



FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES FULL BOARD MEETING

FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

Due to room capacity limitations resulting from physical distancing mitigations, general public access via <http://webcast.fiu.edu/>

Wednesday, June 16, 2021

2:00 p.m.

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 | Mark B. Rosenberg |
| 5. Action Items – Consent Agenda | Dean C. Colson |
| BT1. Minutes, April 21, 2021 | |
| FF2. Proposed 2021-22 Fixed Capital Outlay Budget | |
| FF3. Request for Approval of Florida International University's 2022-23 Fixed Capital Outlay Legislative Budget Request, Consisting of the five-year Capital Improvement Plan | |
| FF4. Engineering Building Phase I—Amendment to Prior Budget Approval | |
| FF5. Amendment to Signature Authority - Authorization to Sign Checks for the University | |
| FF6. Approval of Contract#PUR-04000, Vendor: Aramark Management Services Limited Partnership | |
| AP1. Tenure Nominations | |
| AP2. Tenure as a Condition of Employment Nominations | |
| AP3. Program Termination: Doctor of Education in Exceptional Student Education | |

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

- AP4. Florida International University Annual Accountability Plan, 2021 Revision
- G2. Ratification of the 2021-2024 Collective Bargaining Agreement between The Florida International University Board of Trustees and The Dade County Police Benevolent Association Law Enforcement Bargaining Unit *(PBA - Officers and Sergeants)*
- G3. Ratification of the 2021-2024 Collective Bargaining Agreement between The Florida International University Board of Trustees and The Dade County Police Benevolent Association Lieutenants Law Enforcement Bargaining Unit *(PBA - Lieutenants)*
- G4. Ratification of 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)*
- G5. Direct Support Organizations Board Appointments

6. Action Items

- FF1. Proposed 2021-22 University and DSO Operating Budgets** **Leonard Boord**
- G1. University President's Employment Agreement** **Dean C. Colson**

7. Status Reports, Board Committees

- Audit and Compliance Committee Report **Gene Prescott**
- Finance and Facilities Committee Report **Leonard Boord**
- Academic Policy and Student Affairs Committee Report **Natasha Lowell**
- Governance Committee Report **Dean C. Colson**

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

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

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Approval of Minutes of Meeting held April 21, 2021

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on April 21, 2021 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 April 21, 2021 at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

Supporting Documentation: Minutes: Full Board Meeting, April 21, 2021

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FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
MINUTES
APRIL 21, 2021

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 12:58 p.m. on Wednesday, April 21, 2021 at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

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 (*arrived after roll call*); Leonard Boord (*via Zoom*); Donna J. Hrinak; Natasha Lowell; Gene Prescott; Joerg Reinhold; Chanel T. Rowe; Marc D. Sarnoff; Carlos Trujillo (*Via Zoom; joined after roll call*); and Alexandra Valdes.

Board Chair Colson indicated that he would proceed to take the agenda out of order, specifically proceeding to the President's Report prior to the Foundation Report and action items.

4. President's Report

University President Mark B. Rosenberg shared the following statement: "On the other side of a landmark verdict in the Dereck Chauvin case for our black community and so many others, there is a feeling of relief and vindication. Minnesota's Attorney General Keith Ellison noted after the verdict that we did not truly see justice served because justice would mean complete restoration, an impossibility when a life is lost, but what we saw was accountability, and accountability is the first step towards justice. FIU will continue in our work. We will continue our work toward systematic change and addressing racial injustice. We will work together at our University to root out injustice and promote diversity, equity, and inclusion on our campus and beyond. We are fundamentally committed to prosperity for our entire community and are very excited about the work we have ahead."

President Rosenberg explained that the Florida Board of Governors (BOG) mandated that all state universities have their staff undergo mental health training, adding that the state utilized a simulation software from a company called Kognito. He indicated that the groups required to complete the training include all 9-month and 12-month faculty, full-time administrative staff, employees, and other staff members. President Rosenberg reported on FIU's 96% completion rate, adding that 99% of full-time staff, 96% of full-time faculty, and 86% of adjuncts have completed the mandated training.

