



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

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

*Livestream: <http://webcast.fiu.edu/>*

**Thursday, June 16, 2022**

**2:00 PM**

*or*

*Upon Adjournment of Previous Meeting*

**AGENDA**

- |   |                             |
|---|-----------------------------|
| <b>1. Call to Order and Chair's Remarks</b>   | <b>Chair Dean C. Colson</b> |
| <b>2. Public Appearances</b>  | <b>Dean C. Colson</b>       |
| <b>3. Foundation Report</b>   | <b>Humberto Cabañas</b>     |
| <b>4. President's Report</b>  | <b>Kenneth A. Jessell</b>   |
| <b>5. Action Items – Consent Agenda</b>   | <b>Dean C. Colson</b>       |
| BT1. Minutes, April 26, 2022  |                             |
| AC1. Proposed Amendment to Regulation FIU-117 Fraud Prevention and Detection  |                             |
| FF2. Proposed 2022-23 Fixed Capital Outlay Budget   |                             |
| FF3. Request for Approval of Florida International University's 2023-24 Fixed Capital Outlay Legislative Budget Request, Consisting of the five-year Capital Improvement Plan                   |                             |
| FF4. Proposed Amendments to Regulation FIU-1101 Tuition and Fees Schedule for the 2022-23 academic year   |                             |
| FF5. Engineering Building Phase I— Third Amendment to Prior Budget Approval   |                             |
| FF6. Approval of Amendment No. 5 to the 2010-20 Campus Master Plan for the Engineering Center Campus Redesignating Land Use to Accommodate the Construction of Academic and Research Facilities |                             |

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

- FF7. Approval of Contracts greater than or equal to \$3,000,000:
1. *ITN-2022-00057 for Office Supplies and Products, Vendor: ODP Business Solutions*
  2. *Renewal with Oracle America, Inc for Application Support and Licenses*
  3. *Renewal with Mythics, Inc. Oracle Cloud Service Subscription*
- AP1. Tenure Nominations
- AP2. Proposed Amendment to Regulation FIU-108 Access to Student Education Records
- AP3. Program Termination: Bachelor of Arts in Italian Language and Literature
- AP4. Program Termination: Bachelor of Science in Communications
- G1. Updated Exclusion Resolution
- G2. Ratification of the Wage Reopener for Fiscal Years 2021-2022 and 2022-2023 for the 2020-2023 Collective Bargaining Agreement between The Florida International University Board of Trustees and Florida Public Employees Council 79, affiliate of the American Federation of State, County, and Municipal Employees, AFL-CIO (*AFSCME*)

**6. Action Item**

**FF1. Proposed 2022-23 University and DSO Operating Budgets** **Roger Tovar**

**7. Status Reports, Board Committees**

- Audit and Compliance Committee Report **Carlos A. Duart**
- Finance and Facilities Committee Report **Roger Tovar**
- Academic Policy and Student Affairs Committee Report **Natasha Lowell**
- Governance Committee Report **Dean C. Colson**

**8. Presidential Search Update** **Roger Tovar**

**9. New Business** *(If any)* **Dean C. Colson**

**10. Concluding Remarks and Adjournment** **Dean C. Colson**

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Approval of Minutes of Meeting held April 26, 2022**

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**Proposed Board Action:**

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on April 26, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

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**Background Information:**

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on April 26, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

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**Supporting Documentation:** Minutes: Full Board Meeting, April 26, 2022

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Full Board  
April 26, 2022

FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom

## 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 1:15 p.m. on Tuesday, April 26, 2022.

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; Carlos A. Duarte; Donna J. Hrinak (*via Zoom*); Natasha Lowell; Gene Prescott; Joerg Reinhold; Chanel T. Rowe; Alexander Rubido; and Marc D. Sarnoff.

Carlos Trujillo was excused.

Board Chair Colson welcomed all Trustees and members of the University administration. He welcomed Trustees participating via Zoom and the University community accessing the meeting via the webcast. He also welcomed Mr. R. William "Bill" Funk and members of the R. William Funk and Associates team.

Board Chair Colson invited Trustees to a hardhat tour of Tamiami Hall at the conclusion of the Full Board meeting. He remarked that Tamiami Hall will feature fully furnished four-bedroom/two-bathroom apartments and studio apartments and will be home to 676 upper-class students, 17 resident assistants, and four professional staff.

In recognition of Trustee Alexander Rubido's service on the Board, which concludes on May 8, 2022, Board Chair Colson presented Trustee Rubido with a plaque.

### 2. Public Appearances

There were no public appearances.

### 3. President's Report

Interim University President Kenneth A. Jessell welcomed members of HCA Healthcare's Florida team and announced that a formal presentation and acceptance of the \$1.5M gift would follow later in the afternoon. He reported that the Nicole Wertheim College of Nursing and Health Sciences received a \$1.5M gift from HCA Healthcare Inc. and noted that FIU is the first Hispanic serving institution in the country to receive a grant. Interim President Jessell stated that the partnership with HCA will improve the pipeline of nursing educators to help address the nursing shortage.

