a branch campus | Yes | Yes | 9-12 months | 6 months | Prospectus |

| Types of Changes | Prior Approval Required | Prior Notification Required | Time Frame for Contacting FIU VP Acad. Affairs or Designee | Time Frame for Contacting SACSCOC | Documentation |
|--|--------------------------------|------------------------------------|---|--|------------------------------|
| Initiating certificate programs ...using existing approved courses | N/A | N/A | Curriculum Bulletin | N/A | None |
| ...at a <u>new</u> off-campus site (previously approved program) | Yes | N/A | 9-12 months | 6 months | Modified Prospectus |
| ...that is a significant departure from previously approved programs | Yes | Yes | 9-12 months | 6 months | Modified Prospectus |
| Initiating other certificate programs--- ...using existing approved courses | N/A | N/A | N/A | N/A | N/A |
| Initiating other certificate programs--- ...at a new off-campus site(previously approved program) | Yes | N/A | 9 months | 6 months | Prospectus |
| Initiating other certificate programs--- | Yes | Yes | 9-12 months | 6 months | Prospectus |
| Altering significantly the educational mission of the institution | Yes | N/A | 9-12 months | 6 months | Prospectus |
| Initiating joint or dual degrees with another institution: (See: "Collaborative Academic Arrangement: Policy and Procedures.") Joint programs | | | | | Copy of signed agreement and |

| Types of Changes | Prior Approval Required | Prior Notification Required | Time Frame for Contacting FIU VP Acad. Affairs or Designee | Time Frame for Contacting SACSCOC | Documentation |
|---|--------------------------------|------------------------------------|---|--|---|
| <ul style="list-style-type: none"> - with another SACSCOC accreditation institution. - With an institution not accredited by SACSCOC <p style="text-align: center;">Dual Programs</p> | No Yes No | Yes Yes Yes | 6 months 9-12 months 6 months | Prior to implementation 6 months Prior to implementation | contact information for each institution Prospectus Copy of signed agreement and contact information for each institution |
| <p>Initiating Off-campus Sites...</p> <p>...Student can obtain 50 percent or more credits toward program</p> | Yes | N/A | 9-12 months | 6 months | Prospectus |
| <p>Initiating Off-campus Sites...</p> <p>...Student can obtain 25-49 percent of credits toward program</p> | NA | Yes | 9-12 months | Prior to Implementation | Letter of Notification |
| <p>Initiating Off-campus Sites...</p> <p>...Student can obtain 24 percent or fewer of credits toward program</p> | N/A | N/A | N/A | N/A | None |
| Expanding program offering at previously | | | | | |

| Types of Changes | Prior Approval Required | Prior Notification Required | Time Frame for Contacting FIU VP Acad. Affairs or Designee | Time Frame for Contacting SACSCOC | Documentation |
|--|--|------------------------------------|---|---|---|
| approved off-campus sites. ...Adding programs that are <u>significantly</u> different from current program at the site. | N/A | N/A | N/A | N/A | N/A |
| ...Adding programs that are NOT significantly different from current programs <u>at the site</u> | N/A | N/A | 3 months | N/A | N/A |
| Altering significantly the length of a program | Yes | N/A | 9-12 months | 6 months | Prospectus |
| Adding a combination degree program that reduces the hours needed to complete the combined degrees (e.g. combination baccalaureate & Master's degree) | Yes | N/A | 9-12 months | 6 months | Provide details on both programs of study and justify and deviation from Core Requirement 2.7.1 or its interpretation |
| Initiating distance learning... ...Offering 50 percent or more of credits toward program (Subsequent programs do not need reporting unless they are <u>significant departures</u> from initially approved program(s)) | FIU has achieved SACCOC approval for distance learning | N/A | Upon Implementation | FIU updates lists annually in June to keep SACSCOC abreast of these offerings | N/A |

