



**FLORIDA INTERNATIONAL UNIVERSITY**  
**BOARD OF TRUSTEES**  
**GOVERNANCE COMMITTEE**

FIU, Modesto A. Maidique Campus, Tamiami Hall, Multipurpose Room

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

Thursday, September 14, 2023

12:30 PM

*or*

*Upon Adjournment of Previous Meeting*

**Chair:** Roger Tovar, *Board Chair*

**Vice Chair:** Carlos A. Duarte, *Board Vice Chair*

**Members:** Francis A. Hondal, Natasha Lowell, Chanel T. Rowe, Marc D. Sarnoff

**AGENDA**

- |  |                    |
|--|--------------------|
| 1. Call to Order and Chair's Remarks   | Roger Tovar        |
| 2. Approval of Minutes   | Roger Tovar        |
| 3. Action Item   |                    |
| G1. Ratification of the Reopener to the 2021-2024 Florida International University Board of Trustees and the United Faculty of Florida-FIU Collective Bargaining Agreement | Elizabeth M. Bejar |
| 4. New Business ( <i>If Any</i> )  | Roger Tovar        |
| 5. Concluding Remarks and Adjournment  | Roger Tovar        |

*The next Governance Committee Meeting is scheduled for December 7, 2023*

**THE FLORIDA INTERNATIONAL UNIVERSITY**  
**BOARD OF TRUSTEES**  
**Governance Committee**  
September 14, 2023

**Subject: Approval of Minutes of Meeting held June 15, 2023**

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**Proposed Committee Action:**

Approval of Minutes of the Governance Committee meeting held on June 15, 2023.

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**Background Information:**

Committee members will review and approve the Minutes of the Governance Committee meeting held on June 15, 2023.

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**Supporting Documentation:** Minutes: Governance Committee Meeting, June 15, 2023

**Facilitator/Presenter:** Roger Tovar, *Board Chair and Governance Committee Chair*



**Governance Committee**  
**June 15, 2023**  
**FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

**MINUTES**

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

The Florida International University Board of Trustees' Governance Committee meeting was called to order by Board Chair Dean C. Colson at 1:11 PM on Thursday, June 15, 2023.

General Counsel Carlos B. Castillo conducted roll call of the Governance Committee members and verified a quorum. Present were Trustees Dean C. Colson, *Board Chair*; Roger Tovar, *Board Vice Chair*; Carlos A. Duarte (*Zoom*); Natasha Lowell; Gene Prescott; and Marc D. Sarnoff.

Trustees Deanne Butchey, Francis A. Hondal, Chanel T. Rowe (*Zoom*), and Alexander P. Sutton and University President Kenneth A. Jessell were also in attendance.

**2. Approval of Minutes**

Board Chair Colson asked if there were any additions or corrections to the minutes of the Governance Committee meeting held on April 27, 2023. Hearing none, a motion was made and unanimously passed to approve the minutes of the Governance Committee meeting held on April 27, 2023.

**3. Action Items**

**G1. President's Management Review and Incentive Compensation Award**

University President Kenneth A. Jessell presented the results relating to the University and President's Performance and Incentive goals for the 2023 reporting year. Pertaining to goal one (1) [improve FIU's transition to a COVID-19 post-pandemic reality in regard to appropriate and sustainable educational instruction, workforce management, student engagement, financial stability, and business services operations], President Jessell commented on realigned online, classroom, and hybrid student credit hours with approved Accountability Plan goals for course delivery modes and implementation of new flexible work policies that prioritize student success and University goals while providing flexibility to attract and retain employees. President Jessell indicated that total degree-seeking student headcount enrollment decreased from 49,693 to 48,782 between fall 2021 and fall 2022 due to a significant decline in Associate of Arts Degree transfers. He added that new First Time in College (FTIC) enrollment increased and that the proportion of FTIC non-resident students also grew. President Jessell mentioned that Biscayne Bay Campus (BBC) student headcounts and credit hours both increased from academic year 2021-22 to 2022-23 and that I-75 student headcounts and credit hours continue to be challenged by pipeline issues associated with declining Broward College enrollment. He provided new funding highlights from the 2023 legislative session, including \$59.1M in new operational funding, \$37.3M in new facilities funding, \$5M

recurring for the Adam Smith Center, \$271,750 increase for the Public Loss Model, and parking bond refunding with net present value savings of \$3.3M.

Pertaining to goal two (2) [open the new FIU in DC facility and launching strategies to increase student academic and internship experiences; enhance federal agency engagement and funding; support national ranking strategies; and increase alumni job placement at influential national organizations], President Jessell remarked on student programming, including fly-in seminars. He thanked the FIU congressional delegation for their support. President Jessell commented on national ranking strategies and increased brand awareness. Relating to goal three (3) [complete the final phase of the Next Horizon Capital Campaign: focus on building a Panther movement where alumni feel connected to FIU and are engaged through events, storytelling, volunteering, and philanthropic support; the campaign will culminate with the opening of the Alumni, Hotel, and Conference Center], President Jessell indicated that the Next Horizon capital campaign closed out with \$845.1M raised, exceeding the \$750M goal. He added that the Alumni, Hotel and Conference Center building program was put on hold. He indicated that alumni giving participation increased by 4,030. President Jessell pointed out that the \$84M fundraising goal for fiscal year 2021-22 was surpassed with \$94.7M raised and that the University has raised \$81.9M, as of June 2, 2023, toward the \$84M fiscal year 2022-23 fundraising goal.

