



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

**FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

**Thursday, November 21, 2024  
1:00 PM**

*or  
Upon Adjournment of Previous Meeting*

**AGENDA**

- |  |                           |
|--|---------------------------|
| <b>1. Call to Order and Chair's Remarks</b>  | <b>Chair Roger Tovar</b>  |
| <b>2. Public Appearances</b>   | <b>Roger Tovar</b>        |
| <b>3. Foundation Report</b>  | <b>Adalio T. Sanchez</b>  |
| <b>4. President's Report</b>   | <b>Kenneth A. Jessell</b> |
| <b>5. Action Items – Consent Agenda</b>  | <b>Roger Tovar</b>        |
| BT1. Minutes, September 12, 2024   |                           |
| BT2. Minutes, September 27, 2024   |                           |
| FF2. Approval of an Increase to the Construction of Foundational Infrastructure on the Engineering Center for the Installation of Wind-Only Physical Design Testbed Equipment, and to Enter into Amendments to an Existing Agreement with Aerolab Research Wind Tunnel, Inc. |                           |
| FF3. Updated Procurement Parameters for Construction Managers for Major Construction Projects  |                           |
| AP1. Tenure as a Condition of Employment Nomination  |                           |
| AP2. Proposed Amendment to Regulation FIU-110 Expressive Activities in Outdoor Areas on Campus   |                           |
| <b>6. Action Item</b>  |                           |
| FF1. FIU Campus Master Plan Update 2015-2035   | <b>Marc D. Sarnoff</b>    |

**7. Status Reports, Board Committees**

- Audit and Compliance Committee
- Finance and Facilities Committee
- Academic Policy and Student Affairs Committee
- External Relations

**Alan Gonzalez**  
**Marc D. Sarnoff**  
**Francis A. Hondal**  
**Yaffa Popack**

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

**Roger Tovar**

**9. Concluding Remarks and Adjournment**

**Roger Tovar**

## Meeting Book - 11-21-2024 - FIU Board of Trustees Full Board Meeting

1. Call to Order and Chair's Remarks  
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

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8. New Business (If Any)  
Roger Tovar

9. Concluding Remarks and Adjournment  
Roger Tovar

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November 21, 2024

**Subject: Approval of Minutes of Meetings held September 12, 2024 and September 27, 2024**

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**Proposed Board Action:**

Approval of Minutes of the FIU Board of Trustees, Full Board meetings held on September 12, 2024 and September 27, 2024.

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**Background Information:**

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meetings held on September 12, 2024 and September 27, 2024.

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**Supporting Documentation:**

Minutes: Full Board Meetings, September 12, 2024 and September 27, 2024

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**Full Board**  
**September 12, 2024**  
**FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

**MINUTES**

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

Board Chair Roger Tovar convened the meeting of the Florida International University Board of Trustees at 1:50 PM on Thursday, September 12, 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*; Noël C. Barengo; Francesca Casanova; Dean C. Colson; Alan Gonzalez; Francis A. Hondal; Yaffa Popack (*Zoom*); Gene Prescott; Marc D. Sarnoff; and Alberto R. Taño.

Trustees Natasha Lowell and Chanel T. Rowe were excused.

Board Chair Tovar welcomed all Trustees, members of the University administration, and the University community. He commented that the upcoming College of Communication, Architecture + The Arts (CARTA) Season of the Arts is filled with musical concerts, theatre productions, masterclasses, lectures, special events, and exhibitions on campus and throughout the community. Board Chair Tovar commented on the grand opening of the recently renovated anatomy lab in the Academic Health Center II building. He remarked on the Panthers football 52-16 victory over Central Michigan in the inaugural game at the newly branded Pitbull Stadium. Board Chair Tovar added that sophomore quarterback Keyone Jenkins was selected as the Conference USA Offensive Player of the Week, for the period ending September 7, 2024 and that defensive coordinator, Jovan Dewitt, was named Conference USA Defensive Coordinator of the Week by 247 Sports.

**2. Public Appearances**

There were no requests for public appearances.

**3. Foundation Report**

FIU Foundation Inc. Board of Directors Chair Adalio T. Sanchez provided a development staffing update. He indicated that Stephanie Cox was promoted and is now serving as the Assistant Vice President for Development overseeing unit fundraising for the University. He added that alumna Sheila Paul Sal y Rosas has joined the University as the Executive Director of Development, Corporate and Foundation, and that Lana Simkins will soon be joining FIU as the Vice President of Development. Chair Sanchez highlighted recent gifts, including that of Baptist Health South Florida to establish a Baptist Health graduate nursing professorship in acute care within the Nicole Wertheim College of Nursing and Health Sciences, a grant from the Lennar Foundation in support of the construction trades program within the Moss Department of Construction Management, gifts

from Foundation Board member Tina M. Vidal-Duart and Mr. Armando Codina in support of CasaCuba, and gift from Foundation Board member Elliot N. Stone in support of the Senator Richard B. Stone Public Policy Endowment and the Senator Richard B. Stone Washington, DC. Internships Fund. Chair Sanchez remarked on alumni engagement and presented a recap of the June meetings of the Foundation Board of Directors. He also provided a status update on the Foundation's action plan. Chair Sanchez noted that a philanthropic growth and optimization study is underway by Huron | GG+A Global Philanthropy. He indicated that as of June 30, 2024, \$57M was raised towards the fiscal year goal of \$83M, and that the Foundation's total investment portfolio stands at approximately \$455M and the endowment portion had a market value of \$350M.

