



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

FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

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

**Thursday, September 22, 2022
2:00 PM**

or

Upon Adjournment of Previous Meeting

AGENDA

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 1. Call to Order and Chair's Remarks | Chair Dean C. Colson |
| 2. Public Appearances | Dean C. Colson |
| 3. Foundation Report | Humberto Cabañas |
| 4. President's Report | Kenneth A. Jessell |
| 5. Action Items – Consent Agenda | Dean C. Colson |
| BT1. Minutes, June 16, 2022 | |
| FF2. Authorization to Increase Project Budget for the Trish and Dan Bell Chapel and East Loop Road Realignment from \$15.44M to \$28.55M | |
| FF3. Approval of Contracts greater than or equal to \$3,000,000: | |
| 1. PUR-05758, Anthony Travel LLC and PUR-05759, Uniglobe Travel Designers | |
| 2. PUR-05770, Fisher Scientific Company LLC | |
| 3. PUR-05731, Arthur J. Gallagher Risk Management | |
| AP1. Tenure as a Condition of Employment Nominations | |
| AP2. Florida Educational Equity Act Report | |
| AP3. Textbook and Instructional Materials Affordability Annual Report | |
| AP4. Proposed Amendment to Regulation FIU-1103 Textbook Affordability | |
| AP5. Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code | |

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

- AP6. Proposed Amendment to Regulation FIU-2502 Children’s Creative Learning Center at FIU
- AP7. Program Termination: Bachelor of Arts in French and Francophone Studies
- AP8. Program Termination: Bachelor of Arts in Portuguese
- AP9. New Program Proposal: Master of Science in Psychological Sciences in Education
- AP10. New Program Proposal: PhD in Psychological Sciences in Education
- AP11. Initial Application for Specialized Admissions Status
- AP12. 2022-2023 Linking Industry to Nursing Education (LINE) Fund Proposal Form
- G1. Update to Key Management Personnel
- G2. Ratification of the Amended 2021-2024 Collective Bargaining Agreement Between the FIU Board of Trustees and the United Faculty of Florida - FIU Chapter
- G3. Board of Governors’ Statement of Free Expression Endorsement Resolution
- G4. FIU Plan for Implementing Civil Discourse Recommendations
- G5. Proposed Regulation FIU-107 Intimate Relationships
- G6. Direct Support Organizations Board Appointments

6. Action Item

- FF1. Approval of 2022-23 Education and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and Related Certification**

Roger Tovar

7. Status Reports, Board Committees

- Audit and Compliance Committee Report
- Finance and Facilities Committee Report
- Academic Policy and Student Affairs Committee Report
- Governance Committee Report

Carlos A. Duarte

Roger Tovar

Natasha Lowell

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**

September 22, 2022

Subject: Approval of Minutes of Meeting held June 16, 2022

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on June 16, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on June 16, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

Supporting Documentation: Minutes: Full Board Meeting, June 16, 2022



Full Board
June 16, 2022

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

MINUTES

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 1:35 p.m. on Thursday, June 16, 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 (via Zoom)*; Roger Tovar, *Board Vice Chair*; Cesar L. Alvarez; Jose J. Armas; Carlos A. Duarte; Donna J. Hrinak; Natasha Lowell (*via Zoom*); Cristhofer E. Lugo; Gene Prescott; Joerg Reinhold; Chanel T. Rowe (*via Zoom*); and Marc D. Sarnoff.

Carlos Trujillo was excused.

Board Chair Colson welcomed all Trustees and members of the University administration 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 presented each member of the Board with the following books: *The Prince of los Cocuyos* by Richard Blanco; *The Madonnas of Leningrad* by Debra Dean; and *Nouns and Verbs: New and Selected Poems* by Campbell McGrath.

Board Chair Colson requested that Board Vice Chair Tovar chair the remainder of the meeting given that he was participating by Zoom.

Board Vice Chair Tovar recognized Vice President for Development and Innovation Philanthropy, George Corton '03, MBA '14, who is separating from the University at the end of the current fiscal year to pursue a new role in the private sector. Trustee Carlos A. Duarte also recognized VP Corton's work with the FIU Foundation, Inc.

Board Vice Chair Tovar welcomed and introduced Student Government Association President and student Trustee Cristhofer E. Lugo. Board Vice Chair Tovar 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.

In recognition of Trustee Joerg Reinhold's service on the Board, which concludes on July 31, 2022, Board Vice Chair Tovar presented Trustee Reinhold with a plaque.

2. Public Appearances

There were no public appearances.

3. Foundation Report

FIU Foundation, Inc. Board of Directors Treasurer Andre L. Teixeira indicated that through May 31, 2022, \$85.3M has been raised, surpassing the \$84M goal. He pointed out that the \$750M Next Horizon Campaign goal was surpassed and that \$761M has been raised to-date. He added that of said \$761M, 69% is outright gifts, state match, and new pledges, \$120M is made up of planned gifts, and \$118M of gifts in kind. Director Teixeira remarked that for the 10 months through April 30, 2022, \$83.9M in total philanthropy was raised and \$35.7M was received in cash. He reported that the alumni giving participation rate is 9.3%, an increase over the prior year's rate of 5.4%. He commented that the final phase of the Next Horizon Campaign will build a movement where alumni feel connected to FIU through events, program, storytelling, volunteering, and philanthropic support. Director Teixeira remarked on the goal to achieve an 18% annual alumni giving rate by 2025. He reported that as of April 30, 2022, the Foundation's total investment portfolio stands at approximately \$410M and that the Total Managed Assets returned -6%. Director Teixeira added that, through June 14, 2022, the Total Managed Assets returned -11%.

In response to Trustee Duarte, Senior Vice President for Advancement and CEO of the FIU Foundation, Inc. Howard R. Lipman, commented on the naming rights for the Engineering Building. He pointed out that the program plan has been defined, the process to create sales tools is in underway, and that the Superlative group has been engaged to assist in the naming efforts. Sr. VP Lipman remarked on a verbal commitment and on 15-multimillion-dollar prospects that have been engaged.