| Types of Changes | Prior Approval Required | Prior Notification Required | Time Frame for Contacting FIU VP Acad. Affairs or Designee | Time Frame for Contacting SACSCOC | Documentation |
|---|--------------------------------|------------------------------------|---|--|---|
| Initiating distance learning... ...Offering 25-49 percent of credits toward program | No | No | Upon Implementation | N/A | N/A |
| Initiating distance learning... ...Offering 24 percent or fewer of credits toward program | N/A | N/A | N/A | N/A | None |
| Initiating programs/courses offered through contractual agreement or consortium | N/A | Yes | 3 months | Prior to implementation | Letter of notification and copy of signed agreement |
| Entering into a contract with entity not certified to participate in USDOE Title IV programs ...if the entity provides 25% or more of an educational program offered by the SACSCOC accredited institution | Yes | N/A | 9-12 months | 6 months | Prospectus |
| ...if the entity provides less than 25% of an educational program offered by the accredited institution | N/A | Yes | 9-12 months | Prior to Implementation | Copy of the signed agreement |

| Types of Changes | Prior Approval Required | Prior Notification Required | Time Frame for Contacting FIU VP Acad. Affairs or Designee | Time Frame for Contacting SACSCOC | Documentation |
|--|--------------------------------|------------------------------------|---|--|--|
| Initiating a merger/consolidation | Yes | Yes | 9-12 months | 6 months | Prospectus Due Dates: April 8 or September 15 |
| Changing governance, ownership, control, or legal status | Yes | Yes | 9-12 months | 6 months | Prospectus Due Dates: April 8 or September 15 |
| Relocating a main or branch campus | Yes | Yes | 9-12 months | 6 months | Prospectus |
| Moving an off-campus instructional site (serving the same geographic area) | No | Yes | 3 months | Prior to implementation | Letter of notification with new address and starting date |
| Initiating degree completion programs | Yes | N/A | 9-12 months | 6 months | Prospectus |
| Closing a program, approved off-campus site, branch campus, or institution -Institution to teach out its own students | yes | Yes | Immediately following decision to close | immediately following decision to close | Description of teach-out plan included with letter of notification |
| Closing a program, approved off-campus site, branch campus, or institution -Institution contracts with another institution to teach-out students (Teachout Agreement) | Yes | Yes | Immediately following decision to close | Immediately following decision to close | Description of teach-out plan, copy of signed teach-out agreement detailing terms included with notification |

| Types of Changes | Prior Approval Required | Prior Notification Required | Time Frame for Contacting FIU VP Acad. Affairs or Designee | Time Frame for Contacting SACSCOC | Documentation |
|---|--------------------------------|------------------------------------|---|--|----------------------|
| Acquiring any program or site from another institution | Yes | Yes | 9-12 months | 6 months | Prospectus |
| Adding a permanent location at a site where the institution is conducting a teach-out for students from another institution that is closing | Yes | Yes | 9-12 months | 6 months | Prospectus |

Last updated December 12, 2014

APPENDIX F

Foreign Corrupt Practices Act (FCPA) Guidance

Prepared by the Office of University Compliance & Integrity

The Purpose of this Guide

This guide is to help FIU employees, faculty, and staff (collectively referred to as "Representatives") understand how to comply with the United States Foreign Corrupt Practices Act ("FCPA" or the "Act") when conducting business on behalf of FIU. This guide serves as a preventive tool to assist Representatives in recognizing and avoiding potential conflicts and violations of the FCPA.

FIU is committed to complying with all applicable laws everywhere FIU conducts business. As a result, FIU Representatives should become familiar with this Guide, particularly given the complexity and high stakes of FCPA compliance.

If Representatives have any questions or concerns regarding activities under consideration or the interpretation of the law, they should seek clarification from the Office of University Compliance and Integrity, or from the Office of the General Counsel.

Understanding the FCPA

The FCPA establishes both anti-bribery prohibitions and accounting reporting standards. While the accounting reporting standards are not applicable to FIU because we do not list securities, the anti-bribery provisions are applicable. In general, the FCPA makes it unlawful for (1) U.S. Corporations to bribe foreign government officials, and (2) foreign corporation and persons, directly or through agents, to engage in an act of furtherance of the corrupt payment to take place in the United States and its territories.

