



Presidential Search Committee

FIU Presidential Search Committee Meeting

April 5, 2022

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

MINUTES

1. Call to Order and Chair's Remarks

Presidential Search Committee Chair Roger Tovar convened the meeting of the Florida International University Presidential Search Committee at 2:02 p.m. on Tuesday, April 5, 2022.

General Counsel Carlos B. Castillo conducted roll call of the FIU Presidential Search Committee and verified a quorum. Present were Roger Tovar, *Committee Chair*; Cesar L. Alvarez; Deanne Butchey; Valentina Casanova; Carlos A. Duart (*Zoom*); Eric Eikenberg (*Zoom*); Patricia Frost (*via phone*); Jill M. Granat; Gerald C. Grant, Jr.; Hon. Barbara Lagoa (*arrived after roll call*); Albert R. Maury (*Zoom*); Richard Olson; Claudia Puig (*arrived after roll call*); H.T. Smith; and Rebecca Lyn Toonkel.

Committee Chair Tovar welcomed FIU Board of Trustees Chair Dean C. Colson, Committee members, and the University community accessing the meeting via the webcast.

Committee Chair Tovar stated that the FIU Board of Trustees Governance Committee selected R. William Funk and Associates to assist with the search for FIU's sixth president.

2. Presidential Search Committee Charge and Introductions

FIU Board of Trustees Chair Dean C. Colson indicated that, in accordance with Florida Board of Governors Regulation 1.002, he, as Chair of the FIU Board of Trustees, and in consultation with the Chair of the Board of Governors, has appointed the members to the FIU Presidential Search Committee. He thanked members for their willingness to serve on the Committee.

Board Chair Colson referred to the memorandum delineating the Committee's charge. He pointed out that the memorandum will also be posted on the presidential search website. He highlighted a few of the major points of the charge, specifically:

- Scope of search: The Committee's task is to find a highly qualified 6th President of FIU. The executive search firm of R. William Funk and Associates will assist the Committee during the presidential selection process. This task will include the development of a recommended position description, criteria and desired presidential profile, which are subject to the Board of Trustees' final approval. The Committee will review the applicants, interview the qualified ones and present more than two qualified finalists to the Board.

- **Timeline:** The Committee will perform its tasks expeditiously, recognizing that the process may take time to find the right person for FIU. A timeline, with Committee and search firm input, will be presented to the Board.
- **Responsibilities:** Detailed responsibilities of the Search Committee, as outlined in the charge memo, as well as Florida Board of Governors Regulation 1.002(1)(c):
 - Oversight of creation of FIU's dedicated webpage that maintains updated lists of applicants and information on how to provide stakeholder input;
 - Establishing a calendar of public events that aligns with the estimated timeline and meeting dates of the Board of Trustees and the Board of Governors for purposes of the confirmation process;
 - Developing recommended position criteria that are consistent with FIU's mission, strategic plan and aspirational goals, which shall be approved by this Board of Trustees;
 - Approving a marketing plan, that will be submitted to the Board of Trustees;
 - Identifying individuals who may apply, be nominated, or recruited, taking into consideration their experience, qualifications and leadership capabilities under the position criteria to produce a pool of qualified applicants;
 - Vetting applicants by, at a minimum, ensuring that available public records and online resources are checked in order to narrow the pool of qualified applicants who will be invited to participate in interviews with the Committee and that the references of candidates to be referred to the Board of Trustees are thoroughly checked;
 - Determining, under the position criteria, the applicants to be interviewed by the Committee and conducting those first applicant interviews; and
 - Recommending an unranked list of applicants who are qualified under the position criteria to further the institution's mission, goals and priorities for on-campus meetings or forums with faculty, students, and other stakeholders. The Committee is required to submit more than two qualified applicants, selected by a majority vote of the search committee, to the Board of Trustees for consideration, other than in exceptional circumstances making fulfillment of this requirement infeasible. If more than one candidate is not coming forward, the Board of Trustees must be notified of the reason and may decline to act.

Board Chair Colson commented on recently enacted legislation related to presidential searches at Florida's state universities. He noted that the legislation generally keeps personally identifiable presidential applicant information confidential, for finalists, until the final stages of the search. He indicated that as a result of the enactment of this legislation, it is critically important that Committee

members protect the confidentiality of every prospect and candidate. Board Chair Colson added that each member of the Committee will be asked to sign a non-disclosure agreement affirming their commitment to confidentiality as provided by Florida law.

Presidential Search Committee members introduced themselves.

Committee Chair Tovar recognized Vice President for Operations and Safety and Chief of Staff Javier I. Marques for his efforts in facilitating the Presidential Search Committee on behalf of the FIU administration along with other members of the FIU team who are providing support as it relates to their respective areas.

