



FLORIDA INTERNATIONAL UNIVERSITY

BOARD OF TRUSTEES

FULL BOARD MEETING

FIU, Modesto A. Maidique Campus, Graham Center Ballrooms

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

Tuesday, September 14, 2021
2:30 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, June 16, 2021
 - FF2. Approval of Contract #PUR-04378 for Arthur J. Gallagher Risk Management
 - FF3. Authorization to advertise for and select the construction manager for CasaCuba project and enter into contract for pre-construction services only
 - FF4. Approval of construction and installation of additional FIU-requested tenant improvements, furnishings, and fixtures, and purchase and installation of information technology equipment for FIU in Washington, D.C. leased premises located at 601 New Jersey Avenue NW, Washington, D.C.
 - AP1. Tenure as a Condition of Employment Nominations
 - AP2. Legislative Budget Requests
 - AP3. Textbook and Instructional Materials Affordability Annual Report
 - AP5. Florida Educational Equity Act Report

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

- G1. Ratification of the 2021-2024 Florida International University Board of Trustees and the United Faculty of Florida-FIU Collective Bargaining Agreement*
- G2. Ratification of the Wage Reopener for fiscal years 2021-2022 and 2022-2023 in the 2020-2023 Collective Bargaining Agreement Between the Florida International University Board of Trustees and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO (Local 713)
- G3. Approval of Florida International University Bonus Plan

6. Action Items

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| FF1. Approval of Education and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and related certification | Roger Tovar |
| FF5. Approval of the execution of a Sublease Agreement with the Knight Foundation for 22,822 square feet of space on the 33rd Floor of the Southeast Financial Center, located at the Block Bounded by S.E. 2nd Street, South Biscayne Blvd, S.E. 3rd Avenue, to be used as a new location for The Knight Foundation School of Computing and Information Sciences | Roger Tovar |
| AP4. Proposed Amendment to Regulation FIU-2501 Student Conduct and Honor Code | Natasha Lowell |

7. Status Reports, Board Committees

- | | |
|--|-----------------------|
| ▪ Audit and Compliance Committee Report | Gene Prescott |
| ▪ Finance and Facilities Committee Report | Roger Tovar |
| ▪ Academic Policy and Student Affairs Committee Report | Natasha Lowell |
| ▪ Strategic Planning Committee Report | Roger Tovar |
| ▪ Governance Committee Report | Dean C. Colson |

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

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

**pending ratification by the United Faculty of Florida-FIU*

The next Full Board Meeting is scheduled for Wednesday, December 8, 2021

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Approval of Minutes of Meeting held June 16, 2021

Proposed Board Action:

Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on June 16, 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 June 16, 2021, at the FIU, Modesto A. Maidique Campus, Graham Center Ballrooms and via Zoom.

Supporting Documentation: Minutes: Full Board Meeting, June 16, 2021

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FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES
FULL BOARD MEETING
MINUTES
JUNE 16, 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 12:46 p.m. on Wednesday, June 16, 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 (via Zoom)*; Cesar L. Alvarez (*joined after roll call; via Zoom*); Jose J. Armas; Donna J. Hrinak; Gene Prescott; Joerg Reinhold; Chanel T. Rowe (*joined after roll call; via Zoom*); Alexander Rubido; Marc D. Sarnoff; and Carlos Trujillo (*via Zoom*).

Trustee Natasha Lowell was excused.

Board Chair Colson commented that the University community is mourning the loss of FIU Board of Trustees Chair Emeritus Albert E. Dotson, Sr. Chair Colson introduced a brief photo collage of Chair Emeritus Dotson. Following the video, Chair Colson asked for a moment of silence in memory of Chair Emeritus Dotson.

Board Chair Colson remarked that philanthropist and writer MacKenzie Scott and husband Dan Jewett recently announced a \$40 million gift to FIU, adding that the gift is unrestricted and will be used to support student success programs. Board Chair Colson read from Ms. Scott's announcement, specifically "Higher education is a proven pathway to opportunity, so we looked for 2 and 4-year institutions successfully educating students who come from communities that have been chronically underserved." Board Chair Colson commented that the gift is a once-in-a-lifetime opportunity to transform the University, create greater opportunity for FIU's diverse student body, and in the process, make an important contribution toward the betterment for South Florida.