President Rosenberg presented a photo collage depicting students participating in the University's commencement caravans. He remarked that the four-year graduation rate has nearly doubled over the last decade, adding that the academic progress rate has increased from approximately 74% to over 90%. He mentioned that in 2008-09, the University was generating approximately \$90M in research expenditures, stating that currently, FIU generates over \$220M in research expenditures. President Rosenberg pointed out that annual science and engineering research expenditures have increased from approximately \$50M to \$190M. He reported that the University has received \$24.6M in National Institutes of Health (NIH) awards in the first half of FY2020-21, noting that said awards focus on health areas, including Alzheimer's, child mental health, cancer, and health disparities. He commented on \$1M in National Science Foundation (NSF) grants to support the University's work in the Everglades, \$1.2M from the Knight Foundation to promote student success, and an \$4M NIH grant focusing on gene deregulation in cortical dementia.

President Rosenberg remarked that the University's Ignite campaign has raised \$31M over the last 10 years, adding that year-to-date, \$1.3M has been raised with over 52% participation for the year. He commented on the \$750M capital campaign goal, stating that \$625 has been raised to-date. He mentioned recent gifts, specifically the \$10M gift from the John S. and James L. Knight Foundation in support of FIU's School of Computing and Information Sciences and the gift from the Maurice A. Ferré Foundation to establish the Maurice A. Ferré Institute for Civic Leadership at FIU. In terms of the University's Diversity, Equity, and Inclusion (DEI) initiative, President Rosenberg commented that FIU's Black Faculty Association is now fully formed and operating and is poised to play a critical role in helping the institution in its faculty recruitment efforts. He also mentioned the gift from the W.K. Kellogg Foundation in support of the StartUP FIU food program to help entrepreneurs of color digitally transform their businesses and the grant from the Truist Foundation to help generate much greater awareness of financial literacy issues.

President Rosenberg commented on the University's role in water quality issues and on the new book published by FIU professor and physicist, Bernard S. Gerstman, on cancer research conducted by physicists that provides new information in the long-term battle against the disease. President Rosenberg indicated that FIU is among three universities receiving NSF funds to study climate change in the tropics. He remarked on Trimble's major gift to establish the Trimble Technology Lab at the Moss School of Construction. He stated that FIU student, Patricia Garcia, won the 2021 Venturebites College Pitch competition for a company that she created called College Thrifts, adding that Patricia, along with four (4) other FIU students were accepted to the Clinton Global Initiative University.

President Rosenberg remarked on the closing of the 440 Center in Washington D.C., adding that the FIU in D.C. office is preparing for the opening of its new location at 600 New Jersey Avenue. He provided an overview of FIU in D.C.'s accomplishments over the last five (5) years, specifically that FIU in D.C. has helped to secure \$65M in grants and \$78.8M in federal appropriations bills, coordinated 85 research advocacy delegations for faculty and staff, supported the experiences of over 408 interns, and hosted nearly 300 events.

President Rosenberg highlighted two (2) FIU students, David Berthold and Lismary Hernandez, who will be graduating in the April 24-25, 2021 commencement ceremonies. President Rosenberg

commented that Mr. Berthold is a graduate student researcher graduating with a Ph.D. in Biological Sciences and that, through his research, has contributed incredible insight on mitigating toxic algae blooms and has already published 27 peer-reviewed journal articles. President Rosenberg remarked that, because of her academic excellence, Ms. Hernandez is a member of five (5) national honor societies, including Phi Beta Kappa.

1. Call to Order and Chair's Remarks *(Continued...)*

Board Chair Colson indicated that Ms. Claudia Puig concluded her service on the Board in March, adding that Ms. Puig served as a Trustee for over 18 years and that during that time, completed two terms as Chair of the Board. He remarked that Ms. Puig was succeeded by Trustee Carlos Trujillo, who was appointed by Governor DeSantis for a five-year term that began March 26, 2021. Board Chair Colson welcomed and introduced Trustee Trujillo. Trustee Trujillo mentioned that he looked forward to serving on the Board and to continuing the tradition of advocating for FIU.

Board Chair Colson referred to the 2021 Board of Trustees calendar of agenda items, which highlights the work of the Board and related BOG due dates. He advised that FIU is now scheduled to host the BOG on August 31 and September 1, 2021. President Rosenberg joined Board Chair Colson for a plaque presentation in recognition of Trustee Alexandra Valdes' service on the Board, which concludes on May 9, 2021. Trustee Valdes conveyed her gratitude to the Board and the University leadership.