3. Information and Discussion Items

3.1 FIU Overview Presentation

Committee Chair Tovar remarked that in less than 50 years, FIU's physical footprint has grown to include a branch campus and multiple academic locations in South Florida. He indicated that FIU serves a diverse student body of more than 56,000 students who choose from over 200 majors. He pointed out that FIU is an R1 (Carnegie Classification: Doctoral Universities – Very high research activity) university. He added that within the last decade, research expenditures more than doubled to \$246 million.

Committee Chair Tovar mentioned that FIU is the first in the state with the highest point total ever in terms of performance funding ranking. He stated that FIU rose 54 spots in the past five years in *U.S. News & World Report* rankings, adding that in 2021, FIU jumped 17 spots to No. 78 among public universities in the nation. He highlighted recent achievements, including the \$40 million donation from philanthropist and author MacKenzie Scott and her husband Dan Jewitt and election into APSIA (Association of Professional Schools of International Affairs), an elite network of schools of international and public affairs.

Committee Chair Tovar pointed out that FIU holds the 4th largest enrollment numbers of public universities in the United States. He remarked on the University's presence, highlighted physical locations, and described campus offerings. He highlighted the University's Colleges and Schools. He commented on FIU Athletics and the University's efforts in terms of DEI (Diversity, Equity and Inclusion). He provided an overview of upcoming additions to the University's built environment in support of FIU's commitment to student success. He indicated that, (for the 2020-2021 fiscal year), the University has \$276 million in its endowment and a \$1.7 billion total expenditure operating budget.

3.2 Sunshine Law and Public Records

General Counsel Castillo noted that each Committee member was provided with a hard copy of the PowerPoint slides that he will be presenting. He indicated that the new Presidential Search Bill is unique in the state of Florida as it changed the landscape with respect to presidential searches for universities and the college system. He added that said law, generally, keeps personal identifying information of presidential applicants confidential, for the finalists, until the last stage. He stated that there will be a 21-day period where the finalist's information will be open to the public.

General Counsel Castillo indicated that the Sunshine Law, generally, has been enacted, and has been reflected by decisions of the Florida Supreme Court, to prevent public entities from engaging in closed door politics. He added that the Sunshine Law, generally, applies to all meetings of any board or commission of any State agency, including the FIU Board of Trustees and the FIU Presidential Search Committee. He commented on Sunshine Law requirements, including that all meetings that are covered by the Sunshine Law must be open, reasonable notice of the open meetings must be given, and meeting minutes must be kept.

General Counsel Castillo described what constitutes a meeting, specifically instances where two or more members of a particular committee meet to discuss or deliberate, in person or by phone, formal or casual, about a matter on which the committee might foreseeably take action. He added that while reasonable notice is not statutorily defined, the Florida State Attorney General's office has recommended at least seven days, adding that this can change, depending on the circumstances. General Counsel Castillo explained that meetings may not be held at a location that is inaccessible to the public, or which discriminate, noting that the discrimination provisions, under the Statute, cover sex, age, race, creed color origin and economic status. He remarked that votes must be publicly taken, secret ballots are not permitted, and roll call votes are permissible, but not required.

General Counsel Castillo described consequences for noncompliance, including that penalties can range from a non-criminal infraction to criminal and other related penalties. He pointed out that a knowing violation of the Sunshine Law constitutes a misdemeanor of the second degree under the Florida criminal code. He added that there are civil actions for injunctive or declaratory relief to force a public entity to comply with the Statute, and there are circumstances where attorney's fees could be assessed or will be assessed against the board that is found to have violated the Sunshine Law. General Counsel Castillo stated that the Statute provides that attorney's fees may be assessed against individual members of the board, except in cases where a board sought and took advice of its attorney on a Sunshine issue.

General Counsel Castillo indicated that the Public Records Law reflects the policy of the state that all state county municipal records are open for personal inspection and copying by any person. He explained that public records include all documents, papers, letters, maps, books, tapes, etc., regardless of physical form or the means of transmission, made or received, pursuant to law, in connection with the transaction of official business. He added that this includes text messages and WhatsApp. General Counsel Castillo pointed out that personal notes are not subject to the Public Records Law so long as they are not shown to another person and are kept personal. He remarked that, similar to the Sunshine Law, there are criminal, civil and potential attorney's fees awards that, result from noncompliance with the Public Records Law.

