



**FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING**

FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

Livestream: <http://webcast.fiu.edu/>

**Tuesday, December 6, 2022
2:00 PM**

or

Upon Adjournment of Previous Meeting

AGENDA

- | | |
|--|-----------------------------|
| 1. Call to Order and Chair's Remarks | Chair Dean C. Colson |
| 2. Public Appearances | Dean C. Colson |
| 3. Foundation Report | Humberto Cabañas |
| 4. President's Report | Kenneth A. Jessell |
| 5. Action Items – Consent Agenda | Dean C. Colson |
| BT1. Minutes, September 6, 2022 | |
| BT2. Minutes, September 22, 2022 | |
| BT3. Minutes, October 17, 2022 | |
| FF1. FIU Direct Support Organizations Financial Audits FY 2021-2022 | |
| A. FIU Foundation, Inc. | |
| B. FIU Research Foundation, Inc. | |
| C. FIU Athletics Finance Corporation | |
| D. FIU Academic Health Center Health Care Network Faculty Group Practice, Inc. | |
| FF2. Approval of Contract greater than or equal to \$3,000,000: | |
| ▪ <i>PUR-05774, Adidas America Inc.</i> | |
| AP1. Proposed Amendment to Regulation FIU-402 Admission to the University | |
| AP2. Proposed Regulation FIU-412 Undergraduate Admissions | |

5. Action Items – Consent Agenda *(Continued...)*

- AP3. Proposed Regulation FIU-414 Admission of Graduate and Post-Baccalaureate Professional Students
- AP4. Florida International University Institutes and Centers Annual Report
- AP5. Florida International University Institutes and Centers 2022 Evaluations and Evaluation Summary
- G2. Confirming Reporting Obligations of Certain University Positions and Updating as to Those Positions the President’s Powers and Duties Delegation Resolution Dated February 20, 2019
- G3. Direct Support Organizations Board Appointments

6. Action Item

- G1. **Proposed Amendments to the Bylaws of the Florida International University Board of Trustees** **Dean C. Colson**

7. Discussion Items *(For Information Only)*

- 7.1 **FIU Police Update** **Javier I. Marques**
- 7.2 **Athletics Update** **Roger Tovar**

8. Status Reports, Board Committees

- **Audit and Compliance Committee Report** **Carlos A. Duarte**
- **Finance and Facilities Committee Report** **Roger Tovar**
- **Academic Policy and Student Affairs Committee Report** **Natasha Lowell**
- **Strategic Planning Committee Report** **Marc D. Sarnoff**
- **External Relations Committee Report** **Gene Prescott**
- **Governance Committee Report** **Dean C. Colson**

- 9. New Business** *(If any)* **Dean C. Colson**

- 10. Concluding Remarks and Adjournment** **Dean C. Colson**

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Approval of Minutes of Meeting held September 6, 2022

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on September 6, 2022, via Zoom.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on September 6, 2022, via Zoom.

Supporting Documentation: Minutes: Full Board Meeting, September 6, 2022



Full Board
September 6, 2022
Zoom

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 4:30 p.m. on Tuesday, September 6, 2022.

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 (*joined after roll call*); Natasha Lowell; Cristhofer E. Lugo; Gene Prescott; Chanel T. Rowe (*joined after roll call*); Marc D. Sarnoff; and Carlos Trujillo.

Trustee Cesar L. Alvarez was excused.

Board Chair Colson welcomed all Trustees and members of the University administration. He also welcomed the University community accessing the meeting via the webcast.

Board Chair Colson stated that the Board's Bylaws provide that the Board Chair may, in consultation with the Corporate Secretary, allow an item to be presented to the Full Board without prior consideration by a Board committee when circumstances warrant. Chair Colson added that he and Interim President Kenneth A. Jessell were in agreement that to proceed directly to a Full Board meeting without a prior committee meeting would provide the most expeditious and efficient means by which to review the time-sensitive agenda items.

2. Public Appearances

There were no public appearances.

3. Action Items

3.1 Legislative Budget Requests, 2023-2024

Trustee Natasha Lowell, Academic Policy and Student Affairs Committee Chair, explained that the 2023-2024 Legislative Budget Requests (LBRs) consist of three items which have been formally submitted to the Florida Board of Governors (BOG) for review and approval. She added that the BOG has requested that each Board of Trustees approve its university's LBRs. Interim Provost and Executive Vice President Elizabeth M. Bejar pointed out that the LBRs are a result of an assessment of needs developed by the BOG, in cooperation with State University System of Florida (SUS) institutions. She commented that the BOG will review the University LBRs at its September 13 and 14, 2022 meetings.

Interim Provost Bejar mentioned that FIU has ranked Top 3 in SUS performance metrics in the last two years and has consistently been Top 10 in the past decade in research expenditure growth among Carnegie R1 public universities. She stated that FIU is ranked Top 3% in research production among the nation's 4,300 colleges and universities. She indicated that the University's graduation rate is up to 59.4% and Pell Grant-eligible students, who account for more than half of FIU's undergraduate population, graduate at a higher rate than their classmates. Interim Provost Bejar commented that FIU is the fastest rising Carnegie R1 public university in the last five years and ranked Top 5 in social mobility among public universities in *U.S. News & World Report's* annual rankings. She commented on the recent announcement that FIU ranked Top 25 National University for Return-on-Investment by *Degree Choices*. Interim Provost Bejar indicated that *Washington Monthly's* college guide placed FIU No. 32 nationally in their annual survey. She stated that FIU is a top producer in awarding bachelor's degrees to minorities and is No. 1 in awarding bachelor's and master's degrees to Hispanics and Top 10 in awarding bachelor's degrees to African Americans.

Interim Provost Bejar presented the 2023-24 LBRs for Board of Trustees review. She remarked on the \$3,136,901 LBR relating to the Framework for Innovation in Undergraduate STEM Education. She indicated that the plan will expand on the STEM Transformation Institute's past successes on STEM Education and will provide mechanisms for optimizing student success at critical transitions in students' education. She added that the proposal includes multiple student-centered initiatives and will drive greater institutional efficiencies through sharing of system resources and alignment of key actions that support student success.

Interim Provost Bejar commented on the \$15,812,973 LBR pertaining to the FIU Program of Distinction on Environmental Resilience. She pointed out that the plan will advance current research programs and lead to innovative solutions for enhancing local, regional, and national resilience to environmental change, including preparing the workforce needed to address these challenges. She added that the plan will also raise FIU's academic standing by leveraging existing programs of national preeminence to generate new knowledge and innovative solutions for the betterment of the environment, health, and society. Interim Provost Bejar indicated that the proposal will create a "Strong Florida" through the creation of policies and projects that improve the health of Florida's cities and communities, and through a future workforce able to communicate across disciplines and implement convergent research approaches.

Interim Provost Bejar highlighted the \$60,700,000 LBR relating to Top 50 operational support. She indicated that FIU is requesting operational funding to continue its drive to a Top 50 public research university while sustaining FIU's strategic investments in outstanding student success programs and comprehensive and innovative 21st century research, workforce, and economic development initiatives. She delineated a funding breakdown, specifically: student success investments, \$22.5M; University infrastructure investments, \$33.2M; investing in transformational technologies for operational innovation and service improvement, \$5M; and realigning the University's workforce and investing in system upgrades and recurring licenses, \$5M. Interim Provost Bejar commented on the return on investment, namely, advancing FIU's student excellence and research capabilities, stimulating economic growth, accelerating the pace of innovation, and addressing the cost of living.