FCPA applies to FIU

Although the anti-bribery provision references U.S. Corporations, the FCPA applies to all "domestic concerns" and their officers, employees, and agents. (A "domestic concern" under the statute includes U.S. based non-profits, NGOs, and educational institutions.) Because FIU is a U.S. educational institution, the FCPA applies to all Representatives and operations worldwide, regardless of location or nationality.

Activities prohibited by the FCPA

The anti-bribery section of the FCPA makes it a crime to pay or offer to pay anything of value, directly or indirectly, to any non-U.S. official, non-U.S. political candidate or anyone acting on behalf of a public international organization to obtain or retain business or gain an improper business advantage. To violate the FCPA, something of value does not necessarily have to change hands. An offer, a scheme or promise to pay or give something of value (even in the future) may constitute a violation.

In simple terms, you should begin by assessing whether you are doing any of the following:

- Am I giving or offering money or anything of value either directly or indirectly to a "foreign official"?

- If so, is my intent to influence, obtain or retain business, or obtaining an improper business advantage?
- Is my offer to give something of value in connection with a business transaction?

If you answered yes to any of these questions, you should immediately seek guidance from the Office of University Compliance and Integrity or the Office of the General Counsel.

How a “foreign official” is defined by the FCPA

A “foreign official” is defined very broadly under the FCPA. The official can be an employee or agents of a foreign government; an official need not be high-ranking. If the person that you are dealing with fits into one of the following categories, they are considered a “foreign official.”

- Administrators and faculty at foreign state universities
- Advisors to ministries, government agencies or government officials
- Members of government committees or panels
- Healthcare professionals at government-owned or controlled hospitals
- Employees of a public international organization (such as the World Bank); and
- Members of a royal family.

While the FCPA directly addresses payments made to assist an individual or an organization in obtaining or retaining business or directing business, the US Department of Justice expands illegal payments to include payments made to reduce customs duties, income taxes, sales taxes, or to collect an outstanding debt are prohibited by the FCPA.

How “anything of value” is defined by the FCPA

“Anything of value” is broadly construed and may include cash payments, non-cash gifts or other benefits. Below are a few examples:

- Travel, meals, entertainment or gifts, including for friends or relatives of a foreign official.
- Training, scholarships, and internships.
- Employment (e.g., paid internships for the child of a foreign official or a relative of a foreign official).
- A promise to use certain vendors or intermediaries (e.g., a vendor owned or selected by a foreign official).

- A conference and event scholarships.
- Charitable donations

How “Business Transactions” are defined by the FCPA

Any agreement to enter into a direct or indirect relationship with a foreign official could potentially constitute a bribe under the FCPA. The following examples illustrate the definition of "conducting or doing business" with a foreign official:

- Entering into a joint venture with a foreign official’s company.
- Hiring a foreign official as a consultant.
- Awarding a contract or subcontract to an official's company.
- Paying unreasonable fees for legitimate services provided by a foreign official.

Permitted payments under the FCPA

Money paid to conduct business is permissible under the FCPA.

- Business-related payments (e.g., travel expenses for a factory visit).
- Payments deemed lawful under written law of the country.
- Payments to ensure the safety of an organization’s Representatives.
- Fees to obtain a permit, licenses, or other documents needed to do business in the country.
- Facilitation payments to low-level officials to expedite or secure services deemed as “routine government actions,” including:
 - Fees to expedite the processing of governmental papers, such as visas and work permits.
 - Payments to provide police protection and mail pick-up and delivery, schedule inspections associated with contract performance or inspection related to transit of goods across the country.
 - Payments for phone service, power and water supply, loading or unloading of cargo, or protecting perishable products or commodities from deterioration.

BEWARE: It is important to note that, although facilitation payments are legal under U.S. law, they are illegal under the laws of some countries; therefore, FIU does not support

Representatives making facilitation payments unless a determination has been made that the payment is legal. Consult with the Office of University Compliance and Integrity if you are unsure whether a payment is legal.

Hosting a foreign official

If you are hosting a foreign official on behalf of FIU, it may be appropriate to pay for reasonable expenses related to lodging and dining expenses, so long as paying the expenses are not done to improperly influence the foreign official. Also, the University Travel Expense policy must be followed.