In terms of goal four (4) [establish a succession planning framework for key leadership positions within the University to ensure FIU is prepared to meet the challenges of a changing workforce], President Jessell stated that through counteroffers, living wage adjustments, market adjustments, and retention increases, the University was able to retain faculty, staff and administrators and that since January 2022, 1,251 promotions have ensured that top talent remained at FIU. Relating to goal five (5) [significant events or milestones that help foster a culture of belonging and inclusiveness within the FIU community], President Jessell commented on the launch of [report.fiu.edu](http://report.fiu.edu) to streamline and centralize reporting of discrimination, harassment, and other forms of misconduct at the University. He remarked on the establishment of the Underrepresented Minority Doctoral Fellowship, funded by a \$95K grant to address the underrepresentation of minority doctoral candidates across all FIU programs. President Jessell stated that FIU hosted and participated in numerous signature events that promote belonging throughout campus and the community. Pertaining to goal six (6) [significant events or milestones of major impact to the University, including FIU development, community and engagement initiatives, workplace culture enhancement, and local, regional and national academic engagement, visibility and ranking], President Jessell indicated that *U.S. News & World Report* recognized FIU as the fastest rising university in public rankings and ranked FIU's College of Law No. 60 among the nation's law schools. He pointed out that, pending Florida Board of Governors (BOG) data validation, FIU has ranked #1 in the State University System (SUS) 2023 Performance-Based Funding Model.

Board Chair Colson indicated that, in accordance with President Jessell's employment agreement, the Board of Trustees may, in its discretion, award President Jessell incentive compensation of up to \$225,000 to cover President Jessell's term as Interim President and his term as President through today, a period of 17 months. Board Chair Colson noted that, as required by BOG regulations, he discussed the President's annual performance with the Chair of the BOG, Brian Lamb. Board Chair Colson noted that he and Chair Lamb discussed FIU's continued outstanding performance on the

state's metrics and continued rise in the national rankings in many areas. Board Chair Colson stated that Chair Lamb is supportive of the job the President has done since taking over as interim president and that from his perspective, he saw no reason that the President has not earned his full bonus.

Board Chair Colson stated that, as was previously mentioned, the University has achieved 95 Performance Based Funding Model points this year, placing FIU as the highest ranked public university in Florida. He added that in the past three (3) years, FIU has placed among the top three (3) universities among the SUS.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend for FIU Board of Trustees approval (1) a superior performance rating for President Jessell, and (2) \$225,000 in incentive compensation for President Jessell, in accordance with the President's employment agreement.

### **G2. President's Performance and Incentive Goals, 2023-24**

President Jessell explained that the President's Performance Goals for 2023-24 are aligned with the University's goals. He presented for Committee review the 2023-24 University President's Performance Goals for incentive compensation. He provided an overview of said goals, which included: (1) increasing the number of alumni giving to the FIU Foundation; (2) increasing total research expenditures; (3) sustaining and advancing institutional funding, enrollment and efficiencies; (4) significant progress towards Top-50 national rankings; (5) significant events or milestones that help foster a culture of belonging, inclusiveness, and freedom of expression within the FIU community; (6) significant events or milestones of major impact to the University, including FIU development, community and engagement initiatives, workplace culture enhancement, and national academic engagement; and (7) maintaining Top-3 three-year average of total Performance-Based Funding model points (excellence and improvement).

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees adopt as the President's goals for the 2023-24 academic year the proposed President's Performance and Incentive Goals, as included in the Board materials.

### **G3. Review to Ensure Consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes**

Chair Colson explained that the BOG issued seven (7) recommendations to the SUS institutions as part of its Civil Discourse Final Report. He indicated that recommendation four (4) asks that trustees conduct a thorough review of (1) current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the BOG's Statement of Free Expression, free speech and civil discourse principles and statute compliance. Chair Colson pointed out that, at the Board of Trustees meeting in April, the Governance Committee, as part of the Board's review, heard from the administration on these topic areas and requested a greater understanding of new student orientation programming. Chair Colson referred to the agenda materials which included expanded information.

There were no questions or comments from the Committee members.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees confirm, pursuant to the request of the Board of Governors and the Board of Trustees approved FIU Plan for Implementing Civil Discourse Recommendations, that it has conducted, with the assistance of the university administration, a thorough review of current student orientation programs, student codes of conduct, and employee policies and procedures to ensure consistency with the Board of Governors Statement of Free Expression, the principles of free speech and civil discourse, and compliance with section 1004.097, Florida Statutes.

