



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

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

**Thursday, September 12, 2024  
2:00 PM**

*or  
Upon Adjournment of Previous Meeting*

**AGENDA**

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|---|---------------------------|
| <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, June 5, 2024  |                           |
| BT2. Minutes, July 31, 2024   |                           |
| BT3. Minutes, August 6, 2024  |                           |
| FF1. Approval of Contracts greater than or equal to \$3,000,000:  |                           |
| 1. <i>Elsevier B.V.</i>   |                           |
| 2. <i>Accurate Background, LLC.</i>   |                           |
| 3. <i>Mythics, Inc.</i>   |                           |
| 4. <i>Oracle America, Inc.</i>  |                           |
| 5. <i>Catering Services</i>   |                           |
| FF3. Approval of Self-Supporting and Market Tuition Rate College-Credit Programs Annual Report, 2023-24 |                           |
| FF4. FIU Athletics Finance Corp Debt Restructure  |                           |
| AP1. Tenure as a Condition of Employment Nominations  |                           |
| AP2. Textbook and Instructional Materials Affordability Annual Report                                   |                           |
| AP3. Honorary Degree Nomination   |                           |

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

- G1. Board of Governors’ Statement of Free Expression Endorsement Resolution
- G2. Board Appointment, Florida International University Foundation, Inc.
- G3. Ratification of the 2024-2027 Collective Bargaining Agreement between The Florida International University Board of Trustees and the United Faculty of Florida-FIU

**6. Action Items**

- FF2. Approval of 2024-25 Education and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and Related Certification** **Marc D. Sarnoff**
- SP1. Strategic Plan** **Carlos A. Duarte**

**7. Status Reports, Board Committees**

- Audit and Compliance Committee **Alan Gonzalez**
- Finance and Facilities Committee **Marc D. Sarnoff**
- Academic Policy and Student Affairs Committee **Francis A. Hondal**
- Strategic Planning Committee **Carlos A. Duarte**
- Governance Committee **Roger Tovar**

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

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



September 12, 2024

**Subject: Approval of Minutes of Meetings held June 5, 2024, July 31, 2024, and August 6, 2024**

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**Proposed Board Action:**

Approval of Minutes of the FIU Board of Trustees, Full Board meetings held on June 5, 2024, July 31, 2024, and August 6, 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 June 5, 2024, July 31, 2024, and August 6, 2024.

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**Supporting Documentation:**

Minutes: Full Board Meetings, June 5, 2024, July 31, 2024, and August 6, 2024

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**Full Board  
June 5, 2024  
FIU, Modesto A. Maidique Campus, FIU Stadium, Stadium Club**

**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 1:43 PM on Wednesday, June 5, 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 (*Zoom*); Natasha Lowell; Yaffa Popack; Gene Prescott; Chanel T. Rowe (*Zoom*); and Marc D. Sarnoff.

Trustee Cesar L. Alvarez was excused.

Board Chair Tovar welcomed all Trustees, members of the University administration, and the University community. He also welcomed Student Government President and student representative on the Board, Francesca Casanova who began her term on May 6, 2024. Board Chair Tovar congratulated Dr. Noël C. Barengo on being reelected to the office of Chair of the FIU Faculty Senate.

Board Chair Tovar commented on Congressman Mario Díaz-Balart's visit to the University's Engineering Center to present FIU's Wall of Wind with a \$4.05M federal allocation to support windstorm research. Board Chair Tovar added that said funds are part of a designation from the National Institute of Standards and Technology, facilitated through the support of Congressman Díaz-Balart and his dedication to the Windstorm Research Instrumentation and Testing Enhancement project.

Board Chair Tovar highlighted two (2) FIU athletes who are competing for national titles this week at the National Collegiate Athletics Association (NCAA) Outdoor Track and Field championships: Christiana Ellina in javelin; and Michaelle Valentin in both hammer and discus. Board Chair Tovar added that Ms. Valentin is the first FIU athlete in the last 10 years to qualify for the national championships in multiple events. Board Chair Tovar commented that the Panthers will kick off the 2024 Football season before a national audience when they travel to Indiana on August 31, 2024, and that the FIU football team will play before a national television audience at least five times during the 2024 season as part of the Conference USA broadcast schedule. He asked the University community to mark their calendars for the FIU Homecoming game on September 21, 2024.

## **2. Public Appearances**

There were no requests for public appearances.

## **3. Foundation Report**

FIU Foundation Inc. Board of Directors Treasurer Marcel L. Navarro indicated that as of May 20, 2024, \$51.3M was raised towards the fiscal year goal of \$83M. He added that to-date \$53.6M has been raised and that major gifts are in progress and in the final agreement stage. He commented on Jorge and Darlene Perez's gift to establish the Jorge M. and Darlene Perez 50th Anniversary Scholarship Endowment within the Nicole Wertheim College of Nursing and Health Sciences. Director Navarro remarked on recent alumni engagement and the upcoming Foundation Board of Directors meetings. He pointed out that for the nine months ended March 31, 2024, philanthropy totaled \$44.7M and of that, \$26.5M was received in cash.

Director Navarro indicated that as of March 31, 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 10.54% net of fees. Director Navarro stated that the Foundation's fully marketable 80/20 benchmark returned 13.28% over the same period. He stated that the Foundation's strategies inclusive 25% allocation in private investments has largely lagged the fully marketable benchmark due to the strong public equity market performance in 2003. He mentioned that the Foundation's marketable investments have outperformed said benchmark for the same period. He pointed out that at the FIU Foundation Inc. Board of Directors most recent meeting, the Investment Sub-Committee reviewed the Foundation's investment portfolio performance relative to its peers using the recently released National Association of College and University Business Officers (NACUBO) Study of Endowments. He added that, as of the most recent fiscal year-end, relative to its peers, the Foundation's investment portfolio performance is above the median on a one-, three-, five-, and ten-year basis.

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

University President Kenneth A. Jessell commented that approximately 6,000 FIU graduates participated in spring commencement and that Mr. David Grutman was conferred an honorary degree at spring commencement. President Jessell stated that nearly 30 students were recognized in early April for outstanding contributions to the University community through service, scholarship and promotion of the Panther spirit. He added that the 2024 Presidential Awardee is Seyed Saman Khedmatgozar Dolati, a doctoral candidate and researcher in the FIU Accelerated Bridge Construction University Transportation Center and that the 2024 Larry W. Lunsford Leadership Award was presented to Trustee Casanova. President Jessell stated that FIU engineering majors Gabriel Habech and Michael Romano recently created BeyondSight, an assistive technology company that empowers the visually impaired with the security and freedom to go anywhere. President Jessell added that their product is a pair of smart glasses that gathers visual data and a haptic feedback belt that lets the user know how close or far away an item is via a series of vibrations.