Your responsibility to inquire

Under the FCPA, Representatives may be liable for payments made to a foreign official by a third party, such as a consultant, contractor, joint venture partner, or representative. Liability may be imposed not only when the organization knew of the illegal transaction but also when it should have known that violations may have occurred. In other words, failing to do due diligence is not a defense.

Be aware of “Red Flags”

As a Representative of FIU, if you observe a “Red Flag,” and you are timely in notifying the Office of Compliance and Integrity or the Office of the General Counsel, we can work together to resolve or address some of the risks associated with doing business with an entity that may be considered high risk based on the FCPA.

- Is there is a history of corruption in a particular country?
- It is a cultural norm within the country to offer gifts in business dealing?
- Does the entity engage in high levels of government interaction?
- Are representatives of the entity unwilling to enter into a contract or provide proper certifications?
- Is there a relationship between agent/business partner and foreign government officials?
- Is the foreign official asking for a high commission or fee?
- Are you being asked to make a charitable or a political contribution to an organization owned by the government official or his/her relatives
- Are you doing business in a country where major businesses are partially or wholly state-owned or state-controlled?
- Are you being asked to pay a commission to a third party in cash or untraceable funds?

Possible consequences for violating the FCPA

FCPA enforcement is on the rise in the US. There are both civil, and criminal sanctions and both the entity and individuals may receive criminal and civil penalties.

Business entities are subject to a fine up to \$2 million dollars per violation.

Representatives can face fines up to \$250,000 and 5 years imprisonment per violation. For both business entities and individuals, a civil action for a fine of \$10,000 may be levied for violations.

For both business entities and individuals, a court may impose an additional fine not to exceed the greater of (i) the amount of gain as a result of the violation or (ii) a specified dollar amount.

APPENDIX G

Faculty/Staff International Travel Checklist

PLANING: Steps to take in preparation of your journey

1. University Offices to Consult

- **Consult FIU Travel Desk – you must have a Travel Authorization**

[http://finance.fiu.edu/controller/Docs/Travel and Other Expenses Manual.pdf](http://finance.fiu.edu/controller/Docs/Travel%20and%20Other%20Expenses%20Manual.pdf)

- **Consult with the Division of Research if traveling on a sponsored project – Post-Award must pre-approve the Travel Authorization.**

<http://policies.fiu.edu/files/358.pdf>

- **Consult with the Office of Study Abroad if it involves a study abroad program –** (Tel.:(305) 348-1913; EMAIL: edabroad@fiu.edu, Address: MMC Campus in PC 113).

<https://internationalprograms.fiu.edu/wp-content/uploads/sites/33/2014/08/OSA-TRAVEL-AUTHORIZATION-GUIDELINES-2014-2015-final.pdf>

- **Consult with the Risk Management Office concerning insurance and other aspects of international travel** (Tel. 305-348-6970; EMAIL: fals@fiu.edu).

[http://facilities.fiu.edu/AARM/AARM Docs/Info for International Travel.pdf](http://facilities.fiu.edu/AARM/AARM_Docs/Info_for_International_Travel.pdf)

- **Consult the Travel Medicine Program and Clinic two months prior to travel – for pre-travel assessment/needed vaccinations (and post-travel treatment after arrival)** [Tel.: 305-FIU-DOCS (348-6327)]

<http://hcn.fiu.edu/resources/programs/travel-medicine/index.php>

- **Consult with the Compliance Office concerning Export Controls**

<https://compliance.fiu.edu/>

2. Access Information from/ Register with the U.S. State Department

- Read the [Consular Information Sheet and Public Announcements](#) for your country and Travel Warnings so you know which areas to avoid.
<http://travel.state.gov/content/passports/english/alertswarnings.html>
- Check the [Department of State's Tips for Traveling Abroad](#) so you're aware of their various services, including their victim assistance program.
- [Register with the U.S. Embassy](#) in the country you'll be visiting so the U.S. government is aware of where you are. <http://travel.state.gov/content/passports/english/go/step.html>
- Become knowledgeable of the culture of the country you are visiting to learn about typical behavior and become aware of unacceptable behavior. Know the laws of the country you are visiting. <http://travel.state.gov/content/travel/english.html>

