

**OLD DOMINION UNIVERSITY
BOARD OF VISITORS
Friday, April 6, 2007**

MINUTES

The Board of Visitors of Old Dominion University met in regular session on Friday, April 6, 2007, at 2:00 p.m. in the Board Room of Webb University Center on the Norfolk campus. Present from the Board were:

Marc Jacobson, Rector
Kenneth E. Ampy
Frank Batten, Jr.
Kendra M. Croshaw
David W. Faeder
Harold W. Gehman, Jr.
Conrad M. Hall
James A. Hixon
Pamela C. Kirk
Ross A. Mugler
Robert J. O’Neill
Moody E. Stallings, Jr.
Patricia M. Woolsey
Michael Gembitsky (*Student Representative*)

Absent were:

Robert O. Copeland
Mark E. Strome
Katherine A. Treherne
Pat Tsao

Also present were:

Roseann Runte, President	Thomas Isenhour
Matthew Bowers (<i>Virginian-Pilot</i>)	Gwendolyn Lee-Thomas (and students from her class)
Judy Bowman	Donna W. Meeks
Alonzo Brandon	Jennifer Mullen
John R. Broderick	Melanie O’Dell
C. Tabor Cronk	Cecelia T. Tucker
Steve Daniel	Geneva Walker-Johnson
W. Randall Dunning	Debbie White
Robert L. Fenning	Bobby Wilder
William R. Fisher	

CALL TO ORDER AND INTRODUCTION OF FOOTBALL COACH

The Rector called the meeting to order at 2:00 p.m. He recognized Mr. Stallings, who introduced the new head football coach, Bobby Wilder. Coach Wilder thanked the Board for allowing him to address them and noting that he understands well his role and that of his staff in developing a

football program that is reflective of the priorities of the administration and campus community. He stated that his goal is to recruit the best people, the best students and the best athletes, and to bring as much positive recognition to Old Dominion University for the team's academic and athletic achievements.

APPROVAL OF MINUTES

The Rector asked for approval of the minutes of the regular meeting held on December 8, 2006. Upon a motion made by Ms. Croshaw and seconded by Mr. Hixon, the minutes were approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Hall, Hixon, Kirk Mugler, O'Neill, Stallings, Woolsey*)

The Rector then asked for approval of the minutes of the Retreat held on January 19, 2007. Upon a motion made by Ms. Woolsey and seconded by Ms. Croshaw, the minutes were approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Faeder, Gehman, Hall, Hixon, Kirk Mugler, O'Neill, Stallings, Woolsey*)

RECTOR'S REPORT

Rector Jacobson congratulated President Runte as the recipient of the Norfolk Sports Club's Sportsperson of the Year award, a singular honor for both her and Old Dominion University. He distributed the standing committee assignments and the calendar of meetings for the 2007-2008 academic year.

The Rector complimented President Runte and Councilman Randy Wright on the very successful OnFilm Festival. He commented that he had the opportunity to meet Ellen Burstyn, the recipient of the first Lifetime Achievement Award. He pointed out that Old Dominion's Janelle Engle, former member of the Women's Field Hockey team, was pictured in a recent NCAA publication playing the violin, which demonstrates how well-rounded our student-athletes are. He reminded the Board of the May 1st dinner honoring faculty and hoped that many will be able to attend in order to show the Board's appreciation of their efforts.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

At the request of Mr. Hall, Chair of the Administration and Finance Committee, the Committee's report was moved up on the Agenda since some members of the Board needed to leave early. Mr. Hall reported that the Administration and Finance Committee held the first part of its meeting in joint session with the Academic and Research Advancement Committee to enable the Board to hear a briefing from Vice President Fenning on the proposed comprehensive fees for 2007-2008.

At the conclusion of the joint session, the Administration and Finance Committee reconvened and received a presentation by Mr. Randy Dunning, independent consultant, on the proposed Debt Management Policy. A Debt Management Policy for the University has become a

necessary oversight tool for the Board and now is mandated by both the Auditor of Public Accounts and Level One Certification under the Restructuring Act. The proposed policy provides a good, initial set of required procedures and management reporting. Mr. Hall noted that the Debt Management Policy is a crucial component of the University's six-year financial plan. It helps in defining the unused debt capacity of the University in order to develop a framework for scheduling additional capital projects. It is a living document that will be amended, from time to time, as necessary.

The following resolution was brought forth as a recommendation of the Administration and Finance Committee, and was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote*)

RESOLUTION TO APPROVE BOARD OF VISITORS POLICY 1640:
DEBT MANAGEMENT POLICY

RESOLVED, that upon the recommendation of the Administration and Finance Committee, the Board of Visitors approves Policy 1640: Debt Management Policy, effective April 6, 2007.

BE IT FURTHER RESOLVED, that the 45-day notice requirement, as stipulated in the Board's Bylaws, be waived in order to allow timely revisions to Policy 1640, which may be necessary to exercise the Level 1 delegated authority as granted under the Restructured Higher Education Financial and Administrative Operations Act. Notice of such revisions will be given to the Board no later than 10 days prior to the meeting at which the revisions will be considered by the Board.

Rationale: The budget bill (House Bill 1650/Senate Bill 750) approved by the 2007 General Assembly includes a requirement in the General Provisions related to Higher Education Restructuring. § 4-9.02 requires, in part, that:

Consistent with § 23-9.6:1.01, Code of Virginia, the following education-related and financial and administrative management measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional performance. Institutional performance on measures set forth in paragraph K of this section shall be evaluated year-to-date by the Secretaries of Finance and Administration, as appropriate, and communicated to the State Council of Higher Education before June 1 of each year. By November 15, 2006, the State Council shall publish institutional performance benchmarks and targets for each education-related objective measure, which shall be established in cooperation with the respective institution.

Financial benefits provided to each institution in accordance with § 2.2-5005 will be evaluated in light of that institution's performance. The first certification will be completed and forwarded in writing to the General Assembly and Governor no later than June 1, 2007.

The reporting requirements as they relate to paragraph K, Financial and Management Standards, require that each institution “complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specific period of time.” In order to meet this legislative requirement, each institution of higher education must submit a copy of its Debt Management Policy, as approved by its Board of Visitors, and the minutes of the Board meeting at which the policy was approved.

Waiver of the 45-day notice requirement, as stipulated in the Board’s Bylaws, is requested in order to provide the administration the flexibility to propose revisions to the policy, as necessary, within a shorter timeframe, so as to maintain the autonomy as granted under the Restructured Higher Education Financial and Administrative Operations Act.

NUMBER: 1640
TITLE: Debt Management Policy
APPROVED: April 6, 2007

Overview

Old Dominion University (“ODU” or the “University”) utilizes a long-term strategic plan to establish institutional priorities and objectives. Within this strategic plan is a capital funding plan, which sets out the projects to be undertaken and the method of funding for each project. The University incorporates debt as part of its capital plan to help it achieve its goals. The proper use of debt is critical in meeting the goals of the strategic and capital plans.

Objectives

This Debt Management Policy (the “Policy”) establishes a control framework to ensure that appropriate discipline is in place regarding capital allocation, debt portfolio composition, debt servicing and debt authorization. It establishes guidelines to ensure that existing and future debt issues are consistent with financial resources to maintain the proper leverage, a strong financial profile and credit rating. It is the intention of ODU to use debt in a manner consistent with an investment grade borrower with a goal of obtaining and maintaining a minimum credit rating in the ‘A’ rating category from one or more of the nationally recognized credit rating agencies. It is the policy of the University to meet periodically with the credit rating agency (s) to review debt strategy and determine positive refinements to the Policy. A more long-term rating goal is the achievement of a rating in the ‘AA’ credit rating category.

Oversight

The Office of Administration and Finance has overall responsibility for implementing this policy and any debt financing activities of the University. The University’s Board of Visitors (the “BOV”) must approve this policy, and any subsequent, material changes made to it. The BOV is

also required to approve each debt issuance. The Vice President for Administration and Finance will be responsible for monitoring compliance with the guidelines and regularly reporting his findings to the BOV.

Debt Management Guidelines

These debt management guidelines apply to all forms of debt including long-term, short-term, fixed-rate and variable-rate debt.

Amortization - The amortization of debt will be based on the types of assets financed, the expected availability of cash flows to meet debt service requirements, and tax regulations. In general, the amortization tax-exempt debt should not exceed the useful life of the financed asset and may never exceed the IRS limit of 120% of the useful life of the financed asset

Debt Service should be structured to meet the financial and strategic management goals of the University. The structures may include, but are not limited to, level annual debt service, level annual principal, accelerated principal, deferred principal and bullet maturities.

Fixed and Variable Rate Bonds - When issuing fixed rate bonds, the University will analyze the slope of the yield curve and tend to issue bonds for new real estate related projects with long-term final maturities because most of the assets financed have useful lives in excess of 30 years. If the University is concerned that interest rates may trend lower, then the University should explore shortening the non-redemption period to less than the traditional 10-year term. Bonds without an optional redemption feature should be limited in the University's debt portfolio and should be issued only when investors are willing to pay a substantial premium. Credit enhancements will be used only when necessary for cost effectiveness and/or marketability.

The University will consider utilizing variable rate debt to lessen the potential interest costs over the life of a debt issue and to provide greater flexibility in its debt management. In considering variable rate debt, the University will evaluate the risks involved, which include liquidity risk and short- and long-term interest rate risk. The University may utilize different forms of variable rate debt including variable rate demand bonds, auction rate securities and commercial paper.

The University will utilize variable rate debt when deemed appropriate for the following purposes:

- Asset/Liability Management - for matching debt to useful life of the financed asset or to match debt with investment portfolio
- Achieve interest rate savings as compared to other alternatives
- Provide flexibility in principal repayment
- Diversify investor base
- Utilize a portfolio approach to debt to diversify exposure

Bank liquidity facilities may be used to offset liquidity risk of variable rate securities and, in addition to the long-term rating assigned to the bank letter of credit or liquidity facility, such facilities should also carry a minimum short-term rating of MIG 1 or VMIG 1 from Moody's and/or A-1or SP-1 from Standard & Poor's. (The short term rating portion of the overall rating

reflects the rating agency's view of the liquidity facility provider's ability to make timely payments of debt service on a short-term bond or variable rate demand obligation).

When the University decides to issue variable rate debt, it will generally limit net variable rate debt to not more than 30% of its capital structure. The specific amount of variable rate exposure would depend on market conditions and the type of facility to be financed. Before issuing variable rate bonds, the University will determine the assumed variable rate for budget purposes, and its plans to address positive and negative variances from the assumed rate. Additionally, unrestricted endowment assets, interest rate caps and swaps, and rate stabilization reserve funds can all help to manage the variable rate exposure.

The level of variable rate debt will also be managed in conjunction with the University's levels of cash and short-term investments, which serve as a natural hedge against rising interest rates. The actual percentage for outstanding variable rate debt will vary due to financing needs, asset/liability management goals, interim financing structures, and prevailing interest rates at the time of each borrowing.

Tax-exempt and Taxable - Tax-exempt debt will be the preferred method of financing projects. However, in instances where the capital projects do not qualify for tax-exempt financing, the University will consider taxable alternatives.

University-issued vs. Commonwealth-issued debt - In determining the most cost effective means of issuing debt, the University will evaluate the merits of issuing debt directly as compared to Commonwealth issuance, either directly by the Commonwealth or through one of its issuing entities (such as the Virginia College Building Authority). This analysis will include an evaluation of cost, timing and future management flexibility.

Alternative Financing Sources – There are alternative financing sources that may be considered, such as off-balance sheet financings. These financings may be more costly than traditional structures and will be used only when the economic benefit and likely impact on the University's debt capacity and credit quality are fully understood. Specifically, for any third party or developer-based financing, management will determine and quantify the full credit impact of the structure.

Debt Capacity & Affordability Measures - The University will utilize the following ratio as guidelines for issuing new debt.

Debt Burden no greater than 7%

(Debt Burden Ratio = Annual debt service / Total operating expenses)

This ratio is adjusted to reflect any non-amortizing or non-traditional debt structures that could result in significant single year fluctuations. The debt burden ratio may exceed 7% in instances involving debt of revenue producing projects when the debt used to finance the project is secured by income from the operation of the project.

Refinancings – The University will consider refinancing existing debt when net present value savings are positive. Federal tax law limits advance refunding of tax-exempt bonds.