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

University President Kenneth A. Jessell commented that during their June 27-28, 2024 meetings, the Florida Board of Governors officially recognized FIU as the #1 institution in the State University System in the performance-based funding metrics. He added that at said meeting, the Florida Board of Governors also officially designated FIU a Preeminent State Research University. He indicated that on July 2, 2024, FIU hosted the U.S. Assistant Secretary of Commerce for Economic Development, Alejandra Castillo, for an announcement that the South Florida ClimateReady Tech Hub would be receiving almost \$20M from the federal government for the second phase of their work. President Jessell commented on the announcement related to the renaming of the FIU Football Stadium as Pitbull Stadium. He noted that the media exposure related to said announcement was valued at \$89M to date. He remarked on summer commencement and on the August 10, 2024 Annual Alumni Panther Block Party. He commented on the kickoff of the fall 2024 semester with the University's Panthers' First Night event. He added that over 8,000 students were in attendance. President Jessell stated that amongst FIU's students this fall is Paralympic medalist, Gia Pergolini. He remarked on the inaugural home football game at Pitbull Stadium and on the upcoming Homecoming game against Monmouth University. He commented on University rankings recently released by the *Princeton Review*, *the Wall Street Journal*, and *Washington Monthly*.

#### **5. Action Items – Consent Agenda**

Board Chair Tovar indicated that, in addition to Full Board minutes, the Consent Agenda includes action items FF1, FF3, and FF4 recommended for Board approval by the Finance and Facilities Committee, AP1-AP3 recommended for Board approval by the Academic Policy and Student Affairs Committee, and G1-G3 recommended for Board approval by the Governance Committee.

Trustee Alberto R. Taño disclosed that as part of action item G2 contained in the Consent Agenda, the FIU Foundation Director whose appointment is up for confirmation before the Full Board is his wife, Debra "Debbie" I. Taño, and indicated that he would abstain from voting on that particular Consent Agenda item.

A motion was made and passed to accept the Consent Agenda, and members of the Board approved the following actions:

- **BT1. Minutes, June 5, 2024** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on June 5, 2024.



- **BT2. Minutes, July 31, 2024** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on July 31, 2024.
- **BT3. Minutes, August 6, 2024** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on August 6, 2024.
- **FF1. Approval of Contracts greater than or equal to \$3,000,000:** (1) *Elsevier B.V.*; (2) *Accurate Background, LLC.*; (3) *Mythics, Inc.*; (4) *Oracle America, Inc.*; (5) *Catering Services* - 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, 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, purchase orders, and/or change orders.
- **FF3. Approval of Self-Supporting and Market Tuition Rate College-Credit Programs Annual Report, 2023-24** - Approval of the Florida International University Self-supporting and Market Tuition Rate College-Credit Programs Annual Report for 2023-24 in accordance with State University System of Florida Board of Governors Regulation 8.002(4)(c) Self-supporting and Market Tuition Rate Program and Course Offerings.
- **FF4. FIU Athletics Finance Corp Debt Restructure** - Approval of a resolution authorizing the issuance of debt and requesting the Florida Board of Governors to approve the issuance of such debt to refinance a portion of the outstanding Miami-Dade County Industrial Development Authority Revenue Bonds (FIU Football Stadium Project), Series 2009A Bonds with a debt obligation issued by the FIU Athletics Finance Corporation which will bear interest at a taxable rate in order to remediate the effect of entering into a naming rights and sponsorship agreement related to the Florida International University athletic program; providing an effective date.
- **AP1. Tenure as a Condition of Employment Nominations** - Approval of two (2) candidates for Tenure as a Condition of Employment, as specified in the Board materials.
- **AP2. Textbook and Instructional Materials Affordability and Transparency Annual Report** - Approval of the Textbook and Instructional Materials Affordability and Transparency Annual Report.
- **AP3. Honorary Degree Nomination** - Endorsement of Diane Ramy Falconer as a recipient of a Doctor of Science, *honoris causa* from Florida International University.
- **G1. Board of Governors' Statement of Free Expression Endorsement Resolution** - Having reviewed the State University System of Florida Statement of Free Expression, endorsement of such statement.

- **G2. Board Appointment, Florida International University Foundation, Inc.** - Approval of the appointment of the individual listed in the board materials, to the Florida International University Foundation, Inc. Board of Directors.
- **G3. Ratification of the 2024-2027 Collective Bargaining Agreement between The Florida International University Board of Trustees and the United Faculty of Florida-FIU** - Ratification of the 2024-2027 Collective Bargaining Agreement between The Florida International University Board of Trustees and The United Faculty of Florida (UFF-FIU).

## 6. Action Items

### **FF2. Approval of 2024-25 Education and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and Related Certification**

Finance and Facilities Committee Chair Marc D. Sarnoff pointed out that the Finance and Facilities Committee engaged in a thorough review of the proposed 2024-25 Education and General Carryforward Spending Plan and Fixed Capital Outlay Budget. There were no further questions from the Trustees.

A motion was made and unanimously passed that the Florida International University Board of Trustees (BOT) approve the Florida International University (FIU) Education and General (E&G) expenditure plan for carryforward funds in accordance with State University System of Florida Board of Governors (BOG) Regulation 9.007 State University Operating Budgets and Florida Statute 1011.45 End of Year Balance of Funds; approve the FIU Fixed Capital Outlay Budget in accordance with BOG Regulation 14.003; and authorize the University Chief Financial Officer to certify the unexpended amount of funds appropriated to the University from the General Revenue Fund, the Educational Enhancement Trust Fund, and the E&G Student and Other Fees Trust Fund as of June 30, 2024 and the Fixed Capital Outlay budget; and authorize the University President to amend the BOT carryforward expenditure plan and fixed capital outlay budget as necessary and report to the BOT and BOG any amendments to the spending plans in a format prescribed by the Chancellor of the BOG.

