



**Full Board  
December 7, 2023  
FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

**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 1:35 PM on Thursday, December 7, 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; Natasha Lowell; Yaffa Popack; Gene Prescott; Chanel T. Rowe (*Zoom*); Marc D. Sarnoff; and Alexander P. Sutton.

Board Chair Tovar welcomed and recognized Dr. Jose J. Armas who concluded his service on the FIU Board of Trustees in September 2023. Board Chair Tovar thanked Dr. Armas for his service and contributions to the Board and University.

Board Chair Tovar commented that at its meeting on November 28, 2023, the FIU Board of Trustees approved the strategic affiliation agreement with Baptist Health South Florida. He also shared recent athletics highlights. He commented that FIU Men's Basketball Head Coach Jeremy Ballard, with the team's victory over Long Island University, became the winningest head coach while FIU has competed as a Division I Men's Basketball Program. Board Chair Tovar remarked that FIU Men's Basketball ranks second in the nation in steals per game and turnovers forced per game. Board Chair Tovar added that sophomore Arturo Dean leads the nation in steals per game and earned Player of the Week honors from Conference USA. Board Chair Tovar mentioned that FIU Women's Hoops sophomore Mya Kone was awarded Conference USA Player of the Week accolades on November 27, 2023 after averaging a double-double during the week. Board Chair Tovar stated that FIU swimmer Christie Chue was named the American Athletic Conference Swimmer of the Week in late November, which marked the second time this season Chue was honored as the AAC Swimmer of the Week. Board Chair Tovar further stated that FIU Women's Tennis student-athlete Oyinlomo Quadre earned recognition from Conference USA for her outstanding play in October, receiving the league's Player of the Month award.

Board Chair Tovar highlighted upcoming events, including commencement ceremonies, the Miami Heat FIU Takeover Night, and the 2024 Food Network & Cooking Channel South Beach Wine & Food Festival Presented by Capital One (SOBEWFF®). He shared FIU branded license plate frames 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, December 6, 2023, a total of two (2) requests to address the Board were received. General Counsel Castillo proceeded to call the registered speakers by name. The following individuals addressed the Board after their names were called:

- Joncarlo Ospina represented the Students for Justice in Palestine. He spoke in favor of the Florida Board of Governors Statement of Free Expression. He stated that he represented the concerns of the Palestinian, Arab, and Muslim student communities. He referred to a petition and draft resolution from members of the Student Government Association, which called for a ceasefire in Palestine.
- Noah Fineberg represented the FIU Law Jewish Law Students Association. He also spoke in favor of the Florida Board of Governors Statement of Free Expression. He thanked Board Chair Tovar and University President Kenneth A. Jessell for condemning Hamas' attacks on Israel and for speaking out against the draft resolution (Ceasefire Now) from members of the Student Government Association.

Board Chair Tovar thanked the speakers for their comments.

## **3. Foundation Report**

FIU Foundation Inc. Board of Directors Treasurer Marcel L. Navarro indicated that Senior Vice President for University Advancement and CEO of the FIU Foundation, Inc., Kenneth C. Hall joined FIU on November 13, 2023. Director Navarro commented on the 2023 presidential football suite activation, Lee Chaplin School of Journalism and Media ribbon cutting ceremony, and Stephen M. Fain Faculty Fellows Endowment Fund, Stephen M. and Judith M. Fain Faculty Senate Room, and the Fain Medal Award. Director Navarro provided alumni updates, including the new class reunion model, panthers of the nineties reunion during the past Homecoming, and the second annual 5 Under 35. He indicated that for the four months ended October 31, 2023, philanthropy totaled \$21M and of that, \$8.2M was received in cash. Director Navarro pointed out that as of October 31, 2023, the Foundation's total investment portfolio stands at approximately \$396.3M and on a fiscal-year-to-date basis, the Total Managed Assets returned 4.1% net of fees. He added that the portfolio declined 1.72% in the current month, bringing the one-year return to 7.59% on a three-year basis. He pointed out that the portfolio has returned an annualized 6.3% outpacing the policy index return by an annual 2.09% over the same period. He noted that the market value for the main investment portfolio managed by J.P. Morgan stands at \$374.4M.