Consequently, it is vitally important to use these opportunities wisely. The Vice President for Administration and Finance will evaluate refinancing opportunities considering the value of the call option to be exercised, including the time period to the call date and the time period from the call date to final maturity. Based on this analysis, the Vice President of Administration & Finance will establish the minimum savings threshold for each refinancing. There are cases where refundings that do not produce savings will be considered, including eliminating restrictive bond covenants.

Capital Funding Sources

- ***Debt Service Funding*** - Prior to the issuance of any amount of debt, the Office of Administration and Finance will identify and analyze the funding source(s) for the debt repayment. Sources may include but are not limited to:
 - ▶ State appropriations
 - ▶ The general revenue pledge of the University
 - ▶ Revenues from the specific project being financed
 - ▶ Indirect cost recoveries from sponsored programs
 - ▶ Gifts and bequests
 - ▶ University affiliated foundations
 - ▶ Unaffiliated third parties including joint ventures with private sector entities and grants from private foundations

- ***Capital Maintenance Funding*** - The University will determine how to fund the ongoing capital maintenance cost for each capital financed project prior to issuing the debt. If it is anticipated that additional borrowing will be required to fund the capital maintenance for a project then the amount of additional borrowing will be taken into account in its debt capacity analysis.

Statement of Effect on Student Costs

The Office Administration and Finance will determine if the proposed debt will result in additional cost to University students. A Statement of Effect on Student Costs will be included in the material presented to the University BOV during the debt approval process and annually in the Office of Administration and Finance report.

Interest Rate Risk Management Guidelines

The University will consider the use of interest rate swaps and other interest rate risk management tools after carefully evaluating the risks and benefits of any proposed transactions. These tools will be employed primarily to manage the University's variable rate debt exposure. The use of these instruments in conjunction with variable interest rate exposure will be evaluated within prudent guidelines to achieve more flexibility in meeting the University's overall financial objectives. Interest rate swaps will be evaluated in light of existing market and interest rate conditions, the savings that can be achieved as compared to other debt structures available in the bond market, and the overall asset/liability management practices of the University.

Risk management strategies will not be utilized unless the contract or structure is fully understood, can be monitored and managed, and the risk imposed has been evaluated and concluded to be appropriate for the University. Prior to entering into any risk management agreement, the University will have received evidence of legal authorization to enter into such agreement. The Vice President for Administration and Finance, in consultation with the Administration & Finance Committee of the BOV, is authorized to enter into any risk management contract or agreement that is determined to be necessary or appropriate. Interest rate management tools shall not be used for speculative purposes or in cases involving Financial Instruments that create extraordinary leverage or financial risk.

Financial Instruments - The University may utilize the following Financial Instruments after identifying the specific financial objective to be realized and the assessment of associated risks:

- **Interest Rate Swaps** - Spot or forward starting interest rate swaps may be utilized to capture current market rates, eliminate variable rate exposure or create incremental variable interest rate exposure.
- **Interest Rate Caps or Collars** - Interest Rate Caps, Collars and Floors may be utilized to limit or bound exposure to interest rate volatility.
- **Swap Options** - The sale or purchase of options may be utilized to commence or cancel interest rate swaps. Potential option structures can range from vanilla to more exotic, but must meet Transaction Approval guidelines as outlined in this policy.
- **Basis Swaps** - May be utilized to manage basis or tax risk and manipulate the basis on which cash flows are determined.
- **Rate-locks** - May be utilized to hedge interest rate exposure on anticipated bond issuances.
- **Constant Maturity Swaps**
- **Total Return Swaps**
- Other Financial Instruments may be utilized provided the requirements for a transaction approval are met.

Financial Instruments Risk Analysis

Risk Type	Description	Evaluation
Basis Risk	The mismatch between two variable rate indices.	Review historical differentials between the indices.
Tax Risk	The risk created by certain tax events that could impact swap cash flows.	Review the potential impact of tax events & perform cash flow sensitivity analysis.
Counterparty Risk	The risk of default by the University's swap counterparty.	Monitor exposure levels, ratings thresholds & collateralization requirements.
Termination Risk	The need or requirement to terminate a swap transaction prior to maturity in a market dictating a termination payment to the swap counterparty.	Analyze its potential termination exposure upon entrance into a transaction and perform termination sensitivity analysis.
Rollover Risk	The mismatch of the maturity of a swap transaction and the credit enhancement on underlying variable rate debt.	Review its capacity to maintain variable rate debt.
Liquidity Risk	The inability to continue or renew a liquidity facility.	Evaluate the expected viability of liquidity support.

The University will not enter into agreements involving Financial Instruments for speculative purposes or involving Financial Instruments that create extraordinary leverage or financial risk.

Procurement and Execution - The University has authority to enter into Financial Instrument transactions either through a competitive bid or a negotiated process. The University must take reasonable steps, such as hiring a qualified advisor, to ensure that the economics involved in a negotiated transaction represent a fair market price taking into consideration the terms of the agreement and the University's current financial status.

Swap Counterparties Policy - The University will execute Financial Instrument transactions with counterparties with credit ratings in the "A" category or above as of the transaction date.

The University may seek credit enhancement in the form of collateral, guarantees, and/or termination events in the agreement for counterparty downgrades below the "A" category. The University will seek to maintain voluntary termination rights in all transactions it undertakes.

Swap Documentation - The University will utilize standard International Swap Dealers Association swap documentation, including the Schedule to Master Agreement and Credit Support Annex (if applicable).

Active Management - The University will seek to maximize the benefits it accrues and minimize the risks it bears by actively managing its interest rate risk management program. This will entail monitoring of market conditions (such as current interest rates, counterparty credit ratings and other relevant factors) in conjunction with the swap counterparty and the University's advisors for potential opportunities and risks. Active management may entail modifications of existing transactions including:

- Early termination;
- Shortening or lengthening the term of the agreement;
- Sale or purchase of options; and
- Application of basis swaps.

Each proposed modification must be consistent with this policy and should be expected to further the goals of the University interest rate risk management program.

Rating Agencies - The University will seek Rating Agency review to determine materiality of any financial instrument transaction on the credit quality of the University as part of its overall rating agency strategy.

Financial Instrument Analysis - The University will undertake a financial risk analysis of the application of Financial Instruments prior to entering any proposed transaction. Utilizing Financial Instruments requires an ongoing commitment for the University's management. Therefore, to help ensure understanding and knowledge of considered transactions, a specific approach will be developed for each potential transaction evaluating the risks, rewards and exit strategies. The approach will include, but not necessarily be limited to the following:

- The goals the University is trying to achieve by implementation.
- The swap counterparty's rating and the University's credit exposure to the counterparty.
- Cash flow projections and sensitivity analysis.
- An evaluation of potential risks, including basis risk, tax risk, rollover risk, termination risk and counterparty risk.
- Events that may trigger an early termination under the agreement.
- A sensitivity analysis of potential market valuations in various market conditions.
- A discussion or example of how the University plans to report and monitor the transaction in the future.

Disclosure & Reporting Requirements

Disclosure - The University will provide updated financial information and operation data and timely notice of specified material events to each nationally recognized municipal securities information repository and any State information depository, pursuant to its continuing disclosure undertakings with respect to SEC Rule 15c2-12.

Reporting Requirements – On an annual basis the Office of Administration and Finance will prepare a report for the BOV that will include the following items:

- Composite debt service schedule
- Financial ratio analysis
- Debt use and purpose
- Current and future debt as it relates to the strategic plan and debt strategy
- Financial instrument review

Vice President Fenning presented the proposed Six-Year Capital Budget Request for the University. The University has been assessing its current and projected space needs relative to the State Council of Higher Education’s space guidelines and the institution’s enrollment projections, and has identified specific needs in the areas of instruction, research and support facilities consistent with the University’s Master Plan. The University’s request must be submitted to the Department of Planning & Budget by April 16th for consideration in the next FY08-10 Biennial Budget. The following resolution was brought forth as a recommendation of the Administration and Finance Committee, and was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O’Neill, Stallings, Woolsey. Faeder not present during vote*)

**RESOLUTION TO APPROVE THE SIX-YEAR
CAPITAL BUDGET REQUEST, 2008-2014**

WHEREAS, state agencies, including institutions of higher education, are normally requested to submit six-year capital budget requests as a part of the Governor’s development of the biennial budget; and

WHEREAS, such request was received by ODU from the Department of Planning and Budget for submission on April 16, 2007; and

WHEREAS, the University has been assessing its current and projected space needs relative to the State Council of Higher Education’s space guidelines and the institution’s enrollment projections, and has identified specific needs in the areas of instruction, research and support facilities consistent with the University’s Master Plan; and

WHEREAS, in addition, the University continues to identify other facilities in auxiliary and other ancillary areas supported through non-general fund resources and private funds.

THEREFORE, BE IT RESOLVED, that the Board of Visitors approves the submission of the following Six-Year Capital Budget Request for 2008-2014 to meet the critical facility and infrastructure needs of the University.

2008-2010 Biennium

1	Hughes Hall Renovation - Equipment (GF)	\$1,260,000
2	Student Success Center (GF & NGF)	\$14,846,188
3	VAB and Academic Art Building (GF)	\$17,813,062

4	Systems Research and Academic Building (GF)	\$19,976,925
5	Child Development Centers (GF & Private)	\$14,673,764
6	Education Building Renovation (GF)	\$10,583,342
7	Spong and Rollins Hall Renovations (GF)	\$19,733,606
8	Facilities Support Building (GF)	\$24,891,250
9	Regulatory Compliance-Hazardous Materials (GF)	\$2,220,500
10	New Residence Hall-Completion of Quad Housing (NGF)	\$9,381,675
11	Land Acquisition (NGF)	\$1,969,770
12	Metheny Baseball Stadium Improvements (NGF & Private)	<u>\$3,000,000</u>

Total for 2008-2010 Biennium **\$140,350,082**

2010-2012 Biennium

13	Chemistry Building (Phase 2) (GF)	\$23,151,586
14	Kaufman Hall Renovation & Addition (GF)	\$25,351,857
15	Webb Center Addition and Renovation (NGF)	\$23,673,195
16	Life Science Pretlow Renovations (GF)	\$17,285,351
17	Replace Mechanical Systems in Oceanography & Physics Building (GF)	\$2,719,000
18	Perry Library Additions & Renovations (GF)	\$18,032,484
19	Performing Arts/Fine Arts Building (Phase 3) (GF & Private)	\$54,452,060
20	Stormwater Management Improvements (GF)	\$395,259
21	Housing Renovations (Phase 2) (NGF)	\$15,853,350
22	New Instructional Media Building (GF)	\$6,162,187
23	New Residence Hall-Affinity Building (NGF)	\$19,335,630
24	Land Acquisition (NGF)	<u>\$1,969,770</u>

Total for 2010-2012 Biennium **\$228,381,729**

2012-2014 Biennium

25	Teletechnet Center Expansion (GF)	\$22,256,000
26	New Academic and Administration Building (GF)	\$26,437,895
27	Koch Hall and Administration Annex Renovation (GF)	\$8,885,182
28	New Residence Hall (Phase 4) (NGF)	\$21,776,885
29	Elizabeth River Waterfront Development (Phase 2) (NGF)	\$1,816,625
30	Regulatory Compliance-Fire Protection (GF)	\$2,573,800
31	West Campus Parking Structure (NGF)	\$8,115,952
32	Land Acquisition (NGF)	\$1,969,770
33	Campus Security & Infrastructure Improvements (GF)	<u>\$2,573,800</u>

Total for 2012-2014 Biennium **\$96,405,909**

The Committee recessed and reconvened following lunch in order to consider the proposed Comprehensive Fee Proposal for 2007-2008. The process for communicating the administration's proposal with the Board was discussed, and the Committee concurred that a recommendation be made to the administration that, beginning next year, the Comprehensive Fee Proposal be sent to the Board at least one week in advance, and include appropriate detail linking the increases to mandatory and non-mandatory budget priorities. The Committee then approved, by majority vote, the Resolution to adopt the Comprehensive Fees for 2007-2008, with Mr. Mugler opposing.

Vice President Fenning shared the major components in the University's projected FY2007-2008 Operating Budget to be funded by the proposed 5.5% Tuition & Mandatory Fee increase and the 10% Student Activity Fee increase. It was noted that 3.1% of the proposed 5.5% tuition increase would be needed to pay for mandated salary/benefit increases and projected cost increases in utilities, insurance, and lease increases. Of the remaining 2.4% of the increase, 0.4% is needed to address the O&M costs of new facilities and 1.5% for enrollment-driven needs including those for the new University College. Approximately 0.5% would be made available for program enhancements in Teaching, Research, Admissions, and Distance Learning.