### **SP1. Strategic Plan**

Board Vice Chair and Strategic Planning Committee Chair Carlos A. Duart provided highlights from the Strategic Planning Committee's meeting earlier in the day. He pointed out that the Strategic Planning Committee engaged in a thorough review of the Strategic Plan. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the 2030 Strategic Plan.

## 7. Status Reports, Board Committees

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

Trustee Alan Gonzalez, Audit and Compliance Committee Chair, provided highlights from the Audit and Compliance Committee's earlier meeting. He indicated that Mr. Trevor L. Williams, Chief Audit Executive, reported on recently completed audits relating to the post-tenure faculty review process, student housing, and continuous auditing of selected processes. Trustee Gonzalez stated

that Ms. Natalie San Martin, Audit Manager, presented on the continuous auditing platform. Trustee Gonzalez pointed out that there are eight (8) ongoing audits in various stages of completion and that Mr. Williams also provided a follow-up status report on prior audit recommendations. Trustee Gonzalez noted that Ms. Jennifer LaPorta, Chief Compliance and Privacy Officer, provided updates and information regarding the annual report and fourth quarter activities and initiatives.

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

Trustee Sarnoff provided highlights from the Finance and Facilities Committee's earlier meeting. He indicated that the Committee reviewed and approved Google and Meta purchase orders for the College of Business for advertising services not to exceed \$1.4M in auxiliary per supplier per fiscal year and a three (3)-year contract with Blackbaud for database subscription to host donor and alumni records for FIU Advancement for a total renewal cost of \$595K. Trustee Sarnoff commented that as follow-up from the Committee's June meeting, Assistant Vice President for Academic and Student Affairs, Sanyo Mathew, presented the University's plan and vision for the Graham Center building expansion. Trustee Sarnoff pointed out that Sr. Vice President for Finance and Administration and Chief Financial Officer Aime Martinez presented the financial performance review for the fourth quarter of fiscal year 2023-24 and reported that University operating revenues were above estimates by \$36.7M or 2.4 percent and that operating expenses were below estimates by \$21.4M or 1.4 percent. Trustee Sarnoff noted that the FIU Bonus Plan Report was included in the Reports section of the Committee's agenda materials and certifies that bonuses paid during the prior fiscal year have complied with the criteria in this bonus plan, and that the bonuses were within the University's budget as approved by the Board of Trustees. Trustee Sarnoff added that said report includes the Board of Trustees required certification and provides the total amount of funds paid for performance, recruitment, retention, and other bonuses as approved in the plan.

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

Trustee Francis A. Hondal, Academic Policy and Student Affairs Committee Chair, provided highlights from the Academic Policy and Student Affairs Committee's earlier meeting. She commented that Provost and Executive Vice President Elizabeth M. Bejar presented on the First Amendment and shared an analysis of curricular and non-curricular offerings. Trustee Hondal added that Provost Bejar will lead further assessment on the topic and report back to the Board of Trustees. Trustee Hondal stated that, as part of the Committee's standing agenda items, the student and faculty representatives on the Board of Trustees provided updates.

### **Strategic Planning Committee Report**

Committee's status report was provided during the presentation of agenda item SP1.

### **Governance Committee Report**

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

### **8. New Business**

No new business was raised.

**9. Concluding Remarks and Adjournment**

With no other business, Board Chair Roger Tovar adjourned the meeting of the Florida International University Board of Trustees Full Board on Thursday, September 12, 2024, at 2:37 PM.



**Full Board**  
**September 27, 2024**  
**Zoom**

## MINUTES

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

Board Chair Roger Tovar convened the meeting of the Florida International University Board of Trustees at 8:33 AM on Friday, September 27, 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*; Noël C. Barengo; Francesca Casanova; Dean C. Colson; Alan Gonzalez; Francis A. Hondal; Yaffa Popack; Gene Prescott (*joined after roll call*); Chanel T. Rowe; Marc D. Sarnoff; and Albert R. Taño.

Board Vice Chair Carlos A. Duart and Trustee Natasha Lowell were excused.

Board Chair Tovar commented that the *U.S. News & World Report* Best Colleges 2025 rankings released earlier in the week placed FIU at No. 46 among public universities, breaking into the Top 50 for the first time, and No. 98 among all universities, public and private.

Board Chair Tovar welcomed all Trustees, members of the University administration, and the University community.

Board Chair Tovar stated that the Board's Bylaws provide that the Board Chair may, in consultation with the University President, allow an item to be presented to the Full Board without prior consideration by a Board committee when circumstances warrant. Board Chair Tovar added that President Kenneth A. Jessell and he agreed 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**

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 Thursday, September 26, 2024, seven (7) requests to address the Board were received. General Counsel Castillo noted that public comment will only be taken on agenda items before the

Board. He added that one (1) request was not related to the items on today's agenda. He stated that given that today's meeting is a specially set Board of Trustees meeting and there are six (6) registered speakers, the Chair, pursuant to section 9.2 of the Bylaws, had exercised his discretion to shorten the time allotted from two (2) minutes to a minute and a half. General Counsel Castillo proceeded to call the registered speakers by name. The following individuals addressed the Board after their names were called:

