



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

FIU, Modesto A. Maidique Campus, FIU Stadium, Stadium Club

**Wednesday, June 5, 2024
2:00 PM**

*or
Upon Adjournment of Previous Meeting*

AGENDA

- | | |
|---|---------------------------|
| 1. Call to Order and Chair's Remarks | Chair Roger Tovar |
| 2. Public Appearances | Roger Tovar |
| 3. Foundation Report | Adalio T. Sanchez |
| 4. President's Report | Kenneth A. Jessell |
| 5. Action Items – Consent Agenda | Roger Tovar |
| BT1. Minutes, April 25, 2024 | |
| FF1. Approval of Contracts greater than or equal to \$3,000,000:
1. <i>Great Waste & Recycling Services LLC</i>
2. <i>Toshiba America Business Solutions, Inc.</i> | |
| FF2. Investment Policy Amendment | |
| FF3. Tuition for Master of Science in Financial and Quantitative Analysis
Self-Supporting Program, 2024-25 Academic Year | |
| FF5. Proposed 2024-25 Appropriated Fixed Capital Outlay Budget/Capital
Improvement (<i>Pending Governor's Approval</i>) | |
| FF6. Request for Approval of Florida International University's 2025-26
Fixed Capital Outlay Legislative Budget Request, Consisting of the
five-year Capital Improvement Plan | |
| AP1. Tenure Nominations | |
| AP2. Tenure as a Condition of Employment Nominations | |
| AP3. Reduction of Bachelor of Science in Nursing to 120 Credits | |
| AP4. New Program Proposal: Master of Science in Financial and
Quantitative Analysis | |

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

- AP5. Proposed Amendment to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct
- AP6. Proposed Amendment to Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII)
- AP7. Proposed Amendment to Regulation FIU-110 Expressive Activities in Outdoor Areas on Campus
- AP8. Proposed Amendment to Regulation FIU-111 Camping
- AP9. Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code
- AP10. Proposed Amendment to Regulation FIU-2504 Student Religious Observances, Practices, and Beliefs
- G1. Updated Continued Exclusions of Trustees other than the Board Chair and Updated Continued Exclusion of the Board of Trustees Corporate Secretary
- G2. Ratification of the 2024-2025 Wage Reopener for the 2023-2026 Collective Bargaining Agreement between the FIU Board of Trustees and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO
- G4. President’s Performance and Incentive Goals, 2024-25

6. Action Items

- FF4. Proposed 2024-25 University and DSO Operating Budgets** **Carlos A. Duarte**
- G3. President’s Management Review and Incentive Compensation Award** **Roger Tovar**

7. Status Reports, Board Committees

- Audit and Compliance Committee **Chanel T. Rowe**
- Finance and Facilities Committee **Carlos A. Duarte**
- Academic Policy and Student Affairs Committee **Natasha Lowell**
- Governance Committee **Roger Tovar**

8. New Business *(If any)* **Roger Tovar**

9. Concluding Remarks and Adjournment **Roger Tovar**



June 5, 2024

Subject: Approval of Minutes of Meeting held April 25, 2024

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on April 25, 2024.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on April 25, 2024.

Supporting Documentation: Minutes: Full Board Meeting, April 25, 2024

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Full Board
April 25, 2024

FIU, Biscayne Bay Campus, Wolfe University Center, room 221

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 12:12 PM on Thursday, April 25, 2024.

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 (*Zoom*); Gene Prescott; Chanel T. Rowe (*Zoom*); and Alexander P. Sutton.

Trustee Marc D. Sarnoff was excused.

Board Chair Tovar welcomed all Trustees, members of the University administration, and the University community. He also welcomed incoming Student Government President and student representative on the Board, Francesca Casanova who will begin her term on May 6, 2024. Board Chair Tovar also welcomed and commended cancer researcher Dr. Diana Azzam. He added that the groundbreaking treatment approach that Dr. Azzam is pioneering delivers faster results and more treatment options for doctors.

Board Chair Tovar stated that FIU Law graduates earned the highest first-time Florida bar passage rate among all Florida law schools on the exam administered in February. He noted that with a first-time passage rate of 82.6%, FIU Law surpassed the statewide average passage rate for accredited schools in Florida by 28.6 percentage points. Board Chair Tovar pointed out that the Florida Board of Governors will not be holding a Trustee Summit in 2024. He commented on important changes relating to the Florida Commission on Ethics annual financial disclosure process. He explained that beginning with the 2023 form year, which is filed in 2024, Form 1 - Statement of Financial Interests, must be filed electronically.

Board Chair Tovar mentioned that Women's Basketball finished the season with a 21-12 record and tied for second place in Conference USA (CUSA). Board Chair Tovar commented that Women's Tennis hosted and won the CUSA Championship for the second year in a row. He added that for the second straight year and thirteenth time in program history, the Panthers will be in the National Collegiate Athletics Association (NCAA) Tournament as the automatic bid from CUSA. Board Chair Tovar stated that the newly completed Sergio Lemme-PayCargo Tennis Center is a rebuild of six lighted asphalt tennis courts, with covered seating and scoreboard. He indicated that Women's

Beach Volleyball is currently ranked #14 with a 20-9 record and secured the second seed in the CUSA Tournament. He remarked that FIU Baseball currently has a 23-17 record and is in second place in CUSA. Board Chair Tovar added that senior Armando Becerra was named Conference USA Hitter of the Week and overall, had nine hits, nine runs batted in (RBI), three Home Runs, two doubles and one triple in the weekend sweep vs. New Mexico State. Board Chair Tovar noted that the Hydrotherapy room has been completely renovated with state-of-the-art Grimm Cryotherm Hydrotherapy pools for treating multiple athletes whole-body and extremity immersions.

