



Full Board
June 15, 2023
FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

MINUTES

1. Call to Order and Chair's Remarks

Board Chair Dean C. Colson convened the meeting of the Florida International University Board of Trustees at 2:43 PM on Thursday, June 15, 2023.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Dean C. Colson, *Board Chair*; Roger Tovar, *Board Vice Chair*; Cesar L. Alvarez (*Zoom*); Deanne Butchey; Carlos A. Duarte (*Zoom*); Alan Gonzalez (*Zoom*); Francis A. Hondal; Natasha Lowell; Gene Prescott; Chanel T. Rowe (*Zoom*); Marc D. Sarnoff; and Alexander P. Sutton.

Trustee Jose J. Armas was excused.

Board Chair Colson welcomed all Trustees and members of the University administration and the University community accessing the meeting via the webcast. Board Chair Colson also welcomed and introduced Student Government Association President and student Trustee Alexander P. Sutton.

Board Chair Colson shared the Presidential Biographies, *No Ordinary Time*, *Team of Rivals*, *The Bully Pulpit*, by Doris Kearns Goodwin with each member of the Board of Trustees. He also shared with the Trustees, souvenir football helmets, signed by Athletic Director Scott Carr and FIU Head Football Coach Mike MacIntyre.

Board Chair Colson commented on President Jessell's investiture. Board Chair Colson announced that Mr. Adalio T. Sanchez was named chairperson of the FIU Foundation Board of Directors (BOD) and that Mr. Gerald C. Grant, Jr. was named vice chairperson of the BOD. Board Chair Colson pointed out that completion of a Board of Governors (BOG) Trustee Orientation is required for newly appointed and reappointed Trustees. He added that the next BOG Trustee Orientation is scheduled for June 21, 2023 at the University of South Florida. He indicated that attendance at the annual BOG Trustee Summit is required of all BOG-appointed Trustees. He asked Trustees to save the date for the 2023 Trustee Summit, which will be held on November 8, 2023 at the University of Central Florida.

Board Chair Colson recognized Trustee Deanne Butchey's service on the Board, which concludes on July 31, 2023.

2. Public Appearances

At the request of Board Chair Colson, General Counsel Castillo pointed out that there are four (4) registered public speakers. General Counsel Castillo explained that Section 9 of the Board of Trustees Bylaws governs public appearances before the Board of Trustees and sets forth registration procedures, time limits for speakers, and rules of decorum. He commented that, pursuant to Section 9.1 of the Bylaws, a person who desires to be heard on a matter before the Board must register by 11:00 AM on the business day before the subject meeting by completing a public comment form. General Counsel Castillo indicated that as of 11:00 AM on Wednesday, June 14, 2023, a total of three (3) requests to address the Board were received. He noted that the fourth speaker carried over from the prior Board of Trustees meeting. General Counsel Castillo proceeded to call the registered speakers by name in the order in which their respective requests had been received. The following individuals addressed the Board after their names were called:

- Erica Jayne Friedman, PhD, Associate Director, Pride Center, commented on the role of the Pride Center in support of members of the LGBTQ+ community.
- Emily W. Anderson, PhD, Assistant Professor, International and Intercultural Education, urged for the protection of freedoms that enable faculty to produce high impact research that reflects real world problems by using evidence to inform policy and practice.
- Ness Cruz, Vice President, Pride Student Union, spoke against SB 266, shared concerns over FIU's implementation of SB 266, and encouraged conversations with members of the FIU community that may be directly or implicitly impacted by the application of said legislation.
- Marie Alexandra Cornelius, Director, Center for Women's and Gender Studies, commented on FIU offices and centers serving as a safe space where marginalized communities can find support fostering unity within the institution.

Board Chair Colson thanked the speakers for their comments.

3. Foundation Report

FIU Foundation Inc. Board of Directors Secretary Jill M. Granat indicated that the FIU Foundation, Inc. Board of Directors approved the appointment of Dr. Pablo Ortiz as Interim Senior Vice President of University Advancement and Chief Executive Officer of the FIU Foundation, Inc. She remarked on the Next Horizon Capital Campaign and pointed out that, as of June 2, 2023, over \$845M has been raised and \$81.9M has been raised, year-to-date, toward the \$84M fundraising goal for the year. Director Granat commented on the campaign close event. She provided an overview of campaign highlights, including \$305M raised for student success, \$80M raised for scholarships, \$130M raised for research excellence, and 17 new professorships and chairs were established. Director Granat indicated that for the 10 months ended April 30, 2023, \$72.9M in total philanthropy was raised and of that, \$35.2M was received in cash. She commented on the FIU alumni event in Washington, D.C. She reported that as of April 30, 2023, the Foundation's total investment portfolio stands at approximately \$407.4M and on a fiscal-year-to-date basis, the Total Managed Assets returned 6.6% net of fees.

