



**Full Board
April 27, 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 11:23 AM on Thursday, April 27, 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*; Jose J. Armas; Deanne Butchey; Carlos A. Duart (*Zoom; joined after roll call*); Alan Gonzalez; Francis A. Hondal; Natasha Lowell; Cristhofer E. Lugo (*Zoom*); Gene Prescott; Chanel T. Rowe; and Marc D. Sarnoff.

Trustee Cesar L. Alvarez 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 shared *The Last Lion: Winston Spencer Churchill* trilogy of biographies with each member of the Board of Trustees.

Board Chair Colson welcomed newly appointed Trustees, Alan Gonzalez and Francis A. Hondal. On behalf of the Board of Trustees, Board Chair Colson congratulated Florida Board of Governors Chair Brian Lamb on receiving the prestigious Horatio Alger award. Board Chair Colson recognized Trustee Cristhofer E. Lugo's service on the Board, which concludes on May 2, 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 a.m. on the business day before the subject meeting by completing a public comment form. General Counsel Castillo indicated that as of 11:00 a.m. on Wednesday, April 26, 2023, a total of four (4) 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:

- Kaily LaChapelle, Pride Student Union; Student Government Association - spoke against HB 999 and SB 266
- Jacob-Alexander Chavarria, Free FIU and Young Democratic Socialists of America - spoke against HB 999 and SB 266
- Kirsten Edwards, Assoc. Professor, College of Arts Sciences & Education - spoke against HB 999 and SB 266
- Stacy Frazier, Professor, College of Arts Sciences & Education - spoke against HB 999 and SB 266

Board Chair Colson thanked the registered speakers for their comments. He commented that FIU respects everyone's ability to exercise their rights to express their opinions and have their voices heard. He added that civil discourse embodies the practice of engaging in conversation to seek and foster understanding. He stated that peaceful protests are part of the foundation of the wonderful democracy in which we live. He affirmed to the faculty, students, and staff that their opinions and concerns have been heard. Board Chair Colson remarked on advocacy efforts. He mentioned that FIU can be an exemplar on how to engage multiple stakeholders on complex topics with respect for individuals, the University, state leaders, governing structures, and society as a whole.

3. President's Report

University President Kenneth A. Jessell commented that FIU's College of Business and the Florida Small Business Development Center (SBDC) Network have joined forces to bring local companies a team of highly experienced business experts who offer confidential, no-cost consulting to entrepreneurs and business owners looking to grow their business or to launch a scalable business venture. He remarked that FIU's SBDC received the Small Business Development Center Excellence and Innovation Award from the U.S. Small Business Administration in recognition of its support of small businesses and contributions to the local economy. He stated that FIU has received a \$5M, five-year grant from the William and Flora Hewlett Foundation to support the launch and expansion of interdisciplinary cyber policy programs. President Jessell indicated that, in front of an enthusiastic and sold-out crowd at the Ocean Bank Convocation Center on March 31, 2023, global icon Jane Goodall shared some essential truths that have guided her incomparable life. He mentioned that the University community came together to raise more than \$100,000 to support awareness, research, education, and prevention efforts for two of the leading causes of death in the United States, cancer and suicide.

President Jessell noted that two-time FIU alumnus and Associate Professor of Creative Writing Richard Blanco received the National Humanities Medal for his contributions to American poetry. President Jessell indicated that the Brain, Behavior and the Environment Program at FIU's Robert Stempel College of Public Health & Social Work was selected as one of the premier programs featured in the Society of Toxicology's leadership film series. He mentioned that Saheed Aderinto, Professor of African Studies, was recently awarded the prestigious Dan David Prize, which recognizes outstanding contributions to the study of history and includes \$300,000, the world's largest cash prize in the field. President Jessell stated that FIU's Robert Stempel College of

Public Health & Social Work now ranks No. 15 in the nation and No. 2 in Florida among public schools of public health for research awards granted by the National Institutes of Health (NIH), according to the Blue Ridge Institute for Medical Research's latest rankings. He pointed out that FIU is one of 22 U.S. colleges and universities to be designated a First Scholars institution in 2023 by the Center for First-Generation Student Success.