Interim President Jessell commented that FIU participated in the Miami Beach Pride Parade. He stated that the FIU Relay for Life raised \$57,000 for the American Cancer Society. He remarked on Admitted Student Day, which took place on April 9, 2022. He pointed out that FIU's 17-hour dance marathon, Roarathon, raised over \$59,000 in benefit of the Children's Miracle Network Hospitals program. He mentioned the closing ceremony of the Bob Dylan exhibit, *Retrospectrum*, at the Patricia & Phillip Frost Art Museum. Interim President Jessell highlighted FIU's presence at eMerge America's. He indicated that FIU's successful efforts to improve student success while aligning its strategy with state performance metrics was highlighted at a gathering hosted by the Association of Public and Land-grant Universities (APLU) and the Coalition of Urban Serving Universities (USU) at the University's Modesto A. Maidique Campus.

Interim President Jessell stated that after two years without a national competition in the sport, FIU cheerleading placed first in both the preliminary and final rounds, closing out the competition with a final score of 97.4 points. He indicated that FIU is to receive \$5.5M in federal funds for strategic research projects with community impact. He pointed out that five (5) FIU professors received National Science Foundation (NSF) CAREER Awards to conduct innovative research and promote diversity in engineering. Interim President Jessell mentioned that a post-doc and two Ph.D. students won awards from the Society of Toxicology for Alzheimer's research.

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

Board Chair Colson indicated that the Finance and Facilities Committee recommended approval by the Board of action items FF1-FF3 and that the Governance Committee recommended approval of action items G1 and G2 contained in the Consent Agenda.

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

- **BT1. Minutes, March 3, 2022** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on March 3, 2022.
- **BT2. Minutes, April 5, 2022** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on April 5, 2022.
- **FF1. FIU Ventilation Improvements at Modesto A. Maidique and Biscayne Bay campuses** - Approve a list of HVAC improvement projects, throughout the Modesto A. Maidique and Biscayne Bay campuses, as specified in the Board materials, and delegate to the President or his designee the authority to execute all contracts and take all actions necessary to effectuate the improvements.
- **FF2. Interior Renovation of Lakeview North Residence Hall** - Approve the interior renovation of the Lakeview North Residence Hall at the Modesto A. Maidique Campus, which is being completed in two phases for a total cost of \$3,855,146, and delegate to the President or his designee the authority to execute all contracts and take all actions necessary to effectuate the renovation.

- **FF3. Approval of Florida International University’s 2022-23 Allocation of Capital Improvement Trust Fund (CITF) Fees** - Approve FIU’s revised 2022-23 allocation of CITF fees and authorize the University President to further amend said allocation as necessary, consistent with Florida Board of Governors and Florida International University Board of Trustees directives and guidelines.
- **G1. Bonus Plan Certification Form** - Approve the proposed Bonus Plan Certification Form.
- **G2. University President’s Performance Goals for Incentive Compensation, 2022** - Adopt the Interim President’s Performance Goals for Incentive Compensation, as specified in the Board materials, for the term of his employment agreement.

## 5. Action Items

### BT3. Presidential Position Criteria

Board Vice Chair and Presidential Search Committee Chair, Roger Tovar, indicated that Florida Board of Governors Regulation requires that the Presidential Search Committee, assisted by R. William Funk & Associates, be responsible for developing recommended position criteria that are consistent with the institution’s mission, strategic plan, and aspirational goals, and approved by the Board of Trustees. Board Vice Chair Tovar added that, at its first meeting, the Presidential Search Committee discussed characteristics, attributes, experience, leadership style, and personality that FIU’s next president should possess. Board Vice Chair Tovar pointed out that, over the course of two days on April 12 and 13, 2022, he was joined by Mr. Funk to lead listening sessions with a number of FIU constituent groups. Board Vice Chair Tovar recognized Board Chair Colson and Presidential Search Committee members who attended the sessions.

Board Vice Chair Tovar remarked that the Presidential Search Committee met on April 25, 2022 and at said meeting, finalized the proposed Presidential Position Criteria and Leadership Statement. He added that the updated version, which is being presented for Board of Trustees approval, was previously shared with members of the Board of Trustees. He noted that while there is no expectation that candidates possess all the attributes noted in the Presidential Position Criteria and Leadership Statement, it is expected that the best candidates will have a majority of these characteristics. Board Vice Chair Tovar commented that Mr. Funk continues to reach out to all Board of Trustees members in order to solicit their feedback on the presidential search process.

Pursuant to Florida Board of Governors Regulation, a motion was made and unanimously passed that the FIU Board of Trustees approve the Presidential Position Criteria.