Admiral Gehman asked why enrollment growth does not pay the total cost of that enrollment growth. Vice President Fenning explained that tuition and fees pay approximately 30% of the total cost of instruction and the remainder needs to be appropriated by the Commonwealth, which does not usually occur until the year following the enrollment increase. So the University, in essence, self-finances enrollment growth for one year.

Of the proposed 10% Student Activity Fee increase, 4.2% had been previously approved by the Board for football and the associated Title IX sports. Approximately 1% is needed for debt service and salary/benefit adjustments, and 0.4% for increases in institutional and athletic scholarships. 1.3% would be focused upon program enhancements in Webb Center, Student Activities, Student Organizations, Athletics and Recreational Sports.

The following resolution was brought forth as a recommendation of the Administration and Finance Committee, and was approved by majority vote, with one opposition. (*Approved: Ampy, Batten, Croshaw, Faeder, Gehman, Hall, Hixon, Kirk, O'Neill, Stallings, Woolsey. Opposed: Mugler.*)

COMPREHENSIVE FEE RESOLUTION 2007-2008

RESOLVED, that upon the recommendation of the President, the Board of Visitors approves the following comprehensive tuition cost per credit hour for the 2007-2008 academic year beginning with the Summer 2007 semester and thereafter until otherwise adjusted by the Board of Visitors. Under unusual circumstances, the President may establish tuition rates different from these approved rates. The President must notify the Board of such changes at its next meeting.

Comprehensive Fee Per Credit Hour for the 2007-2008 Academic Year

	IN-STATE		OUT-OF-STATE	
	<u>TUITION AND FEES</u>		<u>TUITION AND FEES</u>	
	<u>FROM</u>	<u>TO</u>	<u>FROM</u>	<u>TO</u>
<u>REGULAR SESSION (1)</u>				
Undergraduate (Per Cr Hr)	\$197	\$211	\$549	\$585
Graduate (Per Cr Hr)	\$285	\$304	\$715	\$761
Teaching Assistant	\$285	\$304	\$285	\$304
Research Assistant	\$285	\$304	\$285	\$304
<u>SUMMER SESSION (1) (Summer 2007)</u>				
Undergraduate (Per Cr Hr)	\$197	\$211	\$549	\$585
Graduate (Per Cr Hr)	\$285	\$304	\$715	\$761
Teaching Assistant	\$285	\$304	\$285	\$304
Research Assistant	\$285	\$304	\$285	\$304
<u>HIGHER EDUCATION CENTERS (Including Northern VA Higher Ed Center) & Off-Campus Offerings</u>				
<u>Within Hampton Roads:</u>				
Undergraduate (Per Cr Hr)	\$197	\$211	\$549	\$585
Graduate (Per Cr Hr)	\$285	\$304	\$715	\$761
<u>TELETECHNET & OFF-CAMPUS COURSES (Outside Hampton Roads):</u>				
Undergraduate (Per Cr Hr)	\$192	\$206	\$433	\$462
Graduate (Per Cr Hr)	\$285	\$304	\$715	\$761
TELETECHNET USA (Outside Virginia):				
Undergraduate (Per Cr Hr)	\$221	\$236	\$221	\$236
Graduate (Per Cr Hr)	\$327	\$348	\$327	\$348

(1) A graduate teaching or research assistant who has completed a master's degree or its equivalent and is admitted as a matriculated student into a doctoral program and enrolls for and completes a minimum of 6 hours of graduate credit per semester or 3 hours in the summer may be granted a waiver of full tuition and fees.

NOTE: The comprehensive fee includes a student activity fee of \$76.87 per credit hour for Norfolk campus courses, \$45.50 per credit hour for Higher Education Centers, TELETECHNET and off-campus courses. The asynchronous nursing program tuition rate will remain at \$270 per credit hour.

Following the vote, Mr. Mugler stated that he was not opposed to the proposed comprehensive fee increase, but the process that was used in communicating the proposal to the Board in advance of the meeting.

PRESIDENT'S REPORT

The President asked Vice President Alonzo Brandon to provide an update on Football. Vice President Brandon reviewed all of the activities that have taken place to date, including the tailgate party to announce the football program on May 31, 2006, and the many speaking engagements and appearances that followed, both before and after Coach Wilder was named as the head football coach. He noted the numerous events being planned during the Spring and Summer as well as discussions to re-establish the annual Oyster Bowl at Foreman Field. The season ticket campaign will begin in February, 2008, in conjunction with National Signing Day. Mailers have been sent to members of the Big Blue Club and others who have indicated interest in the program, and new chapters of the Big Blue Club are being established as a way of generating additional interest among the various constituents. A website is being developed that will provide season ticket and priority seating information. Vice President Brandon discussed the sources of revenue to fund the program and then shared pictures of how the various suites and seating would look.

In her report to the Board, President Runte reported on research-related activities, including recent hires in Modeling & Simulation that focus on interdisciplinary research; the Research Expo held in conjunction with EVMS and Norfolk State University and at which faculty and students of all area institutions were invited to participate; the new Research/Office Building that will open soon in the University Village; and Federal requests in the areas of modeling and simulation, bioelectrics, sensors and robotics, manufacturing, and bio-mass and energy. She shared the latest research rankings among the various disciplines and noted that Old Dominion University is well on its way to becoming one of the Top 100 research universities.

In the area of academics, the President announced that History student Gretchen Lynn Greene recently won the Phi Alpha Theta Award for best paper submitted by a graduate student and a History professor won an award for the best detective novel. She also announced the new Dean of the College of Sciences and distributed a handout describing student retention activities in the new University College. She also shared headcount and FTE enrollment projections as well as enrollment projections for new students.

President Runte reviewed the operating and capital budget allocations by the General Assembly. Operating budget allocations include a 4% salary increase for administrative, teaching and research faculty; an additional 10% increase for nursing faculty; base and enrollment growth funding; a tuition incentive fund for keeping tuition and mandatory fee increases below 6%; \$500,000 for the Center for Teacher Quality and Educational Leadership; \$1.7M in additional student financial aid; \$1.5M for the Virginia Coastal Energy Research Consortium; and language directing VMASC to perform a transportation study. The capital budget includes \$18M in bond proceeds for the Fine & Performing Arts Center, supplemental funding for increased construction costs for the Physical Sciences Building and the Batten Arts & Letters renovation, and \$28.8M in bond proceeds for the Powhatan Sports Complex.

In Student Affairs, student government elections are underway. Students had also requested that the Library be open 24 hours a day, but due to its design, the entire building would need to be opened and the cost of personnel alone would cost over \$700,000 per year. As an alternative, the University is exploring 24-hour access in Webb Center and/or Batten Arts and Letters. The President congratulated the men's and women's basketball teams and the baseball and wrestling teams for their successful seasons. She also announced the opening of the Virginia House with a special appearance by Thomas Jefferson.

President Runte announced SCHEV's approval to proceed with offering courses at the Virginia Beach Higher Education Center. She described efforts to work together with both Tidewater Community College and Norfolk State University, including the formation of a joint task force. Old Dominion administrators also attended the installation of TCC's new provost.

President Runte and other members of the administration have been talking to their counterparts at Eastern Virginia Medical School about how the two institutions and Sentara might work together to focus their respective strengths on strategic areas of need and together request funds from the General Assembly to meet these needs. The President of EVMS has indicated that he will be discussing this with his Board. Mr. Hixon noted the importance of submitting a budget request early enough to be included in the Governor's budget.

The President congratulated Vice President Fenning and members of his staff for the excellent audit and for completing several construction projects on time and within budget. She also congratulated Vice President Broderick and his staff on the enrollment projections and completion of a marketing plan. Vice President Broderick will report to the Board on the University's marketing plan in the fall.

President Runte concluded her report by noting activities in which she has been involved over the last few months and upcoming events for the remainder of the spring semester.

REPORTS OF STANDING COMMITTEES

AUDIT COMMITTEE

The Rector called on Mr. Stallings for the report of the Audit Committee. Mr. Stallings reported that the University received an excellent report on the Audit of the University's Financial Statements for fiscal year 2006 from Mr. Joe Steppe, project manager from the Auditor of Public Accounts. The Committee was also briefed on several compliance requirements for state agencies that will have both human resource and funding implications for the University. Mr. Hixon pointed out that while these efforts may be tedious, the University will benefit by having much better documented processes. The Committee then discussed the implications of achieving both Level 2 and Level 3 authority under the Restructuring Act on the scope and nature of these new compliance requirements.

The Committee was also briefed on the University's Code of Ethics that was issued by the President in January and adopted as University policy.

ACADEMIC AND RESEARCH ADVANCEMENT COMMITTEE

The Rector called on Ms. Woolsey for the report of the Academic and Research Advancement Committee. Mr. Woolsey reported that the Committee met in closed session to discuss an honorary degree nomination and the appointment, with tenure, of the Dean of the College of Sciences.

Committee members approved by unanimous vote the awarding of an honorary degree to Marian Wright Edelman, founder and president of the Children's Defense Fund. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, O'Neill, Stallings, Woolsey. Faeder and Mugler not present during vote.*)

HONORARY DEGREE RECOMMENDATION

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the awarding of an honorary degree to the individual noted below. A summary of the nominee's career follows.

Marian Wright Edelman, president and founder of the Children's Defense Fund
Doctor of Humane Letters (*honoris causa*)

Mrs. Edelman was approved by the Academic Affairs Committee for an honorary degree in 1996. Because she was not available for Commencement, the recommendation was not forwarded for final approval to the Board of Visitors at that time.

Marian Wright Edelman

Marian Wright Edelman, Founder and President of the Children's Defense Fund (CDF), has been an advocate for disadvantaged Americans for her entire professional life. Under her leadership, CDF has become the nation's strongest voice for children and families. The mission of the Children's Defense Fund is to *Leave No Child Behind* and to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start*, and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities.

Mrs. Edelman, a graduate of Spelman College and Yale Law School, began her career in the mid-60s when, as the first black woman admitted to the Mississippi Bar, she directed the NAACP Legal Defense and Educational Fund office in Jackson, Mississippi. In 1968, she moved to Washington, D.C., as counsel for the Poor People's Campaign that Dr. Martin Luther King, Jr. began organizing before his death. She founded the Washington Research Project, a public interest law firm and the parent body of the Children's Defense Fund. For two years she served as the Director of the Center for Law and Education at Harvard University and in 1973 began CDF.

Mrs. Edelman served on the Board of Trustees of Spelman College which she chaired from 1976 to 1987 and was the first woman elected by alumni as a member of the Yale University Corporation on which she served from 1971 to 1977. She has received over one hundred honorary degrees and many awards including the Albert Schweitzer Humanitarian Prize, the Heinz Award, and a MacArthur Foundation Prize Fellowship. In 2000, she received the Presidential Medal of Freedom, the nation's highest civilian award, and the Robert F. Kennedy Lifetime Achievement Award for her writings which include eight books: *Families in Peril: An Agenda for Social Change*; *The Measure of Our Success: A Letter to My Children and Yours*; *Guide My Feet: Meditations and Prayers on Loving and Working for Children*; *Stand for Children*; *Lanterns: A Memoir of Mentors*; *Hold My Hand: Prayers for Building a Movement to Leave No Child Behind*; *I'm Your Child, God: Prayers for Our Children*; and *I Can Make a Difference: A Treasury to Inspire Our Children*.

She is a board member of the Robin Hood Foundation, the Association to Benefit Children, and City Lights School and is a member of the Council on Foreign Relations, the American Philosophical Society, the American Academy of Arts and Sciences, and the Institute of Medicine of the National Academy of Sciences.

Marian Wright Edelman is married to Peter Edelman, a Professor at Georgetown Law School. They have three sons, Joshua, Jonah, and Ezra, two granddaughters, Ellika and Zoe, and two grandsons Elijah and Levi.

Committee members approved by unanimous vote the appointment of Dr. Chris D. Platsoucas as Dean of the College of Sciences and Professor of Biological Sciences with tenure. Before considering the Resolution to appoint the Dean of the College of Sciences, Mr. Stallings pointed out that the Board will also be asked to approve the appointment of the proposed Dean's spouse as a member of the faculty of the same College, and the General Counsel has advised that the Board must first be able to find that it is in the best interests of the institution to hire both individuals, and sees to it that one spouse does not have sole authority to supervise, evaluate, or make personal decisions regarding the other.