Board Chair Tovar recognized Trustee Alexander P. Sutton's service on the Board, which concludes on May 6, 2024.

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, April 25, 2024, two requests to address the Board were received. General Counsel Castillo proceeded to call the registered speakers by name. The following individual addressed the Board after his name was called:

- Brian Levine, alumnus and former member of student government and the Bayview Housing Council, acknowledged that despite challenges related to the pandemic, the Biscayne Bay Campus has begun to experience growth in terms of students living on campus and participating in on-campus events. He added that the Biscayne Bay Campus has untapped potential.

Board Chair Tovar thanked the speaker for his comments.

3. Foundation Report

FIU Foundation Inc. Board of Directors Chair Adalio T. Sanchez commented on major priorities, including the hiring and onboarding of the Foundation's CEO, team retooling, enhancing processes and transparency, and maintaining momentum and enhancing fundraising. Chair Sanchez indicated that the Foundation Board welcomed Hugo Manuel Mantilla and Carlos Anthony Somoza, Esq. '93 as new members. Chair Sanchez commented on the second annual FIU Alumni Board of Directors D.C. fly-in. He indicated that fiscal year to-date, \$46.3M was raised towards the goal of \$83M. He added that major gift proposals which have already been delivered total \$38M with an additional \$9M in gift proposals anticipated to be delivered by the end of the fiscal year. Chair Sanchez commented on the current state of transition within University Advancement and presented an action plan, which addresses staffing, policy and procedures, and strategic planning for the future. He pointed out that for the eight months ended February 29, 2024, philanthropy totaled \$36M and of that, \$24.7M was received in cash. He indicated that as of February 29, 2024, the Foundation's total investment portfolio stands at approximately \$451.5M and on a fiscal-year-to-date basis, the

Total Managed Assets returned 7.87% net of fees. He noted that the performance of the FIU Foundation investment portfolio is well above the median of its peers on a one-, three-, five-, and ten-year basis.

4. President's Report

University President Kenneth A. Jessell introduced Dr. Azzam.

Dr. Azzam commented that she and her team are the first to demonstrate that functional precision medicine could be used to find effective treatment options for children even after standard treatments fail. She added that the publication of this approach in *Nature Medicine* is proof of principle and demonstrates that this approach can be used to offer treatment options for children and adult cancer patients who are running out of options. Dr. Azzam stated that while there are two ongoing clinical trials that can help a few patients, the goal is to be able to make said treatment accessible to any patient that needs personalized treatment options. She noted that her lab received a \$2M appropriation from the State of Florida to purchase the necessary robotic instrumentation. She remarked on working towards obtaining Clinical Laboratory Improvement Amendments (CLIA) certification, which will provide the foundation for U.S. Food and Drug Administration approval. In response to Trustee Dean C. Colson, Dr. Azzam indicated that upon receiving CLIA certification, the program would need \$5M to \$10M to scale up and purchase additional robotic arms, which could expand the reach of patients that can be helped. Senior Vice President for Research and Economic Development and Dean of the University Graduate School, Andres G. Gil commented on working with the University's governmental relations team to secure more government funding for the purchase of additional robotic arms. Sr. VP Gil added that Dr. Azzam also has a National Institutes of Health (NIH) grant under review. In response to Board Vice Chair Carlos A. Duarte, Sr. VP Gil stated that there is a provisional patent in place.

President Jessell stated that in March 2024, FIU hosted Florida Secretary of Commerce, Alex Kelly, Florida Agency for Health Care Administration Secretary, Jason Weida, as well as Lieutenant Governor Jeannette Nunez. President Jessell also commented on the visit from the President of Argentina, Javier Milei. President Jessell remarked that the University recently honored its top student employees. He stated that Relay for Life, benefiting the American Cancer Society, raised over \$40,000 and celebrated the 20th anniversary of the event on campus. He added that the Out of the Darkness Walk, benefiting the American Foundation for Suicide Prevention, raised over \$33,000. President Jessell remarked on admitted student days at the Biscayne Bay and Modesto A. Maidique campuses. He indicated that on April 28, 2024, FIU will kick off five days of commencement ceremonies for spring 2024 graduates.

5. Action Items – Consent Agenda

Board Chair Tovar indicated that, in addition to Full Board minutes, the Consent Agenda includes action items FF2, recommended for Board approval by the Finance and Facilities Committee and G1 and G2 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, February 29, 2024** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on February 29, 2024.
- **FF2. Update Regarding Previously Approved Student Residence Facility Program and Total Project Cost at Modesto A. Maidique Campus** - Delegation to Board Chair and Vice Chair to finalize the student residence facility programming (e.g., number of beds), total project cost, resubmit all required documentation to the Florida Board of Governors and Division of Bond Finance, and execute all required documents associated with the student residence facility on behalf of the FIU Board of Trustees.
- **G1. 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.
- **G2. Exclusion of the FIU Board of Trustees Corporate Secretary** - Adoption of a Resolution excluding the FIU Board of Trustees Corporate Secretary from the requirements for a personnel security clearance.

6. Action Items

FF1. Renewal of Naming of FIU Arena as the “Ocean Bank Convocation Center”

There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the renewal of the existing naming of the FIU Arena, as the “Ocean Bank Convocation Center,” in accordance with a separate gift and naming rights agreement related thereto and the University’s and the FIU Foundation, Inc.’s Donative Naming Policy.