Board Chair Colson introduced and welcomed Student Government President and student Trustee Alexander Rubido. Board Chair Colson remarked that he was pleased to share with the Board members an FIU padfolio and two books, *The Fifth Wave: The Evolution of American Higher Education* by Michael M. Crow and *Long Life Learning: Preparing for Jobs that Don't Even Exist Yet* by Michelle R. Weise. Board Chair Colson advised that FIU is now scheduled to host the Florida Board of Governors on August 31 and September 1, 2021.

Board Chair Colson presented for Board consideration the Resolution (*Attachment 1*), as provided to the Trustees, designating Ms. Claudia Puig as Chair Emeritus. A motion was made and unanimously passed that the FIU Board of Trustees adopt a Resolution that designates Ms. Claudia Puig as Chair Emeritus.

Board Chair Colson mentioned that Mr. Gerald C. Grant, Jr. is a two-time alum and recognized Mr. Grant's unyielding commitment and philanthropic generosity to the University. Board Chair Colson thanked Mr. Grant and presented for Board consideration the Resolution (*Attachment 2*), as provided to the Trustees, designating Mr. Gerald C. Grant, Jr. as Trustee Emeritus. A motion was made and unanimously passed that the FIU Board of Trustees adopt a Resolution that designates Mr. Gerald C. Grant, Jr. as Trustee Emeritus.

President Rosenberg joined Board Chair Colson for a plaque and chair presentation in recognition of Trustee Emeritus Grant's service on the Board. Trustee Emeritus Grant conveyed his gratitude to the University, noting that the access that FIU provides is invaluable to the community.

2. Public Appearances

Board Chair Colson remarked that there were no requests to appear before the Board on any matter scheduled to be heard by the Board or that otherwise complied with the Board's Bylaws.

3. Foundation Report

Senior Vice President for University Advancement Howard R. Lipman reported that the Next Horizon Campaign has, as of June 9, 2021, \$71.5M to raise to reach its \$750M goal. He commented on philanthropic fundraising, stating that, to-date, \$110M has been raised, pointing out that \$76M in cash has been received. He described major areas of impact, namely, that Jorge Mas and the Mas family provided a lead \$5M gift to support CasaCuba and that gifts were also received from Wells Fargo, N.A. and the JPMorgan Chase Foundation. Sr. VP Lipman reported that as of April 30, 2021, the Foundation's total investment portfolio stands at approximately \$380M and that the Total Managed Assets returned 25.3%.

4. President's Report

University President Mark B. Rosenberg referred to the \$40M gift from Ms. Scott, noting that the University's leadership will be going through a series of deliberations regarding where best to allocate said resources. President Rosenberg highlighted recent graduates, specifically Andy Bautista, Ann Barral, Caldwell Harris, and David Berthold.

In response to a fire alarm that was activated, President Rosenberg interrupted his President's Report so that the Board could take up the action items prior to any required evacuation.

5. Action Items – Consent Agenda

Chair Colson indicated that the Finance and Facilities Committee recommended approval by the Board of action items FF2-FF6, that the Academic Policy and Student Affairs Committee recommended approval by the Board of action items AP1-AP4, and that the Governance Committee recommended approval by the Board of action items G2-G5 contained in the Consent Agenda.

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

- **BT1. Minutes, April 21, 2021** - Approval of Minutes of the FIU Board of Trustees, Full Board meeting held on April 21, 2021.
- **FF2. Proposed 2021-22 Fixed Capital Outlay Budget/Capital Improvement** - Approve FIU'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 Board of Trustees directives and guidelines.
- **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** - 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 and Board of Trustees directives and guidelines.
- **FF4. Engineering Building Phase I—Amendment to Prior Budget Approval** - 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 that were approved by the FIU Board of Trustees on April 21, 2021, as a result of the expanded size and budget of Engineering Building Phase I.
- **FF5. Amendment to Signature Authority - Authorization to Sign Checks for the University** - 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
- **FF6. Approval of Contract #PUR-04000 for Grounds Maintenance, Vendor: Aramark Management Services Limited Partnership** - Pursuant to the Delegations of Authority from the FIU 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 in the Board materials, 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.
- **AP1. Tenure Nominations** - Approval of the Tenure Nominations as specified in the Board materials.

