



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

FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

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

**Thursday, February 23, 2023
1:30 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, December 6, 2022 | |
| AP1. Tenure as a Condition of Employment Nominations | |
| AP2. Proposed Regulation FIU-2507 Examinations and Assessments | |
| AP3. Proposed Amendment to Regulation FIU-1305 Students in Military Service | |
| AP4. New Program Proposal: Bachelor of Science in Sport and Exercise Science | |
| 6. Action Item | |
| AC1. Performance Based Funding and Emerging Preeminence Metrics | Carlos A. Duarte |
| A. Audit of Performance Based Funding and Emerging Preminent Metrics Data Integrity | |
| B. Performance Based Funding and Emerging Preeminence Status – Data Integrity Certification | |

7. Status Reports, Board Committees

- Audit and Compliance Committee Report **Carlos A. Duarte**
- Finance and Facilities Committee Report **Roger Tovar**
- Academic Policy and Student Affairs Committee Report **Natasha Lowell**

8. New Business *(If any)*

Dean C. Colson

9. Concluding Remarks and Adjournment

Dean C. Colson

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

February 23, 2023

Subject: Approval of Minutes of Meeting held December 6, 2022

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on December 6, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

Background Information:

Board members will review and approve the Minutes of the FIU Board of Trustees, Full Board meeting held on December 6, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms.

Supporting Documentation: Minutes: Full Board Meeting, December 6, 2022



**Full Board
December 6, 2022
FIU, Modesto A. Maidique Campus, Graham Center Ballrooms**

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 1:21 PM on Tuesday, December 6, 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; Natasha Lowell; Cristhofer E. Lugo; Gene Prescott; Chanel T. Rowe; and Marc D. Sarnoff.

Trustees Deanne Butchey and Carlos Trujillo were excused.

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

Board Chair Colson pointed out that the Florida Board of Governors (BOG) confirmed Dr. Kenneth A. Jessell as FIU's sixth president at its regular board meeting on November 9, 2022. Board Chair Colson remarked on attending the November 15, 2022 meeting of the Faculty Senate with Board Vice Chair Roger Tovar. Board Chair Colson commented on the opening of FIU in Washington, D.C. He indicated that he met with the directors of the Black Faculty Association and the officers of the Hispanic Faculty Association in response to their recent communications regarding Dr. Rosenberg's return to the faculty and discussed how to move forward together in a positive manner.

Board Chair Colson commented on upcoming events, including the President's holiday celebration for faculty and staff scheduled for the following day, fall commencement ceremonies, the January 24 and 25, 2023 meetings of the BOG to be held at FIU, the Food Network & Cooking Channel South Beach Wine & Food Festival Presented by Capital One (SOBEWFF®) scheduled from February 23 to 26, 2023, and FIU Day scheduled for March 22, 2023.

Board Chair Colson congratulated student Trustee and Student Government Association President Cristhofer E. Lugo, who will be graduating with a Bachelor of Arts in Computer Science.

2. Public Appearances

There were no public appearances.

3. Foundation Report

Senior Vice President of University Advancement Howard R. Lipman remarked on the Next Horizon Capital Campaign. He pointed out that more than \$800M has been raised to-date and the campaign will end in June 2023. He indicated that approximately \$37.4M has been raised through November 30, 2022. Sr. VP Lipman commented on recent gifts, including \$10M from Mr. and Mrs. Lee Caplin, \$5M from the Hewlett Foundation to Cybersecurity@FIU, \$1.5M from the Knight Foundation to support digital technology at FIU CasaCuba, \$1.25M from Café Bustelo and Pilon to the Chaplin School of Hospitality and Tourism Management and FIU CasaCuba, and \$250K from Rick and Margarita Tonkinson to the Trish and Dan Bell Chapel.

Sr. VP Lipman remarked that for the three (3) months through September 30, 2022, \$15.8M in total philanthropy was raised and \$9.14M was received in cash. He commented on the 18th annual Torch Awards. He reported that as of July 31, 2022, the Foundation's total investment portfolio stands at approximately \$379.65M and that the Total Managed Assets returned -2.12% for the month of October. He added that, through the end of November, the Total Managed Assets returned 4.3%.