Trustee Carlos A. Duarte commended Board Vice Chair Tovar’s commitment to the presidential search process. Trustee Joerg Reinhold concurred that while it may be challenging for a good candidate to possess all the attributes (noted in the Presidential Position Criteria and Leadership Statement), the Board should expect that the best candidates will be “passionately student-centered and dedicated to enhancing the quality of student life and learning” and have an “appreciation of a world-class faculty and staff and respect for the principles of shared governance and academic freedom.” Board Vice Chair Tovar explained that the Presidential Position Criteria will serve as a

blueprint for the interview process. Trustee Donna J. Hrinak shared her disappointment that international experience or perspective of FIU's role in the greater international community is not reflected in the Presidential Position Criteria and Leadership Statement. In response to Trustee Hrinak, Board Vice Chair Tovar stated that while the Presidential Position Criteria will not be fully inclusive, the international aspect was not purposely excluded and is included elsewhere, such as in the advertisement (for University President).

### **SP1. Florida International University Annual Accountability Plan, 2022**

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

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

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

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

Board Vice Chair and Finance and Facilities Committee Chair, Roger Tovar, provided highlights from the Committee's meeting earlier in the day. He indicated that the Committee reviewed and approved to increase the purchase order with Apple for an additional expense of \$500,000 for the PantherTech store to cover anticipated purchases from April through June 2022 due to sales increase from personal and interdepartmental equipment purchases. He stated that the Committee also approved the request for the third amendment of the FIU National Forensic Science Technology Center (NFSTC) lease with BP Land Holdings, LLC located in Largo, Florida to add additional square footage of office space to meet current and future demands to further its academic mission, research, and training in the field of forensic sciences. Board Vice Chair Tovar stated that Interim Chief Financial Officer and Senior Vice President for Finance and Administration Aime Martinez presented the results of the Financial Statement Audit for the fiscal year ending on June 30, 2021 and the FIU Operational Audit findings and recommendations for calendar year ended December 31, 2020.

#### **Strategic Planning Committee Report**

Strategic Planning Committee Chair Marc D. Sarnoff provided highlights from the Committee's meeting earlier in the day. He indicated that, in addition to engaging in a thorough review of the 2022 Accountability Plan, the Committee also received a presentation from Interim Provost and Executive Vice President Elizabeth M. Bejar of the historic overview and the Committee's role relating to the strategic planning process.

#### **External Relations Committee Report**

External Relations Committee Chair Gene Prescott provided highlights from the Committee's meeting earlier in the day. He indicated that Senior Vice President, Strategic Communications, Government and External Affairs Michelle L. Palacio reported on the ongoing reputation and rankings marketing campaign. He added that Sr. VP Palacio provided data points on the current campaign and reviewed the planning efforts for the 2022-23 campaign. Trustee Prescott mentioned



that Sr. VP Palacio provided updates on the recently completed 2022 state legislative session and the federal appropriations process.

### **Governance Committee Report**

Board Chair Colson noted that the Committee reviewed two (2) agenda items, which the Board approved as part of the Consent Agenda. He commented on the October 12, 2022 Committee Workshops of the Florida Board of Governors to be held at FIU and advised Trustees that further details will be shared on the annual Trustee Summit, which is required of all Board of Governors-appointed Trustees.

### **7. Presidential Search Update**

#### **7.1 Presidential Search Marketing Plan** *(No Action Required)*

Board Vice Chair and Presidential Search Committee Chair Tovar explained that Board of Governors Regulation requires that the presidential search committee approve a marketing plan which is then submitted to the Board of Trustees. He added that the Presidential Search Committee, at its April 25, 2022 meeting, approved the marketing plan that was submitted to the Board of Trustees as part of the April 26, 2022 agenda materials. Board Vice Chair Tovar indicated that, at the Committee's April 25, 2022 meeting, Vice President for Operations and Safety and Chief of Staff Javier I. Marques was joined by the FIU team to highlight the progress in terms of FIU communication channels. Board Vice Chair Tovar shared the FIU viewbook with the Board of Trustees.

Mr. Funk commented on the progress to-date. He explained that the friends of FIU letter has been shared, the presidential search website is live, listening sessions with various constituent groups were held, and the Presidential Search Committee has held two (2) meetings. Mr. Funk indicated that he and his firm have sent letters to their 600-person proprietary mailing list to advise them of the launch of the search and provide them with the opportunity to share nominations. He stated that over the next 1-1/2 months, he and his firm will actively engage with prospective candidates to build a candidate pool. He requested that the Board of Trustees, Presidential Search Committee, and University community forward nominations that have been shared with them.

Board Vice Chair and Presidential Search Committee Chair Tovar stated that the marketing budget was not to exceed a cost of \$30,000, which he noted included ad buys and creation of collateral materials. Further responding to Trustee Hrinak's earlier comment, Board Vice Chair and Presidential Search Committee Chair Tovar referenced the language in the recent advertisement (for University President), specifically that "The next President will have the leadership talents to successfully elevate the University to greater national and international prominence." He requested that Mr. Funk reach out to Trustee Hrinak to ensure that (international) is highlighted and is given fair consideration throughout the interview process.

### **8. New Business**

Board Chair Colson introduced FIU Men's Football coach Mike MacIntyre, who is a 32-year veteran of collegiate coaching and has experience coaching in the National Football League. Board Chair Colson commented on Coach MacIntyre's efforts aimed at increasing fan involvement. Coach MacIntyre commented on the spring practice game and the support of the University community.