- **AP2. Tenure as a Condition of Employment Nominations** - Approval of nine (9) candidates for Tenure as a Condition of Employment, as specified in the Board materials.
- **AP3. Program Termination Doctor of Education in Exceptional Student Education** - Recommend to the Board of Governors termination of the Doctor of Education in Exceptional Student Education (CIP 13.1001).
- **AP4. Florida International University Annual Accountability Plan, 2021, Revision** - Approve FIU'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.
- **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** - Ratify the 2021-2024 Collective Bargaining Agreement between the FIU 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** - Ratify the 2021-2024 Collective Bargaining Agreement between the FIU Board of Trustees and The Dade County Police Benevolent Association Lieutenants Law Enforcement Bargaining Unit (*PBA Lieutenants Unit*).
- **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)** - Ratify the 2020-2023 Collective Bargaining Agreement between the FIU Board of Trustees and the 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** - Approve the appointments of the individuals as listed in the board materials, to the FIU Foundation, Inc. Board of Directors.

6. Action Items

FF1. Proposed 2021-2022 University and Direct Support Organizations Operating Budgets
Board Chair Colson pointed out that the Committee engaged in a thorough review of the proposed 2021-2022 University and Direct Support Organizations operating budgets. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve the FIU 2021-22 University and Direct Support Organizations Operating Budgets and authorize the University

President to amend the budgets consistent with Legislative, Board of Governors and FIU Board of Trustees directives and guidelines.

G1. Amendments to Employment Agreement for President Mark B. Rosenberg, for 2022-2023 Term

Board Chair Colson pointed out that the Governance Committee considered a one-year contract extension for President Rosenberg, noting that the Term Sheet is consistent with the prior Term Sheet. There were no further questions from the Trustees.

A motion was made and unanimously passed that the FIU Board of Trustees approve amendments to the employment agreement for President Mark B. Rosenberg for the 2022-2023 Term, as described in the Term Sheet, and authorize the Chair of the FIU 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.

7. Status Reports, Board Committees

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

8. New Business

No new business was raised.

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, June 16, 2021, at 1:16 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: Designation of Ms. Claudia Puig as Chair Emeritus

Proposed Board Action:

Adopt a Resolution that designates Ms. Claudia Puig as Chair Emeritus.

Resolution:

WHEREAS, in special recognition of distinguished service to the Florida International University Board of Trustees (BOT), the BOT wishes to acknowledge Ms. Claudia Puig by granting her the status of Chairperson Emeritus in accordance with its Bylaws; and

WHEREAS, Ms. Puig served as a member of the BOT from January 7, 2003 to March 25, 2021; and

WHEREAS, Ms. Puig was unanimously elected to the office of Chair of the BOT on December 9, 2015 and on June 6, 2018 was unanimously re-elected as Chair, concluding her second term as Chair on June 30, 2020; and

WHEREAS, Ms. Puig led with transparency in the spirit of collaboration and shared governance; and

NOW, THEREFORE, BE IT RESOLVED that the BOT at its regular meeting this 16th day of June 2021, does hereby recognize, commend, and express its gratitude to Ms. Claudia Puig for her contributions to Florida International University;

BE IT FURTHER RESOLVED, that the BOT grants Ms. Claudia Puig the status of Chairperson Emeritus of this Board with all the rights, honors and privileges thereunto appertaining; and

BE IT FURTHER RESOLVED that the University Administration take all actions necessary to give effect to this Resolution.

Background Information:

Florida Statute 1001.74(1)(c) provides each university board of trustees with “the authority to govern its university as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of Governors.”

Florida Board of Governors Regulation 1.001(1) delegates to each university board of trustees “all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.”

Section 3.5 Emeritus Status of the BOT Bylaws provides the Board shall have the special member categories of Chairperson Emeritus and Trustee Emeritus for honorary purposes to recognize past Chairpersons and Trustees who have provided distinguished and extraordinary service and contributions to the University and are no longer serving in that capacity. Trustees shall be elected by a two-thirds vote of the Board for either of the above defined designations. Trustees receiving the Chairperson or Trustee Emeritus title may attend meetings of the Board but shall not have the right to vote and shall not be considered in constituting a quorum. This provision shall only be applicable to Trustees whose Board service commenced prior to June 30, 2014; thereafter, this provision shall no longer be effective.