President Jessell commented on the faculty book authors reception where 31 FIU book authors were recognized. He highlighted the work of Dr. Anamika Prasad, Associate Professor in Biomedical Engineering. President Jessell stated that cells are carrying out their bone-building

duties outside the body and inside a 3D printable device, called a bioreactor, created by Dr. Prasad. President Jessell added that Dr. Prasad plans to use this device as a part of her other research, including an ongoing 3D bone reconstruction project with Dr. Juan Prettel, Chief of Musculoskeletal Oncology Surgery at Baptist Health. President Jessell noted that with support from the Casey DeSantis Florida Cancer Innovation Fund through the Florida Department of Health, they will design personalized 3D implants for children with osteosarcoma.

President Jessell pointed out that FIU's Chaplin School of Hospitality and Tourism Management is ranked in the world's top 1% by QS World University Rankings and also rose two spots from the No. 8 to the No. 6 best hospitality program among U.S. public universities nationwide. He commented on the opening of the Empowerment Center at FIU, the first of its kind in Florida, providing trauma-informed, multidisciplinary care to the community. He remarked that the gift from Trustee Francis A. Hondal, her husband, Eddie and their two sons, David and Daniel, will support several of the University's athletics programs. President Jessell commented on the CasaCuba Cuban Independence Day event, Dr. Herbert A. Wertheim's birthday celebration, and the Champion of Freedom Awards dinner at the Frost Science Museum hosted by FIU's Adam Smith Center for Economic Freedom.

## 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 FF5-FF6 recommended for Board approval by the Finance and Facilities Committee, AP1-AP10 recommended for Board approval by the Academic Policy and Student Affairs Committee, and G1-G2 and G4 recommended for Board approval by the Governance Committee.

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

- **BT1. Minutes, April 25, 2024** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on April 25, 2024.
- **FF1. 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.

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) approval of the University entering into the contracts and purchase orders and/or change orders to the purchase orders, as listed above and described in the Board materials and (ii) authorization for the University President or his designee to execute, on behalf of the University, the aforementioned contracts and/or purchase orders.

- **FF2. Investment Policy Amendment** - Adoption of revisions to the University's Investment Policy.
- **FF3. Tuition for Master of Science in Financial and Quantitative Analysis Self-Supporting Program, 2024-25 Academic Year** - 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 beginning academic year 2024-25 pending program approval by the Board of Trustees
- **FF5. Proposed 2024-25 Appropriated Fixed Capital Outlay Budget/Capital Improvement** (*Pending Governor's approval*) - 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 FIU Board of Trustees directives and guidelines.
- **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** - 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 and FIU Board of Trustees directives and guidelines.
- **AP1. Tenure Nominations** - Approval of the Tenure Nominations as specified in the Board materials.
- **AP2. Tenure as a Condition of Employment Nominations** - Approval of two (2) candidates for Tenure as a Condition of Employment.
- **AP3. Reduction of Bachelor of Science in Nursing to 120 Credits** – Approval of the reduction of total degree credits to 120 for the Bachelor of Science in Nursing effective Fall 2024.
- **AP4. New Program Proposal: Master of Science in Financial and Quantitative Analysis** - Approval of the Master of Science in Financial and Quantitative Analysis (CIP 27.0305) new program proposal.
- **AP5. Proposed Amendment to Regulation FIU-105 Sexual Harassment (Title IX) and Sexual Misconduct** - 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 or as a result of the regulation-making process.



- **AP6. Proposed Amendment to Regulation FIU-106 Nondiscrimination, Harassment and Retaliation (Title VII)** - 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 or as a result of the regulation-making process.
- **AP7. Proposed Amendment to Regulation FIU-110 Expressive Activities in Outdoor Areas on Campus** - 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 or as a result of the regulation-making process.
- **AP8. Proposed Amendment to Regulation FIU-111 Camping** - 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 or as a result of the regulation-making process.
- **AP9. Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code** - 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.
- **AP10. Proposed Amendment to Regulation FIU-2504 Student Religious Observances, Practices, and Beliefs** - Approval of 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.
- **G1. Updated Continued Exclusions of Trustees other than the Board Chair and Updated Continued Exclusion of the Board of Trustees Corporate Secretary** - Adoption of a Resolution that updates the exclusion of the named members of the FIU Board of Trustees (BOT) and continues the exclusion of the BOT Corporate Secretary from the requirements for a personnel security clearance.
- **G2. 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)** - Florida International University Board of Trustees (BOT) ratification of the 2024-2025 wage reopener for the 2023-2026

Collective Bargaining Agreement between the BOT and the Florida Nurses Association, Office & Professional Employees International Union, Local 713, AFL-CIO (Local 713).

- **G4. President's Performance and Incentive Goals, 2024-25** - Adoption of the proposed President's Performance and Incentive Goals as the President's goals for the 2024-25 academic year.

## 6. Action Items

### **G3. President's Management Review and Incentive Compensation Award**

Board Chair Tovar explained that the Governance Committee met to undertake the assessment of President Jessell's accomplishments for the 2023-24 academic year relative to the Board-approved goals and his overall performance. On behalf of the Committee, Board Chair Tovar presented the recommended performance rating and incentive compensation award for Board consideration.

A motion was made and unanimously passed by the FIU Board of Trustees granting a "superior" performance rating to President Kenneth A. Jessell for his leadership of Florida International University during the 2023-24 academic year and an incentive compensation award of \$175,000 for President Jessell, in accordance with the employment agreement.

### **FF4. Proposed 2024-2025 University and Direct Support Organizations Operating Budget**

There were no questions or comments from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the FIU 2024-25 University and Direct Support Organizations Operating Budgets and authorize the University President to amend the budgets consistent with Legislative, Board of Governors' and Florida International University Board of Trustees directives and guidelines.

## 7. Status Reports, Board Committees

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

Trustee Chanel T. Rowe, Audit and Compliance Committee Chair, provided highlights from the Audit and Compliance Committee's meeting earlier in the day. She indicated that the Committee reviewed and approved the respective 2024-25 work plans for the Offices of Internal Audit and University Compliance and Integrity. She stated that Mr. Trevor L. Williams, Chief Audit Executive, reported on recently completed audits relating to Digital Brand Management and Controls Over Protected Information. She commented that there are seven (7) ongoing audits in various stages of completion. Trustee Rowe remarked that Ms. Jennifer LaPorta, Chief Compliance and Privacy Officer, provided updates and information regarding third quarter activities and initiatives.