Trustee Rubido conveyed his gratitude to the Board and the University leadership. He also recognized his advisors and the leadership within the Student Government Association.

### **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 Tuesday, April 26, 2022, at 2:03 p.m.

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Dean C. Colson  
*Chair*  
*FIU Board of Trustees*

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Kenneth A. Jessell  
*Corporate Secretary*  
*FIU Board of Trustees*

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Proposed Amendment to Regulation FIU-117 Fraud Prevention and Detection**

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**Proposed Board Action:**

Approve the proposed amendment of Regulation FIU-117 Fraud Prevention and Detection 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 and as a result of the regulation-making process.

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**Background Information:**

This regulation is being amended to include the process for handling any significant and credible allegation(s) of fraud, waste, mismanagement, misconduct, or other abuse made against a member of the Board of Trustees or the President and to revise the related notification requirement in alignment with Board of Governors (BOG) Regulation 4.001. In addition, BOG Regulation 4.001 is in the process of being amended and other revisions are being made to this regulation to conform to that amendment.

BOG Regulation 3.003(3), Fraud Prevention and Detection, states, in relevant part, that each university board of trustees shall adopt a regulation establishing criteria related to appropriate institutional controls and risk management framework that provide reasonable assurance that fraudulent activities within the university's areas of responsibility are prevented, detected, reported, and investigated.

BOG Regulation 4.001(5), University System Processes for Complaints of Waste, Fraud, or Financial Mismanagement, states, in relevant part, that each board of trustees shall adopt a regulation which requires timely notification to the Board of Governors, through the OIGC, of any significant and credible allegation(s) of fraud, waste, mismanagement, misconduct, and other abuses made against the university president or a board of trustees member. BOG Regulation 4.001(5) also sets forth requirements relating to the process for handling such allegations including any investigation and the submission of the investigative report at the conclusion of any such investigation.

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**Supporting Documentation:** *Agenda | Audit and Compliance Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Proposed 2022-23 Fixed Capital Outlay Budget/Capital Improvement**

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**Proposed Board Action:**

Approve Florida International University's 2022-23 Fixed Capital Outlay Budget and authorize the University President to amend the budget as necessary, consistent with Legislative, Florida Board of Governors' and Florida International University Board of Trustees (BOT) directives and guidelines.

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**Background Information:**

Section 1013.61, Florida Statutes, requires that the BOT adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the BOT for the entire year may be well understood by the public. The capital outlay budget is part of the annual budget and shall be based upon and in harmony with the BOT's capital outlay plan. The budget shall designate the proposed capital outlay expenditures by project for 2022-23 from all fund sources, as amended.

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

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

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

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**Supporting Documentation:**     *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Request for Approval of Florida International University’s 2023-24 Fixed Capital Outlay Legislative Budget Request Consisting of the five-year Capital Improvement Plan**

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**Proposed Board Action:**

Approve FIU’s 2023-24 Fixed Capital Outlay Legislative Budget Request, consisting of the five-year Capital Improvement Plan and authorize the University President to amend the Legislative Budget Request as necessary, consistent with Florida Board of Governors (BOG) and Florida International University Board of Trustees (BOT) directives and guidelines.

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**Background Information:**

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

While each university may include any project recommended on the university’s most recent Educational Plant Survey, the BOG will only consider/score those projects that are: (i) incomplete PECO projects which received a prior appropriation and requires additional PECO funds to complete; and/or (ii) the top two priorities for each university. The BOG will adopt the State University System Legislative Budget Request for Fixed Capital Outlay at its September 14, 2022 meeting based upon a points-based prioritization method to rank projects for consideration from the selection of projects submitted by each university board of trustees in accordance with Section 1001.706 (12), Florida Statutes.

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Proposed Amendments to Regulation FIU-1101 Tuition and Fees Schedule for the 2022-23 academic year**

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**Proposed Board Action:**

Approve amended Regulation FIU-1101 Tuition and Fees Schedule 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 (BOG) and as a result of the regulation-making process.

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**Background Information:**

Proposed changes to FIU-1101 Tuition and Fees Schedule align with changes the Council on Accreditation of Nurse Anesthesia Educational Programs made to designate the doctorate as the “entry into practice” degree. Since inception of the Doctor of Nursing Practice –Nurse Anesthesiology program, FIU charged separate per-credit tuition cost for each component of the Nurse Anesthesiology program (Nurse Anesthesiology credits and Doctor of Nursing Practice credits). With the proposed changes to the FIU Tuition and Fee Schedule, the program will change to a new composite tuition based on 110 credits (71 Nurse Anesthesiology credit hours and 39 Doctor of Nursing Practice credit hours). Students will now pay the same rate for all the courses in the total degree program and the total programmatic cost of the degree will remain unchanged.