4. President's Report

University President Kenneth A. Jessell announced that a \$10M naming gift from philanthropists Mr. and Mrs. Lee Caplin established the Lee Caplin School of Journalism and Media within the College of Communication, Architecture + The Arts. President Jessell remarked that the National Science Foundation awarded FIU \$1.5M in scholarships to help mathematics and statistics students complete their degrees. He commented that Café Bustelo and Pilon coffee brands in the J.M. Smucker Co. portfolio, have announced a \$1.25M gift to FIU benefiting student scholarships, the Chaplin School of Hospitality & Tourism Management, and the construction of FIU CasaCuba. President Jessell stated that the National Institute of Justice awarded \$1M to FIU and noted that in partnership with district and state attorneys around the country, researchers from FIU's Department of Criminology and Criminal Justice plan to study investigation and prosecution strategies to help prosecutors develop more effective policies and practices for identifying and prosecuting hate crimes.

President Jessell commented that FIU has been named a Fulbright Hispanic Serving Institution (HIS) Leader for the second year in a row by the U.S. Department of State's Bureau of Educational and Cultural Affairs. He remarked that FIU has been recertified for the Seal of Excelencia, a national certification that recognizes colleges and universities demonstrating positive momentum for student outcomes and intentionality in serving Hispanic and Latino students. President Jessell mentioned that the University celebrated the Florida congressional delegation and its federal agency partners while inaugurating the expanded FIU in Washington, D.C. hub. He commented on Assistant Secretary of Administration Cheryl Campbell's visit to FIU on December 1, 2022.

President Jessell stated that researchers at the Robert Stempel College of Public Health and Social Work will be supported by a new supplement grant from the National Institutes of Health (NIH) to zero in on the translocator protein 18 kDa (TSPO), which is nearly non-detectable in healthy brains but increases with neurodegenerative diseases like Alzheimer's disease. President Jessell indicated that, for the first time, the FIU Law Trial Team is nationally ranked and is now ranked among the nation's Top 20 law school trial teams, tied for 19th. He commented on FIU's 2022 Millennium

Fellows. He remarked on FIU student success at the USAID Innovation and Inclusion Case Competition. He pointed out that art student, Sophia Lacroix, won Florida Biennial's top award, earned a cash prize, and a solo exhibit for 2023. President Jessell commented on the 33rd annual Walk on Water event and on the \$50,000 gift from Borinquen Health Care Center, Inc. to create a scholarship within the Herbert Wertheim College of Medicine.

5. Action Items – Consent Agenda

Board Chair Colson indicated that the Finance and Facilities Committee (FF), Academic Policy and Student Affairs Committee (AP), and Governance Committee (G), respectively, recommended approval by the Board of committee approved action items 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, September 6, 2022** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on September 6, 2022, via Zoom.
- **BT2. Minutes, September 22, 2022** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on September 22, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.
- **BT3. Minutes, October 17, 2022** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on October 17, 2022, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.
- **FF1. FIU Direct Support Organizations Financial Audits, FY 2021-2022**
 - A. Florida International University Foundation Inc.** - Accept the Florida International University Foundation, Inc. Financial Audit for the 2021-22 Fiscal Year and authorize the CEO of the Florida International University Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
 - B. Florida International University Research Foundation Inc.** - Accept the Florida International University Research Foundation, Inc. Financial Audit for the 2021-22 Fiscal Year and authorize the President of the Florida International University Research Foundation, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
 - C. Florida International University Athletics Finance Corporation** - Accept the Florida International University Athletics Finance Corporation Financial Audit for the 2021-22 Fiscal Year and authorize the Executive Director of the Florida International University Athletics Finance Corp. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.