SP1. Florida International University Annual Accountability Plan, 2024

Strategic Planning Committee Vice Chair Francis A. Hondal noted that the Strategic Planning Committee engaged in a thorough review of FIU’s 2024 Accountability Plan. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees (1) approve Florida International University’s Annual Accountability Plan as provided in the Board materials and (2) delegate authority to the University President to perform finish editing as needed and to amend consistent with comments received from the Board of Governors.

7. Status Reports, Board Committees

Board Chair Tovar mentioned that the following Committees met earlier in the day: Finance and Facilities; Strategic Planning; External Relations; and Governance.

Finance and Facilities Committee Report

Board Vice Chair Duart, Finance and Facilities Committee Chair, provided highlights from the Finance and Facilities Committee’s meeting earlier in the day. He indicated that, in addition to the item approved as part of the Consent Agenda, the Committee also reviewed and approved the

renewal of the EdFinancial Services piggyback agreement for student financial aid call center services. He added that the renewal, which is amendment three, is for a term beginning July 1, 2024 through June 30, 2025. Board Vice Chair Duart indicated that the total estimated cost from the initial term, which began July 1, 2022 through the potential fourth amendment ending June 30, 2026 is \$1.5M. He commented that Senior Vice President for Finance and Administration and Chief Financial Officer Aime Martinez presented the final audited financial statements for the University and direct support organizations issued by the State of Florida Auditor General for the fiscal year ending on June 30, 2023. Board Vice Chair Duart indicated that the auditors did not identify any deficiencies in internal control over financial reporting considered to be a material weakness or any instances of non-compliance or other matters required to be reported under Government Auditing Standards.

Strategic Planning Committee Report

Trustee Hondal provided highlights from the Strategic Planning Committee's meeting earlier in the day. She commented that Provost and Executive Vice President Elizabeth M. Bejar provided updates regarding the 2030 strategic planning process. Trustee Hondal stated that Trustee Natasha Lowell provided an update on the Campus Master Plan and encouraged Trustees to attend the upcoming May 6, 2024 meeting of the Campus Master Plan Ad Hoc Committee. Trustee Hondal noted that Trustee Alexander P. Sutton provided a student government update.

External Relations Committee Report

Trustee Hondal, Chair of the External Relations Committee, provided highlights from the External Relations Committee's meeting earlier in the day. She commented that Senior Vice President for Strategic Communications, Government and External Affairs Michelle L. Palacio reported on the ongoing reputation and rankings marketing campaign. Trustee Hondal mentioned that Sr. VP Palacio shared updates on the University's investments, partnerships, and accomplishment related to the strategic communications and marketing during the 2023-24 academic year and shared initial plans related to the 2024-25 academic year. Trustee Hondal stated that Sr. VP Palacio also shared videos, advertisements, sponsorships, magazine articles, and billboards around Miami which have continued focus on reinforcing and supporting the FIU preeminent mindset. Trustee Hondal indicated that Sr. VP Palacio also commented on recent successes in Tallahassee and at FIU in D.C.

Governance Committee Report

Board Chair Tovar provided highlights from the Governance Committee's meeting earlier in the day.

8. New Business

Trustee Sutton stated that the other registered speaker, Karina Hernandez, was not able to arrive in time to address the Board during the public comment period. Board Chair Tovar invited Ms. Hernandez to address the Board.

- Karina Hernandez, climate action advocate and member of the Student Government Association (SGA), commented on the recently passed SGA Resolution relating to a sustainability and environmental resilience action plan. She requested that the FIU Board of Trustees consider integrating said plan to the University's strategic plan.

9. Concluding Remarks and Adjournment

With no other business, Board Chair Roger Tovar adjourned the meeting of the Florida International University Board of Trustees Full Board on Thursday, April 25, 2024, at 1:14 PM.



June 5, 2024

Subject: Approval of Contracts greater than or equal to \$3,000,000:

1. Contract #PUR-08315 for University-wide Solid Waste Removal Services, and Contract #PUR-08316 for Single-Stream Recycling Removal Services with Great Waste & Recycling Services LLC
2. Contract #PUR-08298 for University-Wide Print Managed Services with Toshiba America Business Solutions, Inc.

Proposed 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, Florida International University Board of Trustees (i) approval of the University entering into the contracts and purchase orders and/or change orders to the purchase orders, as listed and described below, and (ii) authorization for the University President or his designee to execute, on behalf of the University, the aforementioned contracts and/or purchase orders.

Background information:

1. Contract #PUR-08315 for University-wide Solid Waste Removal Services, and Contract #PUR-08316 for Single-Stream Recycling Removal Services with Great Waste & Recycling Services LLC

Invitation to Negotiate (ITN) ITN-2024-000118 was publicly advertised, and Procurement Services received three responses. One response did not align with the scope of work, while the other two were deemed fully acceptable and met all established evaluation criteria. Following the Best and Final Offer (BAFO) stage, it was evident that Great Waste & Recycling Services LLC emerged as the most advantageous choice to serve as a University-wide service provider for both solid waste removal services and single-stream recycling services.

The contract shall have an initial term of four (4) years, known as the 'Initial Term,' with the option of renewal for two (2) additional terms of two (2) years each, collectively referred to as the 'Renewal Term.' The total duration of the contract, including the Initial Term and any possible renewals, shall not exceed eight (8) years. Any renewals beyond the Initial Term will require renegotiation after the fourth year of the Initial Term. The renewal agreement beyond year four shall be brought before the Board of Trustees for approval in the future.