4. President's Report

Interim University President Kenneth A. Jessell indicated that FIU was awarded a National Endowment for the Humanities grant to highlight contributions of Miami's Black residents. He stated that FIU received a \$2.5M gift from the George and Bernice Cooke Scholarship Foundation for Women to establish an endowment to provide scholarships to nontraditional and veteran/military FIU students. Interim President Jessell commented that a collaboration between researchers at FIU's Herbert Wertheim College of Medicine and the College of Engineering and Computing has resulted in a U.S. patent that could eventually revolutionize how heart disease is treated and prevent cardiovascular disease. He mentioned that Hilary Landorf, Founding Executive Director of the Office of Global Learning Initiatives and Associate Professor, is the recipient of the 2022 NAFSA International Education Award for Leadership and Collaboration. Interim President Jessell noted that Mark Allen Weiss, Associate Dean of the College of Engineering and Computing and Distinguished Professor of Computer Science, was honored with the Association for Computing Machinery Karl V. Karlstrom Outstanding Educator Award for advancing the art and science of computer science education. Interim President Jessell reported that Professor Heidi M. Mansour was elected to the American Institute for Medical and Biological Engineering's 2022 Class of the College of Fellows.

Interim President Jessell remarked that FIU alumni have forged careers at all levels of the federal government in Washington, D.C. and highlighted Ernesto Alfonso '11 and Pierina Anton Lopez '20. He commented that three College of Arts, Sciences & Education doctoral students, Brianna Martinez, Christopher J. Sorich, and Brenda Guerrero, have received National Science Foundation Graduate Research Fellowships. Interim President Jessell indicated that a team of FIU Business Hollo School of Real Estate students placed first in the United States, and third out of a worldwide field of 33, in the 2022 ARGUS University Challenge, a business case competition drawing the best and brightest young minds in the field. He stated that FIU's award-winning Model UN team continued its track record of excellence this year, earning a No. 3 ranking in the collegiate Model UN circuit, behind only the University of Chicago and American University. He further stated that FIU Model UN delegates Hayley Serpa, Alexander Sutton, and Marek Kong were named to the 2021-22 Model UN All-Stars Team. Interim President Jessell reported that engineering students, Amanda Perez, Alexandra Berkova, and Ana Claus, earned first place at Schneider Electric's Go Green for North America, a continental-wide clean energy competition, for their seawater battery project. He mentioned that two (2) FIU students, Jordan Hill and Brittany Torres Rivera, have received renowned Fulbright U.S. Student Program Awards, from the U.S. Department of State and the Fulbright Foreign Scholarship Board.

Interim President Jessell commented that FIU Theatre's production of *Fahrenheit 451* was honored with two national awards by the Kennedy Center American College Theater Festival at their National Awards Ceremony. He mentioned that Gerald Torres '21, was the winner of a prestigious Carnegie Endowment fellowship and is at the forefront of cybersecurity and international relations. He remarked that exceptional young alumni, Johnathan Cyprien '12, Alejandro Arias '09, Hector Mujica '11, Etinosa Oghogho Ph.D. '20, and Andrea Headley MS '15, PhD '18, were recognized for their service and professional contributions with the inaugural FIU Alumni 5 Under 35 award. Interim President Jessell remarked on the spring commencement ceremonies.

5. Action Items – Consent Agenda

Board Vice Chair Tovar indicated that the Audit and Compliance Committee recommended approval by the Board of action item AC1, the Finance and Facilities Committee recommended approval by the Board of action items FF2-FF7, the Academic Policy and Student Affairs Committee recommended approval by the Board of action items AP1-AP4, and 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, April 26, 2022** - Approve the Minutes of the FIU Board of Trustees, Full Board meeting held on April 26, 2022.
- **AC1. Proposed Amendment to Regulation FIU-117 Fraud Prevention and Detection** - 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.

- **FF2. Proposed 2022-23 Fixed Capital Outlay Budget/Capital Improvement** - 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 directives and guidelines.
- **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** - 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 and Florida International University Board of Trustees directives and guidelines.
- **FF4. Proposed Amendments to Regulation FIU-1101 Tuition and Fees Schedule for the 2022-23 academic year** - 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 and as a result of the regulation-making process.
- **FF5. Engineering Building Phase I (BT-919) —Third Amendment to Prior Budget Approval** - 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.
- **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** - Approve Amendment No. 5 to the Campus Master Plan for the Engineering Center to accommodate the construction of Academic and Research Facilities.
- **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*

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 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.
- **AP1. Tenure Nominations** - Approve the Tenure Nominations as specified in the Board materials.

- **AP2. Proposed Amendment to Regulation FIU-108 Access to Student Education Records** - 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 and as a result of the regulation-making process.
- **AP3. Program Termination: Bachelor of Arts in Italian Language and Literature** – Recommend that the Florida Board of Governors terminate the Bachelor of Arts in Italian Language and Literature (CIP 16.0902).
- **AP4. Program Termination: Bachelor of Science in Communications** - Recommend that the Florida Board of Governors terminate the Bachelor of Science in Communications (CIP 09.0102).
- **G1. Updated Exclusion Resolution** - 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.
- **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)** - 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 and the Florida Public Employees Council 79, affiliate of the American Federation of State, County, and Municipal Employees, AFL-CIO (AFSCME).

6. Action Item

FF1. Proposed 2022-2023 University and Direct Support Organizations Operating Budgets

Board Vice Chair Tovar pointed out that the Finance and Facilities Committee engaged in a thorough review of the proposed 2022-23 University and Direct Support Organizations operating budgets. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the FIU 2022-23 University and Direct Support Organizations Operating Budgets and authorize the University President to amend the budgets consistent with Legislative, Board of Governors and FIU Board of Trustees directives and guidelines.