2. Public Appearances

There were no public appearances.

3. Foundation Report

FIU Foundation, Inc. Board of Directors Vice Chair Adalio Sanchez reported that the Next Horizon Campaign has, as of April 9, 2021, raised \$625M, or 83%, of its \$750M goal. He commented on philanthropic fundraising, stating that, as of February 28, 2021, \$46.6M has been raised towards the \$79M goal. He indicated that, as of April 16, 2021, \$56.8M has been raised. He remarked on the \$34.6M cash target for the year, pointing out that \$23M in cash was received by the eight (8) months ended February 28, 2021, stating that through March 31, 2021, \$26M had been received.

In terms of operating expenses, Foundation Board Vice Chair Sanchez commented on underspending, which is consistent with reduced travel and related expenses due to the COVID-19 pandemic. He described major areas of impact, namely the \$10M gift from the John S. and James L. Knight Foundation, the \$5.5M commitment from the Maurice A. Ferré Foundation, and the \$5.63M grant from the Andrew W. Mellon Foundation. Foundation Board Vice Chair Sanchez reported that as of February 28, 2021, the Foundation's total investment portfolio stands at approximately \$347M and that the Total Managed Assets returned 17.94%.

5. Action Items – Consent Agenda

Board Chair Colson delineated the items contained within the Consent Agenda, specifically the Minutes of the Board's February 23, 2021 meeting, the Educational Plant Survey, and the updated Exclusion Resolution.

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

- **BT1. Minutes, February 23, 2021** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on February 23, 2021.
- **SP1. Educational Plant Survey, Fiscal Year 2020-2021** - Approve the Educational Plant Survey, Fiscal Year 2020-2021.
- **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.

6. Action Items

SP2. Florida International University Annual Accountability Plan, 2021

Board Vice Chair Roger Tovar, Chair of the Strategic Planning Committee, stated that the Committee engaged in a thorough review of the revised 2021 Accountability Plan, adding that the Committee recommended the item, as amended, for Board approval.

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

G2. President's Management Review

Board Chair Colson explained that the Governance Committee met to undertake the assessment of President Rosenberg's accomplishments for the 2019-20 academic year relative to the Board-approved goals and his overall performance. On behalf of the Committee, Board Chair Colson presented the recommended performance rating for Board consideration.

A motion was made and unanimously passed by the FIU Board of Trustees granting a "superior" performance rating to President Mark B. Rosenberg for his leadership of Florida International University during the 2019-20 academic year.

G3. University and President's Performance Goals, 2021-22 Academic Year

Board Chair Colson indicated that President Rosenberg submitted a list of goals to be considered for his 2021-22 management review. He added that said goals were taken directly from the University's Accountability Plan.

A motion was made and unanimously passed that the FIU Board of Trustees adopt the University and President's Performance Goals for the 2021-22 academic year as presented to the Governance Committee.

7. Status Reports, Board Committees

Strategic Planning Committee Report

Board Vice Chair Tovar provided highlights from the Committee's meeting earlier in the day. He indicated that, in addition to engaging in a thorough review of the Educational Plant Survey and the 2021 Accountability Plan, the Committee also received a repopulation update from President Rosenberg.

Finance and Facilities Committee Report

Trustee Leonard Boord, Chair of the Finance and Facilities Committee, provided highlights from the Committee's meeting earlier in the day. He reported that the Committee reviewed and ratified the independent contractor agreement with the vendor Logistics Management Group, adding that the agreement provides for a wide array of event management services and for the sourcing of necessary items for the various events organized by the Food Network & Cooking Channel South Beach Wine & Food Festival presented by Capital One (SOBEWFF®), which will take place May 20-23, 2021. Trustee Boord indicated that the estimated cost is just under \$2M, explaining that ticket sales and sponsorship revenue, or unrestricted auxiliary funds, are the funding sources. He added that most expenses are pass-through and reimbursed by the University once approved by festival staff, incurred, and invoiced by the vendor.