- Solid Waste Removal Services – Projected Initial Term for base services is \$4,277,627.00
- Single Stream Recycling Services – Projected Initial Term for base services is \$982,896.00

Potential total for solid-waste and single stream recycling, including additional services as needed is \$6,312,627.00 for four years.

The above cost proposals only reflect base services. Therefore, we are requesting an additional 20% for potential unscheduled services based on the evolving needs of FIU. This includes solid waste removal services and single-stream recycling services, accounting for an additional \$1,052,095.43 (waste removal: \$855,525.28; recycling services: \$196,570.15). The University reserves the right to increase or decrease the number of containers, size of containers, scheduled pick-ups, per the bid pricing to meet the University's needs.

The additional services (non-base) historically average around 20% of the base contract and cover the following types of services.

- Solid waste and single-stream recycling services for buildings that are not in service yet but under construction (such as the Chapel project and the Engineering building)
- Buildings that will be constructed during the term of this contract (for example, the CasaCuba project or possible new student housing project)
- Landfill disposal fees that are subject to increases by the county and are outside the control of the vendor
- Fluctuations in weight on open-top containers (charged based on weight rather than frequency of service, unlike regular front-load dumpsters)
- Requests for additional dumpsters for University events (commencement ceremonies, political events, concerts, high school graduations, etc.)
- Requests for additional dumpsters for special cleanups (such as pre-hurricane season cleanups or sustainability initiatives like 'Clean the Bay', etc.)
- Requests for additional dumpsters for Housing (during move-in/move-out periods).
- Requests for additional dumpsters for Athletic events (football games, baseball games, tournaments, or other sporting events)
- Confidential recycling (shredding) services

The increase for solid waste and single-stream recycling amounts to approximately 20% compared to what FIU currently pays. These are essential services rendered to the University and are covered under utility expenses.

- **Term:** 07/01/2024 – 6/30/2028
- **Cost:** \$6,312,627.00 for four years
- **Funding Source:** Various

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting, June 5, 2024*

2. Contract PUR-08298 with Toshiba America Business Solutions, Inc.

The piggyback agreement is being requested by FIU Procurement for University-Wide Print Managed Services. Toshiba copiers and printing services are utilized by all University departments. The Master Agreement # 188037 was awarded as a result of a Request for Proposal RFP-NP-23-001 solicited by the State of Colorado in conjunction with NASPO ValuePoint Cooperative Purchasing Program.

- **Term:** Commences on August 1, 2024, through July 31, 2029. The total duration of this agreement shall not exceed five (5) years.
- **Cost:** \$4,500,000.00 for the term of the contract ending July 31, 2029. Anticipated total cost of contract is calculated based on historical spend data and the new lease and print-per-copy rates of the NASPO Cooperative Purchasing Program Master Agreement # 188037.
- **Funding Source:** Various

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Investment Policy Amendment

Proposed Action:

Florida International University Board of Trustees (BOT) adoption of revisions to the University's Investment Policy, in the form attached hereto.

Background Information:

The University Investment Committee is an advisory committee created by the BOT to make recommendations to the University administration and BOT regarding University investments. The University is recommending approval of the proposed revisions to the Investment Policy. The proposed revisions were ratified by the University Investment Committee on May 15, 2024.

The new policy amends the long-term strategic asset allocation targets for the Strategic and Reserve Pool. The Private Equity target will be reduced to 0 percent from 5 percent, the US Equity target will be increased to 9 percent from 7 percent and the International Equity target will be increased to 8 percent from 5 percent.

The BOT is authorized to adopt an investment policy pursuant to Sections 1011.42 and 218.415 Florida Statutes. The University's Investment Policy was last revised on February 26, 2020.

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Tuition for Master of Science in Financial and Quantitative Analysis Self-Supporting Program, 2024-25 Academic Year

Proposed Action:

Florida International University Board of Trustees (BOT) approval of the self-supporting tuition of \$900 per credit for a total of \$32,400 for 36 credits for the Master of Science in Financial and Quantitative Analysis (MS-FQA) beginning academic year 2024-25 pending program approval by the Board of Trustees.

Background Information:

The BOT Academic Policy and Student Affairs Committee will review the Master of Science in Financial and Quantitative Analysis (MS-FQA) new program proposal at its June 5, 2024, meeting. In accordance with Florida Board of Governors (BOG) Regulation 8.011, *Academic Degree Program Coordination and Approval*, FIU will submit the MS-FQA proposal to the BOG staff for review and addition to the BOG Academic Degree Inventory.

BOG Regulation 8.002(2)(a)(5), *Self-Supporting and Market Tuition Rate Program and Course Offerings*, provides in relevant part, that the tuition and fees charged for all self-supporting college-credit programs must be sufficient to offset the full instructional cost of serving the student and shall not exceed the existing approved tuition and out-of-state fees for similar level courses. The MS-FQA is a self-supporting graduate degree program offered through the College of Business.

Tuition for the program is proposed at \$900 per credit (equivalent to tuition and the out-of-state fee) for a total of \$32,400 for 36 credits, which is the maximum tuition allowed per BOG Regulation 8.002. Total tuition and fees will be \$35,760. The budget (Table 3B Continuing Education, Self-Supporting and Market Rate Program Budget) reflects the proposed expense items required to launch and sustain the degree.