A motion was made and unanimously passed that the FIU Board of Trustees approve the 2023-2024 Legislative Budget Requests:

- | | |
|--|--------------|
| ▪ Framework for Innovation in Undergraduate STEM Education | \$ 3,136,901 |
| ▪ FIU Program of Distinction on Environmental Resilience | \$15,812,973 |
| ▪ Top 50 Operational Support | \$60,700,000 |

3.2 Linking Industry to Nursing Education (LINE) Fund Proposals, 2022-2023

Interim Provost Bejar explained that LINE funding is intended to incentivize collaboration between nursing education programs and health care partners to meet local, regional, and state workforce demand by recruiting faculty and clinical preceptors, increasing the capacity of high-quality nursing education programs and number of nursing education program graduates who are prepared to enter the workforce. She pointed out that the legislature provided a maximum of \$6M to SUS institutions for the 2022-2023 fiscal year. She indicated that, subject to available funds and selection and approval by the BOG, for every dollar contributed to an institution by a healthcare partner, the fund will provide a dollar-for-dollar match from the State's LINE fund.

Interim Provost Bejar presented FIU's 2022-23 LINE Fund Proposals for Board of Trustees review. She commented that the first LINE request is for matching funds for \$123,600 with Memorial Healthcare System (MHS) to support the Nicole Wertheim College of Nursing and Health Sciences partial salary and benefits of nursing faculty and/or adjunct faculty for one (1) year to develop, foster, and support the education and graduation of registered nurses to help mitigate the nursing shortage. She mentioned that the second LINE request for matching funds is for \$200,000 with MHS to financially support 20 nursing students who will be placed across MHS for their clinical learning experiences with the intent to increase student's commitment to work for MHS facilities for two years. Interim Provost Bejar mentioned that the third LINE request is for \$750,000 with Baptist Health South Florida to provide up to 72 undergraduate nursing students with financial support for their tuition and fees in exchange for a work commitment post-graduation. She noted that the last LINE request is for \$1.5 million with HCA Healthcare/HCA East Florida, which will support the launch of the Nicole Wertheim College of Nursing and Health Sciences Nurse Educator Program. She added that the program will increase the number of highly qualified nurse educators for nursing education program and healthcare organizations throughout the state. She pointed out that the gift will provide funding for two faculty that will teach in FIU's Nurse Educator program and provide for nurse educator student scholarships, recruit, and prepare preceptors as nurse educators, and provide for general recruitment of registered nurses who want to become nurse educators.

A motion was made and unanimously passed that the FIU Board of Trustees approve the 2022-2023 Linking Industry to Nursing Education (LINE) Fund Proposals:

- | | |
|-----------------------------------|--------------|
| ▪ Memorial Healthcare System | \$ 123,600 |
| ▪ Memorial Healthcare System | \$ 200,000 |
| ▪ Baptist Health South Florida | \$ 750,000 |
| ▪ HCA Healthcare/HCA East Florida | \$ 1,500,000 |

4. New Business

Board Chair Colson commented on the need to increase awareness as it relates to the University's accomplishments. He remarked that the LBR pertaining to Top 50 operational support will help to bridge the funding gap.

5. 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 Tuesday, September 6, 2022, at 4:53 p.m.

Dean C. Colson
Chair
FIU Board of Trustees

Kenneth A. Jessell
Corporate Secretary
FIU Board of Trustees

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Approval of Minutes of Meeting held September 22, 2022

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on September 22, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on September 22, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

Supporting Documentation: Minutes: Full Board Meeting, September 22, 2022



Full Board
September 22, 2022
FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom

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 1:56 p.m. on Thursday, September 22, 2022.

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; Jose J. Armas; Deanne Butchey; Carlos A. Duarte; Natasha Lowell; Cristhofer E. Lugo; Gene Prescott; Chanel T. Rowe; and Carlos Trujillo (*via Zoom*).

Trustee Marc D. Sarnoff was excused.

Board Chair Colson welcomed all Trustees and members of the University administration and the University community accessing the meeting via the webcast. He also welcomed and introduced Faculty Senate Chair and faculty Trustee Deanne Butchey.

Board Chair Colson commented on recent highlights, including that the University welcomed nearly 4,500 students for the fall semester, which represents one of the largest freshman classes in FIU's history. He added that the average grade point average for students that started both in the fall and summer semesters is 4.23. He indicated that *U.S. News & World Report* elevated FIU to No. 72 in the nation among public universities. Board Chair Colson stated that FIU is the fastest-rising in U.S. public university rankings, having jumped 62 spots in the past 10 years. He mentioned that FIU was named top 25 nationally in the economic return on graduates' investment in a college degree by *Degree Choices*. He remarked that *Washington Monthly's* latest college guide places FIU No. 32 nationally in its annual ranking, which looks at a college's or university's contribution to the public good in three broad categories, i.e., social mobility, research, and providing opportunities for public service.

Board Chair Colson encouraged Trustees to register for the 2022 Trustee Summit to be held on November 9, 2022 at the University of South Florida. He added that Florida Board of Governors-appointed Trustees are required to attend the annual summits. He mentioned the upcoming Homecoming Game on Saturday, October 8, 2022 against the University of Connecticut.

2. Public Appearances

There were no public appearances.

3. Foundation Report

FIU Foundation, Inc. Board of Directors Secretary Jill M. Granat pointed out that the \$750M Next Horizon Campaign goal was surpassed and that more than \$780M has been raised to-date from 129,000 unique donors. She indicated that over \$94M was raised in fiscal year 2021-22, surpassing the \$84M goal. Director Granat provided fundraising highlights from fiscal year 2021-22, including a record \$12.8M in alumni giving, \$13.4M for scholarships, 32 new endowments totaling nearly \$6M, and \$1.8M raised by the Ignite Campaign with a 75% participation rate. She remarked that for the 10 months through June 30, 2022, \$94.7M in total philanthropy was raised and \$41.6M was received in cash.

Director Granat indicated that, effective July 1, 2022, ownership of the Management and Advanced Resource Center (MARC) building was transferred from the FIU Foundation to the University as required by the ground lease with the University. FIU Foundation, Inc. Board of Directors Treasurer Andre L. Teixeira and Senior Vice President of University Advancement Howard R. Lipman presented Board Chair Colson with a three-dimensional model of the MARC building. Director Granat commented on the Trish and Dan Bell Chapel. She stated that the Municipality Campaign is a collaboration with local governments to build upon the state's match program and will help close the first-generation funding gap. She mentioned that the alumni campaign aims to increase FIU alumni giving to 18% by 2025, increase awareness of FIU's success and alumni achievements, and create a pride-centric campaign which defines what it is to be a Panther.

Director Granat reported that as of July 31, 2022, the Foundation's total investment portfolio stands at approximately \$397.51M and that the Total Managed Assets returned 4.17% for the month of July. Sr. VP Lipman added that, through the end of the 2021-22 fiscal year, the Total Managed Assets returned -10.66%.