Additionally, technical revisions include removing degree-level designations to the Nursing and Health Sciences Practicum/Certification Programs, removing reference to students enrolled before 2006 (as there are no longer any active students with continuous enrollment from that date), aligning the definition of students to whom the Excess Credit surcharge applies with BOG Regulation 7.003 by adding reference to a Florida public institution of higher education, and stylistic changes.

The University President will report to the FIU Board of Trustees at its next regularly scheduled meeting on any substantive change requested or made to the Regulation as a result of comments received from the BOG as part of the regulation-making process.

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Engineering Building Phase I (BT-919) —Third Amendment to Prior Budget Approval**

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**Proposed Board Action:**

Approve the request to expand the size and budget of Engineering Building Phase I from the currently approved budget of \$75.4 million to \$79.7 million to accommodate cost increases in the construction market and refinements in the project's design since December 2021.

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**Background Information**

**Engineering Building Phase I:** The original program and construction budget for a new engineering building at FIU, as approved by the Florida International University Board of Trustees (BOT) and the Florida Board of Governors (BOG), was a single building to be constructed in two phases: Engineering I and II. The approved budget request was \$150 million, with \$105 million to be funded with State funds and \$45 million to be funded from university matching funds and philanthropy. The design and construction of Engineering Building Phase I, had a total budget of \$53.9 million, comprised of \$38.9 million in state appropriations and \$15 million in matching funds. Engineering Phase I, which will be located on the northeast corner of campus, is currently in the design development phase; the architect is Perkins + Will (A/E) and DPR Construction is the construction manager (CM). DPR Construction is prepared to sign a Guaranteed Maximum Price contract amendment based on the new construction cost estimate of \$51,598,590 that could be executed in phases. The groundbreaking ceremony for the Engineering Building Phase I was held on September 9, 2021.

The original building program contained approximately 88,000 gross square feet to accommodate classrooms, teaching labs, study space, research labs, offices, and computer and instructional media. On June 16, 2021, the BOT approved adding an additional \$9.5 million from unrestricted treasury auxiliary balances to add a 6<sup>th</sup> floor, increasing the gross square feet from 88,000 to 108,875 and increasing the total budget from \$53.9 million to \$63.4 million. On December 8, 2021, the BOT approved an increase in building size to 120,695 gross square feet and a budget increase to \$75.4 million, including \$15 million in Sponsored Research Overhead Funds for shell space build-out, for an overall increase of \$12 million. Approximately \$4 million of that budget increase was the result of higher construction costs in the marketplace.

Subsequent to the approvals referenced above, refinements in the project along with design, construction material and labor costs have continued to increase exponentially, resulting in today's additional construction budget shortfall of \$5,510,214. Important to note, this increase is limited only to hard construction costs. All soft costs and fees have been frozen through negotiated agreements with the A/E and CM. An additional funding amount of \$1.7 million will come from a reallocation of an E&G Carryforward project that has been postponed due to construction costs escalations that have made the project unfeasible at this time. The remaining shortfall will be funded from an additional \$ 2.6 million in E&G Carryforward and a shift of \$1.2 million from project contingency and a reduction in furniture, fixtures, and equipment (FF&E). Note that the \$4.3

million in E&G CF represents new funding while the \$1.2 million from project contingency and FF&E reduction simply shifts monies already in the project.

Upon approval by the BOT, the Engineering Building budget will reflect:

PECO:	\$38,907,641
Unrestricted Treasury Auxiliary Funds (June 3, 2021):	\$ 9,500,000
Unrestricted Auxiliary Funds (HCN Loan Repayment):	\$ 6,697,216
Unrestricted Treasury Auxiliary Loan (December 8, 2021):	\$ 5,302,784
E&G Carryforward	<u>\$ 4,300,000</u>
<b>Total Design and Construction</b>	<b>\$64,707,641</b>
Future Build-Out of Shell Space (Sponsored Research Overhead):	<u>\$15,000,000</u>
<b>Total Project Cost Including Research Lab Buildout:</b>	<b>\$79,707,641</b> <sup>Note 1</sup>

FIU is a top research university and is ranked as R1 highest research classification by the Carnegie Classification of Institutions of Higher Education. As reflected in FIU’s 2021 Accountability Plan that was approved by the BOT in April 2021, FIU’s total research expenditures have grown significantly the past few years. From 2015-16 to 2019-20, total research expenditures increased from \$171 million to \$237 million, an increase of 38.6 percent, or 8.5 percent annually. Total research expenditures are projected to reach \$401 million through 2024-25. Similarly, research expenditures from external sources have increased from \$83 million to \$113 million during the same period, an increase of 36 percent or 8 percent annually. Research expenditures from external sources are projected to reach \$165 million through 2024-25.

*Note 1: Project contingency and FF&E reductions of \$1,210,214 are already in the project and were shifted to cover construction, but do not represent an increase in the project budget.*

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**Supporting Documentation:**    *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Approval of Amendment No. 5 to the 2010-20 Campus Master Plan for the Engineering Center Campus Redesignating Land Use to Accommodate the Construction of Academic and Research Facilities**

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**Proposed Board Action:**

Approve Amendment No. 5 to the Campus Master Plan (CMP) for the Engineering Center (EC) to accommodate the construction of Academic and Research Facilities.