Supporting Documentation:	N/A
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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

June 16, 2021

Subject: Designation of Mr. Gerald C. Grant, Jr. as Trustee Emeritus

Proposed Board Action:

Adopt a Resolution that designates Mr. Gerald C. Grant, Jr. as Trustee Emeritus.

Resolution:

WHEREAS, in special recognition of distinguished service to the Florida International University Board of Trustees (BOT), the BOT wishes to acknowledge Mr. Gerald C. Grant, Jr. by granting him the status of Trustee Emeritus in accordance with its Bylaws; and

WHEREAS, Mr. Grant served as a member of the BOT from September 15, 2011 to January 26, 2021; and

WHEREAS, prior to his tenure on the BOT, Mr. Grant demonstrated his unyielding commitment to FIU by selflessly giving of his time and service as a member of the Board of Directors of the FIU Alumni Association and the FIU Foundation, Inc.; and

WHEREAS, Mr. Grant is a two-time FIU alumnus, he and his wife Jennifer are generous donors to the University, and it was through his visionary leadership, that Panther Alumni Week was established;

NOW, THEREFORE, BE IT RESOLVED that the BOT at its regular meeting this 16th day of June 2021, does hereby recognize, commend, and express its gratitude to Mr. Gerald C. Grant, Jr. for his contributions to Florida International University;

BE IT FURTHER RESOLVED, that the BOT grants Mr. Gerald C. Grant, Jr. the status of Trustee Emeritus of this Board with all the rights, honors and privileges thereunto appertaining; and

BE IT FURTHER RESOLVED that the University Administration take all actions necessary to give effect to this Resolution.

Background Information:

Florida Statute 1001.74(1)(c) provides each university board of trustees with “the authority to govern its university as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of Governors.”

Florida Board of Governors Regulation 1.001(1) delegates to each university board of trustees “all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.”

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Supporting Documentation:	N/A
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THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES

September 14, 2021

Subject: Approval of Contract #PUR-04378 for Arthur J. Gallagher Risk Management

Proposed Board Action:

Pursuant to the Delegations of Authority from the Florida International University Board of Trustees to the University President, as reflected in the Resolution on the President's Powers and Duties approved by the Board of Trustees on March 4, 2019, (i) approve the University entering into the contract 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 respective contracts.

Background Information

Contract #PUR-04378 Arthur J. Gallagher Risk Management for the 2021-2022 Student Health Insurance plan.

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

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

- **Term:** 1-year effective August 17, 2021
- **Cost:** \$4,000,000
- **Funding source:** E&G, Auxiliary, Athletics, University Wide Pooled Activity or Sponsored Research Funds

Supporting Documentation:

Information behind the Finance and Facilities Committee tab

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Authorization to advertise for and select the construction manager for CasaCuba project and enter into contract for pre-construction services only

Proposed Board Action:

Authorization to advertise for and select the construction manager for the CasaCuba project and enter into a contract with the selected construction manager to begin pre-construction services only.

Background Information

On April 18, 2019, the FIU Board of Trustees (BOT) approved the Architectural/Engineering (A/E) selection process for the CasaCuba project. Since BOT approval of A/E selection, the competitive solicitation was completed, and the architectural firm Rene Gonzalez Architects was selected. Rene Gonzalez Architects has prepared conceptual schematic designs that were presented to the CasaCuba program committee on December 17, 2020.

In order to assist the architect with construction cost estimates during the design process, FIU is requesting BOT approval to begin the selection of the Construction Manager for the CasaCuba project. Upon the successful completion of the competitive selection process, FIU will enter into its standard agreement with the Construction Manager, which include pre-construction services, including reports at conceptual schematics, advanced schematics, design development, and 50 percent and 100 percent construction documents. At the design development stage, the Construction Manager will provide a letter confirming that the concept selected can be constructed within the budget. Under FIU's standard agreement, FIU is not obligated to continue with services beyond pre-construction services.

The estimated cost of pre-construction services is \$255,783. CasaCuba has funding to cover the cost of pre-construction services. Construction Manager services beyond pre-construction services will not take place without BOT approval, and FIU's standard agreement will specify that no work beyond pre-construction services will proceed without specific written authorization from FIU (and only if BOT approval is obtained).