4. President's Report

Interim University President Kenneth A. Jessell commented that Ph.D. student Valentina Dargam is working on an algorithm that can differentiate the sounds of a healthy heart and one that is developing disease with high accuracy using an at-home test. He added that in recognition of Ms. Dargam's research potential, the Florida Heart Research Foundation recently named her the 2022 Early Career Stop Heart Disease Researcher of the Year. He stated that the award grants Ms. Dargam \$50,000 in research funding. Interim President Jessell commented that FIU launched a new program in veterinary forensics starting Fall 2023. He indicated that, in partnership with the American Society for the Prevention of Cruelty to Animals, the curriculum provides those working in animal services a comprehensive skillset to oversee animal cruelty cases.

Interim President Jessell mentioned that Associate Professor David J. Park from the Department of Communication published an award-winning book, *Media Reform and the Climate Emergency*, detailing the ongoing climate crisis. He indicated that Cyber Florida awarded FIU more than \$2M to fund four projects focused on educating and preparing students for careers in cybersecurity and information technology. Interim President Jessell commented on the University's freshman class, highlighting Benjamin Cure who accepted the Jim McKay Memorial Scholarship at the Sports Emmy Awards and Grace (Ga Eun) Jeong who excels in diverse disciplines ranging from the arts to the sciences. Interim President Jessell remarked that Diego Cardeñosa, FIU researcher and

Distinguished Postdoctoral Scholar, installed in-port DNA detection tools that help provide proof of wildlife poaching in the region. Interim President Jessell commented that a new study led by FIU researchers reveals a mechanism linking the pesticide DDT to Alzheimer's disease.

Interim President Jessell mentioned that the Alliance for Hospitality Equity and Diversity, led by FIU's Chaplin School of Hospitality and Tourism Management, is on a mission to create a nationwide recruitment infrastructure to increase diversity among students at member universities. He noted that the initiative aims to create a pathway for Black and Hispanic students to become future leaders in hospitality.

Interim President Jessell indicated that Alumna, Edurne Soswa El Kakih '22, was awarded a nearly \$40,000 scholarship to attend a prestigious postgraduate research program at the University of Cambridge. Interim President Jessell remarked that the Herbert Wertheim College of Medicine welcomed its newest class at this year's White Coat Ceremony. He added that *U.S. News & World Report* named the Herbert Wertheim College of Medicine as the nation's second most diverse medical school in 2022. Interim President Jessell commented that the Florida Small Business Development Center (FSBDC) at FIU Business has been recognized as the FSBDC Network Center of the Year for 2022. He stated that FIU student Taylor Saenz, based on her outstanding contributions to diversity and inclusion to her field, won the 2022 Pi Theta Epsilon President's Award from the national occupational therapy honor society for being a culturally responsive occupational therapist.

Interim President Jessell stated that on September 19, 2022 FIU celebrated its 50th anniversary for the first day of classes at the Modesto A. Maidique campus. He pointed out that, for the eighth consecutive July-administered Florida Bar exam, FIU College of Law graduates earned the highest passage rate of any of Florida's 11 law schools.

5. Action Items – Consent Agenda

Board Chair Colson indicated that the Audit and Compliance Committee, Finance and Facilities Committee, Academic Policy and Student Affairs Committee, and Governance Committee, respectively, recommended approval by the Board of the committee approved action items contained in 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, June 16, 2022** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on June 16, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.
- **FF2. Authorization to Increase Project Budget for the Trish and Dan Bell Chapel and East Loop Road Realignment from \$15.44M to \$28.55M** - Authorization to increase the project budget for the Trish and Dan Bell Chapel and East Loop Road Realignment from \$15,444,286 to \$28,545,645.

- **FF3. Approval of Contracts greater than or equal to \$3,000,000:**
 1. PUR-05758, *Anthony Travel LLC and PUR-05759, Uniglobe Travel Designers*
 2. PUR-05770, *Fisher Scientific Company LLC*
 3. PUR-05731, *Arthur J. Gallagher Risk Management*

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 as a Condition of Employment Nominations** - Approve five (5) candidates for Tenure as a Condition of Employment, as specified in the Board materials.
- **AP2. Florida Educational Equity Act Report** - Approve the Florida Educational Equity Act Report for the 2022 reporting year.
- **AP3. Textbook and Instructional Materials Affordability Annual Report** - Approve the Textbook and Instructional Materials Affordability Annual Report.
- **AP4. Proposed Amendment to Regulation FIU-1103 Textbook Affordability** - Approve the proposed amendment to Regulation FIU-1103 Textbook Affordability 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 and as a result of the regulation-making process.
- **AP5. Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code** - Approve the proposed amendment 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 and as a result of the regulation-making process.
- **AP6. Proposed Amendment to Regulation FIU-2502 Children's Creative Learning Center at FIU** - Approve the proposed amendment to Regulation FIU-2502 Children's Creative Learning Center at FIU 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 and as a result of the regulation-making process.
- **AP7. Program Termination: Bachelor of Arts in French and Francophone Studies** – Approve the termination of the Bachelor of Arts (BA) in French and Francophone Studies (CIP 16.0901).

- **AP8. Program Termination: Bachelor of Arts in Portuguese** – Approve the termination of the Bachelor of Arts in Portuguese (CIP 16.0904).
- **AP9. New Program Proposal: Master of Science in Psychological Sciences in Education** - Approve the Master of Science in Psychological Sciences in Education (CIP:42.2799) new program proposal.
- **AP10. New Program Proposal: PhD in Psychological Sciences in Education** - Approve the Ph.D. in Psychological Sciences in Education (CIP: 42.2799) new program proposal.
- **AP11. Initial Application for Specialized Admissions Status** - Approve the following baccalaureate degree programs for Specialized Admissions Status:
 - 09.0702 - BS in Digital Communication and Media
 - 09.0900 - BS in Public Relations, Advertising and Applied Communication
 - 44.0701 - BS in Social Work
 - 50.0501 - BA and Bachelor of Fine Arts in Theatre
 - 50.0702 - Bachelor of Fine Arts in Art
 - 50.0901 - Bachelor of Music and BA in Music
 - 51.3101 - BS in Dietetics and Nutrition
 - 51.3801 - BS in Nursing
 - 52.0301 - Bachelor of Accounting
 - **BBA Degrees in:**
 - 52.0201 - Management
 - 52.0801 - Finance
 - 52.1001 - Human Resource Management
 - 52.1101 - International Business
 - 52.1201 - Information Systems
 - 52.1401 - Marketing
 - 52.1501 - Real Estate
- **AP12. 2022-2023 Linking Industry to Nursing Education (LINE) Fund Proposal Form** - Approve the 2022-2023 Linking Industry to Nursing Education (LINE) Fund Proposal:
 - Public Health Trust of Miami-Dade County and Jackson Health System, \$ 400,000
- **G1. Update to Key Management Personnel** - Adopt a Resolution updating the Key Management Personnel and the delegation to the Key Management Personnel of certain responsibilities and authorities pursuant to 32 CFR Part 117, National Industrial Security Program Operating Manual.
- **G2. Ratification of the Amended 2021-2024 Collective Bargaining Agreement Between the FIU Board of Trustees and the United Faculty of Florida - FIU Chapter** - Ratify the amended 2021-2024 Collective Bargaining Agreement between the Florida International University Board of Trustees and the United Faculty of Florida (UFF-FIU).