Provost Isenhour explained that Dr. Oleszak, the wife of the proposed new Dean, is a tenured faculty member at Temple University School of Medicine. The University's spousal hiring procedure requires that to be hired as a faculty member, the spouse of another faculty member must fit the needs of the department and would typically be a finalist in a search for that position. It also requires that the President consult with the Department, College, Provost and the Affirmative Action officer and that she had done so. The Provost indicated that Dr. Oleszak is worthy of hire in her own right and will report to another Dean on campus in order to avoid any conflict of interest with her husband. This is not an unusual situation as there have been similar circumstances in the past that were handled in this same manner.

The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members

present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote.*)

APPOINTMENT OF FACULTY MEMBER WITH TENURE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Chris D. Platsoucas as Dean of the College of Sciences and Professor with the award of tenure in the Department of Biological Sciences, effective June 25, 2007. A copy of his curriculum vitae is contained in the Academic and Research Advancement Committee meeting file.

Salary: \$200,000 for 12 months
Rank: Dean, College of Sciences, and Professor of Biological Sciences

The Committee approved by unanimous vote the resolutions on 20 faculty appointments, one named professor appointment, 19 administrative appointments, one site director appointment, six emeritus appointments, and six retroactive emeritus appointments. One of the 20 faculty appointments is the appointment of Dr. Emilia Oleszak as an Associate Professor in the Department of the College of Sciences. Dr. Oleszak is the wife of Dr. Chris Platsoucas, also proposed for appointment to the faculty, and as Dean of the College of Sciences. The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee, and were so moved by the Chair.

Before voting on the consent agenda, Mr. Stallings made a motion that the Board find that the hiring of Dr. Oleszak and Dr. Platsoucas in a dual employment is in the best interests of the institution, with the former to report as stated by the Provost. The amended motion was seconded by Mr. O'Neill and the motion was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote.*)

Whereupon, the Board approved, by unanimous vote of all members present and voting, the Committee's recommendation to approve all resolutions included in the Consent Agenda. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote.*)

FACULTY APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following faculty appointments.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Franck Andre Postdoctoral Research Associate Center for Bioelectrics	\$36,000	1/25/07	12 mos

Dr. Andre received a Ph.D. in Biology in 2006 from the ABIES Doctoral School, France. He completed several training courses and participated in a European Conference and international scientific workshop while pursuing his Ph.D.

Ms. Eva G. Clarke Lecturer of Psychology	\$44,000	12/25/06	10 mos
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Ms. Clarke received an M.S. and a B.S. in Psychology, in 1991 and 1987 respectively, from Old Dominion University. From 1992 to 2005, she was a Lecturer in Psychology at Old Dominion University. Her new appointment as a Lecturer is a temporary one to support the online criminal justice program.

Dr. Andrea DeBruin-Parecki Associate Professor of Early Childhood, Speech Language Pathology and Special Education (Tenure Track)	\$68,000	7/25/07	10 mos
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Dr. DeBruin-Parecki received a Ph.D. in Education and Psychology and an M.A. in Developmental Psychology, in 1997 and 1994 respectively, from the University of Michigan and an A.B. in Psychology in 1990 from the University of California at Berkeley. Since 2002, she has been Director of the Early Childhood Reading Institute for the High/Scope Educational Research Foundation. Prior to that, Dr. DeBruin-Parecki was an Associate Professor of Educational Psychology at the University of Northern Iowa.

Dr. Tal Ezer Associate Professor of Ocean, Earth and Atmospheric Sciences (Tenure Track)	\$88,000	12/25/06	10 mos
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Dr. Ezer received a Ph.D. in Physical Oceanography in 1989 from Florida State University and an M.Sc. in Atmospheric Sciences and a B.Sc. in Physics and Mathematics, in 1984 and 1981 respectively, from Hebrew University of Jerusalem. Since 1989, he has been a Research Staff Member and Research Scholar for the program in Atmospheric and Oceanic Sciences at Princeton University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Katherine E. Gossett Instructor of English (Tenure Track)	\$52,000	7/25/07	10 mos

Ms. Gossett received an M.A. in English in 1998 from California State University, a B.A. in Literature and Writing in 1992 from the University of California and is expected to receive a Ph.D. in English in 2007 from the University of Illinois, Urbana-Champaign. Since 2003, she has been an Assistant Director of Technology in the Department of English at the University of Illinois, Urbana-Champaign. Ms. Gossett has also taught English and Business and Technical Writing at the University of Illinois, Urbana-Champaign. (Rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by August 1, 2007)

Dr. Raiford Guins Assistant Professor of Communication and Theatre Arts (Tenure Track)	\$54,000	7/25/07	10 mos
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Dr. Guins received a Ph.D. and an M.A. in Cultural Studies, in 2000 and 1995 respectively, from the University of Leeds and a B.A. in Philosophy in 1994 from the University of Tampa. Since 2003, he has been a Senior Lecturer in Contemporary Screen Media at the University of the West of England – School of Media and Cultural Studies. Prior to that, Dr. Guins was a Visiting Assistant Professor at the University of California, Irvine.

Ms. Li Li Instructor of Political Science and Geography (Tenure Track)	\$53,000	7/25/07	10 mos
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Ms. Li received an M.A. in Geography in 2003 from the University of Toledo, a B.S. in Environmental Science in 2000 from Lanzhou University, China and is expected to receive a Ph.D. in Geography from the State University of New York, Buffalo. Since 2003, she has been a Teaching Assistant in the Geography Department of SUNY-Buffalo. She has also been a Research Assistant at SUNY-Buffalo. (Rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by August 1, 2007)

Dr. Tatyana Lobova Visiting Assistant Professor of Biological Sciences	\$16,000	12/25/06	5 mos
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Dr. Lobova received a Ph.D. in Botany in 2000 from Komarov Botanical Institute, Russian Academy of Sciences and an M.S. in Botany in 1994 from State University, Russia. Since 2001, she has been a Research Assistant at the Institute of Systematic Botany for The New York Botanical Garden.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Gon Namkoong Assistant Professor of Electrical and Computer Engineering (Tenure Track)	\$75,000	1/10/07	10 mos

Dr. Namkoong received a Ph.D. and an M.S. in Electrical Engineering, in 2003 and 1999 respectively, from Georgia Institute of Technology and a B.S. in Physics in 1996 from Chonbuk National University, South Korea. Since 2003, he has been a Research Engineer II and a Post-Doctoral Fellow at Georgia Institute of Technology.

Dr. Kyle H. Nicholas Lecturer of Communication and Theatre Arts	\$46,800	7/25/07	10 mos
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Dr. Nicholas received a Ph.D. in Technology Policy in 2000 from the University of Texas at Austin, an M.A. in Communication in 1995 from the University of Washington and a B.A. in Journalism in 1989 from California State University. Since 2000, he has been an Assistant Professor in the Department of Communication and Theatre Arts at Old Dominion University.

Dr. Emilia S. Oleszak Associate Professor of Biological Sciences	\$85,000	7/25/07	10 mos
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Dr. Oleszak received a Doctor of Philosophy in Virology in 1979 from the Hirszfeld Institute of Immunology and Experimental Therapy, Polish Academic of Science, and a Master of Science and Bachelor of Science in Pharmaceutical Chemistry from the Medical School of Wroclaw, Division of Pharmacy, Poland. Since 1999, she has been an Associate Professor with tenure in the Department of Anatomy and Cell Biology at Temple University School of Medicine. She has also been an Assistant Professor and Research Scientist at the University of Texas Health Science Center at Houston, a Commonwealth Fellow in the School of Medicine at Yale University, and a Research Fellow at Sloan-Kettering for Cancer Research.

Ms. Karin A. Orvis Instructor of Psychology (Tenure Track)	\$65,000	7/25/07	10 mos
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Ms. Orvis received an M.A. in Industrial/Organizational Psychology in 2001 from George Mason University, a B.S. in Psychology in 1999 from Michigan State University and is expected to receive a Ph.D. in Industrial/Organizational Psychology in May 2007 from George Mason University. Since 2004, she has been a Research Fellow at the United States Army Research Institute. She has also taught at Clarkson University, School of Business and George Mason University in the Department of Psychology. (Rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by August 1, 2007)

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Brian Payne Assistant Professor of History (Tenure Track)	\$46,000	7/25/07	10 mos

Dr. Payne received a Ph.D. and an M.A. in History, in 2006 and 2001 respectively, from the University of Maine and a B.A. in History in 1998 from St. John Fisher College. He is currently a Post-doctoral Research Fellow and Assistant Historian in the History Office at the Federal Judicial Center in Washington, DC. Prior to that, Dr. Payne was an Adjunct Instructor at Central Maine Community College and Kennebec Valley Community College.

Mr. Jeffrey Phelps Governor's School for the Arts Instructor	\$15,556	2/6/07	5 mos
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Mr. Phelps received a Master of Music in Orchestral Conducting and a Bachelor of Music in Violoncello Performance, in 2002 and 1999 respectively, from The Cleveland Institute of Music. Since 2002, he has been Music Director and Conductor, Chamber Program Coordinator, and Summer Festival Director for the Williamsburg Youth Orchestras and Instrumental Music Faculty for the Governor's School for the Arts at Old Dominion University.

Dr. Edward Dubois Ragan Visiting Assistant Professor of History	\$25,000	12/25/06	5 mos
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Dr. Ragan received a Ph.D. in History from the Maxwell School of Citizenship and Public Affairs at Syracuse University and an M.A. in Liberal Arts and a B.A. in History, in 1993 and 1989 respectively, from Louisiana State University. Since Spring 2006, he has been an Adjunct Assistant Professor in the Department of History at Le Moyne College. Prior to that, he was a Visiting Assistant Professor in the Department of Environmental Studies at the State University of New York.

Mr. Maurice Seaton Instructor of Economics	\$22,920	12/25/06	5 mos
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Mr. Seaton received an M.S. in Economics in 1986 and an M.S. in Agronomy in 1984 from Virginia Tech and a B.S. in Agronomy in 1982 from North Dakota State University. Since 2001, he has been an Adjunct Assistant Professor in the Economics Department at Old Dominion University. He has also been an Adjunct Instructor of Economics at Tidewater Community College since 1992.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Jacqueline E. Sharpe Visiting Assistant Professor of Community and Environmental Health	\$27,500	12/25/06	5 mos

Dr. Sharpe received a Ph.D. in Urban Studies, Health Care Services in 1997 from Old Dominion University, an M.S. in Nursing in 1982 from the University of Maryland and a B.S.N. in 1971 from Winston-Salem State University. Since 2005, she has been an Adjunct Associate Professor at Old Dominion University. Since 2001, she has been the Office Manager, Dental Assistant and Registered Nurse in a private dental office.

Mr. Frank R. Spellman Lecturer of Community and Environmental Health	\$22,500	12/25/06	5 mos
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Mr. Spellman received an M.B.A. and a B.Sc. in Business Management, in 1992 and 1988 respectively, from Liberty University and a B. Arts in Public Administration: Environmental Health Management in 1976 from Upper Iowa University. Since 2001, he has been an Adjunct Assistant Professor in the Environmental Health Program at Old Dominion University. Mr. Spellman is also an Instructor for Virginia Tech Water/Wastewater Operator Training and was the Environmental Health, Safety and Security manager for the Hampton Roads Sanitation District.

Dr. Michael W. Stacey Research Associate Professor, Center for Bioelectrics	\$80,000	1/25/07	12 mos
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Dr. Stacey received a Ph.D. in 1989 from the Institute of Cancer Studies, University of Birmingham, UK and a B.Sc. in Zoology in 1980 from the University of Hull, UK. Since 2005, he has held a joint appointment in the Department of Medical Genetics at the Children's Hospital of the King's Daughters. Dr. Stacey has been an Assistant Professor in the Center for Pediatric Research at Eastern Virginia Medical School since 2000 and an Adjunct Assistant Professor at Old Dominion University since 1999.

Mr. Reaco S. Thomas Instructor of Educational Curriculum and Instruction	\$20,000	12/25/06	5 mos
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Mr. Thomas received an M.S. in Education-Reading Endorsement, an M.S. in Education – Elementary/Middle School Education and a B.S. in Interdisciplinary Studies – Teacher Preparation Program, in 2003, 1996 and 1995 respectively, from Old Dominion University. Since 2003, he has been an eighth grade Communication Skills Teacher at Ruffner Middle School, Norfolk Public Schools. Mr. Thomas has been an Adjunct Faculty Instructor in the Department of Educational Curriculum and Instruction at Old Dominion University since 2004.