**G4. Ratification of the Wage Reopener for Fiscal Year 2022-2023 for the 2020-2023 Collective Bargaining Agreement between The Florida International University Board of Trustees (BOT) and Florida Public Employees Council 79, affiliate of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME)**

Senior Vice President for Human Resources and Vice Provost for Diversity, Equity and Inclusion Elpagnier K. Hudson presented for Committee review the wage reopener for fiscal year 2022-2023 for the 2020-2023 Collective Bargaining Agreement between the FIU Board of Trustees and AFSCME. She indicated that AFSCME ratified the wage reopener on June 7, 2023. She commented that the wage reopener stipulates that all eligible in-unit employees shall receive a one-time, non-recurring bonus equal to \$2,000.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that Florida International University BOT ratify the wage reopener for fiscal year 2022-2023 of the 2020-2023 Collective Bargaining Agreement between the BOT and the Florida Public Employees Council 79, affiliate of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME).

**G5. Ratification of the 2023-2026 Collective Bargaining Agreement Between the Florida International University Board of Trustees and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO (Local 713)**

Sr. VP Hudson presented for Committee review the 2023-2026 Collective Bargaining Agreement (CBA) between the FIU Board of Trustees and Local 713. She indicated that Local 713 ratified the 2023-2026 CBA on June 9, 2023. She provided an overview of the key terms. She noted that the three-year contract covers fiscal year 2023-24 through 2025-26. Sr. VP Hudson commented that for the first year of the agreement, the in-unit members will receive a 5% bonus payable in the first full pay period after joint ratification. She added that years two (2) and three (3) have wage reopeners. She mentioned that the yearly professional development funds were increased to \$15,000. Sr. VP Hudson stated that in-unit employees will have the possibility for flexible work arrangements and ability to select uniform pieces and attire, instead of having the University choose them for them.

A motion was made and unanimously passed that the FIU Board of Trustees Governance Committee recommend that the Florida International University Board of Trustees ratify the 2023-2026 Collective Bargaining Agreement between the Florida International University Board of

Trustees and the Florida Nurses Association, Office & Professional Employees International Union, Local 713, AFL-CIO (Local 713).

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

No new business was raised.

#### **5. Concluding Remarks and Adjournment**

With no other business, Board Chair Dean C. Colson adjourned the meeting of the Florida International University Board of Trustees Governance Committee on Thursday, June 15, 2023 at 2:07 PM.

**THE FLORIDA INTERNATIONAL UNIVERSITY  
BOARD OF TRUSTEES  
Governance Committee**

September 14, 2023

**Subject: Ratification of the Reopener to the 2021-2024 Florida International University Board of Trustees and the United Faculty of Florida-FIU Collective Bargaining Agreement**

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**Proposed Committee Action:**

Recommend that the Florida International University Board of Trustees (BOT) ratify the reopener to the 2021-2024 Collective Bargaining Agreement between the BOT and the United Faculty of Florida (UFF-FIU).

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**Background Information:**

Representatives of the BOT and UFF-FIU have engaged in collective bargaining and reached an agreement on the reopener to the 2021-2024 BOT-UFF Collective Bargaining Agreement (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 with regard to all public employees of its university for the purposes of collective bargaining and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

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**Supporting Documentation:** Term Sheet | Reopener to the 2021-2024 Collective Bargaining Agreement between the Florida International University Board of Trustees and the United Faculty of Florida-FIU

**Facilitator/Presenter:** Elizabeth M. Bejar



The Florida International University Board of Trustees

And

United Faculty of Florida-FIU

Term Sheet

<b>Topic</b>	<b>Summary of Changes</b>
Salary Article 11	<p><b>2023-2023 Salary Increases and One-time Non-recurring Payments.</b> Effective August 12, 2023, for the academic year 2023-2024, all eligible employees who were employed prior to January 1, 2023, and who are continuously employed through August 12, 2023, and are not in receipt of a notice of termination or non-reappointment shall receive an increase to their nine-month base salary of five percent (5.0%) or \$5,000.00, whichever is greater or an increase to their 12-month base salary of five percent (5.0%) or \$6,692.31, whichever is greater and a one-time, nonrecurring inflationary relief payment of \$3,000.00. This salary increase and the non-recurring inflationary relief payment will be paid the first full pay period following the ratification by both parties.</p>
Employee Performance Evaluation Policy	<p>To <b>Procedures</b> (A) General. (1) Sources and Methods of Evaluation, added “The teaching evaluation may not be based primarily on student sources when additional sources have been made available to the evaluator(s).”</p>
Appendix A Position Classification in the Bargaining Unit	<p>Added language to clarify position classification in the bargaining unit. “And employees with the following Administrative Titles: Associate Chair (C2), Assistant Chair (C3), <i>and some Center Directors (C4) unless otherwise excluded below.</i></p> <p><b>EXCLUDED:</b>  C1 – Chairpersons  D1E – Executive Deans  D1 – Deans  D2 – Associate Deans  D3 – Assistant Deans  T4 – School Directors  And, all administrators above them, all administrators who supervise, evaluate and manage annual assignments for in-unit faculty</p>

	<p>(e.g., some C4 – Center Directors), all employees of the College of Law, all employees of the College of Medicine, chairperson of the faculty senate serving on the board of trustees, faculty ombudsperson, managerial or confidential employees (e.g., a faculty fellow in the provost office), and all other employees of the Board of Trustees of the Florida International University.</p>
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