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Approval of construction and installation of additional FIU-requested tenant improvements, furnishings, and fixtures, and purchase and installation of information technology equipment for FIU in Washington, D.C. leased premises located at 601 New Jersey Avenue NW, Washington, D.C.

Proposed Board Action:

Approve (1) construction and installation of additional FIU-requested tenant improvements, furnishings, fixtures, and information technology equipment for FIU in Washington, D.C. (FIU in DC) leased premises located at 601 New Jersey Avenue NW, Washington, D.C.; and (2) the delegation of authority to the University President, or designee, to cause the completion of the improvements on behalf of the University and execute all necessary documents in connection therewith.

Background Information

On February 23, 2021, the FIU Board of Trustees Finance and Facilities Committee approved the lease of 4,993 square feet of prime space located at 601 New Jersey Avenue NW, Washington D.C. The new space was selected through a competitive solicitation and replaced FIU leased space which term expired on April 30, 2021. The term of the lease is 11 years and 4 months following the lease commencement date, which is the earlier of the date all tenant improvements are substantially completed or the date on which FIU commences business operations in the space. Currently, the Landlord is providing FIU temporary space free of charge, effective April 15, 2021, until the commencement date. As part of the lease terms, the Landlord, at its expense pursuant to an unlimited construction allowance, is responsible for the initial buildout of the space with building standard finishes as reflected in the final plans and specifications. In addition, the Landlord provided a \$10.00 per square foot allowance (or \$49,930), for furniture, fixtures, and equipment (FF&E) and costs related to voice/data cabling and other cabling and wires.

(FIU in DC is the University's integrated advocacy approach aimed at increasing FIU's national reputation and federal support for FIU's preeminent and emerging preeminent programs, researchers, and provides opportunities and unique academic experiences for our students. The FIU in DC team collaborates with academic units, notably the School of International and Public Affairs, the Honors College and the College of Communication, Architecture + The Arts to provide academic and co-curricular opportunities and support the placement of students and alumni in internships and permanent employment.

Since opening FIU in DC in 2016, Washington-based advocacy and programming has helped secure \$65M in grants from critical agencies. In the last year, FIU has hosted over 52 programs and events, attracting over 2,100 participants and key stakeholders. The current FIU in DC location is already a drop-in hub available for FIU's alumni population of over 3,000 alumni living and working in the region. In the last year, FIU in DC programming has also supported over 1,200 students. Students have participated in 101 internships with Washington-based organizations, including 46 who interned for Congressional offices or federal agencies. 267 students were enrolled in courses or

badge programs, including 76 in credit-earning courses. Five courses with Washington-based faculty or guest lecturers are currently offered.

FIU’s vision for the new FIU in DC space includes a dynamic, first-of-its-kind concept that would also set a new standard for an engaged research university in Washington, D.C. The core components for the facility that our previous office space did not have are:

- A dedicated student-focused space for academic and co-curricular learning near the Capitol to seat 24 students. This would allow an increase in courses for FIU students interning in Washington, student-led research workshops and additional for credit, and executive education programs.
- Dynamic, flexible layout and technology to effectively showcase FIU research to federal agency officials and corporate leaders and allow for co-working capacity for students, staff, faculty, alumni and agency partners.
- Two distinct spaces that could be utilized as interactive data-driven decision-making “decision theaters” for faculty researchers, agency partners, and students
- Multipurpose space for 60-80 to convene briefings and greater cultivation of reputational targets and national media
- A media lab to house a student media bureau with broadcast-quality production equipment for national programming
- High-visibility location in a high-traffic zone near center core to allow for digital signage to showcase preeminent FIU research

Since April, FIU has been working with the Landlord’s architect, Architecture Incorporated, on the improvements necessary to achieve the vision for the new space. Additionally, FIU has been working with an outside consultant, Hyperquake, and FIU Information Technology on the information technology needs, furnishings, fixtures, and equipment to appropriately showcase FIU research by capitalizing on the first floor location. (Which costs are the responsibility of FIU after application of the allowance noted above). After four months of work, the design of the space and IT requirements have been completed. The additional amount of funding needed for the construction and installation of additional FIU-requested tenant improvements, furnishings, fixtures, and information technology equipment beyond the Landlord provided funding is 1,950,000.00. The details of the budget are:

Technology:	\$1,100,000
Research showcase development; elements above standard office buildout:	\$ 500,000
Cushman & Wakefield Project Manager:	\$ 100,000
Contingency:	<u>\$ 250,000</u>
Total:	\$1,950,000

Funding for the project will be provided by University carryforward funds (\$162,245) and sponsored research overhead funds (\$1,787,755).