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

Trustee Carlos A. Duarte, Board Vice Chair and Finance and Facilities Committee Chair, provided highlights from the Finance and Facilities Committee's meeting earlier in the day. He indicated that, Sr. Vice President for Finance and Administration and Chief Financial Officer Aime Martinez presented the budget variance for the third quarter of the current fiscal year and reported on the overall net favorable variance of \$25.4M. Board Vice Chair Duarte commented that Trustee Natasha Lowell and Sr. VP and CFO Martinez provided an update on the 2015-30 campus master plan. He

noted that FIU Board of Trustees approval of the Campus Master Plan is anticipated for November 2024.

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

Trustee Lowell, Academic Policy and Student Affairs Committee Chair, provided highlights from the Academic Policy and Student Affairs Committee's meeting earlier in the day. She commented that Provost and Executive Vice President Elizabeth M. Bejar provided updates on post tenure review and planned new academic degree program proposals. Trustee Lowell stated that, as part of the Committee's standing agenda items, the student and faculty representatives on the Board of Trustees provided updates.

### **Governance Committee Report**

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

### **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 Wednesday, June 5, 2024, at 2:12 PM.

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Full Board  
July 31, 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 1:00 PM on Wednesday, July 31, 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; Natasha Lowell; Gene Prescott; Chanel T. Rowe; and Alberto R. Taño.

Trustees Yaffa Popack and Marc D. Sarnoff were excused.

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

Board Chair Tovar welcomed and introduced Trustee Alberto R. Taño, who was appointed to the FIU Board of Trustees on June 28, 2024 by Governor Ron DeSantis. Board Chair Tovar noted that Trustee Taño has been working, teaching, and volunteering in the field of Neonatology since 1989 and is a co-founder and Medical Director of KIDZ Medical Services and Emergency Pediatric Services, and that he serves as the Director of multiple Neonatal units in South Florida. Board Chair Tovar stated that Trustee Taño succeeds Mr. Cesar L. Alvarez on the Board.

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

There were no requests for public appearances.

### 3. Action Items

#### 3.1 Legislative Budget Requests, 2025-2026

Trustee Francis A. Hondal, Academic Policy and Student Affairs Committee Chair, explained that the Florida Board of Governors requires that all State University system institutions submit their

institutional legislative budget requests for review and approval. Provost and Executive Vice President Elizabeth M. Bejar presented for the Board's review and approval the 2025-2026 Legislative Budget Requests (LBRs), which included: Operational Excellence; Investing in FIU Health Innovation District; Category 6 Initiative: Infrastructure Testing, Disaster Management and Recovery; and Innovative Technology Hub and Academic-Industry Partnerships Initiatives. She commented on each LBR.

Provost Bejar stated that the University is requesting \$65M in recurring funds for Operational Excellence to continue the leadership and momentum of FIU as a top public research university. She commented on the \$50M request pertaining to the Health Innovation District. She noted that the request is a split of recurring and non-recurring dollars and intends to broaden FIU Health's clinical research in strategically aligned areas that correspond with the state's health priorities. Provost Bejar remarked on the \$60M request, \$10.5M recurring and \$49.5M non-recurring, relating to the Category 6 Initiative: Infrastructure Testing, Disaster Management and Recovery. She added that funding will support one-time investments that will expand industry partnerships, expand testing, provide for the establishment of the leading Category 6 testing facility, and integrate work currently being done at the Institute of Environment, Extreme Events Institute, and the Academy for International Disaster Preparedness. Provost Bejar commented on the \$30M request, \$18M recurring and \$12M non-recurring, pertaining to the Innovative Technology Hub and Academic-Industry Partnerships Initiatives. She noted that the request focuses on growing the University's research portfolio, leveraging internal expertise and strategic industry partnerships and alliances.

Provost Bejar commented that investing in FIU is investing in excellence for Florida's future and advances FIU's student excellence and research capabilities and fortifies Florida's national reputation as a hub for economic growth, research, and innovation in higher education. President Jessell pointed out that the University's Legislative Budget Requests tie into FIU's strategic plan in terms of health, environment, environmental resilience, innovation, technology, and artificial intelligence. He added that FIU has demonstrated its capacity in terms of being a solutions-center for areas of critical importance to the state. Board Chair Tovar added that the requested funding helps to address past funding gaps and are also forward thinking in terms of addressing the critical needs of the community and state.

A motion was made and unanimously passed by the FIU Board of Trustees to approve the 2025-2026 Legislative Budget Requests.

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

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. She indicated that, subject to available funds and selection and approval by the Florida Board of Governors (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.

Provost Bejar presented FIU's 2024-2025 LINE fund proposals for Board of Trustees review. She pointed out that this year, FIU is submitting three (3) proposals from three (3) health care partners. She commented that the first proposal and commitment is \$100,000 from Memorial Healthcare System for 10 Bachelor of Science in Nursing (BSN) students who will have a commitment to work at Memorial Healthcare System facilities. She added that the matching funds would increase the support to \$20,000 each. Provost Bejar commented that the second request is from Nicklaus Children's Hospital providing \$108,000 to support a shared graduate nursing faculty position focused on establishing a new Post Master's Certificate in Pediatric Acute Care. She noted that the total commitment, if matched, would be \$216,000 to support that faculty member through the development of said certificate and the beginning of teaching for a total of 20 months. Provost Bejar indicated that the final LINE request is \$20,000 from Riviera Health Resort/Victoria Nursing and Rehabilitation to provide support for one traditional or accelerated option BSN student's cost of tuition and fees in exchange for a work commitment post-graduation. She stated that the matching funds would double the investment, and then allow the program to support two (2) students.