7. Status Reports, Board Committees

Board Vice Chair Tovar mentioned that the following Committees met earlier in the day: Audit and Compliance; Finance and Facilities; Academic Policy and Student Affairs; and Governance.

Audit and Compliance Committee Report

Trustee Duarte, Audit and Compliance Committee Chair, provided highlights from the Audit and Compliance Committee's meeting earlier in the day. He pointed out that the Committee approved

the 2022-23 Work Plans for Internal Audit and Compliance and Integrity. He indicated that Mr. Trevor L. Williams, the University's Chief Audit Executive, reported on recently completed audits and commented on six (6) ongoing audits in various stages of completion. Trustee Duart explained that Ms. Jennifer LaPorta, Chief Compliance and Privacy Officer, provided updates related to the global risk and foreign influence governance activities and additional process improvements. Trustee Duart indicated that, as is mandated by the Committee's Charter, the Committee met with the Chief Audit Executive without the presence of senior management.

Academic Policy and Student Affairs Committee Report

Trustee Donna J. Hrinak, Academic Policy and Student Affairs Committee Vice Chair, provided highlights from the Committee's meeting earlier in the day. She noted that Trustee Reinhold provided the Faculty Senate update and Trustee Lugo provided the Student Government report.

Finance and Facilities Committee Report

Board Vice Chair Tovar, Chair of the Finance and Facilities Committee, provided highlights from the Committee's meeting earlier in the day. In regard to the Invitation to Negotiate for marketing and media services, he reported that the evaluation committee recommended Andwell, Blue Daisy Media, Moore Communications Group, Wragg & Casas Public Relations, Stinghouse Advertising, and Z Advertising. Board Vice Chair Tovar added that the Finance and Facilities Committee approved the contracts with said firms with a term of three (3) years and the option to renew for two (2) additional, one-year terms. As to the Invitation to Negotiate for University signage, he indicated that the evaluation committee recommended Binca and Animarca USA Inc. He stated that Finance and Facilities Committee also approved the contracts with said firms for a term of two (2) years and the option to renew for three (3) additional, one-year terms. Board Vice Chair Tovar pointed out that the Committee also approved the membership renewal with Education Advisory Board (EAB) Navigate Services. He commented that Interim Chief Financial Officer and Senior Vice President for Finance and Administration Aime Martinez presented the Financial Performance Review for the third quarter ending March 31, 2022 and reported that operating revenues were above estimates by \$3.1M and that operating expenses were below estimates by \$25.4M.

Governance Committee Report

Board Vice Chair Tovar provided highlights from the Governance Committee meeting. He pointed out that the Committee was not originally scheduled to meet, noting that the Committee convened to review changes to the Wage Article for the AFSCME Collective Bargaining Agreement. He commented that the item was approved as part of the Full Board's Consent Agenda and is a well-deserved recognition for the nearly 1,000 employees that are covered in the unit, who have an average annual salary of 36,500.

8. Presidential Search Update

Board Vice Chair Tovar, Chair of FIU Presidential Search Committee, commented on the June 1, 2022 meeting of the FIU Presidential Search Committee. Mr. R. William "Bill" Funk or R. William Funk & Associates pointed out that presidential resignations and retirements are at record levels. He highlighted other current presidential searches and described the candidate finalists for recently completed searches. He remarked that increasingly deans of professional schools are being selected during recent presidential searches. In terms of feedback received, Mr. Funk mentioned a growing

awareness of FIU's success, recognition of Miami dynamism and growth, reassurance of Sunshine Law revisions, concern regarding internal candidates, and FIU termed as a "dream machine", which referred to the University's role in helping individuals reach their dreams.

Mr. Funk described results to date, noting that the diverse pool of candidates is comprised of presidents, provosts, vice presidents, deans, and non-traditional candidates who, generally, are from public universities or were with public universities early in their respective careers. He indicated that at the Committee's next meeting, which will be held later in the day, Committee members will be provided access to the encrypted password protected website to view the resume and cover letters of all the active candidates. He added that each Committee member will then submit a listing of up to eight (8) candidates that they would like to potentially interview. Mr. Funk stated that he and his firm will tabulate said results and develop a matrix to help guide the Committee's discussions. He added that through consensus and dialogue, the Committee, at its June 24, 2022 meeting, will select approximately eight (8) to 10 individuals for interviews.

Mr. Funk noted that the interviews are tentatively scheduled for July 13 and 14, 2022. He indicated that after the interviews, the Committee will select the finalists that they are recommending to the Board of Trustees. He explained that before the lists of finalists is announced, background checks will be conducted on each of the finalists.

In response to Trustee Reinhold, Mr. Funk indicated that the number of women and individuals from underrepresented groups comprises about 60% of the total pool. Board Vice Chair Tovar also commented that the pool of candidates is broad and diverse. In response to Trustee Lugo, Board Vice Chair Tovar and Mr. Funk indicated that delaying the on-campus interviews for the start of the fall semester could have a potentially negative impact given candidate expectations for successive progression through key dates. Mr. Funk added that on-campus interviews will be widely publicized in order to ensure that the University community is made aware of those opportunities to interact with the candidates.

9. New Business

No new business was raised.

10. Concluding Remarks and Adjournment

With no other business, Board Vice Chair Roger Tovar adjourned the meeting of the Florida International University Board of Trustees Full Board on Thursday, June 16, 2022, at 2:51 p.m.

Dean C. Colson
Chair
FIU Board of Trustees

Kenneth A. Jessell
Corporate Secretary
FIU Board of Trustees

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Authorization to Increase Project Budget for the Trish and Dan Bell Chapel and East Loop Road Realignment from \$15.44M to \$28.55M

Proposed Board Action:

Authorization to increase the project budget for the Trish and Dan Bell Chapel and East Loop Road Realignment (“Project”) from \$15,444,286 to \$28,545,645.