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

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Tenure as a Condition of Employment Nominations

Proposed Board Action:

Approval of six (6) 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: *Information behind the Academic Policy and Student Affairs Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: 2022-2023 Legislative Budget Requests

Proposed Board Action:

Approval of the 2022-2023 Legislative Budget Requests:

- Strategic Degree Implementation Plan Request: \$4,850,188
 - Program of Distinction in Environmental Resilience Request: \$15,150,000
-

Background Information:

Pursuant to Section 7, Article 9 of the Florida Constitution, the Board "...shall operate, regulate, control, and be fully responsible for the management of the whole university system." Included within this responsibility is the development of a Legislative Budget Request (LBR). In addition, Section 216.023(1), Florida Statutes, requires the submission of a LBR to the Legislature and Governor based on an independent judgment of needs.

The LBR is an assessment of needs developed by the Florida Board of Governors in cooperation with the universities. The Florida Board of Governors requires that all State University System institutions submit their institutional LBR request for review and approval.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Textbook and Instructional Materials Affordability Annual Report

Proposed Board Action:

Approval of the Textbook and Instructional Materials Affordability Annual Report.

Background Information:

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

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

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Florida Educational Equity Act Report, 2021 reporting year

Proposed Board Action:

Approve the Florida Educational Equity Act Report for the 2021 reporting year.

Background Information:

In accordance with Florida Board of Governors Regulation 2.003(5)(a)(b)(c), Equity and Access, Florida International University has prepared an annual Florida Equity Report for 2019-20 in accordance with Regulation 2.003 and the reporting guidelines established by the Board of Governors office. At a minimum, the university's equity report must include information on the institution's progress in implementing strategic initiatives and performance related to equity and access as they pertain to academic services, programs, and student enrollment; equity in athletics; and employment. Each university's equity report shall assess sex equity in athletics, as well as representation by race and sex in student enrollment, senior-level administrative positions and by faculty rank and/or tenure. The Florida International University Board of Trustees must approve the annual University's Equity Report prior to submission to the Florida Board of Governors.

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

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

Proposed Board Action:

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

Background Information:

Representatives of the BOT and UFF-FIU have engaged in collective bargaining and reached an agreement on the 2021-2024 BOT-LOCAL 713 Collective Bargaining Agreement (see Term Sheet).

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

Supporting Documentation: *Information behind the Governance Committee tab*

**pending ratification by the United Faculty of Florida-FIU*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Ratification of the Wage Reopener for fiscal years 2021-2022 and 2022-2023 in the 2020-2023 Collective Bargaining Agreement Between the Florida International University Board of Trustees and the Florida Nurses Association, Office and Professional Employees International Union, Local 713, AFL-CIO (Local 713)

Proposed Board Action:

Ratify Article 7 – Wages (wage reopener) in the 2020-2023 Collective Bargaining Agreement between the Florida International University Board of Trustees (BOT) and the Florida Nurses Association, Office & Professional Employees International Union, Local 713, AFL-CIO (Local 713).

Background Information:

Representatives of the FIU BOT and LOCAL 713 have engaged in collective bargaining and reached an agreement on Article 7 – Wages of the 2020-2023 BOT-LOCAL 713 Collective Bargaining Agreement (see Term Sheet).

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

On Friday, August 20, 2021, FNA members voted to ratify Article 7 – Wages.

Supporting Documentation: *Information behind the Governance Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Approval of the Florida International University Bonus Plan

Proposed Board Action:

Approve the Florida International University Bonus Plan.

Background Information

Section 1012.978, Florida Statutes, provides that, notwithstanding Section 215.425(3)(d), Florida Statutes, a university board of trustees may implement a bonus scheme based on awards for work performance or employee recruitment and retention. The board of trustees must submit to the Board of Governors the bonus scheme, including the evaluation criteria by which a bonus will be awarded. The Board of Governors must approve any bonus scheme created under this section before its implementation.