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Proposed 2024-25 Appropriated Fixed Capital Outlay Budget/Capital Improvement
(Pending Governor's approval)

Proposed Action:

Florida International University Board of Trustees (BOT) approval of Florida International University's 2024-25 Appropriated Fixed Capital Outlay Budget (pending Governor's approval) and authorization for the University President to amend the budget as necessary, consistent with Legislative, Florida Board of Governors' and BOT directives and guidelines.

Background Information:

Section 1013.61, Florida Statutes, requires that the BOT adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the BOT for the entire year may be well understood by the public. The capital outlay budget is part of the annual budget and shall be based upon and in harmony with the BOT's capital outlay plan. The budget shall designate the proposed capital outlay expenditures by project for 2024-25 from all fund sources, as amended.

Florida Board of Governors Regulation 1.001(6)(a), University Board of Trustees Powers and Duties, provides, in relevant part, that each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay appropriations, to the Board of Governors for approval in accordance with the guidelines established by the Board of Governors.

Florida Board of Governors Regulation 14.003(1), Fixed Capital Outlay Projects – University Budgeting Procedures, provides, in relevant part, that each university will prepare an annual Fixed Capital Outlay (FCO) Budget for all appropriated Fixed Capital Outlay (FCO) Projects in accordance with the instructions, guidelines, and standard formats provided by the Chancellor for those FCO Projects as defined in Board Regulation 14.001. The FCO Budget must be approved by both the university board of trustees and the Board of Governors. Such approval remains in effect for the life of the FCO Projects. The annual FCO Budget must include all FCO Projects, including previously approved projects which have not yet been completed.

The Capital Outlay Budget governs the University's capital expenditures during the year.

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Request for Approval of Florida International University's 2025-26 Fixed Capital Outlay Legislative Budget Request Consisting of the five-year Capital Improvement Plan

Proposed Action:

Florida International University Board of Trustees (BOT) approval of FIU's 2025-26 Fixed Capital Outlay Legislative Budget Request, consisting of the five-year Capital Improvement Plan and authorization for the University President to amend the Legislative Budget Request as necessary, consistent with Florida Board of Governors (BOG) and BOT directives and guidelines.

Background Information:

Sections 1001.706(12), 1011.40(1), and 1013.60, Florida Statutes, require each university to submit a legislative budget request for Fixed Capital Outlay (FCO) in the form of a Capital Improvement Plan (CIP) in accordance with the instructions, guidelines, and standard formats provided by the Chancellor of the State University System of Florida. The CIP includes Public Education Capital Outlay (PECO) Projects and Capital Improvement Trust Fund (CITF) Projects, Back-of-Bill (BOB) Legislative Project Authorization Requests, and shows the university's proposed capital expenditures over the next five years.

While each university may include any project recommended on the university's most recent Educational Plant Survey, the BOG will only consider/score those projects that are: (i) incomplete PECO projects which received a prior appropriation and requires additional PECO funds to complete; and/or (ii) the top two priorities for each university. The BOG will adopt the State University System Legislative Budget Request for Fixed Capital Outlay at its September 19, 2024 meeting based upon a points-based prioritization method to rank projects for consideration from the selection of projects submitted by each university BOT in accordance with Section 1001.706 (12), Florida Statutes.

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Tenure Nominations

Proposed Action:

Florida International University Board of Trustees approval of the Tenure Nominations as specified in the Board materials.

Background Information:

Pursuant to Florida Board of Governors Regulation 1.001(5)(a), University Board of Trustees Powers and Duties, each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

The University President is recommending the granting of Tenure for eighteen (18) nominees as specified in the Board materials.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting,
June 5, 2024*

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June 5, 2024

Subject: Tenure as a Condition of Employment Nominations

Proposed Action:

Florida International University Board of Trustees approval of two (2) candidates for Tenure as a Condition of Employment (TACOE).

Background Information:

Pursuant to Florida Board of Governors Regulation 1.001(5)(a), each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

The TACOE nominees hold tenure at their previous institution and have been selected to receive TACOE based on the caliber of their work.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting,
June 5, 2024*

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June 5, 2024

Subject: Reduction of Bachelor of Science in Nursing to 120 Credits

Proposed Action:

Florida International University Board of Trustees approval of the reduction of total degree credits to 120 for the Bachelor of Science in Nursing effective Fall 2024.

Background Information:

In November 2023, the Board of Governors (BOG) amended regulation 8.014 Bachelors' Degree Exceptions to 120 Credit Hours Requirement. The Board of Trustees must approve reductions in credit hours as the new total hours to degree. Upon a decrease in credit hours, the university will submit to the Board of Governors' office a notification of reduced credit hours and include the university board of trustees approved credit hours to degree before the start of the effective term.

In the case of the B.S. in Nursing, Florida International University has chosen to follow most of the other State University Systems institutions in offering this Program of Strategic Emphasis degree at the minimum credits of 120.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: New Program Proposal: Master of Science in Financial and Quantitative Analysis

Proposed Action:

Florida International University Board of Trustees approval of the Master of Science in Financial and Quantitative Analysis (CIP 27.0305) new program proposal.

Background Information:

The College of Business is proposing a new Master of Science in Financial and Quantitative Analysis. The proposed 36-credit degree will emphasize developing analytical skills needed for managing large financial datasets using machine learning and artificial intelligence-based tools and techniques.

The degree focuses on financial markets' use of large datasets to make informed investment and financing decisions. Graduates will function in financial mathematics areas: numerical methods, probability theory, stochastic processes, simulation, and other advanced statistical techniques needed for modeling data used by decision makers in financial markets.