President Jessell remarked that Elicer Jiménez Almeida, now a Ph.D. student in the Department of Modern Languages in the Steven J. Green School of International and Public Affairs, was invited to compete for the annual "Knight Made in MIA Feature Film Award." President Jessell pointed out that FIU's Academy for International Disaster Preparedness has been recognized as one of the best in the nation for online learning at the master's level by OnlineMastersDegrees.org. He noted that FIU College of Law graduates earned the highest passage rate among all Florida law schools on the Florida bar exam administered in February. He stated that FIU Law surpassed the statewide average passage rate for accredited schools in Florida by 24 percentage points with a first-time passage rate of 72.2%.

President Jessell mentioned that, in the recently released *U.S. News & World Report's* 2023-2024 edition of Best Graduate Schools, FIU's graduate international business program improved its national position to No. 4 and remains No. 2 among public universities. He added that the nursing master's program ranked No. 47 nationally and No. 29 among public universities and the Doctor of Nursing Practice program ranked No. 56 nationally and No. 41 among public universities. President Jessell stated that Public Health ranked No. 67 nationally and No. 42 among public schools and Public Affairs ranked No. 63 nationally and No. 46 among public schools. He pointed out that the overall graduate engineering program also jumped 34 spots to land among top 100 nationally at No. 92 and No. 61 among public universities.

President Jessell commented on FIU's presence at the eMerge Americas tech conference. He remarked on the groundbreaking of the Trish and Dan Bell Chapel, noting that the Chapel will be located on the lake adjacent to the Ronald W. Reagan Presidential House, will be available for rental for life-stage milestones, weddings, and other ceremonial events, and will support over 16 faith-based groups and student clubs by providing a shared space for discovery, meetings, and academic programs. He added that the construction of the Chapel is made possible through the lead \$14M gift of philanthropists Trish and Dan Bell, as well as other notable FIU donors. President Jessell noted that FIU has improved 37 points, from 374 in 2021 to 337 in 2022, in the *Wall Street Journal/Times Higher Education* U.S. College rankings.

4. Action Items – Consent Agenda

Board Chair Colson indicated that, in addition to Full Board minutes, the Consent Agenda includes action items G1 and G3 that have been recommended for Board approval by the Governance Committee. He pointed out that the Consent Agenda was amended to remove Agenda Item G2, 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, from the Consent Agenda.

A motion was made and unanimously passed to accept the Consent Agenda, and members of the

Board approved the following actions:

- **BT1. Minutes, February 23, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on February 23, 2023, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.
- **G1. Approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Health Care Network, Inc.** - Approve the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Health Care Network, Inc.
- **G3. 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.

5. Action Item

SP1. Florida International University Annual Accountability Plan, 2023

Board Chair Colson asked if there were any questions related to the Florida International University Annual Accountability Plan, 2023. Hearing no questions or comments, a motion was made and unanimously passed that the FIU Board of Trustees approve Florida International University's Annual Accountability Plan as provided in the Board materials and delegate authority to the University President to perform finish editing as needed and to amend consistent with comments received from the Board of Governors.

6. Status Reports, Board Committees

Finance and Facilities Committee Report

Board Vice Chair and Finance and Facilities Committee Chair, Roger Tovar, provided a status update. He pointed out that, with respect to the Engineering Building, the Board of Trustees, at its last meeting in February, delegated him with the authority, as the Vice Chair of the Board, to: (1) assist the University administration to negotiate a further amendment to the existing contract with DPR Construction for services in connection with the Engineering I Building, that would provide for an increase to the budget of up to \$9,851,774 to cover construction cost escalations, added infrastructure, design progression, reestablishment of a contingency and other costs associated with said items; to be funded from unrestricted auxiliary treasury funds; (2) provide any required Board approvals for such increase to the budget for this project; and (3) timely report to the Board on the results of such efforts, including whether an amendment between the parties is reached.