Background Information

On December 3, 2020, the FIU Board of Trustees (BOT) approved the naming of The Trish and Dan Bell Chapel (“Chapel”), the design of the Chapel, the design of the roadway improvements on the east side of the FIU Modesto A. Maidique Campus (MMC) to accommodate the construction of the Chapel and the future expansion of the Graham Center, and an amendment to the 2010-20 University MMC Campus Master Plan to include the Chapel and roadway improvements as contemplated in the proposed 2015-30 University MMC Campus Master Plan.

On December 8, 2021 the FIU Board of Trustees authorized the selection of a Construction Manager (CM) and delegated to the President the authority to negotiate and enter into a contract with the selected CM. The University conducted a qualifications based competitive selection process resulting in the selection of Moss Construction. The President finalized the contract with Moss on February 2, 2022 and Moss initiated pre-construction services.

The previously approved project budget is \$15,444,286. Trish and Dan Bell, as the principal donors, have actively participated in the design process with the Architect/Engineer (A/E), Gurri-Matute. At the advanced schematic design (ASD) stage, Moss provided a construction cost estimate which results in a project cost estimate of \$28,545,645-- \$13,101,359 above the previously approved project cost of \$15,444,286. In response, the Bell’s doubled their donation from \$7M to \$14M, and the University received a legislative appropriation of \$3,519,655 in Deferred Maintenance/Infrastructure funding that can be added to the road realignment for the extension of chilled water lines. While that still leaves a shortfall of \$2,581,704, FIU Foundation has committed to covering the gap with additional philanthropic fundraising. In order to ensure that the project will be completely timely, Unrestricted Treasury Auxiliary funds will be the backup and bridge the gap until the additional philanthropic funds are raised.

The proposed funding sources for the increased budget follows:

Private Funding:	\$18,581,704
Unrestricted Treasury Auxiliary Fund Balances:	\$ 3,444,286
CITF (Capital Improvement Trust Fund Appropriations):	\$ 3,000,000
Section 197 Deferred Building Maintenance/Infrastructure	<u>\$ 3,519,655</u>
Total Project Budget	\$28,545,645

Unrestricted Treasury Auxiliary Fund Balances and CITF Appropriations are currently available for use. Private Funding in the amount of \$2,815,300 has been received to date and is immediately available for use. As reflected in the December 3, 2020 BOT approval, the FIU Foundation will advance to the University the full amount of private funding for the Project from unrestricted Foundation Fund balances. On October 22, 2021, the FIU Foundation formally authorized and approved the advance of up to \$7,706,700, from the Foundation's General Reserve toward the construction of the Chapel. In October 2022 the FIU Foundation will formally review the proposal to advance up to another \$5,478,000 toward the construction of the Chapel.

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Approval of Contracts greater than \$3,000,000:

1. PUR-05758, Anthony Travel LLC and PUR-05759, Uniglobe Travel Designers
2. PUR-05770, Fisher Scientific Company LLC
3. PUR-05731, Arthur J. Gallagher Risk Management

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, as listed and described below, the University entering into the contracts and purchase orders and/or change orders to the purchase orders and (ii) authorize the University President or his designee to execute, on behalf of the University, the aforementioned contracts and/or purchase orders.

Background Information:

1. Contract #PUR-05758, Anthony Travel LLC and Contract #PUR-05759, Uniglobe Travel Designers

FIU Procurement Services initiated an Invitation to Negotiation, ITN-2020-00036 Travel Management Services. After a thorough selection process, the evaluation committee recommended awarding the contract to the number one ranked respondent for Athletics' travel to Anthony Travel LLC and to Uniglobe Travel Designers for faculty and staff University-wide travel. The Intent to Award was posted on May 16, 2022, and the contract is contingent on approval by the Florida International University Board of Trustees.

Anthony Travel LLC shall provide travel management services for Athletics. The proposed contract covers:

- **Term:** Five years with the option to renew for five (5) additional one (1) year terms
- **Cost:** \$557,954 total including renewal terms
- **Funding source:** Athletics

Uniglobe Travel Designers shall provide University-wide travel management services for faculty and staff. The proposed contract covers:

- **Term:** Five years with an option to renew for five (5) additional one (1) year terms
- **Cost:** Estimated \$3,892,620 total for the 5-year term, plus \$778,524 per each renewal year. This total spend includes study abroad which is optional under this awarded ITN. This figure includes the actual cost of the airline and hotel purchase, plus the ticketing fee.
- **Funding source:** Various, refer to funding certification form.

2. Contract #PUR-05770, Fisher Scientific Company LLC

Contract is being requested for University-wide laboratory supplies, equipment and services pursuant to ITN 22JL-106

solicited by University of Florida. FIU will enter into a piggyback agreement, Contract #PUR-04770 with Fisher Scientific.

- **Term:** 5 years through June 30, 2027, with two (2) five-year options to renew
- **Cost:** \$20,863,325 total for 5-year term, plus \$4,172,665 per renewal term
- **Funding source:** Various, see funding certification

3. Contract #PUR-05731, Arthur J. Gallagher Risk Management

In 2014, FIU joined a consortium of other State University System (SUS) schools, which includes University of South Florida, University of Central Florida, Florida Gulf Coast University, and University of Northern Florida, for an insurance broker, Gallagher Student Health & Special Risk (“Gallagher”), to provide student health insurance. This process requires that each university sign individual policyholder agreements with the selected insurance company. The consortium was put together then and now to enable the SUS to have greater buying power with a larger participant base to provide students health insurance. Each year Gallagher solicits plans from the current and other vendors that meet federal requirements and state coverage/limit requirements and serves as the intermediary in terms of plan selection, student enrollment in plan, plan administration, claim analysis and advises the consortium of changes in law that may impact student health insurance.

The contract with Arthur J. Gallagher Risk Management is being requested by the Office of Research and Economic Development to provide voluntary and hard waiver insurance coverage to FIU enrolled students, including international students, student athletes, graduate assistants, and students on FIU fellowships. The procurement method for this purchase is Exceptional Purchase per BOG Procurement Regulation 18.001(4)(c) – Purchase of Insurance.