Florida Board of Governors (BOG) Regulation 9.015 permits each board of trustees to establish and implement one or more bonus plans that authorizes the award of bonuses based on the employee work performance or for purposes of recruitment and retention and has established criteria for such plans. The bonus plan submitted for approval complies with the BOG Regulation 9.015 and, therefore, may be implemented upon the approval by the university board of trustees.

Supporting Documentation: *Information behind the Governance Committee tab*

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Approval of Educational and General Carryforward Spending Plan, Fixed Capital Outlay Budget, and Related Certification

Proposed Board Action:

Approval of the Florida International University (FIU) Educational and General (E&G) expenditure plan for carryforward funds in accordance with State University System of Florida Board of Governors (BOG) Regulation 9.007 *State University Operating Budgets* and Florida Statute 1011.45 *End of Year Balance of Funds*; approval of the FIU Fixed Capital Outlay Budget in accordance with BOG Regulation 14.003 *Fixed Capital Outlay Budgets – University Budgeting Procedures*; and authorize the University Chief Financial Officer to certify the unexpended amount of funds appropriated to the University from the General Revenue Fund, the Educational Enhancement Trust Fund, and the Education/General Student and Other Fees Trust Fund as of June 30, 2021 and the Fixed Capital Outlay budget; and authorize the University President to amend the FIU Board of Trustees (BOT) carryforward expenditure plan and fixed capital outlay budget as necessary and report to the BOT and the BOG any amendments to the spending plans in a format prescribed by the BOG Office of University Budgets.

Background Information:

Carryforward Spending Plan

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

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

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

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

The E&G carryforward fund balance as of July 1, 2021, net of accounts receivables, accounts payables, and deferred student tuition and fees, totals \$99,474,922 for the University and \$20,127,574 for the Herbert Wertheim College of Medicine (HWCOM). After the 7 percent statutory reserve of \$39,403,482 for the University and \$3,622,783 for HWCOM, and \$2,773,650 of encumbrances for the University, the carryforward spending plans total \$57,297,790 for the University and \$16,504,791 for HWCOM.

Fixed Capital Outlay Projects

The 2021-22 Fixed Capital Outlay Budget includes both new projects as well as projects previously approved and authorized by the BOT and BOG where expenditures will take place in 2021-22.

For the Engineering Building Phase 1 project, currently in design, \$12 million in additional project budget is requested to address estimated construction cost increases based upon preliminary design. The architect for the project is Perkins + Will and the construction manager is DPR. The requested budget will help address market increases in construction costs due to increases in both labor and materials and an increase in gross square feet from 108,875 to 120,700. The authority to commit the additional budget is conditional upon the identification of funding and BOT approval of the final project budget.

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

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

- *Total Project Cost:* Anticipated hard and soft costs to complete the facility
- *Funding Source and Amount:* Authorized and available for the project
- *Funds Expended to Date:* Amount expended prior to June 30, 2021
- *Funds to be Expended this Year:* Amount expenditures planned for 2021-22
- *Remaining Balance:* Estimated balance as of June 30, 2022
- *Projected Timeline:* Start date and estimated completion date

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

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

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**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

Subject: Approval of the execution of a Sublease Agreement with the Knight Foundation for 22,822 square feet of space on the 33rd Floor of the Southeast Financial Center, located at THE BLOCK BOUNDED BY S.E. 2ND STREET, SOUTH BISCAYNE BLVD, S.E. 3RD AVENUE IN MIAMI FLORIDA, to be used as a new location for The Knight Foundation School of Computing and Information Sciences (the “Sublease Agreement”); and delegate to the University President, or his designee, the authority to execute the Sublease Agreement on behalf of the University

Proposed Board Action:

Approve (1) the negotiation and execution of a sublease agreement for a new location for The Knight Foundation School of Computing and Information Sciences located at the block bounded by S.E. 2nd Street, South Biscayne Blvd, S.E. 3rd Avenue in Miami Florida, consistent with the terms and conditions contained in the attached letter of intent (the “Sublease Agreement”); (2) the delegation of authority to the University President, or designee, to negotiate the Sublease Agreement; and (3) the delegation of authority to the University President, or designee, to execute the Sublease Agreement on behalf of the University, and such other documents that may be necessary to effectuate the transactions contemplated therein.

