



**Full Board  
September 14, 2023  
FIU, Modesto A. Maidique Campus, Tamiami Hall, Multipurpose Room**

**MINUTES**

---

**1. Call to Order and Chair's Remarks**

Board Chair Roger Tovar convened the meeting of the Florida International University Board of Trustees at 2:05 PM on Thursday, September 14, 2023.

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

Trustees Natasha Lowell and Marc D. Sarnoff were excused.

Board Chair Tovar welcomed all Trustees and members of the University administration and the University community accessing the meeting via the webcast. He recognized and thanked immediate past Chair of the Board of Trustees, Trustee Dean C. Colson. He welcomed Trustees and the University community to Tamiami Hall, the University's newest residence for juniors, seniors, and graduate students. Board Chair Tovar urged the University's leadership to identify funding sources to provide for an on-campus track for track and field athletes, a swimming pool for the swimming and diving program, and address the expansion of the home and visiting team dugouts for women's softball. He noted that earlier in the day, Trustees had the opportunity to see the new commercial kitchen at the Riccardo Silva Stadium.

Board Chair Tovar welcomed and introduced Trustee Yaffa Popack, who was appointed to the FIU Board of Trustees on September 12, 2023 by Governor Ron DeSantis. He noted that Trustee Popack is the cofounder and chairwoman of YMP Real Estate Management and is active in her community. Board Chair Tovar stated that Trustee Popack succeeds Dr. Jose J. Armas on the Board. Board Chair Tovar also welcomed and introduced Dr. Noël C. Barengo, who was elected as Chair of the Faculty Senate at the Senate's September 12, 2023 meeting.

Board Chair Tovar commented on recent highlights, including that the class of 2027 is the largest class of freshmen attending college for the first time (FTIC) in the University's history. He noted that Graham University Center renovations are nearly complete. He indicated that renovations include a new hall of flags representing FIU Panthers and visitors from around the world. Board Chair Tovar remarked on room 170 in AHC2 as an example of how FIU is using technology in the classroom. He stated that the new anatomy lab in AHC2 is under construction and will feature 16 cadaver stations, faculty demonstration table, 98" media displays, and glass boards.

Board Chair Tovar mentioned that this season, the No. 11 FIU men's soccer team will return home to begin conference play on Saturday, September 16, 2023 against the Temple Owls. He commented on the women's soccer win over the Miami Hurricanes. He added that FIU women's soccer's Ithaisa Vinoly was named the Conference USA Women's Soccer Goalkeeper of the Week. Board Chair Tovar mentioned that the men's football team posted a 46-39 victory over North Texas on September 9, 2023 and sophomore running back Kejon Owens ran for three touchdowns and freshman quarterback Keyone Jenkins completed 20 of 32 passes for 291 yards and one touchdown. Board Chair Tovar recognized the hard work of the University's student athletes and urged the FIU community to attend games of those sports now playing. He encouraged the University community to attend the Homecoming game on September 23, 2023.

Board Chair Tovar stated that the University is making progress towards a partnership with Baptist Health South Florida. He pointed out that the 2023 Florida Board of Governors (BOG) Trustee Summit will be held on November 8, 2023 at the University of Central Florida. He noted that while BOG-appointed Trustees are required to attend the annual summits, he urged all Trustees to attend. He shared the Starbucks Been There Series Campus Collection, FIU, ceramic coffee mug with each member of the Board.

## **2. Public Appearances**

At the request of Board Chair Tovar, General Counsel Castillo addressed the public appearance requests. 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 provided an overview of the rules of decorum. General Counsel Castillo 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, September 13, 2023, a total of two (2) requests to address the Board were received. 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:

- Lauryn Howell represented the Young Democratic Socialists of FIU and FIU Free Coalition. She spoke against the proposed new regulation FIU-2508 Post-Tenure Faculty Review. She shared her concerns regarding said regulation, recent House Bill 999, and Senate Bill 256. She referred to the political walkout that was organized by the FIU Free Coalition in April.
- Brian Levine, alumnus and current graduate student, spoke in support of the honorary degree nomination for Mr. David Grutman. Mr. Levine encouraged the Board of Trustees to hold a meeting at the Biscayne Bay Campus (BBC) and encouraged the University's administration to hold a townhall meeting at BBC. He also encouraged the University community to visit BBC and to experience all that it has to offer.

Board Chair Tovar thanked the speakers for their comments.