- **Term:** 1-year effective August 17, 2022
- **Cost:** \$4,000,000
- **Funding source:** E&G, Auxiliary, Athletics, University Wide Pooled Activity or Sponsored Research Funds

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Tenure as a Condition of Employment Nominations

Proposed Board Action:

Approve five (5) candidates for Tenure as a Condition of Employment (TACOE).

Background Information:

Pursuant to Florida Board of Governors Regulation 1.001(5)(a), each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including but not limited to tenure.

The TACOE nominees hold tenure at their previous institutions and have been selected to receive TACOE based on the caliber of their work.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting |
September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Florida Educational Equity Act Report, 2022 reporting year

Proposed Board Action:

Approve the Florida Educational Equity Act Report for the 2022 reporting year.

Background Information:

In accordance with Florida Board of Governors Regulation 2.003(5)(a)(b)(e), Equity and Access, Florida International University has prepared an annual Florida Equity Report for 2020-21 in accordance with Regulation 2.003 and the reporting guidelines established by the Board of Governors office. At a minimum, the university's equity report must include information on the institution's progress in implementing strategic initiatives and performance related to equity and access as they pertain to academic services, programs, and student enrollment; equity in athletics; and employment. Each university's equity report shall assess sex equity in athletics, as well as representation by race and sex in student enrollment, senior-level administrative positions and by faculty rank and/or tenure. The Florida International University Board of Trustees must approve the annual University's Equity Report prior to submission to the Florida Board of Governors.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Textbook and Instructional Materials Affordability Annual Report

Proposed Board Action:

Approve the Textbook and Instructional Materials Affordability Annual Report.

Background Information:

Effective July 1, 2016, Florida House Bill 7019, Education Access and Affordability, requires the Board of Governors and the State Board of Education to annually identify strategies to promote college affordability. Under this bill, all State University System institutions are required to submit a Textbook and Instructional Materials Affordability Report that describes the institutional processes of selecting, adopting and posting course materials. In addition, the report must include an overview of institutional initiatives and policies designed to reduce the costs of course materials and promote college affordability.

Pursuant to Florida Board of Governors Regulation 8.003(3), Textbook and Instructional Materials Affordability, each university board of trustees shall provide a report, by September 30 of each year, to the Chancellor of the State University System, in a format determined by the Chancellor.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting |
September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Proposed Amendment to Regulation FIU-1103 Textbook Affordability

Proposed Board Action:

Approve the proposed amendment to Regulation FIU-1103 Textbook Affordability 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.

Background Information:

This regulation is being updated to comply with Board of Governors Regulation 8.003, specifically, adding a provision for the University to maintain a public database with information on required and recommended textbooks and instructional materials that is searchable and downloadable. Where applicable, the database also includes general education courses syllabi. The information contained in the database remains posted for at least five academic years, starting with the fall 2022 term.

Pursuant to Florida Board of Governors Regulation 8.003(1), Textbook and Instructional Materials Affordability, each board of trustees shall adopt a regulation that establishes textbook and instructional materials affordability policies to minimize the cost of required or recommended textbooks and instructional materials for students while maintaining the quality of education and academic freedom.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code

Proposed Board Action:

Approve the proposed amendment to Regulation FIU-2501 Student Conduct and Honor Code, 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.

Background information:

This regulation is being updated to incorporate the University's adoption of the Board of Governors of the State University System of Florida's Statement of Free Expression and is submitted for review and approval by the FIU Board of Trustees:

- FIU endorses the Board of Governors of the State University System of Florida's Statement of Free Expression to support and encourage full and open discourse and the robust exchange of ideas and perspectives on our campuses. We view this as an integral part of our ability to deliver a high-quality academic experience for our students, engage in meaningful and productive research, and provide valuable public service.

Florida Board of Governors Regulations 1.001(4)(a)(10), University Board of Trustees Powers and Duties, and 6.0105(1), Student Conduct and Discipline, grant university boards of Trustees authority to establish a student disciplinary system, including a code of conduct.

Florida Board of Governors Regulation 1.001(4)(a)(10), states, in part, as follows: "Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to: ... uniform student code of conduct and related penalties."

Florida Board of Governors Regulation 6.0105(1) states, in part, as follows: "In furtherance of the educational mission of the universities, each university board of trustees shall establish a student disciplinary system, including a code of conduct..."

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting |
September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Proposed Amendment to Regulation FIU-2502 Children’s Creative Learning Center at FIU

Proposed Board Action:

Approve the proposed amendment to Regulation FIU-2502 Children’s Creative Learning Center at FIU 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.

Background information:

The regulation is being amended to increase monthly tuition rates to reflect current market rates, recruit teachers, and increase enrollment in the Center.

Florida Board of Governors Regulation 10.004(1)(9), Educational Research Centers for Child Development, provides, in part, that each university board of trustees shall adopt regulations for the operation of an Educational Research Center for Child Development on its campus which shall include fees for childcare and services.

Florida Board of Governors Regulation 1.001(3)(j)(l) provides, in part, that each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedures adopted by the Board of Governors; and each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students, and campus visitors.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Program Termination: Bachelor of Arts in French and Francophone Studies

Proposed Board Action:

Termination of the Bachelor of Arts (BA) in French and Francophone Studies (CIP 16.0901).

Background Information:

The faculty in the Department of Modern Languages seek to close the Bachelor of Arts (BA) in French and Francophone Studies and to replace it with the French and Francophone Studies major within the newly implemented BA in Global Languages, Cultures, and Literatures degree. The request to terminate the BA in French and Francophone Studies represents streamlined and improved academic offerings at the university. The creation of the interdisciplinary BA in Global Languages, Cultures, and Literatures degree effective Fall 2022, presented the opportunity to rethink the existing Modern Language degree programs, including French and Francophone Studies. The new degree will allow students to pursue dual-language majors in languages including Chinese, French, German, Haitian Creole, Italian, Japanese, Spanish, and Portuguese.