- **G3. Board of Governors' Statement of Free Expression Endorsement Resolution** - Having reviewed the State University System of Florida Statement of Free Expression, endorse such statement.
- **G4. FIU Plan for Implementing Civil Discourse Recommendations** - Pursuant to the request of the Board of Governors, (1) approve the University's plan for implementing the Board of Governors' recommendations relative to civil discourse set forth in the Board of Governors' Civil Discourse Final Report and the University's civil discourse reporting template; and (2) delegate to the University President or his designee the authority to amend the plan and/or the reporting template in accordance with the Board of Governors' Civil Discourse Final Report prior to submission to the Board of Governors, including to update the progress of any items.
- **G5. Proposed Regulation FIU-107 Intimate Relationships** - Approve the proposed Regulation FIU-107 Intimate Relationships 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 and as a result of the regulation-making process.
- **G6. Direct Support Organizations Board Appointments** - Approve the appointments and reappointments of the individuals listed in the board materials, to the Florida International University Foundation, Inc. Board of Directors.

6. Action Item

FF1. Approval of 2022-23 Education and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and Related Certification

Board Vice Chair Tovar pointed out that the Finance and Facilities Committee engaged in a thorough review of the proposed 2022-23 Education and General Carryforward spending plan, Fixed Capital Outlay Budget, and related certification. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the Florida International University Education and General 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; 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, 2022 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 the BOG any amendments to the spending plans in a format prescribed by the BOG Office of University Budgets.

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. Presidential Search Update

Board Vice Chair Tovar, Chair of FIU Presidential Search Committee, commented that the Presidential Search Committee held a number of interviews with highly qualified individuals. He indicated that, upon his urging, Dr. Jessell applied for the position of President of FIU and subsequently met with the FIU Presidential Search Committee. Board Vice Chair Tovar pointed out that the FIU Presidential Search Committee voted to recommend to the Board of Trustees Dr. Kenneth A. Jessell as the finalist to become the sixth president of FIU. Board Vice Chair Tovar pointed out that only one candidate is being recommended to the Board of Trustees, due to an unwillingness by other individuals to continue their candidacy, unless they were the sole recommendation of the Committee.

Board Vice Chair Tovar stated that Dr. Jessell has proven over the past 13 years, and in particular over the past eight months he has served as FIU's Interim President, that he is capable, committed and has the vision to lead FIU in its trajectory of success. Board Vice Chair Tovar remarked that he has observed and worked with Dr. Jessell for years in his role as CFO and had many opportunities to experience his work ethic, strategic thought process and unwavering integrity.

Board Vice Chair Tovar remarked that the search process will now enter the next phase, which will be public. He stated that the University will host a number of open forums with members of the FIU community in the next 21 days. He added that said forums will give University stakeholders an opportunity to interact directly with Dr. Jessell, share ideas, and ask questions. Board Vice Chair Tovar mentioned that the schedule of open forums will be shared in the coming days. He pointed out that, at the end of 21-day period, the Board of Trustees can meet to consider the Presidential Search Committee's recommendation and the community's feedback.

Board Vice Chair Tovar thanked Mr. Bill Funk and the R. William Funk & Associates team and recognized the work of the Presidential Search Committee. Board Vice Chair Tovar also thanked members of the University administration for their support and the support of their teams. In particular, he recognized Chief of Staff and Vice President for Operations and Safety Javier I. Marques, Associate Corporate Secretary and Assistant Chief of Staff Milly Bello, Ms. Melissa Sabellico, University Ombudsman Sofia Trelles, General Counsel Castillo, and Associate Vice President of Operations, Compliance and Systems for the Division of Human Resources Carlos Flores. On behalf of the Committee, Board Vice Chair Tovar, also thanked the FIU community for their input and engagement throughout the search process.

9. New Business

No new business was raised.

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, September 22, 2022, at 2:41 p.m.

Dean C. Colson
Chair
FIU Board of Trustees

Kenneth A. Jessell
Corporate Secretary
FIU Board of Trustees

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Approval of Minutes of Meeting held October 17, 2022

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on October 17, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on October 17, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

Supporting Documentation: Minutes: Full Board Meeting, October 17, 2022



Full Board
October 17, 2022
FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and Zoom

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 11:04 a.m. on Monday, October 17, 2022.

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 (*joined after roll call; via Zoom*); Natasha Lowell; Cristhofer E. Lugo; Gene Prescott (*joined after roll call*); Chanel T. Rowe; Marc D. Sarnoff; and Carlos Trujillo (*via Zoom*).

Trustee Cesar L. Alvarez was excused.

Board Chair Colson welcomed all Trustees and members of the University administration. He also welcomed the University community accessing the meeting via the webcast.

Board Chair Colson commented that in late January, the Board of Trustees was faced with the all-important task of selecting FIU's next president. He thanked the FIU Presidential Search Committee for their dedication and for giving of their time. He also thanked the R. William Funk & Associates search firm. Board Chair Colson recognized Board Vice Chair Roger Tovar for his service as Chair of the Presidential Search Committee.

2. Public Appearances

There were no public appearances.

3. Presidential Search Update

Board Vice Chair Tovar indicated that since April, the FIU Presidential Search Committee has worked, alongside the experienced executive search firm, R. William Funk & Associates, to select a world-class leader to be the University's next president. He thanked the FIU community for being active participants in the search for the next President of FIU. He also thanked the members of the Presidential Search Committee for their service, thoughtful input, and deliberations. Board Vice Chair Tovar also expressed his gratitude to Mr. Bill Funk of the R. William Funk & Associates search firm for their valuable assistance.

Board Vice Chair Tovar commented that a critical element of the search process began with a listening phase to gather input and recommendations from the FIU community. He stated that the

Presidential Position Criteria and Leadership Statement was distributed broadly to a diverse national audience to generate interest in the FIU presidential search. He added that said document was informed by feedback from the listening sessions, the Presidential Search Committee, and the search firm. Board Vice Chair Tovar remarked that more than 70 applications were received from individuals representing a broad range of backgrounds, institutions, and fields. He indicated that, through a rigorous assessment of leading individuals, the Presidential Search Committee met with 12 candidates and potential candidates. He noted that nine of the 12 individuals were sitting, past, or interim presidents. Board Vice Chair Tovar mentioned that the work of the Presidential Search Committee culminated in the Committee voting, on September 21, 2022, to recommend to the FIU Board of Trustees Dr. Kenneth A. Jessell as the sole finalist to become the sixth president of FIU.

Board Vice Chair Tovar stated that, pursuant to Florida law, once the Presidential Search Committee selected Dr. Jessell as the final candidate to be sent to the Board of Trustees, the 21-day period, where the name of the final candidate became public, began. He pointed out that, as required by Florida Board of Governors Regulation and with the assistance of the R. William Funk & Associates team, an employment screening report was completed for Dr. Jessell. Board Vice Chair Tovar stated that said report encompasses areas related to litigation, criminal, credit, and national sex offender. He added that LexisNexis, Google, and social media background checks were also conducted. Board Vice Chair Tovar indicated that all areas were clear for Dr. Jessell.

Board Vice Chair Tovar commented that on October 11-12, 2022, the University hosted six (6) open sessions where Dr. Jessell engaged with faculty, staff, students, and other members of the University community. Board Vice Chair Tovar added that said sessions, while held in person, also offered Zoom participation, and were livestreamed. He stated that the transcripts of said sessions were provided electronically to the Trustees in anticipation of this meeting and are also found on the presidential search website.