3. Documents you may need

- Passport: Check the expiration date of your passport. It's preferable (and sometimes required to obtain visas) that your passport be valid for six (6) months after your travel concludes. If your passport meets this requirement, color photocopy your passport, visa (if stamped in your passport). Take two pictures with you in the event your passport is lost. If you need to renew or obtain a passport, access this link:
<http://travel.state.gov/content/passports/english/passports.html>
- Visas: While many countries do not require American citizens to apply for a visa, others like Brazil and China do. Consult the embassy or consulate of the country you are visiting to determine whether you will be required to obtain a visa to enter the country. Additionally, if you have connecting flights, check with your airline on whether a transit visit is required by the country (ies) you will pass through en route to your destination.
- Copy all your credit cards (front and back) and IDs; leave a copy home; take a copy with you abroad. You need all the contact numbers in case you have to cancel the cards.
- Make an Identification and Emergency Contact Card with information that will be helpful in the event of an emergency. Leave a copy of that card with your department and, if traveling under a sponsored project, with the Division of Research.

4. Other matters to consider

- Get medical and dental exams before departure.
- Ask your health insurance carrier to determine whether you will have coverage abroad. To obtain travel insurance, consult the Office of Study Abroad or the Risk Management Office (see links above). If traveling on a sponsored research project, consult the Division of Research (see link above).
- If you are on medication, check with your insurance company and your doctor to see if you can fill your current prescriptions so that you can take a supply for the entire time

you will be abroad, or determine how you will get your prescriptions filled while you are abroad.

- If you have a medical condition, get a letter from your doctor describing your condition(s) and generic names of prescription drugs.
- Leave medication in their original containers.
- You may want to insure any valuable items (camera, laptop, jewelry) that you'll be taking abroad.
- Become familiar with the policies of your phone carrier and options available for international phone calling, texting, and emailing.

ON-SITE

- Be vigilant of your surroundings and those around you.
- Become familiar with the procedures for obtaining emergency health and law enforcement services in the host country.
- If there is a natural disaster or terrorist event, contact the program, your family and your friends so they know you're alright. Follow instructions from the local authorities regarding appropriate activities in the aftermath of an event.
- Keep receipts and view and complete forms required to obtain travel expense reimbursement, as applicable.

COMING HOME

- Be aware of customs and quarantine by accessing the following links:
<http://customs.gov.au>
<http://daff.gov.au/biosecurity>

APPENDIX H – MIDTERM PROGRAM EVALUATION TEMPLATE (APA)

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T |
|---|---|------|----------------|-------------|---------|-------------|-------------------|-----------------|---------|---------------------|--|---|-----------------|---|---|--|-----------------------------------|---------------------------------------|---------------------------------------|------------------|
| 1 | 2016 Evaluation of Agreements (Midpoint Alerts generated INSERT DATE) | | | | | | | | | | | | | | | | | | | |
| 2 | Update | Unit | Signature Date | Institution | Country | Degree Type | Type of Agreement | Expiration Date | Alerted | Midpoint Evaluation | Number of Students Accepted Into Program | Program Completion rate (Percentage of students who have graduated) | GPA of Students | Fulfillment of max nominations in agreement | Number of Graduates participating in OPTs | Prestige of the University | | Agreements with other FIU Departments | Includes multiple dual degree options | Notes/Evaluation |
| 3 | | | | | | | | | | | | | | | | Rankings of three sources (if available) | International Accreditations Held | | | |
| 4 | | | | | | | | | | | | | | | | | | | | |
| 5 | | | | | | | | | | | | | | | | | | | | |
| 6 | | | | | | | | | | | | | | | | | | | | |
| 7 | | | | | | | | | | | | | | | | | | | | |
| 8 | | | | | | | | | | | | | | | | | | | | |

❖ Please contact Ms. Carolina Zapata at the Office of Academic Planning and Accountability for the most up-to-date version of this template in an excel format. Ms. Zapata can be reached at ext. 305-348-6385 or zapatac@fiu.edu.