Each university board of trustees shall approve for implementation new degree programs at the bachelor's, master's, advanced master's, and specialist levels in accordance with sections (3)(c) and (4) of Florida Board of Governors Regulation 8.011 – *Academic Degree Program Coordination and Approval*.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Proposed Amendment to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct

Proposed Action:

Florida International University Board of Trustees approval of the proposed amendment to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct, 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.

Background Information:

The proposed amendments include designating recently appointed Jacqueline Moise Gibbs as the University's Title IX Coordinator. Additionally, definitions were added to clarify terms and processes related to investigative procedures, under the University regulation and in compliance with the 2020 Final Rule. Terms were revised, as needed, to more clearly delineate the steps in the investigative process. The time between receipt of the Notice of Allegation and date of initial party interview has been reduced based on feedback to maintain a sufficient amount of time to prepare a response but at the same time ensure prompt resolution of the process. The list of on-campus Confidential resources was updated to include the Empowerment Center, which is scheduled to open during the Summer 2024 semester. Finally, updates were made to correct the reporting page information to REPORT.FIU.EDU where grievances may be reported to the Office of Civil Rights Compliance and Accessibility (CRCA).

Florida Board of Governors Regulation 1.001(5)(a), University Board of Trustees Powers and Duties, provides, in relevant part, that each boards of trustees shall provide for the establishment of "the personnel program for all the employees of the university, including ... standards for performance and conduct,... disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment."

Florida Board of Governors Regulation 1.001(3)(j)(l) provides, in relevant part, that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedures adopted by the Board of Governors; and each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students and campus visitors.

Florida Board of Governors Regulation 6.0105(8), Student Conduct and Discipline, in relevant part, requires university Boards of Trustees to incorporate minimum standards into any process that evaluates whether a student is responsible for sexual misconduct, gender-based discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting,
June 5, 2024*



June 5, 2024

Subject: Proposed Amendment to Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII)

Proposed Action:

Florida International University Board of Trustees approval of the proposed amendment to Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII), 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.

Background Information:

This regulation is being updated to reflect the change in the responsible office and officer name. Additionally, definitions and clarifications addressing relevant terms and processes that are part of the investigative procedures. These changes include defining and clarifying the role of complainant and respondent, which were formally called the aggrieved party and offender. The updates also include defining a formal complaint and further clarifying the bases for appeal.

Florida Board of Governors' regulations 1.001(5)(a) grants the university board of trustees the power to establish personnel program for all employees.

Regulation 1.001(5)(a)(10) University Board of Trustees Powers and Duties, states in part as follows: "Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president. ..."

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Proposed Amendment to Regulation FIU-110 Expressive Activities in Outdoor Areas on Campus

Proposed Action:

Florida International University Board of Trustees approval of the proposed amendment to Regulation FIU-110 Expressive Activities in Outdoor Areas on Campus 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.

Background Information:

In 2018, the Board of Trustees approved amendments to Regulation FIU-110 to align the regulation with the provisions of the Florida Campus Free Expression Act (“CFEA”), Section 1004.097, Florida Statutes, which became effective on March 11, 2018. As revised, the regulation defined expressive activities and outdoor areas of campus, the hours during which certain such activities are not allowed to take place on campus, and the procedure for requests to engage in expressive activities with the use of amplification and appeals of the denials of such requests. The current proposed changes include adding the word “demonstrations” to the non-exhaustive list of sample activities contained in the definition of “Expressive Activities” set forth in Section 1(a); adding new Section 3 to clarify that certain “Expressive Activities” are prohibited from occurring inside of University buildings or University indoor facilities; and amending section references, which are needed as a result of the proposed addition of new Section 3.

Florida Board of Governors Regulation 1.001(3)(j)(1) provides, in relevant part, that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedures adopted by the Board of Governors.

Florida Board of Governors Regulations 1.001(7)(g) provides, in relevant part, that each board of trustees shall be responsible for the use, maintenance, protection, and control of, and the imposition of charges for, university-owned or university-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the university.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Proposed Amendment to Regulation FIU-111 Camping

Proposed Action:

Florida International University Board of Trustees approval of the proposed amendment to Regulation FIU-111 Camping 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.

Background Information:

The proposed changes to this regulation include removing Section 4 from the regulation given that this section addresses a type of expressive activity, and “Expressive Activities” are otherwise covered by Regulation FIU-110 Expressive Activities in Outdoor Areas of Campus.

Florida Board of Governors Regulation 1.001(3)(j)(1) provides, in relevant part, that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedures adopted by the Board of Governors.

Florida Board of Governors Regulations 1.001(7)(g) provides, in relevant part, that each board of trustees shall be responsible for the use, maintenance, protection, and control of, and the imposition of charges for, university-owned or university-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the university.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting,
June 5, 2024*

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June 5, 2024

Subject: Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code

Proposed Action:

Florida International University Board of Trustees approval of the proposed amendment to Regulation FIU-2501 Student Conduct and Honor Code, 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 or as a result of the regulation-making process.

Background Information:

Florida Board of Governors Regulations 1.001(4)(a)(10), University Board of Trustees Powers and Duties, and 6.0105, Student Conduct and Discipline, grant university boards of Trustees authority to establish a student disciplinary system, including a code of conduct.

Florida Board of Governors Regulation 1.001(4)(a)(10), states, in part, as follows: “Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to: ... uniform student code of conduct and related penalties.”