- D. Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc.** - Accept the Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc. Financial Audit for the 2021-22 Fiscal Year and authorize the President of the Florida International University Academic Health Center Health Care Network Faculty Group Practice, Inc. to take all actions necessary pertaining to this Financial Audit, including filing the report with the Auditor General.
- **FF2. Approval of Contract greater than \$3,000,000: #PUR- 05774** with Adidas America Inc - 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 contract as described in the Board materials and (ii) authorize the University President or his designee to execute, on behalf of the University, the aforementioned contract.
 - **AP1. Proposed Amendment to Regulation FIU-402 Admission to the University** - Approve the revisions to Regulation FIU-402 Admission to the University, 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.
 - **AP2. Proposed Regulation FIU-412 Undergraduate Admissions** - Approve proposed Regulation FIU-412 Undergraduate Admissions, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors.
 - **AP3. Proposed Regulation FIU-414 Admission of Graduate and Post-Baccalaureate Professional Students** - Approve proposed Regulation FIU-414 Admission of Graduate and Post-Baccalaureate Professional Students, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors.
 - **AP4. Florida International University Institutes and Centers Annual Report** – Approve Florida International University’s Institutes and Centers Annual Report.
 - **AP5. Florida International University Institutes and Centers 2022 Evaluations and Evaluation Summary** - Approve Florida International University’s Institutes and Centers 2022 Evaluations and Evaluation Summary.
 - **G2. Confirming Reporting Obligations of Certain University Positions and Updating as to Those Positions the President’s Powers & Duties Delegation Resolution Dated February 20, 2019** - (i) document by resolution the reporting obligations of the positions of the Chief Compliance and Privacy Officer, Chief Audit Executive, Board of Trustees Corporate Secretary, and General Counsel to both the President and the Board of Trustees as described in the Board materials and (ii) update the President’s Powers & Duties

Resolution dated February 20, 2019 (the “Delegation Resolution”) to expressly enumerate these positions as requiring joint approval of the President and Chair of Board of Trustees in personnel actions as described in the Board materials.

- **G3. Direct Support Organizations Board Appointments** - Approve the appointments of the individuals listed in the board materials, to the Florida International University Foundation, Inc. Board of Directors:

6. Action Item

G1. Proposed Amendments to the Bylaws of the Florida International University Board of Trustees

Board Chair Colson pointed out that the Governance Committee engaged in a thorough review of the proposed amendments to the Bylaws of the Florida International University Board of Trustees. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the proposed amendments to the Bylaws of the Florida International University Board of Trustees.

7. Discussion Items *(For Information Only)*

7.1 FIU Police Update

Vice President for Operations and Safety and Chief of Staff Javier I. Marques pointed out that the FIU Police Department is accredited and provides a full range of public services to the neighboring community 24 hours a day, seven days a week on the Modesto A. Maidique Campus, Biscayne Bay Campus, and the Engineering Center. He indicated that as of December 1, 2022, FIU Police Officers have responded to 48,764 calls. He noted that of said calls, most were community service oriented and less than one (1) percent were crime related. He commented on online training that is available to University faculty, staff, and students. He introduced an informational video pertaining to active shooter responses, run, hide, or fight. Chief of Police Alexander D. Casas remarked on active shooter preparedness and mitigation, including training efforts. Chief Casas introduced a video highlighting FIU Police’s active shooter training and preparedness.

In response to Board Chair Colson, Chief Casas confirmed that FIU Police has the necessary tools and resources. Trustee Chanel T. Rowe commented on the importance of investments in mental health resources.

7.2 Athletics Update

Athletic Director J. Scott Carr provided an athletics update. He indicated that student-athletes have a combined grade point average of 3.37 with 95 student-athletes awarded Conference USA Commissioner’s Academic Medal. He commented on FIU football’s first season under Coach Mike MacIntyre. He remarked on fall competition, including women’s volleyball, soccer and cross country. Mr. Carr also commented on men’s soccer Sweet 16 tournament play. He explained that the Panther Club provides the FIU community with the opportunity to make transformational impact through annual philanthropic giving to FIU Athletics. He mentioned that the FIU Athletics Strategic Plan will launch in the spring, providing the road map for FIU Athletics in terms of a facilities master plan and capital campaign. He announced that four (4) individuals have committed to four

separate \$500,000 charitable gifts to the athletics department. He commented that said donors included Board Vice Chair Tovar and spouse, Mariela Tovar, and Trustee Carlos A. Duart and his spouse, Tina Vidal-Duart. Mr. Carr indicated that said gifts will fund a number of facility improvements.

