



**Full Board  
February 23, 2023  
FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

**MINUTES**

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

Board Chair Dean C. Colson convened the meeting of the Florida International University Board of Trustees at 1:50 PM on Thursday, February 23, 2023.

General Counsel Carlos B. Castillo conducted roll call of the Florida International University Board of Trustees and verified a quorum. Present were Dean C. Colson, *Board Chair*; Roger Tovar, *Board Vice Chair*; Cesar L. Alvarez; Jose J. Armas; Deanne Butchey; Natasha Lowell; Cristhofer E. Lugo; Gene Prescott; Chanel T. Rowe; and Marc D. Sarnoff.

Trustee Carlos A. Duarte was excused.

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

Board Chair Colson shared the following books with the Board of Trustees: *Waiting for Snow in Havana: Confessions of a Cuban Boy* by Carlos Eire and *Cuba: An American History* by Ada Ferrer. Board Chair Colson also shared a sample of the FIU Sunblazer Golden Ale with the Trustees and added that the Sunblazer ale will debut at the 2023 Food Network South Beach Wine & Food Festival presented by Capital One (SOBEWFF®). Board Chair Colson thanked the Chaplin School of Hospitality and Tourism Management for the SOBEWFF gift bag.

Board Chair Colson indicated that Florida's constitution clearly provides the authority to the Board of Governors "to operate, regulate, control and be fully responsible for the management of the whole university system." He added that the State University System of Florida (SUS) did not become number one without the active support of the Florida Board of Governors (BOG), Legislature, and Governor's office. Board Chair Colson mentioned that, lately, there has been a lot of discussion about tenure, curriculum, political indoctrination, and the teaching of certain courses and/or political theories. He stated that FIU has been and will remain focused on becoming a top ranked public research institution. He commented that if the University receives new directions and priorities from the BOG, FIU will respond and react as it has done in the past. He stated that FIU will continue to serve its very diverse community in a manner that reflects the very best of what a public higher education can offer. Board Chair Colson mentioned that FIU can provide the protections certain leaders are worried about today without compromising the academic freedom that is the foundation of our universities.

Board Chair Colson pointed out that the University does not provide sex reassignment treatment. He commented on FIU's response to the recent data request from the Governor's office regarding their inquiry on gender dysphoria and whether any of the Florida public universities provides or has provided sex reassignment treatment and noted that FIU did not disclose any patient health records. He indicated that, to the extent that FIU provided any data, it was limited to numerical information and that said information did not include any patient health records nor any personal identifying information. Board Chair Colson acknowledged that FIU students were currently protesting regarding the issues he mentioned earlier and added that said protest is part of the state-wide protest.

Board Chair Colson commented that, on January 24 and 25, 2023, FIU hosted the BOG and that with very little notice, Trustee Gene Prescott was able to provide lodging and the FIU teams worked tirelessly to ensure that said meetings ran smoothly. Board Chair Colson pointed out that the Board's responsibilities include periodically assessing the performance of the Board, its committees, and its members. He added that each Board of Trustees member received an electronic survey to evaluate the Board's performance and understanding of its responsibilities and expectations. Board Chair Colson noted that a 100% response rate has been received, which demonstrates full compliance with this Southern Association of Colleges and Schools Commission on Colleges requirement. He stated that the survey results will be shared at the Board's April meeting. Board Chair Colson remarked on the upcoming FIU Day to be held on Wednesday, March 22, 2023 and encouraged Trustees to participate.

## **2. Public Appearances**

There were no public appearances.

## **3. Foundation Report**

FIU Foundation Inc. Board of Directors Secretary, Jill M. Granat, indicated that approximately \$60M has been raised, year-to-date, toward the \$84M fundraising goal for the year. She remarked on the Next Horizon Capital Campaign and pointed out that more than \$827M has been raised to-date and the campaign will end on June 30, 2023. Director Granat commented on recent gifts, including: \$4M from the Paul G. Allen Family Foundation to provide core funding for an initiative to save the world's most traffic wild animal, the pangolin; \$1M from the Meghji Family Trust to create a visiting professorship to support academic efforts to build a program in Shi'a Islam Studies; a \$1M planned gift from Leslie Lefkowitz in support of the Jewish Museum of Florida; and a \$650K endowment gift from the Fain family to establish the Fain Medal and Fain Fellows to annually honor outstanding faculty.

Director Granat indicated that for the six (6) months ended December 31, 2022, \$61.7M in total philanthropy was raised and \$21.9M was received in cash. She commented on Panther Alumni Week. She reported that as of January 31, 2023, the Foundation's total investment portfolio stands at approximately \$414.5M and on a fiscal-year-to-date basis, the Total Managed Assets returned 6.4% net of fees. She remarked on the search for the next CEO of the FIU Foundation, Inc. Trustee Marc D. Sarnoff requested figures related to the portion of the Foundation's assets that are liquid.