Board Vice Chair Tovar mentioned that, for decades, Dr. Jessell has been devoted to higher education and that over the years, FIU has been fortunate to rely on Dr. Jessell's dedicated service, strong work ethic, and unwavering integrity. He added that Dr. Jessell's passion and vision for FIU have been evident in the last 13 years and particularly over the past nine months that he has served as the University's interim president. Board Vice Chair Tovar stated that on behalf of the Committee, he recommended to the FIU Board of Trustees Dr. Kenneth A. Jessell as the finalist to become the sixth president of FIU.

4. Interview Candidate, Kenneth A. Jessell, for president of Florida International University

Board Chair Colson described the format for the interview with Dr. Jessell. He noted that while Trustees have been provided with suggested questions, they are welcome to ask their own questions and follow up questions throughout the process.

Questions asked: **please refer to the meeting recording to view the full interview*

1. We are keenly aware of your tenure at FIU both as Chief Financial Officer and Senior Vice President for Finance and Administration and most recently as Interim President. We would like to know more about your Higher Education history prior to FIU.

2. FIU is a leading Hispanic Serving Institution and diversity, equity, and inclusion are important core values of our university. What is your commitment to these values and how will you ensure that we maintain this commitment at FIU?
3. The labor participation rate in the United States is about the worst it has ever been. There are approximately seven million men between the ages of 25 and 45 years old that are no longer looking for work or seeking employment. What role do higher institutions play in analyzing that and finding out if there is a problem?
4. Fundraising for a university president is probably his primary job. You have been here a long time and have watched other people do it. How would you do it differently?
5. With the benefit of your experience of serving our institution, what do you believe is our biggest challenge in managing our budget and how do you plan to address that as the University's president?
6. As you are aware, we have a goal of being a top 50 public university. We understand the importance of research in the ranking and reputation of our institution. As President, how would you go about furthering the research mission of our University?
7. Describe a situation in your professional life when you were unsuccessful, or even failed completely, and what you learned from that experience.
8. FIU strives to be a truly student-centered University, and we are dedicated to making the student experience as rich and as robust as possible. How have you interacted with students and what will you do to enhance student life?
9. As you know, international is our middle name and I am an international student myself. International students carry experiences and challenges in a number of areas, including language barriers, academic, social, cultural, financial, and mental health concerns. What are your plans to ensure that international students have a welcoming environment as they transition from a completely different background and that they receive a first-class education?
10. Based on your tenure at FIU in multiple roles, what do you perceive to be the appropriate role of athletics at FIU?
11. As a public institution, it is important for FIU to maintain constructive relationships with the Florida Board of Governors, legislature, federal delegation, and local and state officials. Will you be comfortable continuing to represent and promote the University to these audiences?
12. Fundraising is a difficult activity. Does FIU have the right organizational structures in place?
13. In-person instruction versus online, what are your thoughts on that?
14. During this process that you have gone through as Interim University President, I am sure that there have been many tribulations. There have been, I am certain, one or two occasions where you

stand in front of the mirror, and you go to a comfort area that gives you confidence and I would like for you to share one or two of those things that make you uniquely qualified to be the president of our University.

15. Two of the most valued principles in higher education are shared governance and academic freedom. Please share your thoughts on these core values and how they will be part of your tenure should you be selected to be the sixth President of FIU.

Trustees recognized the work of Board Vice Chair Tovar, the Presidential Search Committee, and the R. William Funk & Associates search firm.

Interim University President Jessell thanked the Board of Trustees for the opportunity. He referred to the past nine (9) months as the most rewarding of his life. He reiterated his love and commitment to FIU and the University's students, faculty, and staff. He commented that if given the opportunity, he will continue to work tirelessly in an upfront, ethical, and honest manner.

5. Action Items

BT1. Approval of Presidential Appointment for Confirmation by the Florida Board of Governors

Board Chair Colson explained that pursuant to Florida Board of Governors Regulation 1.002, Presidential Search and Selection, the FIU Board of Trustees must select a final qualified candidate under the position criteria as president-elect for recommendation to the Florida Board of Governors for confirmation. He added that the president-elect must then personally appear before the Florida Board of Governors at a scheduled meeting for an interview as part of the confirmation process.

Board Chair Colson commented that fifty years ago FIU first held classes and opened with 5,667 students. He added that after seven (7) years of leadership, Founding President Chuck Perry left the University. Board Chair Colson remarked that at the end of President Perry's tenure, there were more than 10,000 students attending classes and a campus with five (5) major buildings. He mentioned that, today, with a student body of more than 56,000, FIU is among the top 10 largest universities in the nation and has collectively graduated more than 275,000 alumni, 165,000 of whom live and work in South Florida.

Board Chair Colson indicated that *U.S. News & World Report* elevated FIU to No. 72 in the nation among public universities. He pointed out that FIU is the fastest-rising in U.S. public university rankings, having jumped 62 spots in the past 10 years. Board Chair Colson stated that FIU was named top 25 nationally in the economic return on graduates' investment in a college degree by *Degree Choices*. He mentioned that *Washington Monthly's* latest college guide places FIU No. 32 nationally in its annual ranking, which looks at a college's or university's contribution to the public good in three broad categories, social mobility, research, and providing opportunities for public service.

Board Chair Colson commented that he is confident that Dr. Jessell will maintain the University's current momentum and continue to advance FIU's excellence in research, scholarship, and teaching. Board Chair Colson remarked that Dr. Jessell has a demonstrated record of accomplishment and is

transparent and of the utmost integrity. Board Chair Colson commented that Dr. Jessell respects the principles of shared governance and academic freedom and is dedicated to enhancing the quality of student life and learning, has a strong appreciation for FIU's world-class faculty and staff, and understands the challenges and opportunities associated with higher education.

A motion was made and unanimously passed that the Florida International University Board of Trustees select and appoint Dr. Kenneth A. Jessell as the sixth President of Florida International University for confirmation by the Florida Board of Governors.

Board Chair Colson recognized members of the Jessell family.

BT2. Presidential Executive Compensation Analysis and Approval of the Range of Compensation

Board Vice Chair Tovar explained that pursuant to Florida Board of Governors Regulation 1.002, the FIU Board of Trustees will review an executive compensation analysis that encompasses all components, such as salary, benefits, bonuses, and all other forms of remuneration, and that takes into consideration compensation paid to the current president, presidents of peer institutions, as well as other relevant factors, such as market trends, the available qualified pool and relevant competition for candidates. He pointed out that the FIU Presidential Search Committee met on October 6, 2022 and based on the executive compensation analysis, submitted, as part of the Board's agenda materials, a recommended range of compensation to the FIU Board of Trustees for approval.

Associate Vice President of Operations, Compliance, and Systems for the Division of Human Resources, Carlos A. Flores, presented the executive compensation analysis for Board of Trustees review. Mr. Flores remarked that the compensation packages for presidents of peer and aspirant institutions were reviewed as part of said analysis. He presented a presidential compensation comparison, delineating annual base salary, incentive bonus opportunities, housing and car allowances, and other major compensation components for the following Florida State University System institutions: University of Florida, University of South Florida, Florida State University, University of Central Florida, Florida Atlantic University, and Florida International University. He indicated that, among said universities, the University of Florida had the highest total presidential compensation package and Florida International University had the lowest. Mr. Flores added that the compensation data for the University of Florida, Florida Atlantic University, and Florida International University was based on long standing presidential employment agreements. He described the Presidential Search Committee's recommended range of compensation, specifically a total compensation package of \$1,181,181 as the high and \$910,581 as the low.