Board Vice Chair Tovar commented on the need to address improvements of athletic facilities. He encouraged the University community to support FIU athletics.

8. Status Reports, Board Committees

Audit and Compliance Committee Report

Trustee Duart, Audit and Compliance Committee Chair, provided highlights from the Committee's meeting earlier in the day. He indicated that Mr. Trevor L. Williams, the University's Chief Audit Executive, reported on recently completed audits and commented on four (4) 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 Office of Internal Audit without the presence of senior management.

Finance and Facilities Committee Report

Board Vice Chair Tovar, Finance and Facilities Committee Chair, provided highlights from the Committee's meeting earlier in the day. He reported that the Committee approved four (4) procurement actions: Smiley's Audio Visual; \$800K change order with Apple; multiyear renewal agreement with West Publishing Corporation for five (5) years at \$1.5M; and a multiyear agreement between Taylor and Francis and FIU libraries and Herbert Wertheim College of Medicine Library for four (4) years at \$1.7M. He commented that Interim Chief Financial Officer and Senior Vice President for Finance and Administration Aime Martinez presented the Financial Performance Review for the first quarter of fiscal year 2022-23 and reported that University operating revenues of \$424.2M were above estimates by \$12.5M or three (3) percent and operating expenses were above estimates by \$4.0M or one (1) percent, with a net favorable variance of \$8.5M. He added that the University Investment Portfolio fiscal year-to-date returns are down by -2% while the Foundation experienced losses of -5.9%. He stated that both entities have sufficient reserves to absorb the losses and as of the end of November are seeing improvements in the market.

Academic Policy and Student Affairs Committee Report

Trustee Natasha Lowell, Academic Policy and Student Affairs Committee Chair, provided highlights from the Committee's meeting earlier in the day. She noted that Trustee Cristhofer E. Lugo provided the Student Government report.

External Relations Committee Report

Trustee Gene Prescott, External Relations Committee Chair, 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 and provided updates on the division and government and community affairs.

Governance Committee Report

Board Chair Colson provided highlights from the Governance Committee's meeting earlier in the day.

9. New Business

President Jessell introduced students Ms. Catherin Meza and Ms. Rebecca Jauregui for a special holiday performance.

10. 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, December 6, 2022, at 2:56 PM.

Dean C. Colson
Chair
FIU Board of Trustees

Kenneth A. Jessell
Corporate Secretary
FIU Board of Trustees

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

February 23, 2023

Subject: Tenure as a Condition of Employment Nominations

Proposed Board Action:

Approve two (2) 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 |
February 23, 2023*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

February 23, 2023

Subject: Proposed Regulation FIU-2507 Examinations and Assessments

Proposed Board Action:

Approve the proposed Regulation FIU-2507 Examinations and Assessments and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors.

Background Information:

The purpose of this new regulation is to document that Florida International University (FIU)'s examinations and assessments are confidential and/or exempt from disclosure under section 119.07(1), Florida Statutes, and section 24(a), Article I, Florida Constitution, as provided in section 1008.23, Florida Statutes (Sunshine Law).

This new regulation references FIU's processes related to the access, maintenance and destruction of examination and assessment instruments and related developmental materials and workpapers for all University academic units, testing centers, technology services, and online curriculum management systems.

FIU specifically defines examinations and assessments as any "instrument" that contributes to the final grade of an academic course, or required for program admission, placement, certification, or graduation.

Florida Board of Governors (BOG) Regulation 3.005(1), Examinations and Assessments, provides, "All examination and assessment instruments, including developmental materials and workpapers directly related thereto, that are prepared, prescribed or administered by a university are exempt from disclosure under section 119.07(1), Florida Statutes, and section 24(a), Article I, Florida Constitution, as provided in section 1008.23, Florida Statutes."