**APPOINTMENT OF RICHARD F. BARRY DISTINGUISHED
ENDOWED PROFESSOR OF MATHEMATICS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Li-Shi Luo as the Richard F. Barry Distinguished Endowed Professor of Mathematics. A summary of his career is included below for information purposes.

Dr. Luo received a Ph.D in Physics in 1993 from Georgia Institute of Technology, an M.Sc. in Physics in 1986 from the University of Western Ontario, Canada and a B.Eng. in Electrical Engineering in 1982 from Fuzhou University, Fjian, China. Since 2004, he has been an Associate Professor in the Department of Mathematics and Statistics at Old Dominion University. Prior to that, he was a Senior Staff Scientist and a Research Fellow at the National Institute of Aerospace. Dr. Luo was also a Senior Staff Scientist at ICASE, NASA Langley Research Center.

Dr. Luo is a scholar with a wide range of knowledge and expertise. Since coming to Old Dominion in 2004, he has been extremely active in the Mathematics and Statistics Department as well as in the Center for Computational Science. In the last year alone, Dr. Luo has co-authored six papers in prestigious journals and secured three research grants from federal funding agencies including the National Science Foundation (NSF), the National Institute for Aerospace (NIA) and the Texas A&M Muri Foundation. In addition, he has proposals pending with the Air Force Office of Science Research and with the Navy.

Dr. Luo's primary area of expertise is the application of mesoscopic methods to a variety of different venues in engineering and science. These methods investigate natural phenomena in which the formative processes occur on length scales between the molecular and the macroscopic. His work is frontier research in that it deals with phenomena that are not totally understood from a purely discrete (molecular) framework, nor are they described completely by a continuum hypothesis.

**APPOINTMENT OF ASSISTANT VICE PRESIDENT FOR ALUMNI RELATIONS
OFFICE OF DEVELOPMENT AND ALUMNI RELATIONS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Dana G. Allen as Assistant Vice President for Alumni Relations, effective January 25, 2007.

Ms. Allen received a B.S. in Speech Communication with a concentration in Alternative Dispute Resolution in 1995 from James Madison University. Since 2001, she has been a Regional Director and then Associate Director of the Volunteer Management Team for the Penn State Alumni Association. Prior to that, Ms. Allen was the Director of Volunteers for the Office of Alumnae/i Activities at Mary Baldwin College and Volunteer Coordinator for the American Red Cross-Staunton Chapter.

Salary: \$85,000 for 12 months
Rank: Assistant Vice President for Alumni Relations and Assistant Instructor

APPOINTMENT OF VICE PROVOST FOR DISTANCE LEARNING

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Nancy Cooley as Vice Provost for Distance Learning, effective June 25, 2007.

Dr. Cooley earned a B.S. in Ed. from Central Michigan University, an M.A.T. from Oakland University and a Ph.D. in Curriculum, Teaching, and Psychological Studies from the University of Michigan. She completed a full-year post-doctoral fellowship as the Helen L. DeRoy Fellow in Educational Leadership at Michigan State University and earned certificates from the CAUSE National Management Institute in Boulder, Colorado, and the Management Development Program at the Harvard Graduate School of Education. Since 2006, she has been Acting Vice Provost for Distance Learning at Old Dominion University.

Prior to joining Old Dominion University, Dr. Cooley served as the Academic Affairs and Planning Director at the State Council of Higher Education for Virginia (SCHEV). From September 2003 to August 2004 she served as the Acting Executive Director of SCHEV. Prior to her arrival at SCHEV, Dr. Cooley served as Dean of the College of Education and Human Services at Ferris State University (FSU) in Michigan. Before assuming the FSU deanship, she held leadership positions in the Offices of Information Technology, Academic Affairs, and the Department of Teacher Education and Professional Development at Central Michigan University.

Salary: \$185,000 for 12 months
Rank: Vice Provost for Distance Learning and Assistant Professor

**APPOINTMENT OF ASSISTANT DIRECTOR
PENINSULA HIGHER EDUCATION CENTER**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Charles B. Edwards, III as Assistant Director of the Peninsula Higher Education Center, effective January 25, 2007.

Mr. Edwards received an M.B.A. from the College of William and Mary and a B.S. in Business Administration from Christopher Newport University. Since 2004, he has been a TELETECHNET Site Director at Rappahannock Community College. Prior to that, Mr. Edwards was Director of Development at Employment Services Inc. in Virginia Beach.

Salary: \$47,000 for 12 months
Rank: Assistant Director, Peninsula Higher Education Center, and Instructor

**APPOINTMENT OF ASSISTANT VICE PRESIDENT FOR DEVELOPMENT
OFFICE OF DEVELOPMENT AND ALUMNI RELATIONS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Anita S. Friedmann as Assistant Vice President for Development for the Office of Development and Alumni Relations, effective January 10, 2007.

Dr. Friedmann received a Ph.D. in Educational Policy, Planning, and Leadership in 2003 from the College of William and Mary, a Master's of Higher Education Administration in 1995 from Vanderbilt University and a B.A. in History in 1988 from Emory University. Since 2000, she has been Regional Director and then Director in the Office of Major Gifts at the College of William and Mary. Prior to that, Dr. Friedmann was Director of Corporate and Foundation Relations at Old Dominion University.

Salary: \$90,000 for 12 months
Rank: Assistant Vice President for Development and Assistant Professor

**APPOINTMENT OF AREA COORDINATOR
OFFICE OF STUDENT HOUSING**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Ricardo Ganaishlal as Area Coordinator for the Office of Student Housing, effective January 10, 2007.

Mr. Ganaishlal received an M.S. in Elementary Education and a B.A. in Spanish, in 2005 and 1993 respectively, from the State University of New York, College at Oswego. Since 2004, he has been Complex Director in the Department of Residence Life at Buffalo State College. Prior to that, Mr. Ganaishlal was Resident/Programming Director in the Department of Residential Life at SUNY University at Albany.

Salary: \$33,500 for 12 months
Rank: Area Coordinator and Instructor

APPOINTMENT OF ADMISSIONS COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Laura Lachman as Admissions Counselor, effective April 10, 2007.

Ms. Lachman received a B.A. in Communication in 2006 from Wittenberg University. Since 2005, she has been an Intern in the Office of Admission at Wittenberg University. She also served as a Tour Guide for the Office of Admisson at Wittenberg.

Salary: \$30,000 for 12 months
Rank: Admissions Counselor and Assistant Instructor and Assistant Instructor

**APPOINTMENT OF CATALOGING AND METADATA SERVICES LIBRARIAN
PERRY LIBRARY**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Dustin P. Larmore as Cataloging and Metadata Services Librarian, effective May 10, 2007.

Mr. Larmore received an M.S. in Library Science in 2000 from the University of Kentucky and a B.A. in English in 1997 from West Virginia University. Since 2002, he has been a Technical Services Librarian at Dakota State University. Prior to that, he served as an Assistant Cataloger/Public Services Librarian at Watertown Regional Library and as a Cataloger with Book Wholesalers, Inc.

Salary: \$45,000 for 12 months
Rank: Cataloging and Metadata Services Librarian

APPOINTMENT OF ADMISSIONS COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. TeCarla Moore as Admissions Counselor for the Office of Admissions, effective April 10, 2007.

Ms. Moore received a B.S. in Public Administration in 2002 from James Madison University. Since 2004, she has been a Records Maintenance Specialist in the Office of the Registrar at Old Dominion University.

Salary: \$30,000 for 12 months
Rank: Admissions Counselor, and Assistant Instructor

APPOINTMENT OF EXECUTIVE DIRECTOR OF INTERNATIONAL PROGRAMS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. R. Michael Philson as Executive Director of International Programs, effective January 25, 2007.

Dr. Philson received a Ph.D. in Higher Education Administration in 1999 from the University of Michigan, Ann Arbor, an M.S. in English as a Second Language in 1983 from the University of Hawaii at Manoa, an M.A. in Journalism and Mass Communication in 1977 from the University of Wisconsin, Madison and an A.B. in Political Science in 1972 from Washington University.

Since 2001, he has been Executive Director for International Education at Wichita State University. Prior to that, he was President of the Kanda Institute of Foreign Languages, Japan.

Salary: \$110,000 for 12 months
Rank: Executive Director of International Programs and Assistant Professor

APPOINTMENT OF MAJOR GIFTS OFFICER

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Jennifer G. Priest as Major Gifts Officer for the Office of Development and Alumni Relations, effective April 10, 2007.

Ms. Priest received a B.A. in History in 1984 from Old Dominion University. Since 2005, she has been a Sales Representative for Retail Alliance. Prior to that, Ms. Priest was a Development Director for Young Audiences of Virginia.

Salary: \$55,000 for 12 months
Rank: Major Gifts Officer and Assistant Instructor

APPOINTMENT OF ASSOCIATE DIRECTOR OF STUDENT FINANCIAL AID

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Vera E. Riddick as Associate Director of Student Financial Aid, effective February 10, 2007.

Ms. Riddick received a B.S. in Business Management in 1995 from Hampton University and is currently enrolled in the M.P.A. program at Old Dominion University. Since 1994, she has been Assistant Director in the Office of Student Financial Aid at Old Dominion University. Prior to that, Ms. Riddick was a Systems Manager in the Financial Aid Office at Hampton University.

Salary: \$57,000 for 12 months
Rank: Associate Director of Student Financial Aid and Assistant Instructor

APPOINTMENT OF ASSISTANT FOOTBALL COACH
DEFENSIVE COORDINATOR
OFFICE OF ATHLETICS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Andrew Rondeau as Assistant Football Coach – Defensive Coordinator for the Office of Athletics, effective March 7, 2007.

Mr. Rondeau received a B.A. in English in 1991 from Syracuse University. Since 2006, he has been an Assistant Football Coach/Special Teams Coordinator at the University of Maine. Prior to that, Mr. Rondeau was Assistant Defensive Coordinator at the University at Buffalo.

Salary: \$65,000 for 12 months
Rank: Assistant Football Coach - Defensive Coordinator, and Assistant Instructor

APPOINTMENT OF ASSISTANT FOOTBALL COACH
OFFENSIVE COORDINATOR
OFFICE OF ATHLETICS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Brian Scott as Assistant Football Coach – Offensive Coordinator for the Office of Athletics, effective March 7, 2007.

Mr. Scott received a B.A. in Communications in 2000 from the University of Maine. Since 2004, he has been Recruiting Coordinator/Offensive Line/Running Back/Tight Ends Coach at the University of Maine. Prior to that, Mr. Scott was Wide Receivers/Tight Ends Coach at the University of Tennessee-Martin.

Salary: \$65,000 for 12 months
Rank: Assistant Football Coach - Offensive Coordinator, and Assistant Instructor

APPOINTMENT OF SENIOR PROPOSAL WRITER
OFFICE OF DEVELOPMENT AND ALUMNI RELATIONS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Rita Sutherland as Senior Proposal Writer for the Office of Development and Alumni Relations, effective March 25, 2007.

Ms. Sutherland received an M.A. in English from Radford University and a B.S. in English from East Tennessee State University. Since 2004, she has been a Grants Writer/Fund Development Associate at Bon Secours Maryview Foundation. Prior to that, Ms. Sutherland was a Grants Writer in the Office of Development at Emory and Henry College.

Salary: \$54,239 for 12 months
Rank: Senior Proposal Writer and Instructor

APPOINTMENT OF ADMISSIONS COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. D’Ontae D. Sylvertooth as Admissions Counselor for the Office of Admissions, effective April 10, 2007.

Mr. Sylvertooth received a B.S. in Criminal Justice in 2004 from Old Dominion University and is currently pursuing a Master of Public Administration at Old Dominion. Since 2006, he has been a Special Project Assistant for the Office of Graduate Studies at Old Dominion University. Prior to that, Mr. Sylvertooth was a Lead Operations Representative at the Bank of America. He served as Student Body President at Old Dominion in 2006-07.

Salary: \$30,000 for 12 months
Rank: Admissions Counselor and Assistant Instructor

APPOINTMENT OF STUDENT ATHLETE ACADEMIC ADVISOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Devon L. Uiterwyk as Student Athlete Academic Advisor, effective December 10, 2006.

Ms. Uiterwyk received a Master of Arts in Psychology and a B.S. in Sport Management, in 2004 and 2001 respectively, from the University of West Georgia. Since 2005, she has been a Skills Analyst for SkillsNet Corporation. From 2001-2004, Ms. Uiterwyk was the University Athletic Academic Coordinator at the University of West Georgia.