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 Proposals:

- |   |           |
|---|-----------|
| ▪ Memorial Healthcare System                                | \$100,000 |
| ▪ Nicklaus Children's Hospital                              | \$108,000 |
| ▪ Riviera Health Resort/Victoria Nursing and Rehabilitation | \$ 20,000 |

### **3.3 Proposed Amendment to Regulation FIU-110 Expressive Activities in Outdoor Areas on Campus**

General Counsel Castillo presented the proposed amendment to Regulation FIU-110 Expressive Activities in Outdoor Areas on Campus for the Board's review. He noted that the Board of Trustees unanimously approved several amendments to Regulation FIU-110 at its June meeting. He explained that at said meeting, President Jessell indicated that the University administration would continue reviewing Regulation FIU-110. General Counsel Castillo pointed out that the proposed amendment is consistent with President Jessell's comments at said meeting and consists of changing the time period during which certain expressive activities on campus are prohibited, which, if approved by the Board of Trustees, would be from sunset to 8:00 AM, unless there is prior approval from the Vice President for Student Affairs. General Counsel Castillo acknowledged and thanked the Student Affairs department, University Police, and Associate General Counsel Ryan Kelly.

A motion was made and unanimously passed by the FIU Board of Trustees to approve the proposed amendment to Regulation FIU-110 Expressive Activities in Outdoor Areas on Campus and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors.

### **3.4 Review and Approve General Education Course Offerings**

Trustee Hondal explained that General Education Courses must be reviewed and approved to be in compliance with Florida statutes. Provost Bejar explained that in addition to Florida statutes, BOG Regulation 8.005 requires, effective this year, that each State University System (SUS) president and Board of Trustees annually review and approve the courses offered by the institution that meet the general education requirements. She noted that, in accordance with BOG regulation, the University

must ensure that the general education courses comply with course standards. She delineated the course standards across the five (5) general education subject areas, including communication, humanities, social science, natural science, and mathematics. Provost Bejar added that within said general education subject areas, there are a number of courses both statewide and institutional core. She pointed out that at each SUS institution, with the standard undergraduate degree being 120 credits, general education is comprised of 36 credits. She added that there is a statewide core course portion of the general education, which encompasses 15 credits, one course per each of the previously mentioned subject area categories. She stated that the University Core Curriculum (UCC), the remaining 21 credits, is the focus of what is currently being reviewed.

Provost Bejar commented that the University's two-part review process, consisting of data clean up and regulatory compliance, began last fall and at the conclusion of said process, 272 courses were reviewed collaboratively across Academic Planning and Accountability, deans, chairs, faculty departments, UCC Oversight Committee, and the FIU Faculty Senate. She added that in October 2023, faculty work groups were convened to review the UCC courses against the standards. Provost Bejar commented that the review process has been iterative throughout the fall and spring semester across the state. She pointed out that in February, the BOG forwarded to each SUS institution a course offerings list in which every institution has to address each of the courses listed by affirming no updates, updating, or recommending removal. Provost Bejar remarked that FIU was not recommending updates to 45 courses, has updated 80 courses, and of the 145 courses being recommended for removal, 123 courses are part of data clean up and 22 are compliance related. She further stated that 113 courses are being proposed for general education effective Fall 2025-26. She remarked on the removal of general education designation for seven (7) courses that the Faculty Senate recommended be retained. Provost Bejar indicated that said courses would continue to be part of the University catalog offered as electives solely without the general education designation. She mentioned that as BOG Regulation provides for an annual review, there will be an opportunity to revisit the University's offerings in coming academic years.

Provost Bejar delineated next steps. She indicated that, if approved by the Board of Trustees, the University President and Board Chair will concurrently sign the certification form and then the signed form and Statewide Course Numbering System General Education Course Report will be submitted to the Florida Department of Education Office of Articulation for review. She added that the Florida Department of Education Office of Articulation will then remand it to the BOG once ready for review and approval.

President Jessell commented on his review of the recommended courses. He noted that particular attention was given to the seven (7) courses Provost Bejar previously mentioned. He also remarked on his review of the meeting minutes from the Faculty Senate. President Jessell indicated that of the seven (7) courses, three (3) were recommended by the units for removal and in terms of the remaining four (4) courses, most, if not all, SUS institutions are not offering them as general education courses. President Jessell certified that he has 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.



Trustee Barengo commented on the review process as a constructive and respectful collaboration between the University's administration and faculty. He noted that after the Faculty Senate approved changes to the UCC at its meeting in April, the Office of Articulation staff identified courses, mainly in the Humanities and Social Science categories, that may not be approved based on language used in course descriptions and learning outcomes, but that this feedback was not provided in writing. He remarked that during the past six (6) weeks, faculty, chairs of departments and deans reviewed 49 courses and of said courses, 42 were modified according to the feedback received and were approved by the Faculty Senate. Trustee Barengo added that the Faculty Senate voted and advised to keep seven (7) courses that did not make the UCC list, because said courses are deemed important for the general education of the University's students 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 stated that based on the faculty's interpretation of state statutes and the written guidelines received, the aforementioned courses may remain part of the UCC as none of the said courses included "distort historical events," nor are their curriculum's "based on unproven, speculative, or exploratory content." He further stated that the faculty does not agree with the exclusion of the aforementioned seven (7) courses under question from the list, based on a straightforward reading of the law as written. He thanked the faculty for their hard work during the last nine (9) months, as well as for their continued commitment to the students, the University, and community.

Board Chair Tovar noted that the minor difference in the courses recommended for inclusion in the UCC listing was reflective of a collaborative effort between the University's administration and the faculty.

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

Trustee Barengo voted against the motion.

### **3.5 Updated Continued Exclusions of Trustees other than the Board Chair and Updated Continued Exclusion of the Board of Trustees Corporate Secretary**

Provost Bejar commented that FIU has, and desires to continue to enter into contractual obligations with agencies of the United States Government, including contractual obligations requiring security clearance. She noted that by previous resolutions, the Board of Trustees excluded all of the Board of Trustees members except for the Board Chair from the requirements for personnel security clearance. Provost Bejar added that the Board of Trustees also excluded the Board of Trustees Corporate Secretary from the requirements for a personnel security clearance. She indicated that the composition of the Board of Trustees has changed since the last exclusion resolution with the appointment of Trustee Alberto R. Taño, and therefore the exclusion of the Board of Trustees members must be updated.

A motion was made and unanimously passed that the FIU Board of Trustees (BOT) adopt 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.

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

Board Chair Tovar commented on the University's commencement ceremonies. He commended the graduates for their hard work and dedication and also recognized the work of the FIU faculty, administration, and staff.

#### **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 Wednesday, July 31, 2024, at 1:54 PM.



**Full Board**  
**August 6, 2024**  
**FIU, Modesto A. Maidique Campus, Parkview Hall, Multipurpose Room**

**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 10:33 AM on Tuesday, August 6, 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 (Zoom)*; Noël C. Barengo; Francesca Casanova; Dean C. Colson (*Zoom*); Alan Gonzalez (*Zoom*); Francis A. Hondal; Natasha Lowell; Yaffa Popack; Marc D. Sarnoff; and Albert R. Taño.