External Relations Committee Report

Trustee Marc D. Sarnoff, Chair of the External Relations Committee, provided highlights from the Committee's meeting earlier in the day. He remarked that Senior Vice President, External Relations, Strategic Communications and Marketing, Sandra B. Gonzalez-Levy provided a marketing update. He commented that over the weekend, FIU will graduate 5,600 students at the first in-person, physically distanced outdoor commencement since the University repopulated, adding that class of 2020 graduates who did not have the opportunity to participate in an in-person graduation ceremony, are able to participate in the upcoming ceremonies.

Governance Committee Report

Board Chair Colson explained that he and President Rosenberg discussed the President's Incentive Goals outcomes for 2019-20 and the Governance Committee's review of the Incentive Goals to be proposed for 2021-22 and have agreed to postpone any related Committee action on these matters until the June meeting of the Governance Committee.

8. New Business

Board Chair Colson recognized the University's leadership and staff.

Trustee Cesar L. Alvarez commended the work that culminated in the gift from the Maurice A. Ferré Foundation.

President Rosenberg introduced a video, which featured recent graduate Melinda Spitzer. In the video, Ms. Spitzer commented that despite setbacks and slow progress towards her degree due to a spinal disease, she will celebrate her Spring 2020 graduation at the upcoming in-person commencement ceremonies.

9. Concluding Remarks and Adjournment

With no other business, Board Chair Dean C. Colson adjourned the meeting of the Florida International University Board of Trustees Full Board on Wednesday, April 21, 2021 at 1:50 p.m.

Dean C. Colson
Chair
FIU Board of Trustees

Mark B. Rosenberg
Corporate Secretary
FIU Board of Trustees

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Proposed 2021-22 Fixed Capital Outlay Budget/Capital Improvement

Proposed Board Action:

Approve Florida International University's 2021-22 Fixed Capital Outlay Budget and authorize the University President to amend the budget as necessary, consistent with Legislative, Florida Board of Governors' and BOT directives and guidelines.

Background Information:

Section 1013.61, Florida Statutes, requires that the Florida International University Board of Trustees (BOT) adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the BOT for the entire year may be well understood by the public. The capital outlay budget is part of the annual budget and shall be based upon and in harmony with the BOT's capital outlay plan. The budget shall designate the proposed capital outlay expenditures by project for 2021-22 from all fund sources, as amended.

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

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

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

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Request for Approval of Florida International University's 2022-23 Fixed Capital Outlay Legislative Budget Request Consisting of the five-year Capital Improvement Plan

Proposed Board Action:

Approve FIU's 2022-23 Fixed Capital Outlay Legislative Budget Request, consisting of the five-year Capital Improvement Plan and authorize the University President to amend the Legislative Budget Request as necessary, consistent with Florida Board of Governors (BOG) and Florida International University Board of Trustees (BOT) directives and guidelines.

Background Information:

Sections 1001.74(12), 1011.40(1), and 1013.60, Florida Statutes, require each university to submit a legislative budget request for Fixed Capital Outlay (FCO) in the form of a Capital Improvement Plan (CIP) in accordance with the instructions, guidelines, and standard formats provided by the Chancellor of the State University System of Florida. The CIP includes Public Education Capital Outlay (PECO) Projects and Capital Improvement Trust Fund (CITF) Projects and shows the university's proposed capital expenditures over the next five years.

While each university may include any project recommended on the university's most recent Educational Plant Survey, the BOG will only consider/score those projects that are: (i) incomplete PECO projects which received a prior appropriation and requires additional PECO funds to complete; and/or (ii) the top two priorities for each university. The BOG will adopt the State University System Legislative Budget Request for Fixed Capital Outlay at its September 1, 2021 meeting based upon a points-based prioritization method to rank projects for consideration from the selection of projects submitted by each university BOT in accordance with Section 1001.706 (12), Florida Statutes.

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Engineering Building Phase I—Amendment to Prior Budget Approval

Proposed Board Action:

Approval of the request to expand the size and budget of the Engineering Building Phase I from the currently approved budget of \$53.9 million to \$63.4 million to accommodate shell space for sponsored research; and approval of adjustments to the Educational Plant Survey (EPS) that were approved by the Florida International University Board of Trustees (BOT) on April 21, 2021, as a result of the expanded size and budget of Engineering Building Phase I.