### **3. Foundation Report**

FIU Foundation Inc. Board of Directors Chair Adalio T. Sanchez remarked on maintaining the momentum of a successful fundraising campaign. He indicated that fiscal-year-to-date, \$13.7M has been raised. Chair Sanchez commented on strategic fundraising plan objectives for the Trish and Dan Bell Chapel, including conducting benchmarking of key interfaith chapels, obtaining ongoing feedback from internal and community stakeholders, appointing a dedicated development officer, and identifying and engaging potential donors. He indicated that, for the 12-month period ended June 30, 2023, \$86.46M in total philanthropy was raised and of that, \$43.86M was received in cash. He pointed out that as of June 30, 2023, the Foundation's total investment portfolio stands at approximately \$415.7M and on a fiscal-year-to-date basis, the Total Managed Assets returned 9.5% net of fees.

### **4. President's Report**

University President Kenneth A. Jessell commented that the class of 2027 consists of a record-breaking 5,300 incoming students, representing 618 high schools across the United States and 55 international schools. He indicated that the total University enrollment for fall 2023 is projected at 55,000 students. President Jessell commented on the Herbert Wertheim College of Medicine White Coat Ceremony. He noted that 121 new medical students were chosen out of more than 6,200 applicants. He provided a highlight of FIU Theatre's 50<sup>th</sup> season offerings.

President Jessell stated that Microsoft Corporation awarded FIU's College of Business a grant to launch the Center for Engaged Management Scholarship where Doctorate of Business Administration students and graduates will provide research-based guidance to businesses. He noted that FIU and the Greater Miami Chamber of Commerce (GMCC) recently launched a survey of South Florida business owners and hiring decision-makers to identify and raise awareness of the challenges they face to meet current and future workforce needs. He commented that six (6) FIU faculty successfully competed for a Fulbright "Scholar Award" and have been invited to teach and research in North Africa, South Asia, South America and Europe during the 2023-2024 academic year. President Jessell remarked that Dr. Stephen Black has been appointed to the Biomedical Research Advisory Council, a group that provides analysis and guidance to the Florida Surgeon General on the direction and scope of the state's biomedical and cancer research programs. He mentioned that FIU scientists discovered the first and only known natural arsenic-containing antibiotic to fight antibiotic resistance.

President Jessell commented that faculty at FIU's College of Engineering and Computing are leading the development of technology to connect smartphones directly to satellites, enabling high-speed internet access without the use of cell towers and communication bases. He remarked on significant funding from the National Institutes of Health (NIH), including FIU's largest NIH award to date, \$19.4M to target HIV, COVID-19, Alzheimer's disease, and childhood cancer among minority populations. President Jessell mentioned that the White House highlighted FIU's cybersecurity workforce training program for veterans and first responders. He added that FIU is one of the 11 institutions in the CyberSkills2Work coalition, an initiative funded by the National Security Agency (NSA). He stated that in the 2023 QS World University Ranking report, the School of Architecture was ranked no.17 for the second consecutive year and among the Top 20 for the third consecutive year among public institutions. President Jessell noted that FIU is the No. 29 university in the nation

and the fourth-ranked public university, according to the America's Best Colleges 2024 rankings published September 6, 2023 by *The Wall Street Journal*. He added that *The Wall Street Journal* also ranks FIU in the top 10 overall, both for social mobility and student experience. He indicated that the rankings were based on student and alumni surveys and student outcomes metrics. President Jessell announced that FIU has once again been named one of the best colleges in the nation to work for by The Great Colleges to Work For® program.