Trustees Gene Prescott and Chanel T. Rowe were excused.

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 today's agenda item.

Board Chair Tovar pointed out that Trustees are thoroughly briefed prior to each Board of Trustees meeting.

**2. Public Appearances**

There were no requests for public appearances.

**3. Action Item**

**BT1. Naming of FIU Facility**

Trustee Marc D. Sarnoff, Chair of the Board of Trustees Finance and Facilities Committee, indicated that the Board of Trustees will be reviewing the naming of the FIU Stadium. He commented that the stadium opened on September 24, 1995, as a 7,500-seat football and track stadium and since then, the stadium has undergone a major expansion and redesign. Trustee Sarnoff added that today, the stadium has a seating capacity of 20,000 and hosts the home games of the FIU Panthers, the Miami FC, high school football, and others. He indicated that FIU football averaged

over 15,000 fans per game in 2023, which was an increase of nearly 11 percent from the previous season and over 25 percent since 2021.

Athletic Director Scott Carr presented for Board of Trustees review, the naming of the FIU Stadium as “Pitbull Stadium”. He remarked that the proposed stadium naming provides FIU the opportunity to partner with a worldwide brand. He added that said partnership connects FIU with Armando “Pitbull” Perez, his fan base, which includes millions of followers across multiple social media platforms, and his brand. Mr. Carr pointed out that the initial term of the agreement will be for five (5) years for \$6M, payable in annual installments of \$1.2M. Mr. Carr stated that Pitbull has the option to renew the agreement for an additional five (5) years. Mr. Carr indicated that Pitbull will help promote FIU and FIU Athletics and that such promotional activities may include creating an “FIU Anthem” that would be played at all FIU Athletics events, co-branded merchandise, and appearing at one athletics fundraising event per year. Mr. Carr noted that under the agreement, Pitbull will be granted the right to use the stadium for up to 10 days annually with a limited number of tickets to be set aside for FIU students at a discounted rate.

Mr. Carr remarked that Pitbull helped start a tuition-free public charter school called Sports Leadership and Management (SLAM!), which opened in 2013 and leverages universal themes, such as sports, science, technology, media and more to engage their students. Mr. Carr stated that in 2022, SLAM was designated as a “System of Distinction” by Cognia, a global school improvement and accreditation organization. Mr. Carr commented on Pitbull’s newly formed SELF 1st Foundation, which stands for 'Strengthening Education to Level the Field,' and enhances educational access and resources for minority and underserved populations across all levels of education, including college and trade school. Mr. Carr added that SELF 1st seeks to cultivate academic excellence, inspire young minds and create a more equitable society where every individual, regardless of background, has the opportunity to succeed through the transformative power of education.

Trustees recognized Pitbull’s community-minded efforts and commented on his connections to Miami.

A motion was made and unanimously passed by the FIU Board of Trustees to approve the naming of the FIU Stadium as “Pitbull Stadium”.

#### **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 Tuesday, August 6, 2024, at 10:48 AM.



September 12, 2024

**Subject: 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

**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, (i) approve, as listed and described below, 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.

**Background Information:**

1) **Contract PUR-08592 (Vendor: Elsevier B.V.)** Approval to proceed with four-year contract for ScienceDirect. The master agreement has been negotiated and thoroughly vetted by UF General Counsel.

- **Term:** 1/1/2025 – 12/31/2028
- **Total Estimated Cost:** \$4,644,696.58
- **Funding Source(s):** Fund Code 210, General Revenue, Activity #: 1238020005

This is an exempt purchase of periodicals and journals, and the acquisition of copyrighted and single source instructional material included in Florida Board of Governors (BOG) Regulation 18.001 Purchasing Regulation Section (6)(d)(17), Annual Sole Source Certification - Category 2.

Elsevier B.V. shall provide the renewed content from the publisher Elsevier (see the attached list of titles, pages 19-21). The contract includes e-journal subscriptions that are primarily science-based and are part of Elsevier's ScienceDirect platform. It also includes Elsevier's Book Series / Handbook Series (2012-). This is funded through the FIU Libraries resource budget. The proposed contract covers authorized FIU users for their personal educational, scientific or research purposes. These journals are essential for effective scientific research to be conducted at a R1 research university.

**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, September 12, 2024*

2) **Master Contract PUR-04632 Accurate Background LLC.** This agreement was requested by the Division of Human Resources to comply with background check requirements, including F.S. 1010.35, which went into effect July 1, 2021. The agreement was awarded as a result of Florida State University competitive solicitation ITN 6225-6 Office of Human Resources Background Check Services. Increases in statutory fees along with new requirements for expanded background checks, graduate assistants, and research employees have increased the cost significantly.

- **Term:** Commenced on December 1, 2021, and shall continue until June 30, 2026. The Agreement may be renewed eight (8) times for a period of one (1) year each.
- **Total Estimated Cost:** \$6,160,000.00 (approximately \$500K per year)
- **Funding Source(s):** 210 General Revenue and 211 Carryforward

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, September 12, 2024*

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3) **Oracle Cloud Subscription Renewal** (Vendor: Mythics, Inc.) Purchasing authority request for Oracle Cloud subscription. The Division of Information Technology (DoIT) is requesting additional purchasing authority of \$835,789.41 for fiscal year 2024-25, to allow for growth due to additional CPU and storage that were enabled in the cloud environment that were not part of the original scope and higher consumption overage charges than estimated. This request is in addition to the prior FIU Board of Trustees approval on June 16, 2022, in the amount of \$3,601,350.

OCI Applications: Human Capital Management (includes, HR, Payroll, Time & Labor, etc.), Financials / Contracts & Grants (includes GL, AP, PO, BI, etc.), Campus Solutions, Enterprise Portal.

- **Procurement Method:** Amendment to FIU Contract # PUR-05237, Piggyback Agreement -Mythics Region 4 ESC (National IPA) Contract #R190801.
- **Term:** July 15, 2022, through July 14, 2025
- **Total Cost:** \$4,437,139.41 (**Original Approval:** \$3,601,350.00 **Additional Purchasing Authority:** \$835,789.41)
- **Funding source:** E&G 210

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, September 12, 2024*

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4) **Oracle Support Renewal** (Vendor: Oracle America, Inc.) DoIT is requesting an additional purchasing authority approval of \$799,447.14 for fiscal year 2024-25, to allow for purchase authorization for other units that have support contracts with Oracle America, Inc. and allow for true-ups that FIU reports to Oracle on an annual basis. This request is in addition to the prior FIU

Board of Trustees approval on June 16, 2022, in the amount of \$3,708,002.64. Oracle Applications: Human Resources Management System, Payroll, Contracts & Grants Management System, Financial System, Campus Solutions System.

