



Full Board
September 27, 2024
Zoom

MINUTES

1. Call to Order and Chair's Remarks

Board Chair Roger Tovar convened the meeting of the Florida International University Board of Trustees at 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.