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**Background Information:**

The 2010-20 CMP currently shows land in the northeast quadrant designated as Athletic/Recreation/Open Space. This amendment will redesignate 3.43 acres to “Multipurpose Land Use,” further defined as “Integrated Academic & Research, Support, Housing, Athletics/Recreation/Open Space, Community Interface, Auxiliary, Transit Hub & Parking.”

Because the CMP has three required land use elements; Land Use, Recreational and Open Space, and Conservation – all three elements must be amended. Amendment No. 5 to the 2010-20 CMP revises the Land Use Map (4.2), Recreational and Open Space Map (8.2), and Conservation Map (13.2) as indicated on the supporting documentation.

**Legal Authority:**

Florida Statute 1013.30 authorizes the university boards of trustees to adopt campus master plans and amendments related thereto. The master plan identifies general land uses and addresses the need for and plans for provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water, and recreation and open space during the coming 10 to 20 years. The FIU Board of Trustees is authorized by Florida.

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

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

1. ITN-2022-00057 for Office Supplies and Products, Vendor: ODP Business Solutions
2. Renewal with Oracle America, Inc for Application Support and licenses
3. Renewal with Mythics, Inc, Oracle Cloud Service Subscription

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**Proposed Board 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 the University entering contracts 1-3 as described below and specified in the Board materials and (ii) authorize the University President or his designee to execute, on behalf of the University, the aforementioned contracts and all of the documents, and take all actions, that may be necessary to effectuate the transactions contemplated in the respective contracts.

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**Background Information:**

**1. Approval of contract resulting from ITN-2022-00057 for Office Supplies and Products**

(Vendor: ODP BUSINESS SOLUTIONS, LLC fka OFFICE DEPOT INC.) FIU Procurement Services initiated an Invitation to Negotiation, ITN-2022-00057 for office supplies and products and after a thorough selection process, the evaluation committee recommended awarding the contract to ODP BUSINESS SOLUTIONS, LLC fka OFFICE DEPOT INC. The Intent to Award was posted in May and the contracts need approval by the FIU Board of Trustees since the estimated spend is over \$3 million. The proposed contract covers all FIU campuses and locations. This contract is also a State University System (SUS) Shared Initiative and a national OMNIA Partners contract.

- **Procurement Method:** Competitive Solicitation, ITN-2022-00057, for office supplies and products
- **Term:** Five (5) year contract with two (2) additional two (2) year potential renewals
- **Cost:** \$13,500,000.00 is the estimated spend during the contract term including renewals
- **Funding source:** Various (Refer to Funding Certification Form)

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

**2. Renewal with Oracle America, Inc for Application Support and licenses**

(Vendor: Oracle America, Inc.) Approval requested to enter into a three-year renewal for Oracle applications support and licenses update to reduce/halt annual 4% growth and create savings. This multi-year deal has the potential to reduce the annual support and licenses update by \$236,195.89 by the end of year three.

POs are due on annually. Year one (1) is due September 1, 2022 and will be issued in the new fiscal year after July 1, 2022.

FIU's technical support services renewed under this renewal order are governed by the terms and conditions of the US-OMA-1375238 (Schedules H,P,C,S,LVM) executed by Florida State University.

**Oracle Applications:** Human Resources Management System, Payroll, Contracts and Grants Management System, Financial System, and Campus Solutions System

<b>Support Paid</b>	<b>\$</b>	<b>1,266,710.42</b>	<b>Support Paid</b>	<b>\$</b>	<b>1,266,710.42</b>
4% Growth	\$	50,668.42	2% Growth	\$	25,334.21
Year 1	\$	1,317,378.84	Year 1	\$	1,292,044.63
4% Growth	\$	52,695.15	0% Growth		
Year 2	\$	1,370,073.99	Year 2	\$	1,292,044.63
4% Growth	\$	54,802.96	0% Growth		
Year 3	\$	1,424,876.95	Year 3	\$	1,292,044.63
<b>3-year total</b>	<b>\$</b>	<b>4,112,329.78</b>	<b>3-year total</b>	<b>\$</b>	<b>3,876,133.89</b>
		<b>Savings after 3 Years</b>			<b>236,195.89</b>

- **Procurement Method:** Piggyback US-OMA-1375238 (Schedules H,P,C,S,LVM) executed by Florida State University
- **Term:** September 1, 2022 through August 31, 2025
- **Cost:** \$3,708,002.64
- **Funding source:** E&G 210

**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

**3. Renewal with Mythics, Inc, Oracle Cloud Service Subscription:** Approval requested to enter into a three-year renewal of Oracle Cloud Service subscription. POs are due annually. Year one (1) is due July 15, 2022 and will be issued in the new fiscal year after July 1, 2022. In addition to the contractual obligation of \$3,001,350, DoIT is requesting an additional approval of \$200,000 per year, for three (3) years to allow for growth due to additional CPU and storage enabled in the cloud environment that were not part of the original scope.