- **Term:** September 1, 2022, through August 31, 2025
- **Total Cost:** \$4,507,449.78 (**Original Approval:** \$3,708,002.64 **Additional Purchasing Authority:** \$799,447.14).
- **Funding Source(s):** E&G 210

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, September 12, 2024*

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5) **Approval of contracts resulting from ITN-2023-00086 Catering Services.** This solicitation requires a revenue return to the University to match similar services and vendors already contracted on campus. These agreements were requested by the Office of Business Services. FIU Procurement Services initiated an Invitation to Negotiation, ITN-2023-00086 Catering Services and after a thorough selection process, the evaluation committee recommended awarding the contract to nine (9) respondents. The contracts need approval by the FIU Board of Trustees since the estimated spend is over \$3 million for the contract term.

The recommended awarded suppliers are as follows:

1. PUR-08814, vendor: Enticing Corporation Inc
  2. PUR-08821, vendor: Exquisite Catering Inc
  3. PUR-08822, vendor: Fin's Kitchen Inc
  4. PUR-08823, vendor: G&S Events Llc
  5. PUR-08824, vendor: Line Drive Logistics Llc
  6. PUR-08825, vendor: Parties by Pat Inc
  7. PUR-08826, vendor: Special Events by Les Inc
  8. PUR-08827, vendor: Tropical Oasis Express Inc
  9. PUR-08828, vendor: David & Doug's Catering Inc
- **Term:** Start Date upon execution initial term three (3) years. The Agreements may be renewed two (2) times for a period of three (3) years each.
  - **Total Estimated Cost:** \$1,000,000.00 per year for a total amount of \$9,000,000.00 for the contract term. The total is based on aggregated spend across catering suppliers, not per individual contract. This is excluding catering spend associated with Chartwells whose service were negotiated under a separate competitive solicitation (FIU Catering, Panther Dining, Compass).
  - **Funding Source(s):** Various

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, September 12, 2024*

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September 12, 2024

**Subject: Approval of Self-supporting and Market Tuition Rate College-Credit Programs Annual Report, 2023-24**

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**Proposed Action:**

Florida International University Board of Trustees (BOT) approval of the Florida International University (FIU) 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 (BOG) Regulation 8.002(4)(c) *Self-supporting and Market Tuition Rate Program and Course Offerings*.

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**Background Information:**

BOG Regulation 8.002 requires BOT approval prior to submission of the Annual Report. The Annual Report must include, at a minimum, the following information:

1. *The CIP Code and complete name of each program under which each self-supporting and market tuition rate education program is operating. Additionally, all program majors as defined in Board of Governors Regulation 8.011 must be identified.*
2. *The approval dates for each program's tuition from the university board of trustees and Board of Governors.*
3. *The approved tuition and fees for each program, including costs per credit hour and any additional fees, such that the total cost to the student for each program may be calculated.*
4. *The revenues and expenditures for each degree and major within a college-credit self-supporting or market tuition rate education program.*
5. *Other documentation to demonstrate compliance with this regulation as required.*

The BOG has requested submission of this report by October 1, 2024; documentation of the BOT approval must also be submitted.

In 2023-24, there were 75 programs with enrollment totaling 4,971 students with revenues of \$68,587,759 and expenditures of \$76,482,684. Of these 75 programs, Market Tuition Rate and Self-supporting programs totaled 31 and 44, respectively.

**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, September 12, 2024*

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September 12, 2024

**Subject: FIU Athletics Finance Corp Debt Restructure**

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**Proposed Action:**

Florida International University Board of Trustees approval of 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 (the "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 ("University") athletic program; providing an effective date.

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**RESOLUTION**

**BE IT RESOLVED BY THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES:**

Section 1. The Florida International University Board of Trustees (the "Board of Trustees") as the governing body of the Florida International University hereby authorizes the issuance of debt by the FIU Athletics Finance Corporation (the "DSO") and requests the Board of Governors to approve the issuance of debt in an amount not to exceed \$14,600,000 (the "Debt") for the purpose of refinancing a portion of the previously issued and outstanding Miami-Dade County Industrial Development Authority (the "Authority") Revenue Bonds (FIU Football Stadium Project), Series 2009A Bonds (the "Bonds") that were issued in 2009, to refinance costs of certain capital improvements related to the expansion of the FIU football stadium.

Section 2. Due to the terms of the naming rights and sponsorship agreement with DIMIT, LLC (providing services of Armando Christian Perez, p/k/a the artist "Pitbull") (the "Naming Rights Agreement") approximately \$13,435,000 of the Bonds which bear interest at a tax exempt variable rate (the "Variable Rate Bonds") need to be remediated through the issuance of a taxable obligation to be issued by the DSO.

Section 3. The new fixed rate obligation to be issued by the DSO (the "Debt") will be issued in an amount sufficient to redeem the principal of the Variable Rate Bonds, finance a swap termination fee that will be due when the Variable Rate Bonds are redeemed and pay the costs of issuing the fixed rate obligation, in an amount not to exceed \$14,600,000 (collectively, the "Project").

Section 4. The Debt will be issued pursuant to the terms of a loan agreement by and between the DSO and Regions Bank, the current holder of the Bonds, and be secured by a pledge of Pledged Revenues

(as defined in the Bond documents). Pledged Revenues include all gross operating income and revenues including fees, rentals or other charges received by the DSO, the University on behalf of the DSO, and the University, in its capacity as the manager under the management agreement, derived from the ownership and/or operation of the football stadium including game day, football season, and special events ticket sales, concession revenues, net amounts received with respect to catering activities, advertising and sponsorship revenues, revenues from parking facilities owned by the DSO, and any facility service fees or box office rebates. Pledged Revenues also include non-operating revenues including all revenues, fees and charges collected by the DSO or the University, on behalf of the DSO, including athletics fees, fund raising revenues, conference payments, naming rights revenues, capital gifts and the investment earnings on any of the above. The pledge of Pledged Revenues will be on parity with the lien granted to Regions Bank as the holder of the Bonds that will remain outstanding following delivery of the Debt. The proceeds of the Debt plus other revenues of the DSO will be sufficient to finance the Project. No proceeds of the Debt will be used to finance operating costs. The DSO is legally authorized to secure the Debt with the revenues to be pledged pursuant to section 1010.62, Florida Statutes. The University and the DSO are committed to ensuring that sufficient revenues will be generated to fulfill the obligations with respect to the proposed Debt.