Salary: \$35,000 for 12 months
Rank: Student Athlete Academic Advisor and Instructor

**APPOINTMENT OF ASSISTANT FOOTBALL COACH/
RECRUITING COORDINATOR
OFFICE OF ATHLETICS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Melvin West as Assistant Head Football Coach – Recruiting Coordinator, effective March 25, 2007.

Mr. West received a Masters in Physical Education/Athletic Coaching in 1998 from West Virginia University and a B.S. in Computer Information Systems in 1993 from Livingston College. Since 2004, he has been Defensive Back Coach/Recruiting Coordinator at James Madison University. Prior to that, he was a Defensive Back Coach at Fordham University.

Salary: \$77,000 for 12 months
Rank: Assistant Head Football Coach/Recruiting Coordinator and Instructor

APPOINTMENT OF HEAD FOOTBALL COACH
OFFICE OF ATHLETICS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Robert Wilder as Head Football Coach for the Office of Athletics, effective February 12, 2007.

Mr. Wilder received a Master's Degree in Educational Administration and Supervision in 2000 from Boston College and a B.S. in Physical Education in 1988 from the University of Maine. Mr. Wilder has served on the University of Maine staff for the past 17 years, and was promoted to assistant head coach and offensive coordinator in 2000 before moving to associate head coach in 2001. He was named the Assistant Coach of the Year by the Gridiron Club of Greater Boston in 2004, an award presented annually to the top assistant coach in New England. Prior to moving to the coordinator post, Wilder served as quarterbacks coach during one of the most explosive eras for Black Bear quarterbacks. Maine captured the Atlantic 10 Conference title in both 2001 and 2002.

Salary: \$150,000 for 12 months
Rank: Head Football Coach and Instructor

APPOINTMENT OF NMR FACILITY MANAGER
COLLEGE OF SCIENCES

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Junyan Zhong as NMR Facility Manager, College of Sciences, effective March 25, 2007.

Dr. Zhong received a Ph.D. in NMR and Physical Chemistry in 2005 from Clark University, an M.S. in Chemistry in 1996 from Dalian University of Technology, China, and a B.S. in Chemistry in 1993 from GanNan Normal University, China. Since 2005, he has been a Research Associate at City University of New York. Prior to that, Dr. Zhong was a Research Associate, a Research Assistant and Teaching Assistant at Clark University.

Salary: \$50,000 for 12 months
Rank: NMR facility Manager and Assistant Professor

APPOINTMENT OF TELETECHNET SITE DIRECTOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following appointment as TELETECHNET Director at the site indicated:

Mr. Stewart W. Edwards (Site Director, Northern Virginia Community College – Annandale Campus)

Mr. Edwards received an M.B.A. in 1997 from Averett College, a B.A. in Communications in 1980 from The American University and is pursuing a Ph.D. in Business Administration from Touro University International. Since 2000, he has been the Coordinator for the Loudoun Academic Center at Marymount University. Mr. Edwards also teaches Business Management courses for Northern Virginia Community College/Annandale.

Salary: \$56,966 for 12 months effective December 10, 2006
Rank: TELETECHNET Site Director, Northern Virginia Community College – Annandale Campus and Instructor

EMERITUS APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the granting of the title of emeritus to the following faculty members. A summary of each faculty member's accomplishments is included.

<u>Name and Rank</u>	<u>Effective Date</u>
Kae H. Chung Professor Emeritus of Management	June 1, 2007
Terry L. Dickinson Professor Emeritus of Psychology	June 1, 2007
Frederick G. Freeman Professor Emeritus of Psychology	June 1, 2007
Erlene M. Hendrix Associate Professor Emeritus of Communication and Theatre Arts	June 1, 2007
David E. Johnson Associate Professor Emeritus of Art	June 1, 2007
John W. Kuehl Associate Professor Emeritus of History	June 1, 2007

Kae H. Chung

Kae H. Chung, Professor of Management and International Business, earned his doctoral degree from Louisiana State University in 1968 and received a B.A. degree in Sociology from Seoul

National University in 1959. He served as Chair of the Management Department (1990-1993) and Director of the Ph.D. Program in Business Administration (1998-2005).

Chung's research interests are in the areas of general management, organizational behavior, strategic management, international business, and Asian management. He has published more than 30 articles in scholarly journals including *Academy of Management Journal*, *Academy of Management Review*, *Academy of Management Executive*, *Organizational Behavior & Human Performance*, *Californian Management Review*, *International Marketing Review*, *Journal of Asian Business*, *Personnel Administration*, *Personnel Administrator*, *Production & Inventory Management*, and others. He is also the author of seven books including *Organizational Behavior* (Harper & Row, 1981), *Management: Critical Success Factors* (Allyn & Bacon, 1987), *Korean Management: Globalization and Cultural Transformation* (Walter d Gruyter, 1997). He also served as Editor, *Academy of Management Proceedings*, in 1981, 1982, and 1983.

On the professional services side, Chung was appointed by the Governor as a Special Trade Representative of the State of Kansas to promote trade relations with Korea in 1987 and 1988. In the 1990s, he directed Ssangyong Business Group's global manager training programs, which involved training the business group's executives in the United States and Europe. Other consulting activities include developing quality control programs for Cessna Aircraft Company, directing technical assistance programs of the Model City Program for the U.S. Department of Housing and Urban Development in Wichita, Kansas, and evaluating and assisting the development of a Doctoral Program for the Higher Education Coordinating Body, State of Texas. He also conducted management training seminars for Boeing Aircraft, Caterpillar Tractor Company, Hyundai Business Group, Seahan Media, Intertek Corporation, and others.

Terry L. Dickinson

Terry L. Dickinson received all of his higher education degrees from the Ohio State University: a B.S. in Psychology in 1964; an M.A. in Industrial Psychology in 1967, and a Ph.D. in Industrial Organizational and Quantitative Psychology in 1969.

Dickinson first worked at Old Dominion University as a Visiting Scholar in 1982-1983. He then was hired as a Professor of Psychology in 1983 and became the Director of the Personnel Research Laboratory in 1986. Prior to his tenure at Old Dominion University, Dickinson was a faculty member at Iowa State University and Colorado State University.

In the course of his distinguished career, Dickinson has published and presented over 60 papers, served as a consultant to more than 30 organizations, chaired close to 80 thesis and dissertation committees, and established himself as an invaluable resource for professional mentoring and statistical consultation to countless faculty and students.

Dickinson served as the Graduate Program Director for the Industrial Organizational Program and has been active in numerous professional associations such as the American Psychological Association, Society of Organizational Behavior, the American Psychological Society, and the Southeastern Psychological Association.

Fredrick G. Freeman

Fredrick G. Freeman received a B.A. in Psychology from the University of Maryland in 1965, an M.A. from Kent State University in 1967, and a Ph.D. from Kent State University in Physiological Psychology in 1971.

Freeman joined Old Dominion University as an Assistant Professor of Psychology in 1970 and achieved the rank of Professor of Psychology in 1982. He has made outstanding contributions in his service to the department including Undergraduate Program Committee Chair, the Master's Program Committee Chair, Chief Departmental Advisor, and Psychology Department Newsletter editor. In addition, Freeman has been a sought after mentor and adviser to students and faculty and received outstanding teaching evaluations despite teaching some of the most challenging courses. He has been a productive scholar who has published over 60 articles in professional journals and has actively collaborated with others in developing and receiving funding of more than \$800,000 for research projects.

Freeman has served the University with distinction for over 37 years. He has witnessed and been an active participant in helping the Psychology Department grow from 14 faculty and no graduate programs to its current status of 24 faculty members and five graduate degree programs. He has been active in many professional and honorary societies including Sigma Xi, Phi Kappa Phi, and the Society for Neuroscience.

Erlene Hendrix

Erlene Hendrix received her Ph.D. in Theatre in 1977 from the University of Missouri-Columbia, where her emphases were on acting theory and experimental theatre. She has also studied alternative acting techniques with Lee Worley, a founding member of the internationally known Open Theatre company, and Pablo Vela, an actor and co-director with Meredith Monk and Monk's acclaimed company—the House.

In addition, Hendrix has published articles and reviews on experimental companies and directors. Her work on Joseph Chaikin, Open Theatre director and author of *The Presence of the Actor*, a major work of acting theory, is cited by Mr. Chaikin in *Joseph Chaikin and Sam Shepard: Letters and Texts, 1972-1984* as an important source on his work. She was invited by Mr. Chaikin to be a presenter at the Open Theatre Conference held in celebration of the twentieth anniversary of the theatre's founding, and at the Edwin Booth Award ceremony in New York City honoring Mr. Chaikin for his life achievements.

Hendrix joined Old Dominion University in 1979. During her 28-year career in the Department of Communication and Theatre Arts, she has served as Acting Chair and Chair of the department for six years, and as Theatre Coordinator for nine years. During that time, she was instrumental in leading the development of a professional Guest Artist program, award-winning production seasons, active participation in the American College Theatre Festival, curricular changes to the theatre major, and accreditation by the National Association of Schools of Theatre.

She also introduced cutting edge performance, including the acting techniques and performance styles of renowned directors Tadashi Suzuki and Anne Bogart to ODU students and the Hampton

Roads community. Throughout her career, she has served as Chief Departmental Advisor for Theatre, and until recently advised all Theatre majors and minors. She has taught acting, improvisation and collaborative creation, directing, and history/theory classes. Of special note, Hendrix has directed over forty plays, and has received several regional *Port Folio* awards and nominations for Best Director as well as many positive media reviews for her work.

David E. Johnson

David E. Johnson, Associate Professor of Art, began his studies at Old Dominion University in 1966, transferring to the Rochester Institute of Technology to earn his B.F.A. in 1971; his M.F.A. came in 1976 at the University of Colorado, Boulder. On his return to teach at Old Dominion University, he not only developed the Art Department's photographic curriculum, encouraging a long list of students to continue their education in graduate programs around the country (his students now teach at a variety of colleges and universities in the United States), but helped to develop and lead the joint MA/MFA program with Norfolk State.

In his thirty years at Old Dominion University, Johnson, has seen the photographic realm change from a labor-intensive chemical-based process largely valued for its journalistic connectivity to a leader in the digital paradigm shift, which is turning traditional expectations for photographic "truth" on its head. Johnson also played a significant role in the elevation of the photograph from a technique-based sector peripheral to the art world to its full participation in the field of concept-based art production.

In the 1980s, Johnson was among those artist/photographers who experimented with collage/montage and paint, altering both the look and the meaning of photographic "reality" and injecting a personal and politicized narrative in his serial works. His lengthy list of exhibitions proves his centrality in this postmodern strategy.

Perhaps his most enduring legacy lies in the creation and nurturance of the Art Department's Gallery, which began under his capable and creative direction in a small building on Granby Street in 1977. That gallery, once funded entirely by contributions from the department's active faculty, provided an unprecedented opportunity for the Hampton Roads community to encounter every form of art imaginable, from painting to photography to installation and performance. It was Johnson's energy and expertise that began what is now the most significant gallery in our region.

John W. Kuehl

John W. Kuehl received his B.A. with honors in History from St. Olaf College in 1963, an M.A. in History from the University of Wisconsin, Madison in 1964, and a Ph.D. in History from the University of Wisconsin, Madison in 1968.

Kuehl joined Old Dominion University as an Assistant Professor of History in 1968 and achieved the rank of Associate Professor of History in 1973. He held the position of Acting Chair in the Department of History in the summer of 1973 and again in the spring of 1979. He served as Chair of the Department of History from 1981-1987 and again from 2003-2006.

During his 39 years at Old Dominion University, Kuehl inspired many students to become history majors. His area of expertise was Early National United States History with an emphasis on early American thought. He taught the History Department's historiography course for over 27 years and offered a variety of political and intellectual history courses including the Early American Republic, the Great Awakening, Republican Ideology, as well as a very popular class on the History of Witchcraft. He published a pictorial history of Old Dominion University in 1987 as well as a number of articles and papers on early national topics throughout the years.

RETROACTIVE EMERITUS APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the granting of the title of emeritus to the following faculty members retroactively.

Rationale: The faculty members listed retired from Old Dominion University as assistant professors. They met the criteria for emeritus status except they did not attain the rank of associate professor. At the time they were awarded tenure, promotion to the rank of associate professor was not automatic, and they retired at the rank of assistant professor.

The Faculty Emeriti Association has asked that these faculty members be granted emeritus status retroactively, and the administration supports the request.