## 5. Action Items – Consent Agenda

Board Chair Tovar indicated that, in addition to Full Board minutes, the Consent Agenda includes action items FF2-FF6 recommended for Board approval by the Finance and Facilities Committee, AP1-AP5 and AP7-AP10 recommended for Board approval by the Academic Policy and Student Affairs Committee, and G1 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, June 15, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on June 15, 2023.
- **FF2. Approval of Self-supporting and Market Tuition Rate College-Credit Programs Annual Report for 2021-22 and 2022-23** - Approval of the Florida International University Self-supporting and Market Tuition Rate College-Credit Programs Annual Report for 2021-22 and 2022-23 in accordance with State University System of Florida Board of Governors Regulation 8.002(4)(c) Self-supporting and Market Tuition Rate Program and Course Offerings.
- **FF3. FIU National Forensic Science Technology Center (NFSTC) Lease Amendment #4** - Approve the delegation of authority to the University President, or his designee, to (1) negotiate the Amendment; and (2) execute the Amendment on behalf of the University, and such other documents that may be necessary to effectuate the transactions contemplated therein for NFSTC.
- **FF4. Bell Chapel Funding Plan** - Authorize the increase in Total Project Budget for the Chapel and East Loop Road Realignment from \$28,545,645 to \$35,861,689 and the delegation of authority to the University President, or his designee, to (1) negotiate and approve on behalf of the Florida International University Board of Trustees (“BOT”) an inter-company loan between FIU and the Foundation; and (2) approve on behalf of the BOT, subject to terms and conditions to be agreed upon by the Foundation and the Foundation Board of Directors, a short-term commercial loan to be taken by the Foundation, either unsecured or secured by irrevocable gifts/pledges made towards construction of the Chapel, with a term not to exceed five (5) years.
- **FF5. Finance and Facilities Committee Charter** - Approval of the proposed revisions to the Finance and Facilities Committee charter.

- **FF6. Approval of Contract greater than or equal to \$3,000,000: Renewal of PUR-03304 with KFORCE Inc for Application Support Specialist** - Pursuant to the Delegations of Authority from the Florida International University Board of Trustees to the University President, as reflected in the Resolution on the President's Powers and Duties approved by the Board of Trustees on March 4, 2019, approve, 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 authorize the University President or his designee to execute, on behalf of the University, the aforementioned contracts and/or purchase orders.
- **AP1. Proposed Amendment to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct** - Approve the proposed amendments to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors or as a result of the regulation-making process.
- **AP2. Tenure** - Approval of the Tenure Nomination as specified in the Board materials.
- **AP3. Tenure as a Condition of Employment Nominations** - Approval of four (4) candidates for Tenure as a Condition of Employment (TACOE) as specified in the Board materials.
- **AP4. 2023 Florida Equity Report** - Approve the Florida Equity Report for the 2023 reporting year.
- **AP5. Textbook and Instructional Materials Affordability and Transparency Annual Report** - Approval of the Textbook and Instructional Materials Affordability and Transparency Annual Report.
- **AP7. Honorary Degree Nomination** - Endorse David Grutman as a recipient of a doctor of laws honoris causa from Florida International University.
- **AP8. Florida International University Institutes and Centers Annual Report** - Approval of Florida International University's Institutes and Centers Annual Report.
- **AP9. Florida International University Institutes and Centers 2023 Evaluations and Evaluation Summary** - Approval of Florida International University's Institutes and Centers 2023 Evaluations and Evaluation Summary.
- **AP10. Updated Exclusion Resolution** - Adopt a Resolution that updates the exclusion of the named members of the FIU Board of Trustees from the requirements for a personnel security clearance.
- **G1. Ratification of the Reopener to the 2021-2024 Florida International University Board of Trustees and the United Faculty of Florida-FIU Collective Bargaining**

**Agreement** - Ratify the reopener to the 2021-2024 Collective Bargaining Agreement between the BOT and the United Faculty of Florida (UFF-FIU).

## **6. Action Items**

### **FF1. Approval of 2023-24 Education and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and Related Certification**

Board Vice Chair and Finance and Facilities Committee Chair Carlos A. Duart pointed out that the Finance and Facilities Committee engaged in a thorough review of the proposed 2023-24 Education and General Carryforward Spending Plan and Fixed Capital Outlay Budget. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the 2023-24 Florida International University (FIU) Education and General (E&G) expenditure plan for carryforward funds in accordance with State University System of Florida Board of Governors (BOG) Regulation 9.007 State University Operating Budgets and Florida Statute 1011.45 End of Year Balance of Funds; approval of the FIU Fixed Capital Outlay Budget in accordance with BOG Regulation 14.003; and authorize the University Chief Financial Officer to certify the unexpended amount of funds appropriated to the University from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund as of June 30, 2023 and the Fixed Capital Outlay budget; and authorize the University President to amend the Florida International University Board of Trustees (BOT) carryforward expenditure plan and fixed capital outlay budget as necessary and report to the BOT and BOG any amendments to the spending plans in a format prescribed by the Chancellor of the BOG.

### **AP6. Proposed Regulation FIU-2508 Post-Tenure Faculty Review**

Academic Policy and Student Affairs Committee Vice Chair Dean C. Colson pointed out that the Academic Policy and Student Affairs Committee engaged in a review of the proposed regulation FIU-2508 Post-Tenure Faculty Review. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the proposed Regulation FIU-2508 Post-Tenure Faculty Review 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.