Section 5. The Debt will bear interest at a fixed taxable rate acceptable to the DSO and will mature on March 1, 2032, the original maturity date of the Variable Rate Bonds. The football stadium has an estimated useful life that exceeds 8 years, which is beyond the final maturity of the Debt.

Section 6. The Debt will be issued by the DSO in the form of a bank loan with Regions Bank, the current holder of the Bonds. A negotiated private placement is required because the remediation that needs to be undertaken must be taken within 90 days from the date of entering into the Naming Rights Agreement, which period ends on November 4, 2024. Regions Bank holds all the Variable Rate Bonds and has agreed to hold the Debt.

Section 7. The Board of Trustees will comply and will require the University and the DSO to comply, with all requirements of federal and state law relating to the Debt, including but not limited to continuing secondary market disclosure of information regarding the Debt, if any, and certain other requirements of Regions Bank.

Section 8. The Board of Trustees will comply with the Debt Management Guidelines adopted by the Board of Governors on April 27, 2006, as subsequently amended by the Board of Governors, the University's debt management policy, and applicable law.

Section 9. The President and Chief Financial Officer of the University, or their respective designees, the Chair of the DSO or the Chair's designee, and other authorized representatives of the University or the DSO, on behalf of the University or DSO, as applicable, are hereby authorized to take all actions and steps, to execute all instruments, documents, and contracts, and to take all other actions as they may deem necessary or desirable, in connection with the execution, sale and delivery of the Debt.

Section 10. In making the determination to issue the Debt, the Board of Trustees has reviewed the information attached to Appendix A and finds that the issuance of the Debt is in compliance with the

Debt Management Guidelines adopted by the Board of Governors on April 27, 2006, as subsequently amended by the Board of Governors, the University's debt management policy, and applicable law.

Section 11. This Resolution shall take effect immediately upon its adoption.

ADOPTED this 12th day of September 2024.

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, September 12, 2024*

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September 12, 2024

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

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**Proposed Action:**

Florida International University Board of Trustees approval of two (2) candidates 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 nominees hold tenure at their previous institution and have 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,  
September 12, 2024*

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September 12, 2024

**Subject: Textbook and Instructional Materials Affordability and Transparency Annual Report**

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**Proposed Action:**

Florida International University Board of Trustees approval of the Textbook and Instructional Materials Affordability and Transparency Annual Report.

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**Background Information:**

Pursuant to section 1004.085, Florida Statutes, Education Access and Affordability, requires the Board of Governors and the State Board of Education to annually identify strategies to promote college affordability. Under this statute, all State University System institutions are required to submit a Textbook and Instructional Materials Affordability and Transparency Report that describes the institutional processes of selecting, adopting and posting course materials as well as undergraduate core curriculum course syllabi. In addition, the report must include an overview of institutional initiatives and policies designed to reduce the costs of course materials and promote college affordability.

Pursuant to Florida Board of Governors Regulation 8.003, Textbook and Instructional Materials Affordability and Transparency, each university board of trustees shall provide a report, by September 30 of each year, to the Chancellor of the State University System, in a format determined by the Chancellor.

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, September 12, 2024*

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September 12, 2024

**Subject: Honorary Degree Nomination**

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**Proposed Action:**

Florida International University Board of Trustees endorsement of Diane Ramy Faulconer as a recipient of a Doctor of Science, *honoris causa* from Florida International University.

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**Background Information:**

The nomination was recommended by the Faculty Senate on Tuesday, November 14, 2023.

The nominee was approved by the University President and Provost to receive an honorary degree at Commencement.

Florida Board of Governors Regulation 3.004, Honorary Degrees, provides that each university board of trustees shall establish policies and procedures for recommending candidates for honorary degrees.

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting, September 12, 2024*

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September 12, 2024

**Subject: Board of Governors' Statement of Free Expression Endorsement Resolution**

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**Proposed Action:**

Having reviewed the State University System of Florida Statement of Free Expression, Florida International University Board of Trustees endorsement of such statement.

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**Background Information:**

On April 15, 2019, the State University System of Florida and its twelve public postsecondary institutions, through the universities' respective presidents, adopted the State University System of Florida Statement of Free Expression (the Statement of Free Expression). The Statement of Free Expression, in pertinent part, provides as follows:

“The State University System of Florida and its twelve public postsecondary institutions adopt this Statement on Free Expression to support and encourage a full and open discourse and the robust exchange of ideas and perspectives on our respective campuses. The principles of freedom of speech and freedom of expression in the United States and Florida Constitutions, in addition to being legal rights, are an integral part of our three-part university mission to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service for the benefit of our local communities and the state. The purpose of this statement is to affirm our dedication to these principles and to seek our campus communities' commitment to maintaining our campuses as places where the open exchange of knowledge and ideas furthers our mission.

A fundamental purpose of an institution of higher education is to provide a learning environment where divergent ideas, opinions and philosophies, new and old, can be rigorously debated and critically evaluated. Through this process, often referred to as the marketplace of ideas, individuals are free to express any ideas and opinions they wish, even if others may disagree with them or find those ideas and opinions to be offensive or otherwise antithetical to their own world view. The very process of debating divergent ideas and challenging others' opinions develops the intellectual skills necessary to respectfully argue through civil discourse. Development of such skills leads to personal and scholarly growth and is an essential component of the academic and research missions of each of our institutions.”

A complete copy of the State University System of Florida Statement of Free Expression is included in the supporting documentation.

In its Civil Discourse Report of 2022, the Board of Governors included seven recommendations directed to civil discourse. In its third recommendation, the Board of Governors recommended that “the leadership of each university board of trustees, faculty senate, and student government annually review and endorse the Board’s Statement of Free Expression and commit to the principles of civil discourse.”

At its September 22, 2022 and December 7, 2023 meetings, the Florida International University Board of Trustees, having reviewed the State University System of Florida Statement of Free Expression, endorsed such statement.

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**Supporting Documentation:**     *Agenda | Governance Committee Meeting, September 12, 2024*



September 12, 2024

**Subject: Board Appointment, Florida International University Foundation, Inc.**

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**Proposed Action:**

Florida International University Board of Trustees approval of the appointment of the individual listed below and in the board materials, to the Florida International University Foundation, Inc. Board of Directors.