- Matthew Marr, Associate Professor of Sociology in the Department of Global and Sociocultural Studies, addressed agenda item 3.1, Review and Approve Revised General Education Course Offerings. He commented on participating in the review process from the University Core Curriculum (UCC) Oversight Committee last year through the various steps. Dr. Marr stated that while the courses recommended for removal from the UCC will still be available at FIU, it may be harder for students to access them. He remarked on Board of Trustees obligations to protect academic freedom and shared governance and encouraged the Board of Trustees to not approve the revised general education course offerings.
- James Hernandez, Student Senator for the FIU Steven J. Green School of International and Public Affairs (SIPA), Vice President of the Pride Student Union, and member of the Young Democratic Socialists of America (YDSA) FIU, addressed agenda item 3.1. James expressed opposition to the removal of the following courses from the UCC Tier 2: Introduction to LGBTQ+ Studies; Diversity of Meaning: Language, Culture, and Gender in Society; Introduction to Global Gender and Women's Studies; Black Popular Cultures: Global Dimensions; Anthropology of Race and Ethnicity; Sociology of Gender; Introductory Social Psychology; Social Problems; The Basic Ideas of Sociology; and Myth, Ritual and Mysticism. James commented that said courses are vital to a well-rounded education for all students.
- Isabella Toledo, representing the Anthropology Honor Society as their President along with the Global Studies Student Association, addressed agenda item 3.1. She referred to Myth, Ritual, and Mysticism and Gaining Global Perspectives as two of the most valuable courses she has taken during her undergraduate studies at FIU, enhancing her understanding of the world and fostering critical thinking and lifelong learning. She referred to Florida Statute 1007.25 and inquired as to which criterion within the referenced statute stated that said courses are not qualified for inclusion in general education course offerings.
- Tania Cepero Lopez, Associate Teaching Professor of Writing and Rhetoric in the Department of English and Vice President of the United Faculty of Florida-FIU, addressed agenda item 3.1. She referred to living in exile after fleeing her native country of Cuba, escaping censorship and indoctrination. She urged the Board of Trustees to preserve democracy by preserving academic autonomy.
- Isaac Kamola, Director of the Center for the Defense of Academic Freedom at the American Association of University Professors (AAUP), addressed agenda item 3.1. He explained that the AAUP was founded in 1915 and plays a central role developing professional standards of higher education pertaining to academic freedom and shared governance. He commented that academic freedom protects the ability of faculty to pursue

knowledge wherever the evidence and their expertise leads them, free from external intervention. He remarked that shared governance is codified in the 1966 joint statement issued by the AAUP and the professional associations representing the interests of administration and trustees. He added that, according to the principles of shared governance, decisions about the core curriculum are made by faculty members who have spent years teaching students understanding what is necessary for their intellectual growth. He mentioned that it was his understanding that the process had not gone through shared governance and the Faculty Senate had been bypassed and urged the Board of Trustees to vote against the item.

Board Chair Tovar thanked the speakers for their comments.

### **3. Action Items**

#### **3.1 Review and Approve Revised General Education Course Offerings**

Trustee Francis A. Hondal, Academic Policy and Student Affairs Committee Chair, explained that on July 31, 2024, the FIU Board of Trustees reviewed and approved the University's general education course list. She added that the approved list was submitted to the Florida Department of Education Office of Articulation, which then reviewed the list and provided feedback to FIU via Board of Governors (BOG) staff regarding revisions required for approval. She indicated that the current action item relates to the revised general education course offerings.

Provost and Executive Vice President Elizabeth M. Bejar noted that the foundation for the new process is the amendment of BOG Regulation 8.005, which states that the institution's Board and President must annually review and approve the courses offered by the institution that meet the general education course requirements in accordance with sections 1007.24, 1007.25, and 1007.55 of the Florida Statutes. She indicated that, following the initial review and approval by the President and Board of Trustees, the Office of Articulation provided feedback to FIU via BOG staff. She noted that FIU requested more guidance and clarity regarding revisions to ensure accordance to the statutory provisions. Provost Bejar commented on providing updates to the Faculty Senate Steering Committee, including a discussion with Faculty Senate Chair and Board of Trustees member Noël C. Barengo on the timeline and suggested process moving forward. Provost Bejar remarked on working with the University's academic leadership team, including deans, departments chairs, and faculty members, to modify select courses and revise the list of general education course offerings. She added that in September, FIU submitted another round of revisions for informal consideration and staff review from the Department of Education.

Provost Bejar referred to the updated listing of general education courses, which reflected the inclusion of the African Civilizations course AFA 2000. She commented that of the 49 courses, which was the feedback received from the Department of Education for further review, 22 courses are recommended for removal and 27 courses have been updated and deemed to be in alignment and consistent with BOG Regulation. She pointed out that there are no courses being removed from the University catalog, program requirements or electives. Provost Bejar added that should the listing be subsequently finalized, courses to be removed from the general education designation will continue to be offered at FIU. She commented that upon the review and approval by the Board of Trustees and University President, the revised listing of general education course offerings will be

submitted to the Department of Education Office of Articulation for review and approval and then to the Florida Board of Governors for review and approval.