Background Information

Engineering Phase I: The original program and construction budget for a new engineering building at FIU, as approved by the BOT and the Florida Board of Governors (BOG), was a single building to be constructed in two phases: Engineering I and II. The approved budget request was \$150 million, with \$105 million to be funded with State funds and \$45 million to be funded from university matching funds and philanthropy. As part of the 2020-21 legislative session, FIU received an additional \$8.27 million appropriation to begin the design and construction of Engineering Building Phase I, with a total budget of \$53.9 million, comprised of \$38.9 million in state appropriations and \$15 million in matching funds. Engineering Building Phase I, which will be located on the northeast corner of the Modesto A. Maidique Campus (MMC), is currently in design; the architect is Perkins + Will and DPR Construction is the construction manager. The building, as currently designed, will contain 87,795 gross square feet on five floors and will accommodate classrooms, teaching labs, study space, research labs, offices, and computer and instructional media. Approximately 63 percent of the building will be shell space for future academic and research programming. As currently designed, the building is only about 70 percent of what was contemplated in the original first phase of the Engineering I and II program.

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

To achieve FIU's planned research expenditures through 2024-25, additional research space is needed. To accommodate the additional research space, an additional \$9.5 million in

unrestricted treasury auxiliary balances will be added to Phase I for design and construction (\$2,190,700 design, \$7,309,300 construction), taking the approved budget from \$53.9 million to \$63.4 million. The additional funding will add a sixth floor to the building and will provide approximately 21,080 gross square feet of shell space that will be built-out over time with sponsored research overhead funds as the amount of externally funded research grows. When construction is completed, the building will contain 108,875 gross square feet, with 70 percent shell space for future build out.

There are sufficient unrestricted treasury auxiliary balances to accommodate the \$9.5 million in additional funding for Engineering Building Phase I. Currently, \$81.0 million in unrestricted auxiliary funds is available. Utilizing \$9.5 million for Engineering Building Phase I will leave a remaining unrestricted fund balance of \$71.5 million, which can accommodate a 16.2 percent decline in the value of the portfolio without impacting our liquidity needs. Our Value at Risk simulation estimates a worst-case decline of 6.2 percent considering the mix of assets in our portfolio.

Upon approval of the additional funding by the BOT to accommodate shell space for sponsored research, the amended fixed capital budget for Engineering Building Phase I will be submitted to the BOG for approval. Additionally, FIU has been working with BOG staff on the appropriate adjustment to the FIU EPS that was approved by the BOT on April 21, 2021 and will be approved by the BOG on June 23, 2021. Specifically, the EPS will be adjusted to reflect an increase of 7,500 NASF in Teaching Lab space; an increase of 9,096 NASF in Office Space; and a reduction of 29,771 in NASF in Research Lab space for Engineering II as a result of the additional research space in Engineering I.

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Amendment to Signature Authority - Authorization to Sign Checks for the University

Proposed Board Action:

Amend the Signature Authority-Authorization to sign checks to pay the legal obligations of the University from any and all designated University depositories to reflect the following changes:

Remove: Katharine A. Brophy, Associate Vice President and University Controller

Approve: Alexandra Mirabal, Interim University Controller

Background Information:

The University has depositories at banking institutions at which University funds are deposited and the University pays its legal obligations from said depositories. Accordingly, the University Board of Trustees (the "BOT") must state with particularity the legal name and title of University employees who are authorized to sign checks to pay such legal obligations.

As of June 30, 2021, Ms. Katharine A. Brophy, the University's current Associate Vice President and University Controller, will retire from the University, and will be replaced, on an interim basis, with Alexandra Mirabal, who currently holds the position of Deputy Controller.

By this action, the BOT is updating its official records to remove Ms. Brophy, and add Ms. Mirabal, as an authorized signatory as set forth above.

Supporting Documentation: None

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Approval of Contract #PUR-04000 for Grounds Maintenance, Vendor: Aramark Management Services Limited Partnership

Proposed Board Action:

Pursuant to the Delegations of Authority from the Florida International University Board of Trustees to the University President, as reflected in the Resolution on the President's Powers and Duties approved by the Board of Trustees on March 4, 2019, (i) approve the University entering into the contract as listed and described below, and (ii) authorize the University President or his designee to execute, on behalf of the University, the aforementioned contract and all of the documents, and take all actions, that may be necessary to effectuate the transactions contemplated in the contract.