#### 4. President's Report

University President Kenneth A. Jessell commented that the University will gather to celebrate student achievement over nine commencement ceremonies where almost 6,000 students will graduate. He indicated that Ph.D. candidate, Cristina Andrade-Feraud, is studying how arsenic causes cancer and hopes to one day be able to reduce the legal limit of arsenic in drinking water. President Jessell commented that three undergraduate business analytic students, Thi Thuy Nga Pham, Vania Arredondo Vera, and Ishel Zain, won first place at the 2023 AIS Software Innovation Challenge for their app, Sireen, that will work with internet of things (IoT) devices connected within forests to deliver updates on conditions like visibility, temperature, and carbon dioxide levels. President Jessell remarked that on September 15, 2023, more than 1,200 hackers from all over the world participated in the 36-hour coding fest at FIU's Biscayne Bay Campus.

President Jessell stated that FIU professor Alexander Agoulnik has been unraveling the mysteries of a specific hormone receptor, known to play a role in the formation of reproductive organs, for over two decades. President Jessell noted that now, Professor Agoulnik and a team of drug discovery scientists identified a method that targets this receptor to help bone-producing cells make more bone, a discovery that paves a path to more effective, easy-to-take treatments for osteoporosis and other diseases associated with bone loss. President Jessell commented on FIU's fall 2023 *Research* magazine, which is a celebration of the achievements of the University's dynamic, dedicated investigators, and students. He stated that FIU will collaborate with other institutions that are leaders in STEM (science, technology, engineering, and mathematics) education in a groundbreaking effort to enhance STEM education and STEM education research within Hispanic Serving Institutions through a \$7M National Science Foundation grant.

President Jessell mentioned that a local barbecue restaurant, Smoke & Dough, recently earned a spot in the *New York Times* list of Top 50 restaurants in the country. He added that owners, Michelle and Harry Coleman, met at FIU in 2005 while both working at the student newspaper. President Jessell remarked that after making it to the American Athletic Conference (AAC) championships, the FIU Men's Soccer team went on to the National Collegiate Athletics Association (NCAA) Tournament. President Jessell commented that the alliance with Baptist Health South Florida builds on years of collaboration between Baptist Health and the Herbert Wertheim College of Medicine and will expand physician training, research, and patient care for the benefit of the South Florida community.

President Jessell indicated that Trustee Gene Prescott received the 2023 South Florida Tourism Professional of the Year Award by the Miami-Dade Public Schools' NAF Academy of Hospitality & Tourism. President Jessell stated that Trustee Chanel T. Rowe was featured on Florida Trend's December 2023 edition as one of only 7 Rising Executives. President Jessell commented that Trustee Cesar L. Alvarez received the 2023 Lifetime Achievement Award from the M&A Advisor, which recognizes his significant contribution to the mergers and acquisitions industry. President Jessell stated that the University is announcing today a \$2.5M gift to the Chaplin School of Hospitality & Tourism Management to establish the Vidal-Duart Wine Studies Program. President Jessell thanked Trustee Carlos A. Duart and spouse Tina Vidal-Duart for their generous support. President Jessell pointed out that this marks the first wine studies program in the country named by a Hispanic family. President Jessell added that the gift will help expand faculty and curriculum, preparing graduates for professions across all sectors of the wine industry.

## 5. Action Items – Consent Agenda

Board Chair Tovar indicated that, in addition to Full Board minutes, the Consent Agenda includes action items FF1-FF3 recommended for Board approval by the Finance and Facilities Committee, AP1 and AP2 recommended for Board approval by the Academic Policy and Student Affairs Committee, and G1-G4 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, July 25, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on July 25, 2023.
- **BT2. Minutes, August 28, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on August 28, 2023.
- **BT3. Minutes, September 14, 2023** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on September 14, 2023.
- **FF1. FIU Direct Support Organizations Financial Audits, FY 2022-2023**
  - A. Florida International University Foundation Inc.** - Accept the Florida International University Foundation, Inc. Financial Audit for the 2022-23 fiscal year and authorize the CEO of the Florida International University Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
  - B. Florida International University Research Foundation Inc.** - Accept the Florida International University Research Foundation, Inc. Financial Audit for the 2022-23 fiscal year and authorize the President of the Florida International University Research Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
  - C. Florida International University Athletics Finance Corporation** - Accept the Florida International University Athletics Finance Corporation Financial Audit for the 2022-23 fiscal year and authorize the Executive Director of the Florida International University Athletics Finance Corp. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
  - D. Florida International University Health Care Network, Inc.** - Accept the Florida International University Health Care Network, Inc. Financial Audit for the 2022-23 fiscal year and authorize the President of the Florida International University Health Care Network, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
- **FF2. Proposed Amendment to Regulation FIU-2201 Purchasing** – Approval of the revisions to Regulation FIU-2201 Purchasing, and delegation of authority to the University

President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors (BOG) or as a result of the regulation-making process.