4. President's Report

University President Kenneth A. Jessell commented on the appointments of Ms. Aime Martinez as Senior Vice President of Finance and Administration and Chief Financial Officer and that of Dr. Pablo Ortiz as Interim Senior Vice President and Chief Executive Officer of the FIU Foundation, Inc. President Jessell indicated that the FIU College of Law climbed 38 spots to rank No. 60 among the nation's law schools and No. 3 in the state of Florida, according to *U.S. News & World Report* rankings. He stated that the FIU Herbert Wertheim College of Medicine graduated its 1,000th doctor this spring. President Jessell remarked that, in this year's QS World University Rankings by Subject, the FIU Chaplin School of Hospitality and Tourism Management jumped to second place in the state and continues to maintain its spot as No. 8 among U.S. public research universities and 35th globally. He pointed out that while the official final rankings will not be released until the June meeting of the Florida Board of Governors (BOG), the BOG has posted the 2023 Performance Based Funding Scores and FIU's score of 95 places the University as #1 among the State University System.

President Jessell mentioned that, based on the United Nations criteria for sustainable development goals, FIU ranked No. 2 in the world for impact on Life Below Water, No. 7 for impact on Clean Water and Sanitation, and No. 12 for impact on Life on Land. He added that FIU also ranked top 50 in the world for impact on Affordable and Clean Energy. President Jessell provided updates on University projects under construction, including the Steven J. Green School of International and Public Affairs Building II, Trish and Dan Bell Chapel, Engineering Building Phase I, University City Bridge, and Graham University Center. He indicated that he is contributing, as a one-time gift, \$50,000 to shorten the funding gap related to the Bell Chapel. President Jessell stated that the FIU Foundation, Inc. closed nearly \$850M in the capital campaign.

5. Action Items – Consent Agenda

Board Chair Colson indicated that, in addition to Full Board minutes, the Consent Agenda includes action items AC1 and AC2 recommended for Board approval by the Audit and Compliance Committee, FF2-FF5 recommended for Board approval by the Finance and Facilities Committee, AP1-AP6 recommended for Board approval by the Academic Policy and Student Affairs Committee, and G2-G5 recommended for Board approval by the Governance Committee.

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

- **BT1. Minutes, April 27, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on April 27, 2023.
- **AC1. Approval of the Office of Internal Audit Policy and Charter** - Approve the proposed revisions to the Office of Internal Audit Policy and Charter.
- **AC2. Approval of the Compliance and Ethics Charter for the Office of University Compliance and Integrity** - Approve the proposed revisions to the Compliance and Ethics Charter for the Office of University Compliance and Integrity.

- **FF2. Proposed 2023-24 Appropriated Fixed Capital Outlay Budget/Capital Improvement** - Approve Florida International University's 2023-24 Appropriated Fixed Capital Outlay Budget (pending Governor's approval) and authorize the University President to amend the budget as necessary, consistent with Legislative, Florida Board of Governors' and Florida International University Board of Trustees directives and guidelines.
- **FF3. Request for Approval of Florida International University's 2024-25 Fixed Capital Outlay Legislative Budget Request Consisting of the five-year Capital Improvement Plan** - Approve FIU's 2024-25 Fixed Capital Outlay Legislative Budget Request, consisting of the five-year Capital Improvement Plan and authorize the University President to amend the Legislative Budget Request as necessary, consistent with Florida Board of Governors and Florida International University Board of Trustees directives and guidelines.
- **FF4. Approval of the renewal of a lease agreement with Iskalo Asset Fund LLC for a location at 4600 Main Street, Snyder, New York; and delegate to the University President, or his designee, the authority to negotiate and execute the First Amendment to Lease Agreement on behalf of the University** - Approval of (1) the renewal of a lease agreement for a location for FIU at 4600 Main Street, Snyder, New York; (2) the delegation of authority to the University President, or designee, to negotiate the First Amendment to Lease Agreement; and (3) the delegation of authority to the University President, or designee, to execute the First Amendment to Lease Agreement on behalf of the University and all other documents that may be necessary to effectuate the transactions contemplated therein.
- **FF5. Approval of Contracts greater than or equal to \$3,000,000:**
 - *Apple Goods and Services Resale Exemption with D&H Distributing*
 - *Blanket Purchase Order for Smiley Audio Visual*
 - *Contract PUR-06870 Academic HealthPlans, Inc.*

Pursuant to the Delegations of Authority from the Florida International University Board of Trustees to the University President, as reflected in the Resolution on the President's Powers and Duties approved by the Board of Trustees on March 4, 2019, (i) approve, as listed and described in the Board materials, the University entering into the contracts and purchase orders and/or change orders to the purchase orders and (ii) authorize the University President or his designee to execute, on behalf of the University, the aforementioned contracts and/or purchase orders.
- **AP1. Tenure Nominations** - Approve the Tenure Nominations as specified in the Board materials.
- **AP2. Tenure as a Condition of Employment Nominations** - Approve three (3) candidates for Tenure as a Condition of Employment as specified in the Board materials.