Background Information:

Contract #PUR-04000 between vendor Aramark Management Services Limited Partnership ("Aramark") and FIU.

FIU Procurement Services initiated an Invitation to Negotiation (ITN-2019-00015, Grounds Maintenance) for grounds maintenance in the locations listed below. After a thorough selection process, the evaluation committee recommended awarding the contract to the number one ranked respondent, Aramark. The Intent to Award was posted on May 4, 2021 and is contingent on approval by the Board of Trustees. There were a total of eight (8) proposals submitted in response to the Invitation to Negotiation.

The contract coverage is comprehensive. Aramark shall maintain professional operations, provide management and personnel, and provide all necessary equipment, tools, materials, and supplies to complete all required tasks which include, without limitation, mowing grass and vegetation, sod repair and installation, mulching, pest control, fertilization, herbicide application, tree pruning and maintenance, general grounds cleaning, receptacle trash and recycling, removal of ground trash, cleanup of the lakes, watering, irrigation, management of interior plants and exterior potted plants, maintenance of green roofs, event support and disaster preparation and response.

The proposed contract covers the Modesto M. Maidique Campus (MMC), Engineering Center (EC), and Biscayne Bay Campus (BBC), which covers a combined estimated area of 575 acres. Additional locations may be added during the term of the contract at FIU's discretion.

- **Term:** Maximum ten (10) year term. Initial term of five (5) years. Renewal options of additional five, one (1) year terms. Renewals are not automatic. The contract is to commence on July 1, 2021.

- **Total Contract Cost:** The first year's contract total is \$3,122,708.77, \$16,089,029 for the initial term of five (5) years; and \$33,421,482 including renewal options, at maximum total of ten (10) years. Proposed cost includes annual cost escalation capped at 1.5%. Based on historical spend, unprogrammed requests or projects may amount to approximately 5-10% of annual cost. Typically, various entities within the University will request and fund the projects.

The cost differential between the Aramark contract and the company ranked second on the first year of the baseline contract total is \$368,650; over five years, it is projected at \$2,089,142; over 10 years, \$4,807,922.39.

The total contract cost is approximately \$556,916 above the current contract. This increase is the result of an increase in the scope of services:

- The addition of an Assistant Manager at the BBC campus
 - The addition of the southern 52 acres at BBC
 - Use of 100 percent organic weed killer instead of glyphosate
 - No height limits on servicing trees and palms (previously there was an addition cost for trees above 30 feet)
 - Significantly more landscaping, trees and palms included in the contract
 - Battery operated blowers in central core (“quiet areas”) to reduce noise
 - Herbicides for land areas now included
 - Green roof maintenance now included
 - Certified Arborist now required for all pruning of trees
- **Benefits Include:** Value adds/bundle offer include: a comprehensive tree inventory at an estimated value of \$121,675 and an irrigation systems upgrade with an estimated value over the five (5) year period of approximately \$250,000.
 - **Funding source:** Various (210-Facilities, 334-Parking, 333-Housing, 331-Auxiliary Shared Services)

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Tenure Nominations

Proposed Board Action:

Approval of the Tenure Nominations as specified in the Board materials.

Background Information:

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

The University President is recommending the granting of Tenure for twenty-two (22) nominees as specified in the Board materials.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Tenure as a Condition of Employment Nominations

Proposed Board Action:

Approval of nine (9) candidates for Tenure as a Condition of Employment (TACOE), as specified in the Board materials.

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: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Program Termination Doctor of Education in Exceptional Student Education

Proposed Board Action:

Recommend to the Board of Governors termination of the Doctor of Education in Exceptional Student Education (CIP 13.1001).

Background Information:

In 2019, in conjunction with the renaming of the former doctorate in Curriculum and Instruction to Teaching and Learning, the faculty of the doctorate in Exceptional Student Education created a new area of specialization (Special Education) in the revised PhD program. This provided students the ability to earn a Doctor of Philosophy. Since that time, new students have been pursuing the PhD (the preferred credential) rather than the EdD ESE. Students not wishing to enroll in the PhD had the option to continue in the EdD ESE; these students who availed themselves of this option have now graduated from the EdD ESE. The program faculty determined that it is now time to close the original degree given the popularity and success of the new specialization in the PhD in Teaching and Learning and to consolidate degree offerings.