## **7. Status Reports, Board Committees**

### **Audit and Compliance Committee Report**

Trustee Chanel T. Rowe, Audit and Compliance Committee Chair, provided highlights from the Committee's meeting earlier in the day. She noted that the University's Chief Audit Executive, Mr. Trevor Williams, reported on the recently completed audit related to facilities assessments and deferred maintenance. She indicated that there are seven (7) ongoing audits in various stages of completion and that Mr. Williams provided a follow-up status report on prior audit recommendations. Trustee Rowe commented that Ms. Jennifer LaPorta, Chief Compliance and Privacy Officer, provided updates related to the global risk and foreign influence governance activities, status of training campaigns, and additional process improvements. Trustee Rowe

indicated that, as is mandated by the Committee's Charter, the Committee met with senior management without the presence of the Office of Internal Audit.

### **Finance and Facilities Committee Report**

Board Vice Chair Duart provided highlights from the Finance and Facilities Committee's meeting earlier in the day. He indicated that, in addition to the action item discussed earlier and the items approved as part of the Consent Agenda, the Committee also reviewed and approved the following procurement actions: Google and Meta purchase orders for the College of Business for advertising services not to exceed \$1.4M in auxiliary per fiscal year; HighPoint, a five-year contract for bolt on software modules for PantherSoft Student Information System with a total contract cost is \$2.8M; and Logistics Management Group, Inc. contract to provide management services for the 2024 and 2025 Food Network South Beach Wine & Food Festival presented by Capital One (SOBEWFF®) with estimated costs of \$1.8M and \$2M respectively. Trustee Duart stated that Chief Financial Officer and Senior Vice President for Finance and Administration Aime Martinez presented the financial performance for the fourth quarter of fiscal year 2022-23 and reported that University operating revenues were above budget by \$23.3M or 1.6 percent and that operating expenses were below budget by \$21.5M or 1.5 percent. Trustee Duart remarked that the FIU Bonus Plan Report was included as part of the Committee's agenda materials and certified that bonuses paid during the prior fiscal year have complied with the criteria in said bonus plan and that the bonuses were within the University's budget as approved by the FIU Board of Trustees. He added that said report includes the FIU Board of Trustees required certification and provides the total amount of funds paid for performance, recruitment, retention, and other bonuses as approved in the plan.

### **Strategic Planning Committee Report**

Trustee Francis A. Hondal, Vice Chair of the Strategic Planning Committee, provided highlights from the Committee's meeting earlier in the day. She commented that Provost and Executive Vice President Elizabeth M. Bejar presented information and discussion items related to the new Office of Public Policy events, performance funding metrics, preeminence and rankings, and the Strategic Plan 2030 timeline and process.

### **Academic Policy and Student Affairs Committee Report**

Trustee Colson provided highlights from the Academic Policy and Student Affairs Committee's meeting earlier in the day. He noted that, in addition to the proposed New Regulation FIU-2508 Post-Tenure Faculty Review, the Committee reviewed a number of action items which were approved as part of the Consent Agenda. He commented that, as part of the Committee's standing agenda items, the student and faculty representatives on the Board of Trustees provided updates.

### **External Relations Committee Report**

Trustee Hondal, Chair of the External Relations Committee, provided highlights from the Committee's meeting earlier in the day. She commented that Senior Vice President for Strategic Communications, Government and External Affairs Michelle L. Palacio reported on the ongoing reputation and rankings marketing campaign, division updates, and government and community affairs updates. Trustee Hondal remarked that Sr. VP Palacio reported on a brand refresh transitioning to a new mindset focused on "Forward Thinking – Innovative – Unstoppable". Trustee Hondal stated that the division's strategic priorities are affinity, student recruitment, peers,

and advocacy. Trustee Hondal mentioned that Sr. VP Palacio also shared recent FIU in D.C. successes.

### **Governance Committee Report**

Board Chair Tovar pointed out that while not originally scheduled to meet in September, the Governance Committee met to review the reopener to the 2021-2024 Florida International University Board of Trustees and the United Faculty of Florida-FIU Collective Bargaining Agreement, which was approved as part of the Board's Consent Agenda.

### **8. New Business**

No new business was raised.

### **9. Concluding Remarks and Adjournment**

With no other business, Board Chair Roger Tovar adjourned the meeting of the Florida International University Board of Trustees Full Board on Thursday, September 14, 2023, at 3:07 PM.