Mr. Funk commented that, in past years, university presidents were undercompensated when taking certain factors such as enrollment, faculty, and staff into account. He added that within the last decade, presidential salaries seem to have become more realistic. He commented that the Presidential Search Committee's recommended range of compensation was appropriate.

Board Vice Chair Tovar presented, consistent with the executive compensation analysis and with the Presidential Search Committee's recommendation, \$996,081 as the recommended compensation

package amount for the Board's consideration. He noted that said recommendation consisted of an annual base salary of \$650,000, annual incentive bonus opportunity of up to \$175,000, car allowance of \$12,500, and annual supplemental deferred compensation or retirement supplement of \$130,000.

Trustee Marc D. Sarnoff advocated for a higher compensation package that would be over the \$1,000,000 threshold. Board Vice Chair Tovar mentioned that, while he concurred that Dr. Jessell was worthy of said amount, the Board of Trustees can revisit the President's compensation package at a later time should additional state funding be secured. He added that the proposed compensation package recognizes University faculty and staff that have not received increases in numerous years. Trustee Carlos A. Duarte concurred with Trustee Sarnoff.

The Board of Trustees reviewed the executive compensation analysis, and a motion was made and passed that the Florida International University Board of Trustees set the compensation as presented and recommended by Board Vice Chair Roger Tovar to be used in negotiating the presidential contract with University President-Elect Dr. Kenneth A. Jessell.

Trustee Sarnoff voted against the motion.

BT3. Approval of Substantive Presidential Contract Terms

Board Chair Colson explained that the FIU Board of Trustees must approve the substantive terms of the presidential contract. He added that the contract that will be initially offered to President-Elect Jessell is generally similar to prior FIU presidential contracts in that it will include annual goal setting by the FIU Board of Trustees and president, annual evaluation of the president's performance by the FIU Board of Trustees, and compensation package. Board Chair Colson pointed out that, as has been the Board's practice, the final details of the negotiation with President-Elect Jessell will be delegated to the Board Chair.

General Counsel Castillo referred to the updated term sheet, which was revised to include the compensation terms that the Board approved as part of the earlier agenda item. He presented the updated term sheet for the Board's review. He explained that the proposed terms set forth that the contract would consist of a three-year term to commence upon the Board of Governors' confirmation of Dr. Jessell's presidency, which is scheduled for November 10, 2022. He indicated that the annual base salary will be \$650,000 and the annual performance based incentive bonus will be up to \$175,000 and that consistent with the Board's practice, will be awarded annually based on achievement of goals and objectives developed by Dr. Jessell and approved by the Board of Trustees. General Counsel Castillo explained that the proposed terms also include the standard University executive service benefits. He mentioned that the deferred compensation or annual retirement supplement is 20% of the annual base salary, which is equivalent to \$130,000 based on the approved annual base salary. General Counsel Castillo stated that the proposed terms also provide for housing and a car allowance of \$12,500.

General Counsel Castillo commented that upon completion of the term, Dr. Jessell will be eligible for a one-year paid research leave with a salary equivalent to Dr. Jessell's latest salary as Senior Vice President for Finance and Administration and Chief Financial Officer. General Counsel Castillo indicated that Dr. Jessell received tenure as a condition of employment upon hire at FIU in 2009

and is a full professor in the College of Business and intends to return to the faculty after his research leave. General Counsel Castillo indicated that, upon return to the faculty appointment, Dr. Jessell's salary will be the average nine-month salary of the three highest-paid full-time professors in the College of Business at the time he returns to the college in accordance with the terms and conditions of his original offer of employment for the position of Senior Vice President and Chief Financial Officer. General Counsel Castillo noted that the contract will have the standard terms regarding future extensions and the approval process which includes the Foundation Board's approval of the Foundation's financial obligations and confirmation of the appointment by the Florida Board of Governors.

A motion was made and unanimously passed that the Florida International University Board of Trustees (i) approve the key terms of the employment agreement for new President Kenneth A. Jessell, as described in the Term Sheet, and (ii) authorize the Chair of the Florida International University Board of Trustees (BOT) to execute, on behalf of the BOT, a contract document consistent with the Term Sheet and including such additional terms and conditions as are typically included in university presidential employment contracts as the Board Chair determines appropriate.

6. New Business

No new business was raised.

7. 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 Monday, October 17, 2022, at 12:48 p.m.

Dean C. Colson
Chair
FIU Board of Trustees

Kenneth A. Jessell
Corporate Secretary
FIU Board of Trustees

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Florida International University Foundation Inc., Financial Audit, 2021-22

Proposed Board Action:

Accept the Florida International University Foundation, Inc. Financial Audit for the 2021-22 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.

Background information:

Pursuant to Regulation FIU-1502(2)(g), Direct Support Organizations, the Florida International University Foundation, Inc. must submit an independently conducted financial audit of its accounts and records, which has been recommended by the University President to the Florida International University Board of Trustees for review and acceptance.

The Florida International University Foundation, Inc. Financial Audit for 2021-22 was approved by the Florida International University Foundation, Inc. Board of Directors on October 22, 2022, and the University President is recommending its acceptance.

Florida Board of Governors Regulation 9.011 (5) University Direct Support Organizations and Health Services Support Organizations, states in relevant part: Support organizations shall provide for an annual audit conducted pursuant to university regulations or policies. The annual audit report shall be submitted to the university board of trustees for review. The audit report shall be submitted to the Board of Governors, and the Auditor General.

Supporting Documentation:

Agenda | Finance and Facilities Committee Meeting | December 6, 2022

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

**Subject: Florida International University Research Foundation Inc., Financial Audit,
2021-22**

Proposed Board Action:

Accept the Florida International University Research Foundation, Inc. Financial Audit for the 2021-22 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.

Background information:

Pursuant to Regulation FIU-1502(2)(g), Direct Support Organizations, the Florida International University Research Foundation, Inc. must submit an independently conducted financial audit of its accounts and records, which has been recommended by the University President to the Florida International University Board of Trustees for review and acceptance.

The Florida International University Research Foundation, Inc. Financial Audit for 2021-22 was approved by the Florida International University Research Foundation, Inc. Board of Directors on October 13, 2022, and the University President is recommending its acceptance.

Florida Board of Governors Regulation 9.011(5) University Direct Support Organizations and Health Services Support Organizations, states in relevant part:

Support organizations shall provide for an annual audit conducted pursuant to university regulations or policies. The annual audit report shall be submitted to the university board of trustees for review. The audit report shall be submitted to the Board of Governors, and the Auditor General.

Supporting Documentation:

Agenda | Finance and Facilities Committee Meeting | December 6, 2022

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Florida International University Athletics Finance Corporation Financial Audit, 2021-22

Proposed Board Action:

Accept the Florida International University Athletics Finance Corporation Financial Audit for the 2021-22 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.

Background information:

Pursuant to Regulation FIU-1502(2)(g), Direct Support Organizations, the Florida International University Athletics Finance Corp. must submit an independently conducted financial audit of its accounts and records, which has been approved by its governing board and recommended by the University President to the Florida International University Board of Trustees for review and acceptance.