Section (1d) of Florida Board of Governors Regulation 8.012 –*Academic Program Termination and Temporary Suspension of New Enrollments* states Each University Board of Trustees has the responsibility and authority to recommend termination of degree programs at the professional and doctoral level to the Board of Governors.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Florida International University Annual Accountability Plan, 2021, Revision

Proposed Board Action:

Approve Florida International University's Annual Accountability Plan revision as provided in the Board materials and delegate authority to the University President to perform finish editing as needed and to amend consistent with comments received from the Board of Governors (BOG).

Background Information:

BOG Regulation 2.002, University Accountability Plans, provides, in relevant part, that (2) each university's accountability plan shall reflect the institution's distinctive mission and focus on core institutional strengths within the context of State University System goals and regional and statewide needs; and (3) each board of trustees shall prepare an accountability plan and submit updates on an annual basis for consideration by the Board of Governors. The accountability plan shall outline the university's top priorities, strategic directions, and specific actions for achieving those priorities, as well as progress towards previously approved institutional and System-wide goals.

The BOG requested that FIU change the 2020-21 goals for online FTE metrics to reflect actuals instead of goals. The 2020-21 academic year is completed in terms of credit hours and FTEs, making this change to actuals possible. The changes are highlighted in pages 16, 20, and 22. The BOG requested that the BOT approve the revised Accountability Plan at its next meeting, prior to the June BOG meeting.

This document may require finish editing or necessary updates. Additionally, the BOG may require additional changes to the annual report. Therefore, a delegation of authority to the University President to make changes as necessary is being requested.

Supporting Documentation: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Ratification of the 2021-2024 Collective Bargaining Agreement between The Florida International University Board of Trustees and The Dade County Police Benevolent Association Law Enforcement Bargaining Unit

Proposed Board Action:

Ratify the 2021-2024 Collective Bargaining Agreement between the Florida International University Board of Trustees (BOT) and The Dade County Police Benevolent Association Law Enforcement Bargaining Unit (*PBA Officers and Sergeants*).

Background Information:

Representatives of the BOT and the PBA Officers and Sergeants Unit have engaged in collective bargaining and reached a tentative agreement on the terms of the articles and policies of the 2021-2024 BOT-PBA Officers and Sergeants Collective Bargaining Agreement for a term commencing on the date of ratification and running through June 30, 2024. The PBA Officers and Sergeants Unit ratified the contract on June 14, 2021. Amendments have been made to the following sections:

- Article 6: Health and Safety
- Article 10: Wages

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: *Information behind the Governance Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Ratification of the 2021-2024 Collective Bargaining Agreement between The Florida International University Board of Trustees and The Dade County Police Benevolent Association Lieutenants Law Enforcement Bargaining Unit

Proposed Board Action:

Ratify the 2021-2024 Collective Bargaining Agreement between the Florida International University Board of Trustees (BOT) and The Dade County Police Benevolent Association Lieutenants Law Enforcement Bargaining Unit (*PBA Lieutenants Unit*).

Background Information:

Representatives of the BOT and the PBA Lieutenants Unit have engaged in collective bargaining and reached a tentative agreement on the terms of the articles and policies of the 2021-2024 BOT-PBA Lieutenants Unit Collective Bargaining Agreement for a term commencing on the date of ratification and running through June 30, 2024. The PBA Lieutenants Unit ratified the contract on June 14, 2021. Amendments have been made to the following sections:

- Article 6: Health and Safety
- Article 10: Wages

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: *Information behind the Governance Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Ratification of 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)

Proposed Board Action:

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

- Article 3: AFSCME Activities
 - Article 4: Grievance and Arbitration
 - Article 9: Wages
 - Article 16: Contract Out (NEW ARTICLE)
 - Appendix B: AFSCME-FIU Dues Electronic Form
 - Disciplinary Policy
 - Neutral, Internal Resolution of Disputes Policy
 - Overtime Pay & Compensatory Time
-

Background information:

Representatives of the BOT and the AFSCME have engaged in collective bargaining negotiations to discuss the terms and conditions of employment that will govern the AFSCME employees. The bargaining teams have reached an agreement on a collective bargaining agreement (CBA) to replace the one that expired on June 2, 2020.