Section (1c) of Florida Board of Governors Regulation 8.012 –*Academic Program Termination and Temporary Suspension of New Enrollments* states it is the University Board of Trustees responsibility and authority to approve termination of degree programs.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Program Termination: Bachelor of Arts in Portuguese

Proposed Board Action:

Termination of the Bachelor of Arts in Portuguese (CIP 16.0904).

Background Information:

The faculty in the Department of Modern Languages seek to close the Bachelor of Arts (BA) in Portuguese and to replace it with the Portuguese and Lusophone Studies major within the newly implemented BA in Global Languages, Cultures, and Literatures degree. The current BA in Portuguese has been continually cited by the Board of Governors as a low-productivity degree (fewer than 30 graduates in a five-year period).

Section (1c) of Florida Board of Governors Regulation 8.012 – *Academic Program Termination and Temporary Suspension of New Enrollments* states it is the University Board of Trustees responsibility and authority to approve termination of degree programs.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: New Program Proposal: Master of Science in Psychological Sciences in Education

Proposed Board Action:

Approve the Master of Science in Psychological Sciences in Education (CIP:42.2799) new program proposal.

Background Information:

The College of Arts, Sciences and Education is proposing a new Master of Science and Ph.D. in Psychological Sciences in Education (STEM). The degree will offer two majors: School Psychological Sciences and Research Methodology.

The M.S./Ph.D. Degree requires a minimum of 75-credits beyond the baccalaureate and combines the master's with doctoral studies so that students seamlessly earn the M.S. degree en route to the Ph.D. degree. Because this is a combined graduate degree pathway, students are admitted directly into the doctoral level program; the Ph.D. is considered the terminal degree. The M.S. program is needed as a potential off-ramp for students who are unsuccessful in reaching doctoral candidate status in the Ph.D. program.

Each university board of trustees shall approve for implementation new degree programs at the bachelor's, master's, advanced master's, and specialist levels in accordance with sections (3) and (5) of Florida Board of Governors Regulation 8.011 – *Authorization of New Academic Degree Programs and Other Curricular Offerings*.

Supporting Documentation:

*Agenda | Academic Policy and Student Affairs Committee Meeting |
September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: New Program Proposal: Ph.D. in Psychological Sciences in Education

Proposed Board Action:

Approve the Ph.D. in Psychological Sciences in Education (CIP: 42.2799) new program proposal.

Background Information:

The College of Arts, Sciences and Education is proposing a new Master of Science and Ph.D. in Psychological Sciences in Education (STEM). The degree will offer two majors: School Psychological Sciences and Research Methodology.

The M.S./Ph.D. Degree requires a minimum of 75-credits beyond the baccalaureate and combines the master's with doctoral studies so that students seamlessly earn the M.S. degree en route to the Ph.D. degree. Because this is a combined graduate degree pathway, students are admitted directly into the doctoral level program; the Ph.D. is considered the terminal degree.

Each university board of trustees shall approve new research and professional doctoral degree programs for submission to the Board of Governors for authorization in accordance with the criteria outlined in section (3) of Florida Board of Governors Regulation 8.011 – *Authorization of New Academic Degree Programs and Other Curricular Offerings*.

Supporting Documentation:

*Agenda | Academic Policy and Student Affairs Committee Meeting |
September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Initial Application for Specialized Admissions Status

Proposed Board Action:

Approve the following baccalaureate degree programs for Specialized Admissions Status:

- 09.0702 - BS in Digital Communication and Media
 - 09.0900 - BS in Public Relations, Advertising and Applied Communication
 - 44.0701 - BS in Social Work
 - 50.0501 - BA and Bachelor of Fine Arts in Theatre
 - 50.0702 - Bachelor of Fine Arts in Art
 - 50.0901 - Bachelor of Music and BA in Music
 - 51.3101 - BS in Dietetics and Nutrition
 - 51.3801 - BS in Nursing
 - 52.0301 - Bachelor of Accounting
- BBA Degrees in:**
- 52.0201 - Management
 - 52.0801 - Finance
 - 52.1001 - Human Resource Management
 - 52.1101 - International Business
 - 52.1201 - Information Systems
 - 52.1401 - Marketing
 - 52.1501 - Real Estate
-

Background Information:

In June 2022, the Board of Governors (BOG) amended regulation 8.013 Specialized Admissions (formerly known as Limited Access). The Board of Trustees must recommend current limited access programs to be approved by the BOG for specialized admissions status. This will allow FIU programs to continue its use of additional criteria for admission to undergraduate programs.

The BOG will recognize limited resources or minimum skills as criteria for specialized admissions status. If a program has specialized accreditation requirements, either limited resources or minimum skills must be identified in addition to accreditation requirements.

The academic degrees listed above are all recognized by specialized accrediting agencies with rigorous standards related to student attainment of competencies and skills for their discipline. The faculty of each program have set minimum admission requirements shown to lead to successful program outcomes of either employment or graduate admissions.

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: 2022-2023 Linking Industry to Nursing Education (LINE) Fund Proposal

Proposed Board Action:

Approve the 2022-2023 Linking Industry to Nursing Education (LINE) Fund Proposal:

Public Health Trust of Miami-Dade County and Jackson Health System \$ 400,000

Background Information:

Florida Board of Governors Regulation 8.008(1)(d), Nursing Education, provides, in part, as follows: “Linking Industry to Nursing Education (LINE) Fund: This fund provides the opportunity for each state university to receive matching funds for every dollar contributed to an institution by a healthcare partner. The fund provides a dollar-to-dollar match to the participating institution, subject to funds availability.”... “Each university board of trustees may submit to the Chancellor’s office proposals made in accordance with the guidelines, formats, instructions, and schedule provided by the Chancellor.”