- **FF3. Approval of Negotiation of Amendment for Contract #PUR-04000 for Grounds Maintenance; Vendor: Aramark Management Services Limited Partnership** – Authorization of (i) the negotiation of an amendment to Contract #PUR-04000 for Grounds Maintenance, including for the initial five year term an increase to baseline services of \$1.9M over the original baseline amount and an estimated increase for additional services of \$1.3M, for an amended total contract amount of \$21M, and (ii) the University President or his designee to execute, on behalf of the University, the contract amendment and all of the documents, and take all actions, that may be necessary to effectuate the transactions contemplated in the negotiation.
- **AP1. Tenure as a Condition of Employment Nomination** - Approval of one (1) candidate for Tenure as a Condition of Employment (TACOE) as specified in the Board materials.
- **AP2. Proposed Amendment to Regulation FIU-412 Undergraduate Admissions** - Approval of the revisions to Regulation FIU-412 Undergraduate Admissions to conform to Florida Board of Governors (BOG) Regulation 6.005, and delegation of authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the BOG.
- **G1. Board of Governors' Statement of Free Expression Endorsement Resolution** - Having reviewed the State University System of Florida Statement of Free Expression, endorsement of such statement.
- **G2. Approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Foundation, Inc.** - Approval of the Amendments to the Articles of Incorporation and Bylaws of the Florida International University Foundation, Inc.
- **G3. Board Appointments, Florida International University Foundation, Inc.** - Approval of the appointments of the individuals listed in the board materials, to the Florida International University Foundation, Inc. Board of Directors.
- **G4. Board Appointments, Florida International University Health Care Network, Inc.** - Approval of the appointments of the individuals listed in the board materials, to the Florida International University Health Care Network, Inc. Board of Directors.

## **6. 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 L. Williams, reported on the recently completed audits related to Natural Disaster Preparedness and Response and Payments to Separated Employees. She indicated that there are seven (7) ongoing audits in various stages of completion. Trustee Rowe commented that Ms. Jennifer LaPorta, Chief Compliance and Privacy Officer, provided updates related to the Ethical Panther Hotline, foreign influence, and the University's report on its Civil Discourse program. Trustee Rowe indicated that, as is mandated by the Committee's Charter, the Committee met with the Office of Internal Audit without the presence of senior management.

### **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 items approved as part of the Consent Agenda, the Committee also reviewed and approved the following procurement actions: amendment to three-year contract with CTEK Security to conduct the HIPAA privacy and security requirements for HIPAA compliance with a total estimated cost of \$2.5M; and four-year piggyback contract with Triumvirate Environmental Services to provide hazardous and biomedical waste removal services with a total estimated cost of \$1.9M. Board Vice Chair Duart stated that Senior Vice President for Finance and Administration and Chief Financial Officer Aime Martinez presented the financial performance for the first quarter of fiscal year 2023-24 and reported that University operating revenues were above estimates by \$15.7M or 3.5 percent and that operating expenses were above estimates by \$13.9M or 3.8 percent, resulting in a net favorable variance of \$1.8M. Board Vice Chair Duart commented on the presentation by Brailsford and Dunlavey relating to student housing demand and rental rates. He added that the University's administration will follow-up at the Board's February meetings with additional information regarding future new housing rates and potential student housing developments. In terms of the Trish and Dan Bell Chapel, Board Vice Chair Duart stated that the FIU Foundation, Inc. executed a forward delivery agreement on November 9, 2023 with Regions Bank for a five-year taxable loan at a fixed interest rate of 6.17% for up to \$10.1M secured by all donor pledges for the Bell Chapel. He further stated that the settlement date for the loan will be July 1, 2024.

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

Trustee Natasha Lowell, Chair of the Academic Policy and Student Affairs Committee, provided highlights from the Committee's meeting earlier in the day. She noted that the Committee reviewed a number of action items which were approved as part of the Consent Agenda. She commented that Executive Vice President and Provost Elizabeth M. Bejar provided an overview on alternative admissions and, as part of the Committee's standing agenda items, the student and faculty representatives on the Board of Trustees provided updates.