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**Background Information:**

The Board of Directors of the Florida International University Foundation, Inc. (the “FIU Foundation”), a direct support organization (“DSO”) of Florida International University, appointed one (1) new director on June 8, 2024, identified below.

The FIU Foundation is requesting that the Florida International University Board of Trustees (the BOT) approve the appointment of said individual to the FIU Foundation Board of Directors, as follows:

New Director Appointment for initial one-year term:

- Debra “Debbie” I. Taño

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

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

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

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**Supporting Documentation:** *Agenda | Governance Committee Meeting, September 12, 2024*

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September 12, 2024

**Subject: Ratification of the 2024-2027 Collective Bargaining Agreement between The Florida International University Board of Trustees and The United Faculty of Florida-FIU**

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**Proposed Action:**

Ratification of the 2024-2027 Collective Bargaining Agreement between The Florida International University Board of Trustees (BOT) and The United Faculty of Florida (UFF-FIU).

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**Background Information:**

Representatives of the BOT and the UFF-FIU have engaged in collective bargaining and reached an agreement on the terms of the articles and policies of the 2024-2027 BOT-UFF Collective Bargaining Agreement for a term commencing on the date of ratification and running through June 30, 2027. UFF ratification vote will be on September 10 and 11, 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.

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**Supporting Documentation:** *Agenda | Governance Committee Meeting, September 12, 2024*

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September 12, 2024

**Subject: Approval of 2024-25 Education and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and Related Certification**

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**Proposed Action:**

Florida International University Board of Trustees approval of 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; approval of 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.

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**Background Information:**

**Carryforward Spending Plan**

Beginning in 1985, State University System (SUS) institutions received statutory authority to carry forward unexpended E&G funds in the current year operating budget and include these funds in the operating budget the following year. Carryforward fund balances are used for activities such as, but not limited to, student success, potential budget reductions, anticipated increases in university operations and prior-year encumbrances. During the 2019 legislative session, Section 1011.45, Florida Statutes, was amended to provide greater specificity on allowable expenditures from E&G carryforward fund balances and BOG Regulation 9.007 has been amended to reflect these changes. Authorized expenditures in an E&G Carryforward Spending Plan may include:

- *Maintenance of a minimum carryforward balance of 7 percent of the total E&G operating budget*
- *BOT approval of an expenditure plan for carryforward balances in excess of the 7 percent minimum*
- *BOG review and approval of the BOT carryforward expenditure plan*
- *Authorized expenditures in the E&G carryforward expenditure plan may include:*
  - *Commitment of funds to a PECO project that has received a prior appropriation in order to complete the project*
  - *Completion of a renovation, repair, or maintenance project*

- *Replacement of a minor facility*
- *Completion of a remodeling or infrastructure project that is survey recommended*
- *Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings*
- *Operating expenditures that support the university mission*
- *Any purpose specified by the Board, including funding dedicated to maintenance reserve escrow accounts, or in the General Appropriations Act*
- *A commitment of funds to a contingency reserve for expenses incurred as a result of a state of emergency declared by the Governor pursuant to s. 252.36, Florida Statutes.*

The E&G carryforward spending plan shall include the estimated cost per planned expenditure and a timeline for completion of the expenditure and may include a reserve fund to be used for authorized expenditures in the following years. Additionally, Section 1011.45 requires the Chief Financial Officer of each university to certify annually, by September 30, the unexpended amount of funds appropriated to the university from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education & General Student and Other Fees Trust Fund as of June 30 of the previous year. Section 1011.45 also allows the university to spend the minimum carryforward balance of 7 percent if a demonstrated emergency exists and the plan is approved by the university's Board of Trustees and the Board of Governors. In accordance with Section 1011.45 and BOG Regulation 9.007, any amendments to the approved E&G carryforward spending plan during the fiscal year shall be reported to the Board of Governors for a time period and in a format prescribed by the Chancellor of the Board of Governors.

The E&G carryforward fund balance as of July 1, 2024, net of accounts receivables, accounts payables, and deferred student tuition and fees, totals \$113,242,187 for the University and \$22,697,676 for the Herbert Wertheim College of Medicine (HWCOM). After the 7 percent statutory reserve of \$46,146,327 for the University and \$3,622,102 for HWCOM, and \$2,638,818 of encumbrances for the University and \$937,999 for HWCOM, the carryforward spending plans total \$64,457,042 for the University and \$18,137,575 for HWCOM.

### **Fixed Capital Outlay Projects**

The 2024-25 Fixed Capital Outlay Budget includes both new projects as well as projects previously approved and authorized by the BOT and BOG where expenditures will take place in 2024-25.

New projects not previously included in prior year's schedules include the following:

- Steven & Dorothea Green Library, Elevators Repairs/Upgrades
- Student Health Center Renovation/Expansion
- Wolfsonian Museum Expansion
- Residential Dining Facility
- BBC Coastal Conservation & Restoration Robotics Building
- University Student Housing

- Engineering Center MsRI CAT 6 WOW Project
- Panther Residence Hall Repairs

In accordance with BOG instructions, FIU's FCO Outlay Budget identifies the following items for each fixed capital project:

- *Project Title/Name:* Title or name of all currently active and all proposed FCO projects
- *Project Description:* Description of the project
- *Total Project Budget Allocation:* Anticipated hard and soft costs to complete the facility
- *Funding Source and Amount:* Authorized and available for the project
- *Funds Expended Since Inception:* Amount expended prior to June 30, 2024
- *Funds to be Expended this Year:* Amount expenditures planned for 2024-25
- *Remaining Balance:* Estimated balance as of June 30, 2025
- *Projected Timeline:* Start date and estimated completion date

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting, September 12, 2024*

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

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September 12, 2024

**Subject: Strategic Plan**

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**Proposed Action:**

Florida International University Board of Trustees approval of the 2030 Strategic Plan.

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**Background Information:**

Florida Board of Governors Regulation 1.001(3)(c), University Board of Trustees Powers and Duties, provides that each board of trustees shall adopt a strategic plan in alignment with the Board of Governors' systemwide strategic plan and regulations, and the university's mission. University strategic plans shall be submitted to the Board of Governors for approval.

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**Supporting Documentation:** *Agenda | Strategic Planning Committee Meeting, September 12, 2024*

**Facilitator/Presenter:** Carlos A. Duarte, *Chair, Strategic Planning Committee*

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