The Florida International University Athletics Finance Corp. Financial Audit for 2021-22 was approved by the Florida International University Athletics Finance Corp. Board of Directors on October 19, 2022, and the University President is recommending its acceptance.

Florida Board of Governors Regulation 9.011(5) University Direct Support Organizations and Health Services Support Organizations, states in relevant part:
Support organizations shall provide for an annual audit conducted pursuant to university regulations or policies. The annual audit report shall be submitted to the university board of trustees for review. The audit report shall be submitted to the Board of Governors, and the Auditor General.

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting | December 6, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc. Financial Audit, 2021-22

Proposed Board Action:

Accept the Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc. Financial Audit for the 2021-22 Fiscal Year and authorize the President of the Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.

Background information:

The Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc. Financial Audit for 2021-22 was approved by the Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc. Board of Directors on October 25, 2022, and the University President is recommending its acceptance.

Florida Board of Governors Regulation 9.017(2)(e) Faculty Practice Plans, states in relevant part that each Faculty Practice Plan shall include and/or provide for an annual audit, which shall be forwarded to the Board of Governors for review and oversight.

Florida Board of Governors Regulation 9.011(5) University Direct Support Organizations and Health Services Support Organizations, states in relevant part: Support organizations shall provide for an annual audit conducted pursuant to university regulations or policies. The annual audit report shall be submitted to the university board of trustees for review. The audit report shall be submitted to the Board of Governors, and the Auditor General.

Supporting Documentation:

Agenda | Finance and Facilities Committee Meeting | December 6, 2022

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Approval of Contract greater than \$3,000,000:

- #PUR- 05774 with Adidas America Inc
-

Proposed Board Action:

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 the contract as described in the Board materials and (ii) authorize the University President or his designee to execute, on behalf of the University, the aforementioned contract.

Background Information

Contract #PUR-05774 (Vendor: Adidas American Inc.) is being requested. FIU Procurement Services initiated an Invitation to Negotiation, ITN-2020-00073 Athletics Department Apparel and Equipment. After a thorough selection process, the evaluation committee recommended awarding the contract to the number one ranked respondent, Adidas America Inc. The Intent to Award was posted on August 12, 2022, and the contract is contingent on approval by the FIU Board of Trustees.

Adidas America Inc. shall outfit seventeen (17) student-athlete teams, employees, and support personnel during official University business or intercollegiate practices and athletics competitions.

- **Term:** Initial term will be for five (5) and one-half (1/2) years with the option to renew for two (2) additional one (1) year terms
 - **Cost:** \$3,187,500 including renewal options
 - **Funding source:** Athletics
-

Supporting Documentation:

Agenda | Finance and Facilities Committee Meeting | December 6, 2022

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Proposed Amendment to Regulation FIU-402 Admission to the University

Proposed Board Action:

Approve the revisions to Regulation FIU-402 Admission to the University, 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.

Background Information:

The amendment clarifies that University admissions criteria does not include preferences related to race, color, national origin, disability, religion, or sex.

BOG Regulation 6.001(1), General Admissions, provides, “Based on minimum standards adopted by the Board of Governors, university boards of trustees must establish the criteria, policies, and procedures by regulation for the admission of students.”

BOG Regulation 6.001(3) states in part “admissions criteria must not include preferences in the admission process for applicants on the basis of race, color, national origin, disability, religion, or sex.”

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee
Meeting | December 6, 2022*

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES

December 6, 2022

Subject: Proposed Regulation FIU-412 Undergraduate Admissions

Proposed Board Action:

Approve proposed Regulation FIU-412 Undergraduate Admissions, 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.

Background Information:

This regulation defines First Time-In-College (FTIC) students, documents required for submission, and stipulates that the Florida Board of Governors regulations set minimum criteria for standardized test scores. The regulation also includes information for admission of undergraduate transfer students including applicable definitions, admission criteria, and specifies applicants who receive an Associate in Arts (AA) degree from a public Florida state college or university will be considered for admission without restriction, except for published university specialized admissions programs or programs with prerequisites which were not met.

Additionally, students not meeting the applicable admission requirements may petition to be admitted through the Alternative Admissions process. Each applicant is assessed based on evidence provided by the applicant and the academic unit to determine the individual's potential to succeed at the University. The rates of retention, academic success and graduation rates of students admitted to FIU through the Alternative Admissions process must be annually reviewed and presented to the Board of Trustees.

BOG Regulation 6.001(1), General Admissions, provides, "Based on minimum standards adopted by the Board of Governors, university boards of trustees must establish the criteria, policies, and procedures by regulation for the admission of students." The regulation continues in pertinent part beginning at section 7 stating "Consideration shall be given to the past actions of any person applying for admission when such actions have been found to disrupt or interfere with the orderly conduct, processes, functions, or programs of any other university, college, or community college... If determined to be in the best interest of the university to deny admission or enrollment to an applicant because of the applicant's past misconduct on or off campus, a university may do so."

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting | December 6, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Proposed Regulation FIU-414 Admission of Graduate and Post-Baccalaureate Professional Students

Proposed Board Action:

Approve proposed Regulation FIU-414 Admission of Graduate and Post-Baccalaureate Professional Students, 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.

Background Information:

Board of Governors Regulation 6.003, Admission of Graduate and Post-Baccalaureate Professional Students, requires the establishment of graduate and post-baccalaureate student admissions by regulation. Proposed Regulation FIU-414 outlines admission requirements for graduate and post-baccalaureate professional students and the process for applicants in need of a modification or substitution of admission requirements due to a disability. In addition to the requirements outlined in FIU Policy 380.0443 Graduate Admission Criteria and Denial, additional admission requirements may be established by the College/School or Program. The University Graduate School will periodically review this regulation to ensure unnecessary impediments to access are minimized, while maintaining academic quality and integrity. All graduate admission requirements and any changes are approved by the Graduate Council, Faculty Senate, and Dean of the University Graduate School.

BOG Regulation 6.001(1), General Admissions, provides, “Based on minimum standards adopted by the Board of Governors, university boards of trustees must establish the criteria, policies, and procedures by regulation for the admission of students.”

BOG Regulation 6.003(1), Admission of Graduate and Post-baccalaureate Professional Students, provides, “Each university board of trustees shall adopt regulations for the admission of graduate and post-baccalaureate professional students. Such regulations shall be consistent with the university mission and Board of Governors regulations.”

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee
Meeting | December 6, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Florida International University Institutes and Centers Annual Report

Proposed Board Action:

Approve Florida International University's Institutes and Centers Annual Report.

Background Information:

Pursuant to the Florida Board of Governors Regulation 10.015, Institutes and Centers, each university board of trustees shall adopt policies for establishing, operating, evaluating, reviewing, and disbanding institutes and centers in the State University System. A copy of the university institute and center policies shall be on file in the Office of Academic and Student Affairs in the Board of Governors office.

In order to ensure that institutes and centers implemented within the State University System are of the highest quality, enhance existing university activities, and are aligned with the goals of the Board of Governors, expenditure information for the prior fiscal year shall be provided to the Board of Governors' office. The instructions and reporting templates for these annual requests will be determined by the Chancellor. Annual reports must be approved by the board of trustees of the host university prior to submission to the Board of Governors' office.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting |
December 6, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

**Subject: Florida International University Institutes and Centers 2022 Evaluations
and Evaluation Summary**

Proposed Board Action:

Approve Florida International University's Institutes and Centers 2022 Evaluations and Evaluation Summary.