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

- **Procurement Method:** Amendment to FIU Contract # PUR-05237, which we piggybacked off of the Region 4 Education Service Center (ESC ) (National IPA) Contract #R190801
  - **Term:** Three-year agreement, July 15, 2022 through July 14, 2025
  - **Cost:** \$1,200,450 per year for three (3) years
  - **Funding source:** E&G 210
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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Tenure Nominations**

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**Proposed Board Action:**

Approve the Tenure Nominations as specified in the Board materials.

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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 University President is recommending the granting of Tenure for twenty-five (25) nominees as specified in the Board materials.

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Proposed Amendment to Regulation FIU-108 Access to Student Education Records**

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**Proposed Board Action:**

Approve the revisions to Regulation FIU-108 Access to Student Education Records, 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 (BOG) and as a result of the regulation-making process.

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**Background information:**

Regulation FIU-108 Access to Student Education Records is being amended to add a new category (3) Disclosures in Microsoft 365 and renumbering the remaining categories accordingly. This regulation was last amended in February of 2020.

The Family Educational Rights and Privacy Act (FERPA) codified in 20 U.S.C. section 1232g, and sections 1002.225 and 1006.52 of Florida Statutes requires that institutions maintain student education records in a confidential and secure manner.

The proposed change adds the following information about internal non-directory information disclosure: **Disclosures in Microsoft 365**. Beginning in May 2022, FIU will migrate to Microsoft 365 to enable more efficient and secure operations under one platform. This includes Student access to Microsoft Teams which can be used to communicate and collaborate with members of the University community. Microsoft Teams will display the Student name and FIU email address to any member of the University community with an active FIU Microsoft Teams account.

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**Supporting Documentation:** *Agenda | Academic Policy and Student Affairs Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Program Termination: Bachelor of Arts in Italian Language and Literature**

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**Proposed Board Action:**

Terminate the Bachelor of Arts in Italian Language and Literature (CIP 16.0902).

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**Background Information:**

The faculty in the Department of Modern Languages propose to terminate the Bachelor of Arts in Italian Language and Literature degree. Enrollment in this program was suspended many years ago and no students have enrolled in this degree within the past 10 years.

FIU continues to offer courses in Italian language and culture through a certificate program and elective course offerings. The BA in Global Languages, Cultures, and Literatures (approved by the FIU Board of Trustees on March 3, 2022) will also allow students to pursue Italian language study through the proposed Dual Languages major option in the degree.

Section (1c) of Florida Board of Governors Regulation 8.012, Academic Program Termination and Temporary Suspension of New Enrollments, states in relevant part, that each University Board of Trustees has the responsibility and authority to approve termination of degree programs at the bachelor's, master's, advanced master's, and specialist level in accordance with regulation 8.012.

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**Supporting Documentation:**

*Agenda | Academic Policy and Student Affairs Committee  
Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Program Termination: Bachelor of Science in Communications**

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**Proposed Board Action:**

Terminate the Bachelor of Science in Communications (CIP 09.0102).

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**Background Information:**

The faculty in the Department of Communication and the Department of Journalism and Media propose to terminate the Bachelor of Science (BS) in Communication, a non-strategic degree.

With a goal of ensuring that graduates are prepared for the rapidly changing world of technology, as well as improving alignment to FIU's and the State University System of Florida's strategic goals, faculty proposed the implementation of two new degree programs of strategic emphasis: BS in Public Relations, Advertising, and Applied Communication and a BS in Digital Communication and Media. The new degrees have been successfully launched, and FIU is now prepared to close the BS in Communications and direct interested students to the two new degrees.

Section (1c) of Florida Board of Governors Regulation 8.012, Academic Program Termination and Temporary Suspension of New Enrollments, states, in relevant part, that each University Board of Trustees has the responsibility and authority to approve termination of degree programs at the bachelor's, master's, advanced master's, and specialist level in accordance with regulation 8.012.

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**Supporting Documentation:**     *Agenda | Academic Policy and Student Affairs Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Updated Exclusion Resolution**

**Proposed Board Action:**

Adopt a Resolution that updates the exclusion of the named members of the FIU Board of Trustees from the requirements for a personnel security clearance.

**RESOLUTION**

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

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

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

WHEREAS, by Resolution dated December 8, 2021 (the “Exclusion Resolution”), it was resolved that the following Board of Trustees members, who were at the time serving on the Board, shall not require, shall not have, and can be excluded from access to all classified information in the possession of FIU, and do not occupy positions that would enable them to adversely affect FIU’s policies or practices in the performance of classified contracts for the Department of Defense (DoD) or other agencies of the National Industrial Security Program. As such, they were excluded from the requirements for a personnel security clearance.