Supporting Documentation: *Agenda | Academic Policy and Student Affairs Committee Meeting |
September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Update to Key Management Personnel

Proposed Board Action:

Adopt a Resolution updating the Key Management Personnel and the delegation to the Key Management Personnel of certain responsibilities and authorities pursuant to 32 CFR Part 117, National Industrial Security Program Operating Manual (NISPOM).

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, by Resolution dated March 3, 2022, the FIU Board of Trustees designated the following FIU officials to serve as the Key Management Personnel (KMP) of FIU as required by the NISPOM: FIU’s Facility Security Officer, FIU’s Insider Threat Program Senior Official and the Director of the Global Forensic & Justice Center and Executive Director of the National Forensic Science Technology Center, with the Director of the Global Forensic & Justice Center and Executive Director of the National Forensic Science Technology Center as FIU Interim SMO having final authority; and

WHEREAS, it is appropriate and necessary to include the FIU Associate Vice President for Research as a member of the KMP to further the continued effective review and processing of contractual obligations with agencies of the United States Government requiring security clearance.

NOW THEREFORE, BE IT RESOLVED, that the FIU Associate Vice President for Research is hereby included as a member of the Key Management Personnel; and

BE IT FURTHER RESOLVED, that the FIU Board of Trustees continues to delegate to the Key Management Personnel all duties, responsibilities and authorities pertaining to FIU’s obligations under the NISPOM, and

BE IT FURTHER RESOLVED, that all members of the Key Management Personnel at the present time possess all the required security clearances;¹ and

BE IT FURTHER RESOLVED, that in future, if a cognizant security agency (CSA) of the U.S. Government determines that additional FIU officials must be added to the managerial group,

¹ Mr. Gregory Hughley currently holds the positions of FIU’s Facility Security Officer, FIU’s Insider Threat Program Senior Official. Mr. Kevin Lothridge currently holds the positions of Director of the Global Forensic & Justice Center and Executive Director of the National Forensic Science Technology Center. Mr. Roberto Gutierrez currently holds the position of FIU Associate Vice President for Research.

such requirements shall be made and approved by the Key Management Personnel, and not the FIU Board of Trustees, unless approval by the FIU Board of Trustees is required by the CSA.

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

Adopted this ____ day of September, 2022 by the Board of Trustees of Florida International University.

Dean C. Colson
Chair
FIU Board of Trustees

Kenneth A. Jessell
Corporate Secretary
FIU Board of Trustees

Supporting Documentation: None

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

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

Proposed Board Action:

Ratify the amended 2021-2024 Collective Bargaining Agreement between the Florida International University Board of Trustees (BOT) and the United Faculty of Florida (UFF-FIU).

Background Information:

Pursuant to a contract reopener, representatives of the BOT and the UFF have engaged in collective bargaining negotiations to discuss specific terms and conditions of employment that will govern personnel who fall within the bargaining unit represented by the UFF. The bargaining teams have reached an agreement on included amendments to the terms of 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.

Supporting Documentation: *Agenda | Governance Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

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

Proposed Board Action:

Having reviewed the State University System of Florida Statement of Free Expression, endorse such statement.

Background Information:

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

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

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

A complete copy of the State of Free Expression is included in the supporting documentation.

In its Civil Discourse Report of 2022, the Board of Governors included seven recommendations directed to civil discourse. In its third recommendation, the Board of Governors recommended that

“the leadership of each university board of trustees, faculty senate, and student government annually review and endorse the Board’s Statement of Free Expression and commit to the principles of civil discourse.”

Supporting Documentation: *Agenda | Governance Committee Meeting | September 22, 2022*

THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES

September 22, 2022

Subject: FIU Plan for Implementing Civil Discourse Recommendations

Proposed Board Action:

Pursuant to the request of the Board of Governors, (1) approve the University's plan for implementing the Board of Governors' recommendations relative to civil discourse set forth in the Board of Governors' Civil Discourse Final Report and the University's civil discourse reporting template; and (2) delegate to the University President or his designee the authority to amend the plan and/or the reporting template in accordance with the Board of Governors' Civil Discourse Final Report prior to submission to the Board of Governors, including to update the progress of any items.

Background Information:

At its January 2022 meeting, the Board of Governors approved recommendations from its Strategic Planning Committee relative to civil discourse. As explained by the Board of Governors, these recommendations were designed to ensure a climate of free expression and civil discourse on each university campus according to the principles set forth in the State University System Free Expression Statement and the Board of Governors' Civil Discourse Final Report. A complete copy of the Board of Governor's Civil Discourse Final Report is included in the Supporting Documentation for this Agenda Item. Appendix A of the Board of Governors' Civil Discourse Final Report contains the State University System Free Expression Statement. In addition, a complete (signed) copy of the State University System Free Expression Statement is included in the Supporting Documentation for the preceding Agenda Item.

On May 5, 2022, the Board of Governors requested that each university submit no later than October 3, 2022 a Board of Trustees approved plan for implementing the Board of Governors recommendations.

Thereafter, the Board of Governors requested that each university submit no later than July 15, 2022 a Civil Discourse Recommendations Update. Pursuant to this request, the University, on July 15th, submitted to the Board of Governors the requested Civil Discourse Recommendations Update.

On September 7, 2022, the Board of Governors requested that each university submit no later than October 3, 2022 a reporting template reflecting each university's progress towards implementing the recommendations from the Board of Governor's Civil Discourse Final Report.

Supporting Documentation: *Agenda | Governance Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Proposed Regulation FIU-107 Intimate Relationships

Proposed Board Action:

Approve the proposed Regulation FIU-107 Intimate Relationships 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.

Background Information:

Florida International University is committed to maintaining an educational and workplace environment that is inclusive and free from abuse of authority, conflict of interest, coercion, sexual harassment, and favoritism. The proposed regulation establishes that Employees with Authority may not engage in, initiate, or attempt to initiate an Intimate Relationship with a person over whom they exercise authority. It mandates procedures to be followed if an employee with Authority pursues or has an Intimate Relationship with another University Community Member. Such relationships must be disclosed immediately to the Office of Employee and Labor Relations (ELR) by the person in authority. ELR will set up a management plan to provide objective supervision of the community member. The regulation describes consequences for persons with authority that do not immediately disclose the relationship.