Background Information:

Pursuant to the Florida Board of Governors Regulation 10.015, Institutes and Centers, each university board of trustees shall adopt policies for establishing, operating, evaluating, reviewing, and disbanding institutes and centers in the State University System. A copy of the university institute and center policies shall be on file in the Office of Academic and Student Affairs in the Board of Governors office.

In order to ensure that institutes and centers implemented within the State University System are of the highest quality, enhance existing university activities, and are aligned with the goals of the Board of Governors, all university centers and institutes shall be reviewed on a seven-year cycle. The review cycle can be accelerated in periods of fiscal exigency or as indicated by a previous review of a center/institute or as requested by the Provost or Senior Vice President for Research.

Upon completion, a summary of the evaluation/review will be submitted to the FIU Board of Trustees certifying that the evaluation/review contained all the required components using a template provided by the SUS Chancellor. A copy of the summary must be submitted to the Florida Board of Governors' office within thirty (30) days after the FIU Board of Trustees' review.

Supporting Documentation:

*Agenda | Academic Policy and Student Affairs Committee Meeting |
December 6, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

**Subject: Confirming Reporting Obligations of Certain University Positions and
Updating as to Those Positions the President's Powers & Duties Delegation
Resolution Dated February 20, 2019**

Proposed Board Action:

To (i) document by resolution the reporting obligations of the positions of the Chief Compliance and Privacy Officer, Chief Audit Executive, Board of Trustees Corporate Secretary, and General Counsel to both the President and the Board of Trustees as described below and (ii) update the President's Powers & Duties Resolution dated February 20, 2019 (the "Delegation Resolution") to expressly enumerate these positions as requiring joint approval of the President and Chair of Board of Trustees in personnel actions as described below.

Background Information

In recognition of Board of Governors' Regulations 4.002 and 4.003, the Office of Internal Audit Policy & Charter #125.205, the University's Compliance and Ethics Charter, and the Rules Regulating the Florida Bar (e.g., Rule 4-1.13 Organization as Client), as applicable, the Board of Trustees hereby confirms that the following positions report functionally to the Board of Trustees and administratively to the President: the Chief Compliance and Privacy Officer, the Chief Audit Executive, and the General Counsel. In addition, the Board of Trustees recognizes that the Corporate Secretary reports functionally to the Board of Trustees and administratively to the President.

On February 20, 2019, the Board of Trustees adopted the Delegation Resolution pursuant to which the Board of Trustees delegated powers and duties to the President to be exercised consistently with laws, rules, regulations, policies and guidelines and subject at all times to the reserved powers of the Board of Trustees.

In Section 3(c) of the Delegation Resolution, pertaining to Personnel, the Board of Trustees reserved powers related to certain personnel actions involving the positions of Vice President, Athletic Director, Head Coach, or other executive direct report position to the President or the Board of Trustees.

The Board of Trustees now desires to update the Delegation Resolution to expressly enumerate the positions of Chief Compliance and Privacy Officer, Chief Audit Executive, Board of Trustees Corporate Secretary, and General Counsel, as follows:

(3) Personnel.

...

(c) (1) With the exception of the positions listed in subsection (c)(2), consult with the Board Chair, or other trustee designee, on the hiring, dismissal, and compensation of any person to serve in a Vice President capacity, as the Athletic Director, as a Head Coach, or other executive direct report position to the President or the Board of Trustees. The President shall consult with the Board Chair or other trustee designee on an annual basis to review the positions covered by this provision and amend the list based on the mission and strategic priorities of the University.

(2) Secure the joint approval of the Board Chair on the hiring, dismissal and compensation of any person to serve as the Chief Compliance and Privacy Officer, the Chief Audit Executive, the Board of Trustees Corporate Secretary, and the General Counsel.

...

Supporting Documentation: None

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

Subject: Direct Support Organizations Board Appointments

Proposed Board Action:

Approve the appointments of the individuals listed below and in the board materials, to the Florida International University Foundation, Inc. Board of Directors.

Background Information:

On October 22, 2022, the Board of Directors of the Florida International University Foundation, Inc., a direct support organization (“DSO”) of Florida International University (the “FIU Foundation”), appointed two (2) new fellows and one (1) new director, all identified below.

Accordingly, and as required by Regulation FIU-1502, the FIU Foundation is requesting that the FIU Board of Trustees approve the appointment of such individuals to the FIU Foundation Board of Directors, as follows:

A. New Fellows Appointments:

- Trish and Dan Bell

B. New Director Appointment for initial one-year term (*FY 2022-2023*)

- Juan J. Martinez '90, MAcc '93

The Florida International University Board of Trustees (the BOT) approved amendments to Regulation FIU-1502, Direct Support Organizations, at its March 4, 2019 meeting. Pursuant to FIU-1502, the BOT shall approve all appointments to the governing body of each DSO, other than the BOT Chair’s representative(s) or the President or President’s designee.

Florida Board of Governors Regulation 9.011(9) University Direct Support Organizations and Health Services Support Organizations, provides, in relevant part, that the university board of trustees shall approve all appointments to any DSO board other than the chair’s representative(s) or the president or president’s designee.

Florida Statute 1004.28(3) Direct-support organizations; use of property; board of directors; activities; audit; facilities, provides, in relevant part, that “the university board of trustees shall approve all appointments to any direct-support organization...” other than the BOT Chair’s representative(s) or the President or President’s designee.

Supporting Documentation: *Agenda | Governance Committee Meeting, December 6, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

December 6, 2022

**Subject: Proposed Amendments to the Bylaws of the Florida International University
Board of Trustees**

Proposed Board Action:

Approve the proposed amendments to the Bylaws of the Florida International University Board of Trustees.

Background Information:

At its November 9, 2022 meeting, the State University System Florida Board of Governors (BOG) approved an amendment to Regulation 1.001, University Board of Trustees Powers and Duties, to remove an outdated reference to a president serving as the university corporate secretary.

Consistent with the BOG’s amendment to Regulation 1.001, the proposed amendments to the Bylaws of the BOT include the removal of the reference in the Bylaws that the Florida International University President shall serve as the Corporate Secretary of the Florida International University Board of Trustees (BOT) and other related amendments. The amendments propose that the BOT Chair, in consultation with the University President, shall select a University employee to serve as the Corporate Secretary. While no longer requiring that the University President serve as the Corporate Secretary, the amendments, consistent with the current Bylaws, confirm that the University President serves as the Chief Executive Officer to the BOT and that reference is now included under the heading “Duties of the President”. Further, the amendments reflect that the President is responsible for all operations of the University and for setting the agenda for meetings of the Board of Trustees with the approval of the Board Chair.

Section 8.1 of the BOT Bylaws states, “[t]hese Bylaws may be altered, amended or repealed at any regular meeting of the Board by a two-thirds (2/3) vote of all members of the Board, when notice of the proposed amendment or repeal is provided in the meeting notice.

Supporting Documentation: *Agenda | Governance Committee Meeting | December 6, 2022*

Facilitator/Presenter: *Dean C. Colson, Board Chair and Governance Committee Chair*