BOG Regulation 3.005(2) provides "Access, maintenance and destruction of examination and assessment instruments and related developmental materials and workpapers shall be governed by university regulation..."

Supporting Documentation:

*Agenda | Academic Policy and Student Affairs Committee Meeting |
February 23, 2023*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

February 23, 2023

Subject: Proposed Amendment to Regulation FIU-1305 Students in Military Service

Proposed Board Action:

Approve the revisions to Regulation FIU-1305 Students in Military Service and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors.

Background Information:

In accordance with revisions to Board of Governors' Regulation 6.013 Military Veterans and Active Duty Students, proposed changes to this regulation include changing the title to Military Veterans and Active Duty Students, include details concerning enrollment and registration options for students called into active military service, inclusion of a description of how veterans' military training, courses, and occupations may be evaluated to earn undergraduate college credit, and references the location of publicly available information regarding the process for awarding such credit and any associated appeal.

Florida Board of Governors Regulation 6.013, Military Veterans and Active Duty, addresses changes in section 1004.096, Florida Statutes from the 2020 legislative session, implements the Policy Regarding the Evaluation and Awarding of Postsecondary Credit for Prior Military Training, Courses, and Occupations, and guides the new statewide review process that will result in the equivalency list, while adding additional expectations for relevant institutional policies and procedures.

Supporting Documentation:

*Agenda | Academic Policy and Student Affairs Committee Meeting |
February 23, 2023*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

February 23, 2023

Subject: New Program Proposal: Bachelor of Science in Sport and Exercise Science

Proposed Board Action:

Approve the Bachelor of Science in Sport and Exercise Science (CIP 31.0505) new program proposal.

Background Information:

The Department of Teaching and Learning in the College of Arts, Sciences, and Education is proposing a new Bachelor of Science (BS) degree in Sport and Exercise Science under STEM CIP code 31.0505. The proposed degree comprises 120 credit hours and will provide a rigorous undergraduate education with an emphasis on anatomy, physiology, human movement, and applications to exercise and sport. The curriculum includes instruction in exercise physiology, kinesiology, motor development, mental performance, exercise testing and programming, the prevention and care of athletic injuries, and field and clinical work.

The proposed degree will replace the existing BS degree in Physical Education (which currently offers a track in Sports and Fitness Studies).

Baccalaureate-level training in exercise science (via the proposed BS in Sport and Exercise Science) offers opportunities for graduates' immediate employment as exercise physiologists in hospitals, health care clinics, health and wellness facilities, sport performance and fitness facilities, private practice, and government agencies. Undergraduate programs in exercise science also prepare students for advanced study in exercise science, kinesiology, athletic training, physical therapy, sports medicine, and various areas within health care.

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 |
February 23, 2023*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

February 23, 2023

Subject: Performance Based Funding and Emerging Preeminence Metrics

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

Proposed Board Action:

1. Approve the Audit Report - Audit of Performance Based Funding and Emerging Preeminent Metrics Data Integrity; and
2. Approve the Performance Based Funding and Emerging Preeminence Status – Data Integrity Certification

Background Information:

Pursuant to Florida Statutes 1001.7065 and 1001.92 and State University System of Florida Board of Governors (BOG) Chair Brian Lamb’s letter to University Presidents and University Board of Trustees Chairs, dated June 21, 2022, the FIU Office of Internal Audit performed an audit of the University’s processes that ensure the completeness, accuracy, and timeliness of data submissions to the BOG that support the Performance Based Funding and Emerging Preeminent Metrics.

Using the results from the data integrity audit, the University President has completed the Data Integrity Certification, furnished by the BOG. The certification document shall be signed by the University President and Florida International University Board of Trustees (BOT) Chair after being approved by the BOT.

The BOG requires the acceptance of the audit results and the approval of the Data Integrity Certification by the BOT, with submittal to the Office of Inspector General and Director of Compliance no later than March 1, 2023.

Supporting Documentation: *Agenda | Audit and Compliance Committee Meeting | February 23, 2023*

Facilitator/Presenter: Carlos A. Duarte, *Chair, Audit and Compliance Committee*