Board Vice Chair Tovar indicated that on March 20, 2023, the University finalized negotiations and executed the Third Amendment with DPR Construction for the Engineering Building I project. He added that the total and final Guaranteed Maximum Price (GMP) for the project is \$59,937,800. Board Vice Chair Tovar stated that the resulting increase was \$9,173,131 and is less than the amount presented in February, as FIU was able to negotiate additional savings of \$678,643. He remarked that DPR also agreed to work on repricing as much as possible to be able to realize additional savings and that in the event of savings, any savings in excess of \$100,000 will be split 50/50 with FIU, but the savings shared with DPR will not exceed \$512,800. He further stated that the final

GMP is not subject to any future material or labor cost escalations. Board Vice Chair Tovar noted that certain other terms were also agreed to as part of the negotiations. He pointed out that the total project budget now stands at \$73,880,772. He commented that the next step is to bring the item, which is an amendment to FIU's Fiscal Year 2022-23 Fixed Capital Outlay Budget, to the Board of Governors for that Board's approval.

Board Vice Chair Tovar indicated that, pursuant to Section 5(d) of the Resolution on the President's Powers and Duties previously approved by the Board of Trustees, any purchase greater than or equal to \$1M and less than \$3M requires the approval of the Finance and Facilities Committee (FFC) and thereafter, it must be reported to the Board of Trustees. He added that at the December 3, 2020, FFC meeting, Mr. Leonard Boord, FFC Chair at that time, reported that approval of subaward payments included in research grants would not require prior FFC or Board of Trustees approval and that the University would provide to the FFC on a quarterly basis written notice of these types of transactions. Board Vice Chair Tovar pointed out that, thereafter, Mr. Boord addressed with the administration another type of research-related transaction that should be addressed in a similar fashion, namely, indirect sponsored project funds used to make purchases for sponsored projects. Board Vice Chair Tovar stated that, at the April 21, 2021 FFC meeting, Mr. Boord explained that purchases exclusively using indirect funds would be treated in the same manner as the use of direct sponsored project funds in the subaward context. Board Vice Chair Tovar remarked that following the last Board of Trustees meeting in February, the administration brought to his attention a proposed contract with Aerolab Research Wind Tunnel Inc. (Aerolab) in the amount of \$2,355,682. He further stated that this would be for a national full-scale testing infrastructure for community hardening in extreme wind, surge, and wave events project at the Engineering Center. He mentioned that the funding for said project is being provided by the National Science Foundation (NSF) and would cover the first phase of the project to complete the physical design and necessary equipment. Board Vice Chair Tovar remarked that, after conferring with the administration, it was agreed that said contract should be treated in the same manner as subaward contracts since the agreement was akin to a subaward in certain material respects and that the University could proceed to sign the contract and report it after-the-fact at the next FFC meeting. He noted that the remainder of the project, which is estimated at \$3.7M, will be presented for Board of Trustees approval upon completion of the first phase of deliverables.

Board Vice Chair Tovar referred to the final audited financial statements for the University and Direct Support Organizations issued by the State of Florida Auditor General. He indicated that the University received an unmodified opinion, meaning that the financial statements presented fairly, in all material respects, the respective financial position of FIU and of its aggregate discretely presented component units as of June 30, 2022, and the respective changes in financial position and cashflows. Board Vice Chair Tovar added that the auditors did not identify any deficiencies in internal control over financial reporting considered to be a material weakness or any instances of non-compliance or other matters required to be reported under Government Auditing Standards.

7. New Business

Board Chair Colson commented that over the next few months FIU and Baptist will be negotiating a collaboration agreement. He added that both great institutions working together will improve

health care in South Florida. He stated that the synergy created by the affiliation will forever transform both institutions and south Florida.

8. 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, April 27, 2023, at 12:14 PM.