Florida Board of Governors Regulation 1.001(5)(a), University Board of Trustees Powers and Duties, provides, in relevant part, that each boards of trustees shall provide for the establishment of "the personnel program for all the employees of the university, including ... standards for performance and conduct,... disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment."

Supporting Documentation: *Agenda | Governance Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Direct Support Organizations Board Appointments

Proposed Board Action:

Approve the appointments of the individuals listed below and in the board materials, to the Florida International University Foundation, Inc. Board of Directors.

Background Information:

On June 11, 2022, the Board of Directors of the Florida International University Foundation, Inc., a direct support organization (“DSO”) of Florida International University (the “FIU Foundation”), appointed two (2) new directors, and renewed the terms of certain current directors, all identified below.

Accordingly, and as required by Regulation FIU-1502, the FIU Foundation is requesting that the FIU Board of Trustees approve the appointment of such individuals to the FIU Foundation Board of Directors, as follows:

A. New Director Appointments for initial one-year terms (*FY 2022-2023*)

1. Dr. James Loewenherz
2. Orlando Roche '88

B. Renewal of Existing Director Appointments:

For three-year term (*FY 2022-2023, 2023-2024, 2024-2025*)

1. Stewart Appelrouth, CPA MS '80
2. Michael A. Kappitt '92

For two-year term (*2022-2023, 2023-2024*)

1. LaTéssa Dotson Hall
2. Walter B. Gonzalez, Jr. Esq. '96
3. Gerald C. Grant, Jr. '78, MBA '89
4. Claudia Puig
5. Rakesh and Rachanee “Mei” Sarna '21
6. Richard P. Tonkinson

The Florida International University Board of Trustees (the BOT) approved amendments to Regulation FIU-1502, Direct Support Organizations, at its March 4, 2019 meeting. Pursuant to FIU-

1502, the BOT shall approve all appointments to the governing body of each DSO, other than the BOT Chair's representative(s) or the President or President's designee.

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

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

Supporting Documentation: *Agenda | Governance Committee Meeting | September 22, 2022*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 22, 2022

Subject: Approval of 2022-23 Education and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and Related Certification

Proposed Board Action:

Approval of the Florida International University (FIU) Education and General (E&G) expenditure plan for carryforward funds in accordance with State University System of Florida Board of Governors (BOG) Regulation 9.007 *State University Operating Budgets* and Florida Statute 1011.45 End of Year Balance of Funds; approval of the FIU Fixed Capital Outlay Budget in accordance with BOG Regulation 14.003; and authorize the University Chief Financial Officer to certify the unexpended amount of funds appropriated to the University from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund as of June 30, 2022 and the Fixed Capital Outlay budget; and authorize the University President to amend the Florida International University Board of Trustees (BOT) carryforward expenditure plan and fixed capital outlay budget as necessary and report to the BOT and the BOG any amendments to the spending plans in a format prescribed by the BOG Office of University Budgets.

Background Information:

Carryforward Spending Plan

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

- *Maintenance of a minimum carryforward balance of 7 percent (previously 5 percent) of the total E&G operating budget*
- *BOT approval of an expenditure plan for carryforward balances in excess of the 7 percent minimum*
- *BOG review and approval of the BOT carryforward expenditure plan*
- *Authorized expenditures in the E&G carryforward expenditure plan may include:*
 - *Commitment of funds to a PECO project that has received a prior appropriation in order to complete the project*
 - *Completion of a renovation, repair, or maintenance project up to \$5 million per project*
 - *Replacement of a minor facility not exceeding 10,000 square feet up to \$2 million*
 - *Completion of a remodeling or infrastructure project that is survey recommended up to \$10 million*

- *Completion of a repair or replacement project necessary due to damage caused by a natural disaster for buildings*
- *Operating expenditures that support the university mission and that are nonrecurring*
- *Any purpose specified by the Board or in the General Appropriations Act*

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

The E&G carryforward fund balance as of July 1, 2022, net of accounts receivables, accounts payables, and deferred student tuition and fees, totals \$88,153,683 for the University and \$20,687,332 for the Herbert Wertheim College of Medicine (HWCOM). After the 7 percent statutory reserve of \$39,807,997 for the University and \$3,622,619 for HWCOM, and \$3,479,561 of encumbrances for the University and \$450,202 for HWCOM, the carryforward spending plans total \$44,866,125 for the University and \$16,614,511 for HWCOM.

Fixed Capital Outlay Projects

The 2022-23 Fixed Capital Outlay Budget includes both new projects as well as projects previously approved and authorized by the BOT and BOG where expenditures will take place in 2022-23.

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

MMC North Recreation Fields Support Building
Sexual Assault Nursing Exam Center
Lakeview Housing South Building Interior Refresh
Graham University Center New Flooring
Student Health Center Renovation and Expansion
HVAC Upgrades and Renovations funded from Higher Education Relief Funds
Deferred Maintenance for various projects including Green Library restroom renovations East Loop Road realignment chilled water expansion funded from State Fiscal Recovery Funds

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

- *Project Title/Name:* Title or name of all currently active and all proposed FCO projects
- *Project Description:* Description of the project

- *Total Project Cost:* Anticipated hard and soft costs to complete the facility
- *Funding Source and Amount:* Authorized and available for the project
- *Funds Expended to Date:* Amount expended prior to June 30, 2022
- *Funds to be Expended this Year:* Amount expenditures planned for 2022-23
- *Remaining Balance:* Estimated balance as of June 30, 2023
- *Projected Timeline:* Start date and estimated completion date

Supporting Documentation: *Agenda | Finance and Facilities Committee Meeting | September 22, 2022*

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