Name and Rank

Violet Breneiser
Assistant Professor Emeritus of Foreign Languages and Literatures

Marion Carroll
Assistant Professor Emeritus of Exercise Science, Physical Education, and Recreation

Curtis William Howard III
Assistant Professor Emeritus of Psychology

Richard A. Palmer
Assistant Professor Emeritus of Chemistry and Biochemistry

David Pancoast
Assistant Professor Emeritus of Psychology

Kenneth Karloff
Assistant Professor Emeritus of Educational Curriculum and Instruction

The Committee approved by unanimous vote the proposal to establish a Transportation Research Institute in the College of Engineering and Technology. The Institute will address mobility and safety issues and has the potential to attract substantial external funding from state transportation agencies, federal transportation agencies, and the private sector. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote.*)

APPROVAL TO ESTABLISH THE TRANSPORTATION RESEARCH INSTITUTE
COLLEGE OF ENGINEERING AND TECHNOLOGY

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the Transportation Research Institute in the College of Engineering and Technology.

Rationale: The transportation system impacts the daily life of every person. A well-functioning transportation system helps ensure the economic vitality of a region by allowing the safe and efficient movement of goods and people, but traffic congestion, safety concerns, and environmental issues have all become major barriers as the United States strives to be a leader in the global economy. Old Dominion University has recently taken steps to create a program in transportation research and education within the Civil and Environmental Engineering Department by hiring two faculty members. They have a wide range of experience in surface transportation and have worked on critical transportation issues locally, nationally, and internationally. The faculty expertise combined with the available research opportunities create an opportunity for ODU to quickly gain national recognition in a critical and growing area.

An ODU Transportation Research Institute (TRI) is proposed in order to address mobility and safety issues, and the Institute has the potential to attract substantial extra-mural funding. The proposed Transportation Research Institute has generated significant interest among likely research partners. The Virginia Department of Transportation's Transportation Research Council has already provided a commitment of \$40,000 for seed money for the TRI, subject to the provision of a 1-to-1 match. While this seed money will be useful to get the TRI started, the Institute intends to be self-sufficient in a fairly short time.

The Committee approved by unanimous vote the proposed revision to the Policy on Evaluation of Faculty. The proposed revision will formalize the involvement of faculty committees, particularly the college promotion and tenure committee, in the pre-tenure review process. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote.*)

**APPROVAL OF PROPOSED REVISION TO THE
POLICY ON EVALUATION OF FACULTY**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed revision to the Policy on Evaluation of Faculty, effective April 6, 2007.

Rationale: The proposed revision to the Policy on Evaluation of Faculty is in the section on pre-tenure review. The purpose of pre-tenure review is to give the faculty member a clear indication of progress toward tenure and to offer constructive suggestions for self-improvement. Faculty committees are an integral part of the tenure review process and can provide valuable feedback to the candidate. The proposed revision will formalize the involvement of faculty committees, particularly the college promotion and tenure committee, in the pre-tenure review process.

NUMBER: 1413

TITLE: Evaluation of Faculty

APPROVED: June 12, 1980; Revised September 14, 1984; Revised November 19, 1987; Revised December 3, 1992; Revised April 8, 1993; Revised December 2, 1993; Revised April 6, 1995; Revised April 10, 1997; Revised April 12, 2001; Revised June 14, 2005; **Revised April 6, 2007**

I. Board of Visitors Policy

- A. A regular review of the performance of all faculty members will be conducted in order that they may receive full credit and review for their contributions to the university and to their disciplines. The three criteria on which this evaluation will be based are teaching, research, and service.
- B. The initial responsibility for evaluation of faculty performance rests with the chair, on the basis of evidence supplied by the faculty member or collected elsewhere. The faculty member shall be given a copy of the chair's evaluation and may submit comments. Both the chair's evaluation and the faculty member's comments are submitted to the dean, who has the final responsibility for evaluation of faculty.

II. Procedures for Evaluation of Faculty

- A. These procedures are designed to implement the policy established by the Board of Visitors for evaluation of faculty. In all cases, the board policy is governing.
- B. In order to insure that all relevant information is included in the evaluation, all faculty members are required to submit once a year a faculty information sheet in which they detail the evidence in support of their performance in teaching, research, and service, together with whatever other information they wish to be taken into consideration by the chair and dean in the evaluation.

- C. The chair, using the faculty information sheet and whatever other information is obtainable, evaluates the performance of the faculty member during the previous year and writes up the evaluation into a formal statement of the contributions of the faculty member to the department, college, and university. In the case of chairs, these evaluations are written by the dean. Since evaluation of performance is one of the essential factors in determinations concerning tenure, promotion, reappointment, and salary increments, the chair and dean should make every effort to insure that the evaluations are clear, honest, and genuinely evaluative. A listing of facts without interpretation is helpful neither to the faculty member nor to the committees concerning personnel decisions.
- D. In the case of tenured faculty members, the department chair will also conduct annual evaluations. These evaluations will be based on the Faculty Information Sheet, student evaluations of teaching, up-to-date curricula vitae, peer evaluation of course portfolios, and such other information as the faculty member or the chair wishes to include. The evaluation will comment on the performance of the faculty member in teaching, research, and service and on progress toward meeting individual goals resulting from previous evaluations. (See section F below.) The chair and the dean will interpret the cumulative record of annual evaluations along with the performance of the tenured faculty member during the previous year (see section C), so that a clear picture of positive contributions and any deficiencies will emerge. An in-depth evaluation will be conducted if requested by the faculty member, the chair, or the dean. In no case will a faculty member be considered for promotion or other major personnel decision (such as designation as an eminent scholar) unless an in-depth evaluation as described in paragraphs E or K has been conducted in the previous twelve months.
- E. All faculty members will be evaluated on the basis of teaching, research, and service. The weighting of these three areas will vary from one faculty member to another depending upon the needs of the department and the particular accountability of the individual faculty member in contributing toward the fulfillment of these needs.
1. Teaching - It is the responsibility of the chair to evaluate the information that is available concerning teaching. (For a detailed discussion on evaluation of teaching, see the "University Policy on the Evaluation of Faculty.") Among items for consideration are the following:
 - a. Student opinion questionnaires - Results of current student opinion questionnaires must be used in the evaluation. Such results, however, constitute important raw data concerning teaching performance and cannot be meaningful in themselves unless interpreted in relationship to other factors. It is the responsibility of the chair to provide such interpretive evaluation.
 - b. Student interviews.
 - c. Results of student achievement tests, if feasible and appropriate.

- d. Peer evaluations of course portfolios or their equivalent.
 - e. Other relevant information.
 - f. If the principal contribution of the faculty member to the department is in the area of instruction, the number of student credit hours produced by the faculty member should also be taken into consideration since the best teachers should be showing a decided impact on the largest number of students.
 - g. Faculty members who teach noncredit courses, workshops, or colloquia in their area of specialization that are sponsored by the university should have their performance in these activities included as part of the evaluation of teaching.
 - h. Faculty members who are assigned to teach credit or non-credit courses, workshops, or colloquia using distance education technologies, such as instructional television, should have their performance in this activity included in the evaluation of their teaching. The evaluation should include criteria specific to distance education and, when appropriate, evaluations obtained through regional or national consortia, such as National Technological University.
 - i. If the faculty member is working within interdisciplinary courses or is on loan from another department for a portion of his/her teaching, it is the responsibility of the chair to seek out evaluations from other chairs with whom the faculty member is working and to incorporate these in the evaluation.
2. Scholarly Activity and Research - It is the responsibility of the chair to evaluate the quality of the scholarly activity and research of the faculty member (a mere listing of publications or grants does not constitute evaluation). Each department should establish, with the approval of the dean and the provost and vice president for academic affairs, a clear statement of the criteria for evaluating scholarly activity and research in that department. These criteria should take into consideration both the mission of the department and the nature of the scholarly activity and research within the discipline. Within the definitions noted below, the evaluation of scholarly activity and research in a department should be based on these criteria. In evaluation, emphasis should be placed on quality, not just quantity. The following, where appropriate, are included in the definition of scholarly activity and research at Old Dominion University:
- a. Publications - In evaluation, the chair should take into consideration and comment upon the reputation and editorship of journals in which the faculty member has published and the nature

of the reviews received for published books. Evaluation of the quality of the publication is essential. For major personnel decisions (e.g., tenure and promotion) external evaluations of the publication are encouraged and may be required.

- b. Presentations at professional meetings - The chair will be expected to evaluate such presentations on a similar basis to publications in learned journals - that is, taking into consideration the extent of external peer review before acceptance of the paper and the prestige associated with having a paper accepted for presentation at that meeting.
- c. Grants and contracts - In evaluation of faculty members' funded research activity, the chair should take into consideration the aggressiveness with which the faculty members have sought out research opportunities (considering their availability of opportunities in their fields), the effectiveness with which faculty members have met the requirements established by the funding agency, the effectiveness with which the faculty members have worked with graduate assistants and colleagues, and the leadership which faculty members have provided on particular grants (as principal investigator, co-principal investigator, or major participant).
- d. Computer software and educational media - Creative work resulting in the creation of significant computer software or educational materials (e.g., videotapes) for use external to the university will be evaluated by the chair based on external evaluations and reviews.
- e. Instructional research - the chair should give credit to effective instructional research by faculty members, with emphasis on well-designed and controlled research in teaching, particularly in their own disciplines, and the recognition that the instructional research has received through publication or adoption at other institutions.
- f. In the creative fields, such as music, theater, and art, performance and exhibition are counted as research activity. The chair should evaluate the quality of the artistic production, using evidence such as published reviews of performance or awards in juried exhibitions.
- g. In technical and professional fields where a master's degree is recognized as the terminal degree by the appropriate accrediting agency, research activities may include applied projects which directly support the needs of industry, and/or the community and results in a comprehensive published technical report. Examples of other appropriate research and scholarly activities are

publications in trade journals, monographs, development of new products, processes, or techniques and software development.

h. If the faculty member has received released time for research, the chair should evaluate the effectiveness with which this released time has been used.

3. Service - The category of professional service is more difficult to define than teaching or research, but deserves the same kind of rigorous evaluation and positive credit. The chair has the responsibility to seek out methods of evaluating quality of professional service, not merely to list the activities. The task is sometimes especially complicated by the fact that much professional service takes place outside the department. In essence, the area of service includes activities in which faculty members are exercising their professional expertise in the service of the university, the community, or their disciplines. Ideally, each faculty member should be participating in all three of the areas listed below, but individual faculty members may be expected by the chair to play different roles. If so, specific roles should be defined and understood. In all cases, service should be judged on the basis of quality, not just quantity. When distance education technologies are used for providing service, evaluations should include items specific to these delivery formats. (In the following listing, items are not necessarily listed in priority order.)

a. Departmental, college, and university service

1. Advisement and counseling - This is one of the most important areas of faculty service, and each department should develop methods of evaluating, encouraging and rewarding excellence in student advisement.

2. Special service assignments - If faculty members have been assigned to specific service roles (for example, as graduate program director or assistant chair) and are receiving released time for administration in order to accomplish these roles, the chair in evaluation should judge the effectiveness with which the roles are being accomplished.

3. Sponsorship of student activities, particularly those relating to the discipline - The chair should evaluate the degree to which the faculty member's sponsorship has been successful in increasing the intellectual atmosphere and esprit de corps among students.

4. Cooperation with the Office of Development in securing external funding for the university.

5. Service on departmental, college, and university committees and task forces - Quality rather than mere quantity of service should be evaluated. The chair should evaluate service on departmental committees and seek the evaluation of the dean for college committees, the president or the provost and vice president for academic affairs for university committees, and the chair of the Faculty Senate for Faculty Senate committees.
 6. Cooperation with the Office of Admissions in recruiting of students to the university - The evaluation of the director of admissions should be sought by the chair for faculty members engaged in recruitment activities.
 7. Other departmental, college, and university service - Specific roles in working with other university departments (for example, the Academic Television Services, the Office of Residence life, or the University Library) may be given to the individual faculty members. The chair should seek the evaluation of the director of the unit involved.
- b. Community service, i.e., the application of a faculty member's professional skills for the service of the community in a manner that assists in the fulfillment of the mission of the university - Professional service does not include service to religious, political, or social organizations that (although meritorious in itself) is not relevant to the faculty member's professional area.
1. Service to university outreach programs - From time to time the university will develop specific non-instructional outreach programs and centers in such areas as improvement of the urban environment or marine studies. Service in these areas should be evaluated by the chair after consultation with the director of the program or center.
 2. Noncredit courses, workshops, projects, and colloquia in areas of the faculty member's expertise - The chair should seek the evaluation of the director of the appropriate noncredit program in determining the quality of work being done by the faculty member in relating to the community. (In some cases, of course, such programs would be considered part of departmental teaching or service and would be evaluated under these categories.)
 3. Speaking activities, particularly through the university Speakers Bureau - Attempts to evaluate quality rather than quantity must be made.