Dean C. Colson	Trustee, Chair
Rogelio Tovar	Trustee, Vice Chair
Cesar L. Alvarez	Trustee
Jose J. Armas	Trustee
Carlos A. Duart	Trustee
Donna J. Hrinak	Trustee
Natasha Lowell	Trustee
T. Gene Prescott	Trustee
Joerg Reinhold	Trustee
Chanel T. Rowe	Trustee

Alexander Rubido	Trustee
Marc D. Sarnoff	Trustee
Carlos Trujillo	Trustee

WHEREAS, the composition of the FIU Board of Trustees has changed since the adoption of the Exclusion Resolution in that the term of the following Trustees ended, or will end, on the following dates: Alexander Rubido, May 8, 2022, and Joerg Reinhold, July 31, 2022, and the term of the following Trustees began, or will begin, on the following dates: Cristhofer Lugo, May 9, 2022, and Deanne Butchey, August 1, 2022. Accordingly, an update to the Exclusion Resolution is needed to reflect the current composition of the FIU Board of Trustees and the exclusion of those Board members, including the new Board of Trustees members, from the requirements for a personnel security clearance.

NOW THEREFORE, BE IT RESOLVED, that the following Board of Trustees members shall not require, shall not have, and can be effectively excluded from access to all classified information in the possession of FIU, and do not occupy positions that would enable them to adversely affect FIU's policies or practices in the performance of classified contracts for the Department of Defense (DoD) or other agencies of the National Industrial Security Program. As such, they are excluded from the requirements for a personnel security clearance.

Dean C. Colson	Trustee, Chair
Rogelio Tovar	Trustee, Vice Chair
Cesar L. Alvarez	Trustee
Jose J. Armas	Trustee
Deanne Butchey, effective August 1, 2022	Trustee
Carlos A. Duart	Trustee
Donna J. Hrinak	Trustee
Natasha Lowell	Trustee
Cristhofer Lugo	Trustee
T. Gene Prescott	Trustee
Joerg Reinhold, through July 31, 2022	Trustee
Chanel T. Rowe	Trustee
Marc D. Sarnoff	Trustee
Carlos Trujillo	Trustee

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

Adopted this 16<sup>th</sup> day of June, 2022 by the Board of Trustees of Florida International University.

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Dean C. Colson  
Chair  
FIU Board of Trustees

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Kenneth A. Jessell  
Corporate Secretary  
FIU Board of Trustees

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**Supporting Documentation:** None

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Ratification of the Wage Reopener for Fiscal Years 2021-2022 and 2022-2023 for the 2020-2023 Collective Bargaining Agreement between The Florida International University Board of Trustees and Florida Public Employees Council 79, affiliate of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME)**

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**Proposed Board Action:**

Ratify the wage reopener for fiscal years 2021-2022 and 2022-2023 of the 2020-2023 Collective Bargaining Agreement between the Florida International University Board of Trustees (BOT) and the Florida Public Employees Council 79, affiliate of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME). The major changes from the 2020-2023 BOT-AFSCME CBA are to the following section:

- Article 9: Wages
- 

**Background Information:**

Representatives of the BOT and AFSCME have engaged in collective bargaining negotiations to discuss the wage reopener (Article 9) for AFSCME employees. The bargaining teams have reached an agreement on Article 9, Wages, of the 2020-2023 BOT-AFSCME CBA (see Term Sheet).

Florida Board of Governors Regulation 1.001 (5)(b) provides that each board of trustees shall act as the sole public employer of 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.

On Thursday, June 9, 2022, representatives of the bargaining team signed the tentative agreement for the revised Article 9 of the 2020-2023 Collective Bargaining Agreement between the BOT and AFSCME.

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**Supporting Documentation:** *Agenda | Governance Committee Meeting | June 16, 2022*

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**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES**

June 16, 2022

**Subject: Proposed 2022-2023 University and Direct Support Organizations Operating Budget**

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**Proposed Board Action:**

Approve the FIU 2022-23 University and Direct Support Organizations (DSO) Operating Budgets and authorize the University President to amend the budgets consistent with Legislative, Board of Governors' and Florida International University Board of Trustees (BOT) directives and guidelines.

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**Background Information:**

The BOT is required to adopt an annual budget for the general operation of the University prior to submission to the Florida Board of Governors. The FY 2022-23 Proposed Operating Budget for the University is due to the Board of Governors on June 22, 2022.

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

The following funding groups and budget detail are included:

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

Authority for the University President to amend the budgets is necessary to accommodate changes in revenues, expenditures, and statutory budget amendments. The University President shall keep the BOT informed of the status of the operating budgets through quarterly updates and will notify the BOT of any changes in excess of two percent (2%) made to the total approved 2022-2023 Operating Budget during the operating year.

Florida Statute 1011.40(2) provides that “each university board of trustees shall adopt an operating budget for the operation of the university as prescribed by law and rules of the Board of Governors.” The University has prepared the proposed 2022-2023 Operating Budget in accordance with the requirements set forth in Board of Governors Regulations 9.007 and 9.011.

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

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

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**Supporting Documentation:** *Agenda | Finance and Facilities Committee Meeting | June 16, 2022*

**Facilitator/Presenter:** Roger Tovar, *Chair, Finance and Facilities Committee*