Trustee Barengo commented on the collaboration with the Office of the Provost in trying to save as many of the courses that were flagged by the BOG in the second round of revisions to FIU's listing of UCC courses. He indicated that while the direct consultations with chairs, faculty, and deans were appreciated and the tight timeline to comply with legislative mandates is recognized, the Faculty Senate is unhappy with the outcome of the review of group 2 UCC courses. He added that 22 out of the 49 courses flagged by the BOG were removed from FIU's general education listing. Trustee Barengo stated that the last few rounds of revisions to the core curriculum have not followed the procedures for curriculum review and change laid out in the Constitution of the Faculty Senate and thus violate the principle of shared governance. He referred to Article II, Section 2.3 Powers and Duties of the Bylaws of FIU Board of Trustees, which states that the Board's responsibilities include "Protecting, through monitoring and oversight, within the context of faculty shared governance, the educational quality of the University and its academic program; and preserving and protecting the University's autonomy, academic freedom, and the public purposes of higher education." Trustee Barengo mentioned that procedures currently in place call for consultation with the Faculty Senate before any changes to the UCC can be proposed or approved at FIU.

Trustee Barengo commented that the Faculty Senate believes that many of the courses that were removed from the general education course list are important for students at FIU and align with the stated goals of the UCC, including providing "broad foundational knowledge to help students develop intellectual skills and habits that enable them to become more effective and lifelong learners." He added that none of the courses that were removed included "distorted historical events," nor are their curricula "based on unproven, speculative, or exploratory content." Trustee Barengo stated that, therefore, the Faculty of FIU does not agree with the exclusion of the courses from the general education course list, based on a straightforward reading of the law as written. He referred to the changes from the BOG staff as non-academically based, informal, out-of-the-sunshine, off-the-record and in violation of the University's autonomy and academic freedom, and of the public purposes of higher education. Trustee Barengo requested that until the BOG establishes specific written regulations and guidelines, changes to the UCC be delayed.

Trustee Barengo urged that the necessary time be taken to develop clear written guidelines to provide clarity for faculty. He noted that the faculty is eager to engage with the BOG in constructive discussions to find solutions together. He stated that the faculty are wary of the proposed changes and detailed their reasons.

Trustee Barengo stated that FIU Faculty and the Faculty Senate have been, and continue to be, willing to work with the Office of the Provost and the Board of Trustees to handle compliance with legislative mandates expeditiously, following practices founded on transparency and trust. He added that such partnership is consistent not only with the faculty governance process, but also with FIU's policies and the Faculty Senate's constitution and bylaws.



Board Chair Tovar commented that changes to the general education course offerings could result in shifting more students into some courses. He remarked on Trustee Barengo's comments related to shared governance. He indicated that while agreement may not always be reached, the input of the faculty is valued and considered. Board Chair Tovar commented on the work relating to the review of the general education course offerings as a collaborative effort between the University's administration and the faculty. Trustee Dean C. Colson remarked that the University may experience significant increases in certain courses and decreases in other courses that are no longer part of the general education offerings. He added that some courses are valuable and should be taught regardless of enrollment. University President Kenneth A. Jessell stated that preferences for courses change over time and this was evident in a number of general education course offerings that were removed as they were no longer being taught. He commented on the broad teaching abilities of FIU faculty and the knowledgeable advising team that can help students navigate through their prescribed curriculum. President Jessell stated that the University has hundreds of courses that are not part of the general education curriculum that are easily accessible for students to find and register for. He stated that comments will be taken under consideration. He indicated that there is no loss to revenue to the University because students are still taking the same number of credit hours. He added that the University will rearrange revenues to ensure that it is providing the curriculum that students need and support faculty in delivering curriculum.

President Jessell confirmed that he reviewed and met the requirements of BOG regulation and Florida statute in his recommendation to the Board of Trustees for approval of the University's general education courses.

A motion was made and passed by the FIU Board of Trustees, after completing its review, to approve the revised general education course offerings.

Trustees Barengo and Chanel T. Rowe voted against the motion.

### **3.2 Linking Industry to Nursing Education (LINE) Fund Proposal, 2024-2025**

Trustee Hondal indicated that following the BOG's approval of all LINE fund proposals submitted in round one, there are remaining state matching funds available to the State University System for this program. She added that the BOG has sent out a second request for proposals to maximize the use of state matching funds. 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 increasing the number of nursing education program graduates who are prepared to enter the workforce. Provost Bejar presented for Board of Trustees review FIU's 2024-2025 LINE fund proposal with Baptist Health South Florida in the amount of \$500,000. She added that Baptist Health South Florida's investment will be used for student financial support to help cover the students cost of tuition and fees for up to 25 eligible Nicole Wertheim College of Nursing and Health Sciences undergraduate nursing students each year enrolled in the traditional Bachelor of Science in Nursing (BSN) or Accelerated Option BSN programs in exchange for a work commitment post-graduation. 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.

Board Chair Tovar commented on the positive impacts of LINE funding, including the increase in the number of undergraduate nursing students and the hiring of additional faculty members.

A motion was made and unanimously passed by the FIU Board of Trustees to approve the 2024-2025 Linking Industry to Nursing Education (LINE) Fund Proposal:

- Baptist Health South Florida \$500,000

### **3.3 Foreign Influence Annual Report**

Trustee Alan Gonzalez, Chair of the Audit and Compliance Committee, explained that on August 29, 2024, the BOG requested that each state university submit its Foreign Influence Annual Report for the 2023-2024 fiscal year no later than September 30, 2024. Chief Compliance and Privacy Officer Jennifer LaPorta indicated that, pursuant to Section 8 of the BOG's Foreign Influence Regulation, as of July 1, 2023, a state university may not accept any grant from or participate in any new or renewed agreement with any college, university or foreign principal based in a foreign country of concern without BOG approval. She added that as of December 1, 2023, a state university may not participate in any new or renewed partnership with any college, university or foreign principal based in a foreign country of concern without BOG approval. Ms. LaPorta noted that as part of its oversight of this part of the Foreign Influence Regulation, the BOG requires that each state university board of trustees submit an annual report to the BOG relating to all grant programs, agreements, partnerships, and contracts that fit those definitions. She pointed out that FIU has not accepted a grant from or entered into any new or renewed agreement or partnership with a college, university or foreign principal based in a country of concern at any time during the reporting period and has terminated all such previously existing agreements. She referred to the report, which included explanatory comments for each entry for context.