- **AP3. FIU Embrace Education Program Renewal Application to the Center for Students with Unique Abilities** - Approve the FIU Embrace Education Program Renewal Application to the Center for Students with Unique Abilities.
- **AP4. Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code** - Approve the revisions to Regulation FIU-2501 Student Conduct and Honor Code, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors or as a result of the regulation-making process.
- **AP5. Proposed Amendment to Regulation FIU-2505 Alcoholic Beverages** - Approve the revisions to Regulation FIU-2505 Alcoholic Beverages, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors or as a result of the regulation-making process.
- **AP6. Proposed Amendment to Regulation FIU-2506 Academic Program Termination and Temporary Suspension of New Enrollments** - Approve the revisions to Regulation FIU-2506 Academic Program Termination and Temporary Suspension of New Enrollments and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the State University System of Florida Board of Governors or as a result of the regulation-making process.
- **G2. President's Performance and Incentive Goals, 2023-24** - Adopt as the President's goals for the 2023-24 academic year the proposed President's Performance and Incentive Goals, as included in the Board materials.
- **G3. Review to Ensure Consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes** - Confirm, pursuant to the request of the Board of Governors and the Board of Trustees approved FIU Plan for Implementing Civil Discourse Recommendations, that it has conducted, with the assistance of the university administration, a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.
- **G4. Ratification of the Wage Reopener for Fiscal Year 2022-2023 for the 2020-2023 Collective Bargaining Agreement between The Florida International University Board of Trustees (BOT) and Florida Public Employees Council 79, affiliate of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME)** - Ratify the wage reopener for fiscal year 2022-2023 of the 2020-2023 Collective Bargaining Agreement between the BOT and AFSCME.

- **G5. Ratification of the 2023-2026 Collective Bargaining Agreement Between the Florida International University Board of Trustees and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO (Local 713) - Ratify the 2023-2026 Collective Bargaining Agreement (CBA) between the Florida International University Board of Trustees and Local 713.**

6. Action Items

FF1. Proposed 2023-2024 University and Direct Support Organizations Operating Budgets

Board Chair Colson pointed out that the Finance and Facilities Committee engaged in a thorough review of the proposed 2023-24 University and Direct Support Organizations operating budgets. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the FIU 2023-24 University and Direct Support Organizations Operating Budgets, and authorize the University President to amend the budgets consistent with Legislative, Board of Governors' and Florida International University Board of Trustees directives and guidelines.

G1. President's Management Review and Incentive Compensation Award

Board Chair Colson explained that the Governance Committee met to undertake the assessment of President Jessell's accomplishments for the 2022-23 academic year relative to the Board-approved goals and his overall performance. On behalf of the Committee, Board Chair Colson presented the recommended performance rating and incentive compensation award for Board consideration.

A motion was made and unanimously passed by the FIU Board of Trustees granting a "superior" performance rating to President Kenneth A. Jessell for his leadership of Florida International University during the 2022-23 academic year and an incentive compensation award of \$225,000 for President Jessell, in accordance with the employment agreement.

7. Status Reports, Board Committees

Board Chair Colson mentioned that the following Committees met earlier in the day: Audit and Compliance; Finance and Facilities; Academic Policy and Student Affairs; and Governance.

8. Election of Officers

Board Chair Colson commented on completing the first year of his second term as Chair of the FIU Board of Trustees and commended the dedication and commitment of the Board.

Board Chair Colson explained that the Board's Bylaws provide for the Board to elect a Board Chair and Vice Chair, by majority vote, from the appointed members at the last regularly scheduled meeting of the fiscal year. He commented that the new Board Chair and Vice Chair will serve for the next two fiscal years. He opened the floor for nominations of Board Chair. Trustee Natasha Lowell nominated Trustee Roger Tovar for the office of Chair of the Board. Trustee Tovar accepted the nomination and he was unanimously elected. Board Chair Colson opened the floor for nominations of Board Vice Chair. Trustee Marc D. Sarnoff nominated Trustee Carlos A. Duart for the office of Vice Chair of the Board. Trustee Duart accepted the nomination and he was unanimously elected.

Board Vice Chair Tovar commented on the University's accomplishments and also recognized the Board's current and prior leadership. He reiterated the Board's commitment to ensuring inclusion, belonging, and that the University community feels heard. He stated that he will continue to represent FIU in the best way possible.

9. New Business

Board Chair Colson expressed his gratitude to the University and the Board. He recognized the University's world class faculty, administrators, and staff for their hard work and dedication.

10. Concluding Remarks and Adjournment

With no other business, Board Chair Dean C. Colson adjourned the meeting of the Florida International University Board of Trustees Full Board on Thursday, June 15, 2023, at 3:41 PM.