Florida Board of Governors Regulation 6.0105(1) states, in part, as follows: “In furtherance of the educational mission of the universities, each university board of trustees shall establish a student disciplinary system, including a code of conduct...”

The following points summarize the substantive changes being proposed:

1. update to behavioral misconduct to include violations of Florida Statute 553.865, Safety and Private Spaces Act;
2. increasing the number of days to charge an alleged Code violation from 90 calendar days to 180 calendar days of receiving an incident report;
3. update to the standard incident reporting form link to include report.fiu.edu;
4. sanctions to now include language specific to student organizations;
5. definition of student to now include students who are academically dismissed;
6. and other edits related to updated departmental names, website links, formatting, and scrivener’s errors. Per the regulation, all presented edits have been approved by the Faculty Senate and have allowed for student input.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Proposed Amendment to Regulation FIU-2504 Student Religious Observances, Practices, and Beliefs

Proposed Action:

Florida International University Board of Trustees approval of the the proposed amendment to Regulation FIU-2504 Student Religious Observances, Practices, and Beliefs, 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 or as a result of the regulation-making process.

Background Information:

Proposed changes to this regulation reflect an update of the name of the office responsible for administering grievances and an update regarding how to report concerns relating to students who allege a failure to reasonably accommodate religious observances, via FIU's central reporting page, REPORT.FIU.EDU.

Florida Board of Governors Regulation 6.0115, Religious Observances, provides that (1) each university board of trustees shall adopt a regulation which reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments; (2) each regulation shall include a grievance procedure by which a student who believes that he or she has been unreasonably denied an educational benefit due to his or her religious belief or practices may seek redress; and (3) such regulation shall be made known to faculty and students annually and included in the institution's handbook, manual, or other similar document regularly provided to faculty and students.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting, June 5, 2024*

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June 5, 2024

**Subject: Updated Continued Exclusions of Trustees other than the Board Chair and
Updated Continued Exclusion of the Board of Trustees Corporate Secretary**

Proposed Action:

Florida International University Board of Trustees (BOT) adoption of a Resolution that updates the exclusion of the named members of the FIU BOT and continues the exclusion of the BOT Corporate Secretary from the requirements for a personnel security clearance.

RESOLUTION

WHEREAS, Florida International University (“FIU”), a university in the State University System of Florida, has and desires to continue to enter into contractual obligations with agencies of the United States Government, including contractual obligations requiring security clearance; and

WHEREAS, current Department of Defense (DoD) policy requires that the Chair of the FIU Board of Trustees and all FIU principal officers meet the personnel clearance requirements established for the level of the University’s security clearance; and

WHEREAS, said DoD policy permits the exclusion from the personnel security clearance requirement of members of the Board of Trustees and other officers, provided that this Board adopts a resolution stating that such Board members and officers designated by name shall not require, shall not have, and can be effectively excluded from access to all classified information in the possession of FIU, and that they do not occupy positions that would enable them to adversely affect FIU's policies or practices in the performance of classified contracts for the DoD or other agencies of the National Industrial Security Program; and

WHEREAS, by previous resolutions the BOT excluded all of the BOT Trustees except for the BOT Chair from the requirements for a personnel security clearance; and

WHEREAS, by Resolution dated April 25, 2024, the BOT excluded the BOT Corporate Secretary from the requirements for a personnel security clearance; and

WHEREAS, the composition of the BOT Trustees has changed since the latest exclusion resolution dated February 29, 2024 was adopted and therefore, the exclusion of the BOT members must be updated.

NOW THEREFORE, BE IT RESOLVED, that the following Board of Trustees members and Corporate Secretary shall not require, shall not have, and can be effectively excluded from

access to all classified information in the possession of FIU, and do not occupy positions that would enable them to adversely affect FIU's policies or practices in the performance of classified contracts for the Department of Defense (DoD) or other agencies of the National Industrial Security Program. As such, they are excluded from the requirements for a personnel security clearance.

Carlos A. Duart	Trustee, Vice Chair
Cesar L. Alvarez	Trustee
Noël C. Barengo	Trustee
Francesca Casanova	Trustee
Dean C. Colson	Trustee
Alan Gonzalez	Trustee
Francis A. Hondal	Trustee
Natasha Lowell	Trustee
Yaffa Popack	Trustee
T. Gene Prescott	Trustee
Chanel T. Rowe	Trustee
Marc D. Sarnoff	Trustee
Milly Bello	Corporate Secretary

This action is in the form of a resolution to take effect immediately upon adoption.

Adopted this 5th day of June, 2024 by the Board of Trustees of Florida International University.

Rogelio Tovar
Chair
FIU Board of Trustees

Milly Bello
Corporate Secretary
FIU Board of Trustees

Supporting Documentation: N/A



June 5, 2024

Subject: Ratification of the 2024-2025 Wage Reopener for the 2023-2026 Collective Bargaining Agreement Between the Florida International University Board of Trustees and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO (Local 713)

Proposed Action:

Florida International University Board of Trustees (BOT) ratification of the 2024-2025 wage reopener for the 2023-2026 Collective Bargaining Agreement (CBA) between the BOT and the Florida Nurses Association, Office & Professional Employees International Union, Local 713, AFL-CIO (Local 713).

Background Information:

Representatives of the BOT and Local 713 have engaged in collective bargaining and reached a tentative agreement on the terms of the 2024-2025 wage article. Both parties agreed to a five percent (5%) wage increase to the base salary following joint ratification. Local 713 ratified the 2024-2025 wage reopener on May 29, 2024.