#### 4. President's Report

University President Kenneth A. Jessell announced the appointment of Dr. Elizabeth M. Bejar as Provost, Executive Vice President, and Chief Operating Officer and the appointment of Ms. Milly Bello as Corporate Secretary of the Board of Trustees. He commented that psychology student, Elena Schiavone, was named Health Policy Research Scholar and that Professor Frank O. Mora was confirmed as U.S. Ambassador to the Organization of American States. President Jessell pointed out that *U.S. News & World Report* ranked FIU's online programs among the Top 50 and noted that FIU ranked No. 49 for best overall online bachelor's program among public universities. He mentioned that Mr. Stephen Fain retired after 51 years at FIU.

President Jessell commented that a team of FIU drug development scientists found a possible new way to counteract the effects of osteoporosis with a pill and added that said discovery, recently published in *Communications Biology*, is the first step toward readily available, effective, treatments for osteoporosis and other diseases associated with bone loss. He stated that with the support from a \$3M, five-year grant from the National Institutes of Health, Zachary Danziger, Associate Professor of Biomedical Engineering, and his colleagues will investigate how the nervous system and urinary tract are connected. President Jessell remarked that engineering alumna Ms. Dani Rojas, who graduated from FIU in 2018 with a B.S. in Biomedical Engineering, recently received the Outstanding Achievement Award in the Technology Rising Star category at the annual Women of Color STEM conference. President Jessell commented that at the College of Engineering and Computing's Senior Design Showcase in December, rising stars in engineering used their creativity and technical skills to present solutions to society's challenges. He added that professors and companies provided ideas for projects, then students used their critical thinking skills, under the guidance of faculty members, to bring possible solutions to life.

President Jessell indicated that FIU received a \$3.2M grant from the Army Corps of Engineers to research the 3D printing of ultra-high performance concrete and stated that the innovative research looks to help military personnel and industry professionals create extra-strong, customized structures on demand. He indicated that FIU researchers have moved a step closer to producing synthetic arsenic-based drugs in their quest to solve an urgent worldwide health problem, the growing number of infections that have become antibiotic-resistant. President Jessell highlighted FIU's 2022 Millennium Fellows, Ashley Natalia Coll, Natalie Concepción, and Venus Dinou.

President Jessell commented on the 22nd annual SOBEEFF®, which had just kicked off, and noted that proceeds support FIU's Chaplin School of Hospitality & Tourism Management. He stated that the Patricia & Phillip Frost Art Museum-FIU announced four (4) new exhibitions for the spring 2023 showcase and provided an overview of said exhibitions. He remarked that FIU in DC recently welcomed the Florida Congressional delegation with the start of the 118<sup>th</sup> Congress. President Jessell commented on the launch of the FIU Sunblazer Golden Ale and pointed out that the beer was crafted by Miami's Beat Culture brewery and bears the name of the University's first mascot, the Sunblazer. He added that a portion of the proceeds of the FIU Sunblazer Golden Ale will benefit FIU and noted that Sunblazer ale will be available at Vicky Café, Chili's, athletic events, and Beat Culture Brewery.

President Jessell mentioned that FIU's School of Education and Human Development has received \$1.5M from the U.S. Department of Education to recruit, train, and support educators to better serve bilingual and multilingual students in Miami-Dade County Public Schools. He commented that the Adam Smith Center will host the following distinguished spring 2023 senior leadership fellows: Álvaro Uribe, former president of the Republic of Colombia; Eduardo Frei, former president of the Republic of Chile; Fawzia Koofi, former vice president of the National Assembly of the Islamic Republic of Afghanistan; and Kiron Skinner, former director of policy planning at the United States Department of State. President Jessell remarked that Intelligent.com recognized 46 of the University's online learning programs within the Top 50 across the nation, up from 24 last year. President Jessell stated that College of Engineering and Computing faculty members, Stavros Georgakopoulos and Ibrahim Tansel, have received funding for their research through the Defense University Research Instrumentation Program. President Jessell provided an overview of the University's top legislative priorities, including Top 50 operational support, Program of Distinction in Environmental Resilience, and Innovation in undergraduate STEM education.

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

Board Chair Colson indicated that, in addition to Full Board minutes, the Consent Agenda includes action items AP1 – AP4 that have been recommended for Board approval by the Academic Policy and Student Affairs Committee. He pointed out that the Consent Agenda was amended to include the delegation of authority to the Vice Chair related to the Engineering 1 Building project, which was recommended for Board approval by the Finance and Facilities Committee.

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

- **BT1. Minutes, December 6, 2022** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on December 6, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.
- **AP1. Tenure as a Condition of Employment Nominations** - Approve two (2) candidates for Tenure as a Condition of Employment (TACOE).
- **AP2. Proposed Regulation FIU-2507 Examinations and Assessments** - Approve the proposed Regulation FIU-2507 Examinations and Assessments 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.
- **AP3. Proposed Amendment to Regulation FIU-1305 Students in Military Service** - Approve the revisions to Regulation FIU-1305 Students in Military Service 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.
- **AP4. New Program Proposal: Bachelor of Science in Sport and Exercise Science** - Approve the Bachelor of Science in Sport and Exercise Science (CIP 31.0505) new program proposal.