Background Information

The Knight Foundation gift calls for our Computer Science and Computer Engineering programs to reach top-50 rankings and provide a talent pipeline for Florida’s tech sector. Central to this goal is to build on our significant growth in research and student success, and by adding 20 new research faculty. The College of Engineering and Computing has already achieved a dramatic 125% research awards growth and a remarkable 4-year graduation rate of 51% this year, and within a short period of time. We will build on these successes to achieve 160% research growth and 65% 4-year graduation rates over the next 4 to 5 years for the Knight Foundation School of Computing and Information Sciences. A goal is to facilitate strong industry and community identity through student, faculty, and alumni engagement with our constituents (industry and government organizations) at this facility. The planned Technology Solutions Hub activities will attract new research funding and philanthropic revenue, accelerate tech transfer, give students relevant industry experience for tech transitions and entrepreneurship, and provide a platform to showcase our many inventors and technologies.

The Knight Foundation currently leases approximately 22,822 rentable square feet, consisting of the entire 33rd Floor of the Southeast Financial Center, located in downtown Miami (the “Premises”). The Knight Foundation has offered to sublease the Premises to the University, until February 28, 2026 (the “Term”) and cover the sublease base rent and basic costs (as those terms are defined in the Sublease Agreement) for the entire Term through a grant provided to the FIU Foundation, Inc. Such grant will cover 100% of the annual rent of the Premises, except for other charges such as overtime HVAC, excess utilities and similar charges.

The Premises will serve (i) FIU-affiliated entrepreneurs, including students and alumni, who are developing early-stage tech companies; (ii) student and community organizations producing tech and STEM-related programming; and (iii) FIU's Offices of Engagement, Career and Talent Development, and Technology Management and Commercialization in establishing a presence in the heart of Miami's business district. General office uses will include establishing FIU Tech, a startup space where FIU can help to develop ideas through interaction with FIU's students, FIU's technology and FIU's researchers and build an ecosystem of FIU's resources for the community by having a location in downtown Miami for College of Engineering and Computing students and FIU-affiliated tech entrepreneurs.

FIU has executed a non-binding letter of intent, a copy of which is attached hereto, evidencing the material terms and conditions of the Sublease.

- Term – Term of Sublease Agreement until February 28, 2026 (approximately 4 years and 6 months following lease Commencement Date)
- Subleasing 22,822 sq ft of office space
- 100% of annual rent and basic costs to be covered by Knight Foundation pursuant to a grant to the FIU Foundation
- Total FIU net incremental cost of approximately \$2.19M over that time

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

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

**THE FLORIDA INTERNATIONAL UNIVERSITY
BOARD OF TRUSTEES**

September 14, 2021

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

Proposed Board Action:

Approve the revisions to Regulation FIU-2501 Student Conduct and Honor Code, and delegate authority to the University President to approve any subsequent non-material amendments based on comments to the Regulation received from the Florida Board of Governors (BOG).

Background information:

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

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

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

In response to litigation involving FIU during academic year 2021 and revisions during the 2021 Legislative Session to sections 1004.097 and 1006.60, Florida Statutes, the proposed changes to FIU Regulation 2501: Student Conduct and Honor Code (Code) are submitted for review and approval by the Board of Trustees.

The following changes are now presented for approval:

- Inserting into the Code, two Academic Misconduct provisions which were approved by the Faculty Senate during the 2019 merger of academic and behavioral misconduct into the integrated Code, but were inadvertently not included due to a scrivener’s error;
- Updating the Code to include the following revisions:
 - Providing advisors with participatory rights in the conduct process;
 - Adding the required language regarding the impartiality of hearing officers
 - Adding a set charging timeline;
 - Adding a classroom lecture recoding amnesty provision;
 - Clarifying information provided in the notice letter;
 - Clarifying that an Information Session is not a disciplinary proceeding;
 - Updating relevant notice and evident exchange timelines;
 - Updating the rights of a Student Organization Respondent to mirror those of an Individual Respondent; and,
- Non-substantive, editorial formatting corrections.

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

Facilitator/Presenter: Natasha Lowell, *Academic Policy and Student Affairs Committee Chair*