A motion was made and unanimously passed by the FIU Board of Trustees to approve the Foreign Influence Annual Report and authorize the University President or his designee, on behalf of the University, to finalize and submit the report in response to the Florida Board of Governors' data request.

### **3.4 Ratification of the 2024-2027 Collective Bargaining Agreement between the Florida International University Board of Trustees and the South Florida Police Benevolent Association (*Law Enforcement Unit*)**

### **3.5 Ratification of the 2024-2027 Collective Bargaining Agreement between the Florida International University Board of Trustees and the South Florida Police Benevolent Association (*Lieutenants Unit*)**

Board Chair Tovar requested that the PBA Law Enforcement Unit and PBA Lieutenants Unit collective bargaining agreements be presented concurrently. There were no objections. Senior Vice President for Human Resources El pagnier K. Hudson presented the 2024-2027 collective bargaining agreements between the FIU Board of Trustees and the PBA Law Enforcement Unit and PBA Lieutenants Unit for the Board's review. She indicated that the agreements were ratified by the PBA members on September 25, 2024 with a vote of 90% in favor. Sr. VP Hudson referred to the agenda materials, which include the revisions made to each affected article for both agreements. She pointed out that the bargaining team began negotiations on May 14, 2024. She provided an overview

of the revised articles: Article 6.4(D), amended to reflect that the bargaining unit member with an assigned vehicle is permitted to use it for de minimis personal errands for both units; Article 6.6, added this Article which requires the University to offer to pay for an entire body scan every two (2) years for both units; Article 10:7, for the Sergeants and Lieutenants, the Sworn Law Enforcement Certification will increase from five percent (5%) to seven- and one-half percent (7.5%) retroactive to the first full pay period in July 2024 following ratification; Article 10.9, all bargaining members will receive a one-time lump sum bonus of \$2,000 on first full pay period July 2026 for both units. She pointed out that the PBA agreements shall be effective from July 1, 2024 through June 30, 2027.

Board Chair Tovar recognized the work and professionalism of the University's law enforcement personnel.

A motion was made and unanimously passed by the FIU Board of Trustees to ratify the 2024-2027 Collective Bargaining Agreements between the Florida International University Board of Trustees and the South Florida Police Benevolent Association Law Enforcement Unit and Lieutenants Unit.

#### **4. New Business**

No new business was raised.

#### **5. 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 Friday, September 27, 2024, at 9:35 AM.

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November 21, 2024

**Subject:** Approval of (i) an increase to the construction of foundational infrastructure on the Engineering Center to support the installation of wind-only physical design testbed equipment; (ii) execution of an amendment to an existing agreement with Aerolab Research Wind Tunnel, Inc. to provide goods and services for a design and infrastructure project that is part of a Mid-scale RI-1: National Full-Scale Testing Infrastructure for Community Hardening in Extreme Wind, Surge and Wave Events (NICHE) ); (iii) the allocation of the remaining contingency, which will not exceed \$242,000, to either the construction component or to an additional amendment to the Aerolab Research Wind Tunnel, Inc independent contractor agreement, as deemed necessary by the Office of Research and Economic Development without further Board action; and (iv) the University President or his designee executing all documents and taking all actions as necessary to effectuate the above

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**Proposed Action:**

Florida International University Board of Trustees (i) approval of an increase to the construction of foundational infrastructure on the Engineering Center to support the installation of wind-only physical design testbed equipment, which is part of the Mid-scale RI-1: National Full-Scale Testing Infrastructure for Community Hardening in Extreme Wind, Surge and Wave Events (NICHE) project funded by a \$12.8 million award from the National Science Foundation; (ii) approval of the amendments to an existing agreement with Aerolab Research Wind Tunnel, Inc., executed on March 20, 2023, as amended on February 13, 2024 and May 10, 2024; (iii) authorization to allocate the remaining contingency, which will not exceed \$242,000, to either the construction component or to the Aerolab Research Wind Tunnel, Inc independent contractor agreement as necessary by the Office of Research and Economic Development (ORED) without further Board action; and (iv) authorization for the University President or his designee to execute, on behalf of the University, all documents, and take all actions, that may be necessary to effectuate the transactions described herein.

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**Background Information:**

The Wind-Only Physical Design Testbed (WOPDI) is part of a design and infrastructure project, Mid-scale RI-1: National Full-Scale Testing Infrastructure for Community Hardening in Extreme Wind, Surge and Wave Events (NICHE), funded by a \$12.8 million award from the National Science Foundation (NSF), and is a cooperative agreement that includes the University of Florida, Oregon State University, Stanford University, the University of Notre Dame, the Georgia Institute of Technology, the University of Illinois at Urbana-Champaign, Colorado State University, and Wayne State University. The principal industry partner is Aerolab Research Wind Tunnel, Inc. (Aerolab) and other collaborators are UC San Diego and University of Miami.