Florida Board of Governors Regulation 1.001(5)(c) provides that each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

Supporting Documentation: *Agenda | Governance Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: President's Performance and Incentive Goals, 2024-25

Proposed Action:

Florida International University Board of Trustees adoption of the proposed President's Performance and Incentive Goals as the President's goals for the 2024-25 academic year.

Background Information:

Pursuant to President Kenneth A. Jessell's Employment Agreement, namely, section 7(b), Dr. Jessell will provide the Board with a proposed list of goals and objectives for inclusion in the University's Accountability Plan, along with goals and objectives for incentive compensation, for the following academic year.

Supporting Documentation: *Agenda | Governance Committee Meeting, June 5, 2024*

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June 5, 2024

Subject: Proposed 2024-2025 University and Direct Support Organizations Operating Budget

Proposed Action:

Florida International University Board of Trustees (BOT) approval of the FIU 2024-25 University and Direct Support Organizations (DSO) Operating Budgets, and authorization for the University President to amend the budgets consistent with Legislative, Board of Governors' and BOT directives and guidelines.

Background Information:

The BOT is required to adopt an annual budget for the general operation of the University prior to submission to the Florida Board of Governors. The FY 2024-25 Proposed Operating Budget for the University is due to the Board of Governors on June 21, 2024.

The DSOs' (i.e., FIU Athletics Finance Corp., FIU Foundation, Inc., and FIU Research Foundation, Inc.) and the Florida International University Health Care Network, Inc.'s budgets are incorporated into the University's Operating Budget.

The following funding groups and budget detail are included:

- A. Educational and General (E&G) – Current Year
- B. Educational and General (E&G) – Carry Forward
- C. Auxiliary Enterprises Proposed Budget Allocation
- D. Intercollegiate Athletics Proposed Budget Allocation
- E. Activity and Service Proposed Budget Allocation
- F. Technology Fee Proposed Budget Allocation
- G. Board Approved Fees Budget Allocation
- H. Contracts and Grants Proposed Budget Allocation
- I. Student Financial Aid Proposed Budget Allocation
- J. Concessions Proposed Budget Allocation
- K. FIU Athletics Finance Corp.
- L. FIU Foundation, Inc.
- M. FIU Health Care Network, Inc.
- N. FIU Self-Insurance Program
- O. FIU Research Foundation, Inc.
- P. University Support to Direct Support Organizations
- Q. University Treasury Operations

Authority for the University President to amend the budgets is necessary to accommodate changes in revenues, expenditures, and statutory budget amendments. The University President shall keep the

BOT informed of the status of the operating budgets through quarterly updates and will notify the BOT of any changes in excess of two percent (2%) made to the total approved 2024-2025 Operating Budget during the operating year.

Florida Statute 1011.40(2) provides that “each university board of trustees shall adopt an operating budget for the operation of the university as prescribed by law and rules of the Board of Governors.” The University has prepared the proposed 2024-2025 Operating Budget in accordance with the requirements set forth in Board of Governors Regulations 9.007 and 9.011.

Florida Board of Governors Regulation 9.007(1) states that each university president shall prepare an operating budget, including an Education & General (E&G) Carryforward Spending Plan, for approval by the university board of trustees in accordance with instructions, guidelines and standard formats provided by the Board of Governors.

Florida Board of Governors Regulation 9.011(4) states that operating budgets of support organizations shall be prepared at least annually and approved by the organization’s governing board and the university board of trustees. Significant changes in planned expenditures in the approved budget must be reported to the university board of trustees as soon as practicable but no later than the deadline established by a Board of Trustees.

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting, June 5, 2024*

Facilitator/Presenter: Carlos A. Duarte, Chair, Finance and Facilities Committee



June 5, 2024

Subject: President's Management Review and Incentive Compensation Award

Proposed Action:

The Florida International University Board of Trustees will (1) conduct an annual evaluation of President Kenneth A. Jessell; (2) grant a performance rating; and (3) issue an incentive compensation award for the President, in accordance with the President's employment agreement.

Background Information:

Roger Tovar, Chair of the Florida International University Board of Trustees (BOT) and the Governance Committee, will lead a review on the President's performance. The Committee shall issue for BOT approval a recommended performance rating and a recommended incentive compensation award.

Pursuant to President Kenneth A. Jessell's Employment Agreement, namely, section 7(b), on June 15, 2023, the Board and Dr. Jessell established his goals and objectives for the 2024 reporting year. The Board will conduct Dr. Jessell's performance evaluation based on these goals and objectives, and Dr. Jessell is eligible for incentive compensation related to these goals and objectives in accordance with this Agreement. The Board may, in its discretion, award Dr. Jessell incentive compensation of up to One Hundred Seventy-Five Thousand Dollars (\$175,000.00) for his service during the Term based on his achievement of the goals and objectives described above. Incentive compensation will be paid at the time specified by the Board or, if not specified by the Board, no later than sixty (60) days after the end of each year of the Term.

In accordance with Florida Board of Governors Regulation 1.001(5)(g), each board of trustees shall conduct an annual evaluation of the president. The chair of the board of trustees shall request input from the Chair of the Board of Governors, who may involve the Chancellor, during the annual evaluation process pertaining to responsiveness to the Board of Governors' strategic goals and priorities, and compliance with systemwide regulations.

Supporting Documentation: *Agenda | Governance Committee Meeting, June 5, 2024*

Facilitator/Presenter: Roger Tovar, Board of Trustees Chair

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