Florida Board of Governors Regulation 1.001(5)(b) provides that each board of trustees shall act as the sole public employer of all public employees of its university for the purposes of collective bargaining, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

Supporting Documentation: *Information behind the Governance Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

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 5, 2021, the Board of Directors of the Florida International University Foundation, Inc., a direct support organization (“DSO”) of Florida International University (the “FIU Foundation”), appointed four (4) 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 2021-2022*)

- Gerald C. Grant, Jr. '78, MBA '89
- Claudia Puig
- Karlene Rosemarie “Mei” (Kong) and Rakesh Kumar Sarna

B. Renewal of Existing Director Appointments:

For three-year terms: (*FY 2021-2022, 2022-2023, 2023-2024*)

1. Cristina di Mauro '01
2. Juan R. Figueroa '81
3. Yolangel Hernandez Suarez, MD
4. Jeffrey L. Horstmyer, MD, FAAN
5. Robert M. Namoff '74
6. Marcel L. Navarro '93
7. Albert R. Taño, MD
8. Candido J. Viyella

For two-year term (*FY 2021-2022, 2022-2023*)

9. Francis A. Hondal '87, MBA '94

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: *Information behind the Governance Committee tab*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Proposed 2021-2022 University and Direct Support Organizations Operating Budget

Proposed Board Action:

Approve the FIU 2021-22 University and Direct Support Organizations (DSO) Operating Budgets, and authorize the University President to amend the budgets consistent with Legislative, Board of Governors' and Florida International University Board of Trustees (BOT) directives and guidelines.

Background Information:

The BOT is required to adopt an annual budget for the general operation of the University prior to submission to the Florida Board of Governors. The FY 2021-22 Proposed Operating Budget for the University is due to the Board of Governors on June 22, 2021.

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

The following funding groups and budget detail are included:

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

Authority for the University President to amend the budgets is necessary to accommodate changes in revenues, expenditures, and statutory budget amendments. The University President shall keep the BOT informed of the status of the operating budgets through quarterly updates and will notify the BOT of any changes in excess of two percent (2%) made to the total approved 2021-2022 Operating Budget during the operating year.

Florida Statute 1011.40(2) provides that “each university board of trustees shall adopt an operating budget for the operation of the university as prescribed by law and rules of the Board of Governors.” The University has prepared the proposed 2021-2022 Operating Budget in accordance with the requirements set forth in Board of Governors Regulations 9.007 and 9.011.

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

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

Supporting Documentation: *Information behind the Finance and Facilities Committee tab*

Facilitator/Presenter: Leonard Boord, *Finance and Facilities Committee Chair*

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

**Subject: Amendments to Employment Agreement for President Mark B. Rosenberg,
for 2022-2023 Term**

Proposed Board Action:

Approve amendments to the employment agreement for President Mark B. Rosenberg for the 2022-2023 Term, as described in the attached Term Sheet, and authorize the Chair of the Florida International University Board of Trustees (BOT) to execute, on behalf of the BOT, a contract document with language carrying forward the current contract provisions as amended per the Term Sheet.

Background Information:

Florida Board of Governors’ (the “BOG”) Regulation 1.001(5)(a), University Board of Trustees Powers and Duties, provides that: “Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: compensation and other conditions of employment....”

BOG Regulation 1.001(5)(c) provides, in relevant part, that “Renewals of presidential employment contracts shall be subject to confirmation by the Board of Governors and shall be limited to one-year terms.”

Florida Statute 1001.706(6)(a) provides that the BOG shall confirm the presidential selection and reappointment by a university board of trustees as a means of acknowledging that system cooperation is expected.

Section 3.3 of the current Employment Agreement, as amended, between the BOT and President Rosenberg provides for any contract extension to be formalized in an agreement no later than October 1, 2021.

Upon the BOT’s approval, BOG approval of the re-appointment of President Rosenberg will be sought; currently, it is contemplated to be on the BOG’s June 2021 agenda.

Supporting Documentation: *Information behind the Governance Committee tab*

Facilitator/Presenter: Dean C. Colson, *Board Chair*

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