General Counsel Castillo commented that the Presidential Search Bill, Section 1004.098 of the Florida Statutes, provides that "Many, if not most applicants for president of a state university are currently employed at another job at the time they apply and could jeopardize their current positions if it were to become known that they were seeking employment elsewhere. These exemptions from public records and public meetings requirements are needed to ensure that a search committee can avail itself of a pool of the most experienced and qualified applicants." He pointed out that the new Statute provides that "Any personal identifying information of an applicant for [P]resident of a state

university...held by a state university... is confidential and exempt”. Notwithstanding the foregoing, “the age, race, and gender of all applicants who met the minimum qualifications established for the position by a state university...who were considered and the personal identifying information of an applicant included in the final group of applicants for [P]resident of a state university...are no longer confidential and exempt...” He then addressed the agreed upon interpretation on the point in time when that occurs. He explained that once the presidential search committee selects the more than two final candidates to be sent to the board of trustees, the 21-day period, where the names of such final candidates become public, begins.

General Counsel Castillo commented that the Presidential Search Bill provides that “Any portion of a meeting of the presidential search committee held for the purpose of identifying or vetting applicants for [P]resident of a state university, including any portion of the meeting which would disclose personal identifying information of such applicants which is otherwise confidential and exempt...is exempt” from the Public Records and the Sunshine Law. General Counsel Castillo added that said portion of the meeting can be a closed or shade meeting, noting that the Statute provides that “A complete recording must be made of any portion of a meeting which is closed and any closed portion of the meeting may not be held off the record.” He pointed out that the exemption provided in the Statute does not apply to “Any portion of a meeting held for the purpose of establishing qualifications for the position or establishing any compensation framework to be offered to an applicant for [P]resident of a state university...”

General Counsel Castillo stated that he was available to address questions that the Committee members may have regarding the foregoing as well as the non-disclosure agreement.

3.3 Search Process Discussion with R. William Funk & Associates

Committee Chair Tovar introduced Mr. Robert William “Bill” Funk of R. William Funk and Associates. Mr. Funk introduced his colleague Ms. Kayla O’Rourke. Mr. Funk commented on his prior experience working with FIU and provided a summary of the firm and their experience in conducting presidential or chancellor searches. He noted that, in nearly 40 years, the firm has conducted more than 430 searches for college and university presidents and chancellors and has recruited chancellors/presidents for two-thirds of all public AAU (Association of American Universities) institutions. Mr. Funk remarked on his firm’s expertise in recruiting presidents to major public research institutions and discussed efforts in the area of diversity, equity and inclusion. He mentioned that his firm is one of *Forbes* magazine's top 100 executive search firms.

Mr. Funk commented on his firm’s role relating the presidential search process. He requested that Committee members share the names of potential candidates with his firm and reiterated the importance of maintaining candidate confidentiality. He highlighted active R1 searches within the State University System of Florida and nationally for public and private institutions. Mr. Funk stated that while many variables can impact a presidential search timeline, it is his expectation that the applicant pool will be completed beginning no earlier than mid-June and that this will be the point at which the Presidential Search Committee will evaluate the pool of active candidates and begin to distill the pool to a group of first round interviewees. Mr. Funk added that before the interviews are conducted, he and his firm will conduct background checks on the individuals that the Presidential Search Committee selects. He stated that after the first-round interviews, the Presidential Search

Committee will immediately thereafter, in July, select the five (5) finalists that they are recommending to the Board of Trustees and inviting for campus interviews.

Mr. Funk commented that he and his firm would return to campus the following week for listening sessions with various constituent groups. He stated that the leadership statement will be completed with input received from the listening sessions.

Committee members discussed characteristics, attributes, experience, leadership style, and personality that FIU's next president should possess. Committee member comments included understanding of a multi-cultural setting, integrity, visionary, tenacity, record in diverse environment, inspirational, ability to connect, demonstrated record of success, ability to empathize with student success criteria and research excellence, energetic, personable, approachable, experience in education, understanding of the community, collaborative, experience in research, ability to develop staff, experience in fundraising, ability to create revenue sources, and understanding the dynamics of the state and developing relationships with the state's leadership. Chair Colson remarked that the next FIU president should have affection for Miami, understanding of academia, and appreciation of faculty, research, and shared governance. Committee Chair Tovar commented that the ideal candidate should have a willingness to embrace the community, its culture and diversity.

Committee Chair Tovar announced the launch of the presidential search website, adding that the website will provide information on process, meetings, and candidates and will be updated routinely. He invited the FIU community to April 13, 2022 listening session to be held at 10:00 AM in the Graham Center Ballrooms. Committee Chair Tovar indicated that at its next meeting, the Committee will be reviewing and approving a marketing plan for submission to the Board of Trustees. He added that at subsequent meetings, the Committee will begin developing the position criteria and range of compensation, which will be submitted for Board of trustee approval. He remarked that the Committee's next meeting will be scheduled for April 25, 2022 at 3:00 PM in the Graham Center ballrooms.

4. New Business

No new business was raised.

5. Concluding Remarks and Adjournment

With no other business, Committee Chair Roger Tovar adjourned the meeting of the Florida International University Presidential Search Committee on Tuesday, April 5, 2022 at 3:51 p.m.