### **Strategic Planning Committee Report**

Trustee Marc D. Sarnoff, Chair of the Strategic Planning Committee, provided highlights from the Committee's meeting earlier in the day. He commented that Provost Bejar provided updates regarding the 2030 strategic planning process. He stated that the Committee continued the discussion relating to student housing within the context of the strategic plan. He noted that Trustee Lowell provided an update on the Campus Master Plan.

### **Governance Committee Report**

Board Chair Tovar provided highlights from the Governance Committee's meeting earlier in the day. He pointed out that Section 1004.28, Florida Statutes, provides, in relevant part, that the chair of a university board of trustees must appoint to a direct support organization, such as the FIU Foundation Board, at least one representative to the board of directors and executive committee, if any, of the organization. He indicated that, since July 2020, Trustee Prescott has been serving, and is continuing to serve, as an FIU Board of Trustees Chair appointed representative on the Board of Directors of the FIU Foundation, Inc. Board Chair Tovar stated that earlier in the fiscal year, he requested that Trustee Francis A. Hondal serve on the Board of Directors of the FIU Foundation, Inc. and the Foundation's Executive Committee and that Trustee Sarnoff serve on the Board of Directors of the FIU Health Care Network and the Health Care Network's Executive Committee as FIU Board of Trustees Chair appointed representatives to said Boards. Board Chair Tovar commented that, in accordance with accreditation requirements, the FIU Board of Trustees engaged in a self-assessment of its responsibilities and expectations as a Board. He added that the Board set a goal that Trustees attend the annual BOG Trustee Summits. He invited Trustees to bring forward additional goal(s) at the next regularly scheduled Board of Trustees meeting.

### **7. New Business**

Board Chair Tovar introduced a video highlighting a portion of the Florida Board of Governors (BOG) November 2023 meeting where BOG Chair Brian Lamb recognized and thanked Trustee Dean C. Colson for his contributions to FIU and the State University System.

Board Chair Tovar read the following FIU Board of Trustees Resolution:

WHEREAS, Trustee Dean C. Colson has been an esteemed member of the legal community and has been recognized as a "Senior Statesman" in the field of General Commercial Litigation by Chambers USA and Partners.

WHEREAS, Trustee Colson has a longstanding commitment to education. Over the past 20 years, he is the only person to have chaired the State University System in Florida, the Board of Trustees of Florida International University, and the Board of Trustees of the University of Miami. More specifically, Trustee Colson served on the University of Miami Board of Trustees for 18 years, with the last eight years as Chair of the Executive Committee or Chair of the Board. In 2009, he was appointed to the Board of Governors of the State University System of Florida, which oversees the public universities in the state, and served a seven-year term, including two years as Chair of the Board of Governors. In 2017, Trustee Colson was appointed to the Board of Trustees of Florida International University and served as chair from 2020-2023.

WHEREAS, during Trustee Colson's time as Chair of the Florida International University Board of Trustees, he led with distinction, provided the strategic direction to steer the University to continue to thrive, and set the vision for the future. He helped the University navigate through unprecedented times and witnessed FIU's rise in the rankings.

WHEREAS, Trustee Colson has a long history of community service and has been actively involved as a board member in various charitable organizations in South Florida. His commitment to giving

back to his community is reflective of his values and dedication to making a positive impact beyond his legal practice. Trustee Colson has received numerous awards for his outstanding community service, and he has been honored with an Honorary Degree of Doctor of Laws from Florida International University and the Jurisprudence Award from the Anti-Defamation League, highlighting his exceptional commitment to his community and philanthropic endeavors.

NOW, THEREFORE, BE IT RESOLVED that the Florida International University Board of Trustees at its regular meeting this 7th day of December 2023, does hereby honor Trustee Dean C. Colson and recognize his lasting contributions to Florida International University and higher education.

BE IT FURTHER RESOLVED that a copy of this Resolution be presented to Trustee Dean C. Colson as an expression of the Board's appreciation and gratitude.

President Jessell introduced the FIU Carolers, Carolina Escamilla, Mani Garcia, Jay Hernandez, Catherin Meza, Angelica Ramon, Isabella Rodriguez, Marcelo Santa Cruz, and Daniel Valdez. The FIU Carolers, under the direction of Mani Garcia, performed two holiday selections.

#### **8. 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, December 7, 2023, at 2:34 PM.