The WOPDT to be installed at FIU will serve as a physical prototype for testing certain novel components at full scale which will be included in a full-scale NICHE facility. The WOPDT is designed to physically simulate wind hazards at the intensities required to faithfully reproduce extreme wind events impacting the built environment. The proposed WOPDT differs from the Wall of Wind in that it will be the only test facility in the United States to achieve both high-speed wind simulation as well as non-stationary wind generation.

The construction project on the Engineering Center will provide the foundational infrastructure for the system design, delivery and site assembly of the WOPDT equipment. Components of the project include importation and compaction of over 2.5' of fill material to elevate the area to meet FIU standards (which impacts an area greater than 12,500 square feet), construction of a concrete slab, installation of an elevated steel frame, a new packed gravel walkway to the existing Wall of Wind, a new asphalt access drive and gate, a new fork lift ramp, a new chain link fence, new electrical facilities from the existing Wall of Wind to this project, and installation of new sod with irrigation. The concrete slab is 12" thick, 4000 PSI concrete slab on grade to support wind tunnel duct work, test table framing and localized reinforcement to support the wind tunnel fan with a max weight of 85,000 lbs. The slab on grade has an area of 94 ft. x 132 ft., and it is supporting 135 tons of dead load and a maximum lateral load of 156,200 lbs. Further, the slab on grade is also designed to support the imposed reaction loads under operating wind loads as well as high velocity wind zone design loads per the Florida Building Code. Stobs Bros. Construction Co. is the construction manager and Perkins & Will is the architect. The Board of Trustees approved the total cost of \$8,258,266 in February 29, 2024. This request is to increase the total cost by \$29,000 for a total cost of \$8,287,267.

On March 20, 2023, the University entered into an Independent Contractor Agreement with Aerolab. Aerolab was included in the proposal to the NSF and was specifically approved by the NSF to advise and work with FIU to provide the system design, analysis, delivery, site assembly, commission, calibration, and validation of the WOPDT. On February 29, 2024 the Board of Trustees approved the additional contract amount of \$3.7 million bringing the total Aerolab contract to \$6,038,661. The current request relates to additional amendments to the Aerolab contract for modified/additional services related to the project. The Aerolab contract must be amended as the project continues so that Aerolab may provide further required work covering the period from February 1, 2024 through January 31, 2026. This amendment of \$126,794 will increase the total cost of the Aerolab agreement to \$6,165,455. The incremental costs will be funded with additional grant funds.

Funding for this project is as follows:

	Total	Direct	F&A*
<b>Construction</b>			
Foundational Infrastructure	\$ 3,658,234	\$ -	\$ 3,658,234
Motor	\$ 438,188	\$ 438,188	
WOPDT (Aerolab)*	\$ 4,190,845	\$ 2,246,192	\$ 1,944,654
<b>Total Construction</b>	\$ 8,287,267	\$ 2,684,379	\$ 5,602,887
<b>Aerolab</b>			
Initial	\$ 2,355,682	\$ 1,597,072	\$ 758,609
Amendment 1	\$ 647,143	\$ 647,143	\$ -
Amendment 2	\$ 2,383,661	\$ 1,407,639	\$ 976,022
Future Amendments	\$ 778,969	\$ 568,947	\$ 210,023
<b>Total Aerolab***</b>	\$ 6,165,455	\$ 4,220,801	\$ 1,944,654
<b>Sponsored Project Contingency**</b>	\$ 242,000	\$ 242,000	\$ -
Construction related services*	\$ 4,190,845	\$ 2,246,192	\$ 1,944,654
Non Construction related services	\$ 1,974,610	\$ 1,974,610	\$ -

\* Distribution of sponsored research direct versus sponsored research indirect may vary based on timing and available balance on sponsored project indirects. Sponsored research indirect (F&A) amount will not exceed \$1,944,654 in total.

\*\* Request approval to delegate authority to allocate Sponsored Project Contingency of \$242,000 as needed between Construction (up to \$8,529,267) or Aerolab contract (up to \$6,407,455).

\*\*\* The total amount of \$6,165,455 includes the WOPDT Aerolab equipment component of the construction budget totaling \$4,190,845.

Due to the fluidity of this project and the collaboration of FIU and Aerolab Research Wind Tunnel, Inc. in the construction of the WOPDT, FIU also requests approval to allocate the sponsored project contingency of \$242,000, if needed, between construction up to \$8,529,267 or the Aerolab agreement up to \$6,407,455.

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**Supporting Documentation:**     *Agenda | Finance and Facilities Committee Meeting, November 21, 2024*

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November 21, 2024

**Subject: Updated Procurement Parameters for Construction Managers for Major Construction Projects**

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**Proposed Action:**

Florida International University Board of Trustees (i) approval of the updated procurement parameters for construction managers for major construction projects, and (ii) authorization for the University President or his designee to execute, on behalf of the University, all documents, and take all actions, that may be necessary to effectuate the competitive selections and negotiations pursuant to said updated parameters.

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**Background Information:**

The Florida Board of Governors (BOG) has long promulgated a set of regulations governing construction programs across the State University System, including, without limitation, public announcement requirements, budgets, reserves, competitive solicitations for professional services and construction management services, and contracting methods.

In September 2023, BOG implemented substantial revisions to the construction regulations, including, without limitation, permitting universities to take price into consideration when selecting certain professionals for construction projects. More specifically, BOG Regulation 14.008 provides that “[the] selection committee shall evaluate eligible firms applying pursuant to the procurement parameters prescribed by the board of trustees. Such parameters may include, but are not limited to, the experience and qualifications of the firms; price, cost or fees; approach to the project; past performance; ability to meet time and budget requirements; location; and recent, current and projected workloads.”