- **Delegation to Finance and Facilities Committee Chair** to:
  - (1) assist the University administration to negotiate a further amendment to the existing contract with DPR Construction for services in connection with the Engineering I Building, State Project No. BT-919, that would provide for an increase to the budget of up to \$9,851,774 to cover construction cost escalations, added infrastructure, design progression, reestablishment of a contingency and other costs associated with said items; to be funded from unrestricted auxiliary treasury funds; and
  - (2) provide any required Board approvals for such increase to the budget for this project; and
  - (3) timely report to the Board on the results of such efforts, including whether an amendment between the parties is reached.

Moreover, if such negotiations do not result in an amendment, the Vice Chair shall immediately notify the Board, and if needed, a meeting of the Board shall be scheduled as expeditiously as possible.

## **6. Action Item**

### **AC1. Performance Based Funding and Emerging Preeminence Metrics**

- A. Audit of Performance Based Funding and Emerging Preeminent Metrics Data Integrity**
- B. Performance Based Funding and Emerging Preeminence Status – Data Integrity Certification**

Board Chair Colson noted that, as required by Florida statutes, the University's Chief Audit Executive, Mr. Trevor L. Williams conducted an audit of the University's processes that ensure the completeness, accuracy, and timeliness of data submissions to the BOG. Board Chair Colson pointed out that Mr. Williams issued an opinion stating that the system, in all material respects, continues to function in a reliable manner. Board Chair Colson indicated that the BOG requires the Board Chair and University President to execute jointly a Data Integrity Certification affirmatively certifying that the University maintains reliable systems as they relate to BOG data and reporting requirements.

A motion was made and unanimously passed that the FIU Board of Trustees:

1. Approve the Audit Report - Audit of the Performance Based Funding and Emerging Preeminent Metrics Data Integrity; and
2. Approve the Performance Based Funding and Emerging Preeminence Status – Data Integrity Certification to be signed by the Chair of the FIU Board of Trustees and the University President.

## **7. Status Reports, Board Committees**

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

On behalf of Trustee Carlos A. Duarte, Audit and Compliance Committee Chair, Board Chair Colson explained that Ms. Jennifer LaPorta, Chief Compliance and Privacy Officer, provided updates related to the global risk and foreign influence governance activities, policy development process,

and status of training campaigns. Board Chair Colson indicated that, as is mandated by the Committee's Charter, the Committee met with senior management without the presence of the Office of Internal Audit.

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

Board Vice Chair Tovar, Finance and Facilities Committee Chair, provided highlights from the Committee's meeting earlier in the day. He reported that the Committee reviewed and approved the five-year renewal with Jaggaer LLC. for the University-wide electronic P2P system that includes eProcurement, eSourcing, and eContract Management solutions to automate the procurement life cycle. Board Vice Chair Tovar commented that Interim Chief Financial Officer and Senior Vice President for Finance and Administration Aime Martinez presented the financial performance review for the second quarter of fiscal year 2022-23 and reported that University operating revenues were below estimates by \$1.1M or 0.1 percent and operating expenses were below estimates by \$3.0M or 0.4 percent, with a net favorable variance of \$1.9M. Board Vice Chair Tovar indicated that Interim CFO and Sr. VP Martinez also provided capital project updates, including the potential increase to the budget of Engineering Building Phase 1 by up to approximately \$9.8M from the currently approved budget to cover construction cost escalations, added infrastructure, design progression, reestablishment of a contingency, and other costs associated with said items. He added that said increase is to be funded from unrestricted auxiliary treasury funds. He stated that Interim CFO and Sr. VP Martinez also provided an update on the hotel, conference, and alumni center project and shared a copy of the January 26, 2023 letter to the project developers informing them that the University was exercising its right to terminate the sublease and development agreement. He explained that the University will be exploring other options and will keep the Board of Trustees informed. Board Vice Chair Tovar mentioned that an update on the CasaCuba project was also provided and further stated that the relationship with the architect is being terminated and that the University's leadership will follow-up with the Board of Trustees at a future meeting to present the path forward and programming for CasaCuba.

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

Trustee Natasha Lowell, Academic Policy and Student Affairs Committee Chair, provided highlights from the Committee's meeting earlier in the day. She noted that President Jessell and Provost Bejar led an informative session pertaining to the University's enrollment and added that the student and faculty representatives on the Board of Trustees provided updates.

### **8. New Business**

In response to Trustee Chanel T. Rowe, Provost Bejar commented on the a \$6M five-year grant from the U.S. Department of Education, and noted that, as with all federal grants, there is an annual reporting requirement by the agency.

### **9. Concluding Remarks and Adjournment**

With no other business, Board Chair Dean C. Colson adjourned the meeting of the Florida International University Board of Trustees Full Board on Thursday, February 23, 2023, at 2:42 PM.