Accordingly, FIU has updated its detailed Standard Operating Procedure to incorporate price as a selection parameter for construction managers for major construction projects. The updated selection process will work as follows:

- FIU places the advertisement for the particular project.
- The weighting of the fee rank points vs the interview rank points, as further described below, will be referenced in the advertisement for the project. The particular weighting for each project will be determined by the President or his designee based on the nature and needs of each specific project. Ties will be broken by interview ranking, if necessary.
- Upon a meeting of the selection committee to review the submittals, FIU develops a short list in accordance with FIU’s evaluation instructions (*i.e.* qualifications based only at this stage of the process).
- Shortlisted applicants are notified.

- The selection committee convenes to hear presentations by the shortlisted applicants.
  - o The applicants will have to submit their fee proposals in a sealed envelope at the beginning of their presentations.
- After the interviews are graded and ranked by the selection committee, the sealed envelopes with the fee proposals are opened.
- Fee proposals will be ranked based on the proposed percentage discount off the baseline fee published within the legal advertisement. The baseline fee is established based on historical data from past CM projects. Project size and complexity are factored into consideration for each individual project when establishing the baseline fee. The President or the President’s designee will set the baseline fee for each project. Fee rank points will be combined with interview rank points to determine the final overall ranking (so the final selection will take into account qualifications and cost proposals).

The procedure described above will be followed for all construction projects costing \$7.5 million or above pursuant to BOG Regulation 14.001, and said amount will be adjusted annually by the Department of Management Services beginning July 1, 2025 and published on its website.

In accordance with BOG Regulations, FIU also conducts competitive selections for continuing contracts for construction managers. These continuing contracts for construction managers can be used for projects in which the estimated construction cost of each individual project under the contract does not exceed \$7.5 million (as said amount will be adjusted on an annual basis as noted above). The selection process is qualifications based only, but pricing is taken into account when requesting estimates from construction managers for individual projects below the cap, as applicable.

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, November 21, 2024*



November 21, 2024

**Subject: Tenure as a Condition of Employment Nomination**

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**Proposed Action:**

Florida International University Board of Trustees approval of one (1) candidate for Tenure as a Condition of Employment (TACOE).

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**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 nominee holds tenure at their previous institution and has been selected to receive TACOE based on the caliber of their work.

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, November 21, 2024*

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November 21, 2024

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

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**Proposed Action:**

Florida International University Board of Trustees approval of the proposed revisions 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.

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**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 defines expressive activities and includes reasonable and content neutral time, place, and manner limits to certain forms of expressive activities such as protests, parades, marches, picketing, and demonstrations. To protect health, safety, and welfare and prevent disruption of University activities, the Regulation prohibits certain activities from occurring within University indoor facilities and limits these activities to the hours of 8:00 a.m to sunset. The Regulation also includes procedures for requesting use of amplification and to engage in enumerated activities outside the proscribed hours.

The current proposed changes to Regulation FIU-110 consist of adding new language to Section 6, which articulates conditions that may cause material and substantial interference and disruption, specifically restricting the movement of others. Section 7 sets reasonable limits on the type and size of displays. Finally, the additions in Sections 9 and 10 prohibit concealing one’s identity with intent to intimidate others or to evade discovery in connection with a law or policy violation, or refusing to provide identification when requested by a university official or law enforcement official.

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, November 21, 2024*

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November 21, 2024

**Subject: Florida International University Campus Master Plan Update 2015-2035**

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**Proposed Action:**

Florida International University Board of Trustees (BOT) approval of the Florida International University 2015-2035 Campus Master Plan Update.

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**Background Information:**

Pursuant to Subsection 1013.30 of the Florida Statutes, each university Board of Trustees is required to adopt a Campus Master Plan for the university to be updated at least every five years.

Following the development of an updated draft Campus Master Plan, FIU held the first of two required public hearings at the Biscayne Bay Campus on May 29, 2024 and again at the Modesto A. Maidique Campus on May 30, 2024. At each of the hearings, a presentation of the draft Campus Master Plan was given and public comments were received. Following the public hearings, the draft Campus Master Plan was distributed to host and affected local governments and public agencies for formal review. In accordance with F.S. 1013.30, host and affected local governments were given 90 days to review the draft and provide comments to FIU.

Following formal public review, the draft Campus Master Plan was revised to reflect and address all relevant comments that were submitted to FIU. A second round of public hearings was held on November 1, 2024 at the Modesto A. Maidique Campus and the Biscayne Bay Campus, respectively, where the final draft Campus Master Plan, reflecting the changes that were made since the May hearings, was presented.

The draft Campus Master Plan also was presented to the BOT on June 15, 2023 for information and discussion. Following that meeting, the Chair of the BOT formed an ad-hoc committee to participate in the development of the updated Campus Master Plan. Thereafter, the ad-hoc committee held five workshops (on October 5, 2023, December 14, 2023, March 7, 2024, May 6, 2024, and October 17, 2024) to assist in the finalization of the updated Campus Master Plan. At Workshop #5 (on October 17, 2024) the ad-hoc committee agreed to recommend approval of the 2015-2035 Campus Master Plan Update.

The updated Campus Master Plan will be effective for a term of twenty years (2015-2035) upon approval and execution by the Board of Trustees.

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, November 21, 2024*

**Facilitator/Presenter:** Marc D. Sarnoff, Chair, Finance and Facilities Committee

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