4. Consulting, either reimbursed or unreimbursed - The chair should seek to learn and evaluate the degree to which consulting activities have been considered successful by the agency employing the faculty member. Consulting activities, if they are to be credited positively in the evaluation, must have the prior approval of the chair, the dean, and the provost and vice president for academic affairs and must be clearly related to the university's mission and the faculty member's responsibilities in teaching, research, and service.
 5. Any other ways in which the faculty member is using professional knowledge for the service of constituencies in the Eastern Virginia region.
- c. Service to the discipline
1. Service to scholarly or professional societies - This category may include holding of office, editing proceedings, reading non-research papers, being instrumental in bringing a group to campus and serving on the local arrangements committee, developing a teleconference, and any other ways in which the faculty member is active within such a society. It is the responsibility of the chair to evaluate the quality of the work done for the society by the faculty member and the stature of the society itself and its relevance to the mission of the university.
 2. Service as editor or reader for a scholarly journal in the field - The chair should be familiar with and comment on the prestige and quality of the journal involved.
 3. Any other way in which the faculty member is making a contribution to the advancement of the discipline other than in areas relevant to teaching and research.
4. As part of the evaluation, the chair should include a summary of the faculty member's performance as it relates to the expected role that the faculty member is to play in the department. In the case of faculty members who are working toward the criteria for tenure, the evaluation should specifically address the expected role the faculty member is to play in the projected long-term needs of the department. The chair should indicate whether:
 - a. the faculty member is performing demonstrably above the expected criteria;

- b. the faculty member is living up to the expectations of the relevant rank and place in the department; and
 - c. the faculty member is falling short of the expected criteria.
- F. After completing the evaluation of the faculty member's activities, the chair gives the faculty member a copy of the evaluation and discusses it with the faculty member. At this time, the faculty member and chair agree on a written set of goals for the coming year. If appropriate, the chair should make suggestions for improvement and give the faculty member a clear idea of ways in which the performance might be improved in future years. Where deficiencies are noted, the chair should work with the faculty member to develop a plan to address the deficiencies and either provide resources to implement the plan, if necessary, or if resources are not available in the department recommend to the dean and provost that such resources be provided. If a pattern of deficiency in the performance of a tenured faculty member is documented from the cumulative annual evaluations, for a period of at least two years, the chair or dean shall call for an in-depth evaluation of the faculty member as described in section K below. The chair should take particular care in the counseling of non-tenured faculty members who are working toward the criteria for tenure.
- G. Any faculty member who is dissatisfied with the personal evaluation prepared by the chair may present in writing additional comments or evidence to the chair and to the dean.
- H. The dean evaluates in writing the performance of the faculty member by either:
 - 1. endorsing the evaluation of the chair; or
 - 2. indicating areas in which the dean's evaluation differs from that of the chair.
- I. Any faculty member who is dissatisfied with the personal evaluation prepared by the dean may present in writing additional comments or evidence to the dean and to the provost and vice president for academic affairs.
- J. Non-tenured faculty members, without prior teaching service credit toward tenure, who have completed three years of probationary service at Old Dominion University will receive a major faculty review. This review will be conducted by the dean in the summer of the third year of faculty service and will include a meeting with the faculty member and chair. The review process, **conducted by the department promotion and tenure committee, department chair, college promotion and tenure committee and dean**, will include an in-depth evaluation of teaching effectiveness, scholarly works, grant and contract efforts, and other professional activities. An evaluation report emphasizing the long-range impact of the faculty member on the university should be submitted to the provost and vice president for academic affairs by September 15 (May 15 for faculty hired mid-year) following the completion of the review at the college level. It is

important that the review extend beyond certifying adequate teaching performance and focus on creative ability, productivity, and potential to excel.

The concept of a major review of faculty performance is intended to serve the purpose of giving the faculty member a clear indication of progress toward tenure and to offer constructive suggestions for self-improvement.

In situations where a faculty member receives one or two years of credit toward tenure, the review process will be conducted after the second year of service at Old Dominion University.

- K. Where a pattern of performance deficiency has been noted on the part of a tenured faculty member over a two-year period, the chair and dean may conduct a post-tenure review.
- L. Copies of the faculty information sheets, the chair's evaluation, the faculty member's comments, and the dean's evaluation are retained for the record in the faculty member's personnel file maintained in the dean's office.

The Committee approved by unanimous vote the proposed early retirement incentive plan for faculty for 2007 and 2008 to be effective upon satisfaction of the requirements of the Code of Virginia. The plan is consistent with the policy currently in effect and has been amended and restated for application in 2007 and 2008. The document approved at the December meeting set the parameters for the plan. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote.*)

**APPROVAL OF AN EARLY RETIREMENT INCENTIVE PLAN
FOR FACULTY FOR 2007 AND 2008**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors hereby approves the Early Retirement Incentive Plan for Faculty (the "Plan") for 2007 and 2008, a copy of which shall be retained with the minutes of this Board to become effective upon satisfaction of the requirements of Virginia Code § 23-9.2:3.1.

Rationale: The Plan is consistent with the Board of Visitors Policy on Retirement Incentive Plan for Faculty (#1440) currently in effect. The Plan has been amended and restated for application in 2007 and 2008. The document approved by the Board of Visitors in December 2006 set the parameters for such plans, including the Plan.

The goal of the plan is to encourage the retirement of senior faculty, retain sufficient salary to hire replacements at the assistant professor rank, and create additional positions with the salary remainder.

**OLD DOMINION UNIVERSITY
RETIREMENT INCENTIVE PLAN FOR FACULTY**

**Originally Effective: January 1, 2002
Amended and Restated for Application in 2007 and 2008**

PRELIMINARY MATTERS

PREAMBLE

Old Dominion University (the “University”) established the Old Dominion University Retirement Incentive Plan for Faculty (the “Plan”) effective January 1, 2002 to effectuate its policy regarding early retirement of faculty members. The University now desires to amend and restate the Plan for eligible faculty who wish to retire June 1, 2007 or June 1, 2008 as provided hereinafter to reflect changes in the University’s policy objectives and to update the Plan in accordance with applicable requirements of the Internal Revenue Code of 1986, as amended (the “Code”).

The Plan is intended to provide a financial early retirement incentive for certain tenured teaching and research faculty who are selected to participate in the Plan, thereby providing the University with increased flexibility in the allocation of faculty positions and facilitate the hiring of new faculty members who have credentials and experiences which will best support and enhance the current goals of the University.

This Plan is intended as a tax-qualified defined benefit plan within the meaning of Code Section 401(a) funded by a tax exempt Code Section 501(a) trust, and is a governmental plan within the meaning of Code Section 414(d). As a governmental plan, the Plan is not subject to the Employee Retirement Income Security Act of 1974, as amended.

This Plan is established by the University’s Board of Visitors pursuant to Sec. 23-9.2:3.1 of the Virginia Code. Only non-classified teaching and research faculty are eligible to participate in the Plan, and participation is to be entirely voluntary. ***As required by Sec. 23-9.2:3.1, the Board of Visitors reserves the right at any time to modify, amend or repeal this Plan as hereinafter provided.*** No changes, if any are made, shall apply to individuals who retire prior to the day the modification, amendment, or repeal of this Plan is effective. This plan is further subject to such changes as may be required by the law or policy of the United States and the Commonwealth as the same may be in effect from time to time.

It is the responsibility of each interested faculty member to determine how participation in this Plan will affect his or her retirement benefits and planning. The University Benefits Manager in the Department of Human Resources may provide assistance in retirement planning to interested faculty members, who are in any event urged to seek the counsel of advisors of their choice.

Source of Funds; Plan Participation Limits

No central University monetary resources will be set aside to fund Retirement Decision Contracts; rather, Retirement Decision Contracts will be funded from budget lines within each retiree's college. Participation in the plan is limited to a total of 30 retirees each year for the two-year period 2007-08 and 2008-09 and total Plan cost in any fiscal year may not exceed one percent of the general fund appropriation to the University for faculty salaries and associated benefits. If more than 30 applications are received, or the limitation on total Plan cost will be exceeded, all participants may be selected on the basis of length of faculty service at the University, or by some other impartial means selected by the President to meet these limitations.

Plan Initiation

Subject to Plan review by the Office of the Attorney General, approval by the Governor as provided by Virginia Code § 23-9.2:3.1(H), as well as any other adverse legal condition which in the University's sole judgment renders present Plan implementation contraindicated, the Plan will be announced to faculty on December 11, 2006 and again on December 10, 2007. Faculty members must declare their desire to participate in the Plan by January 15, 2007 with retirement effective June 1, 2007, or January 15, 2008 with retirement effective June 1, 2008. Faculty members approved for participation in the Plan will be notified no later than February 15, 2007, or February 15, 2008 as the case may be. They then have 21 days from the date of notification to deliver a signed Retirement Decision Contract, to become irrevocable 7 days later, both according to provision made by the President or Provost.

Collegial Privileges

Every faculty retiree, including those choosing to retire under this Plan, remains a respected member of the University community retaining many of the collegial privileges that were available while still employed full time. For example, retired faculty retain their academic title(s), library privileges, entitlement to purchase a parking decal, a University identification card reflecting their retired status, use of University facilities requiring a valid University identification card, and such other non-pecuniary benefits as may be announced from time to time.

SECTION 1 DEFINITIONS

1.1 Administrator

The President is designated as administrator on behalf of the University; provided, however, the President may by written delegation assign Plan administration to another University administrator.

1.2 Base Salary

- (a) Base Salary means the ten month academic year salary stated in annual faculty appointment letters or Notices of Appointment issued by the Academic Affairs

department of the University for the period from July 25 through May 24 of the year of retirement pursuant to this Plan. Base Salary for appointment periods of twelve, eleven, and nine months will be determined by their mathematical conversion to a ten month academic year salary by multiplying twelve, eleven, and nine month salaries by 10/12ths, 10/11ths, and 10/9ths, respectively. Base Salary shall not include salary supplements other than academic stipend payments identified as such by annual faculty appointment letters or Notices of Appointment. Confirmation of academic year salary shall be obtained from Academic Affairs.

- (b) In addition to other applicable limitations set forth in this Plan and notwithstanding any other provision of the Plan to the contrary, the annual compensation taken into account under the Plan shall not exceed the dollar limitation of Code section 401(a)(17), incorporated herein by this reference, as the same may be adjusted from time to time.

1.3 Benefit

The amount of a Participant's total benefit under the Plan, as determined in accordance with Section 3.1.

1.4 Board

The Board of Visitors of the University.

1.5 Code

The Internal Revenue Code of 1986, as amended.

1.6 Eligible Employee

A faculty member who, on the date of retirement (June 1 2007 or 2008), will then be at least 65 years of age, tenured, have at least 10 years of full-time service at Old Dominion University, and bound by an irrevocable Retirement Decision Contract.

1.7 Employee

Any individual on the payroll of the University whose compensation from the University is subject to withholding for the purposes of Federal income taxes and the Federal Insurance Contributions Act.

1.8 Limitation Year

The Plan Year.

1.9 Participant

Any faculty member upon selection for participation in the Plan in accordance with Section 2, below, who is then an Eligible Employee, or will be such on or before the Retirement date.

1.10 Plan

The Old Dominion University Retirement Incentive Plan for Faculty as set forth herein now and as the same may be modified or amended from time to time.

1.11 Plan Year

The twelve (12) month period commencing each January 1.

1.12 Reserved.

1.13 Retirement

The date a Participant terminates full-time employment with the University as set forth in the Participant's Retirement Decision Contract.

1.14 Retirement Decision Contract

An agreement between an Employee and the University, the terms of which are described in the Program and in substantially the form attached as Appendix A, under which the Employee agrees to terminate full-time employment on June 1, 2007 or 2008.

1.15 Trust

The Old Dominion University Retirement Benefit Trust created by the Trust Agreement entered into pursuant to Section 10 between the University and the Trustees.

1.16 Trustees

The persons and/or bank or trust company named as Trustees in the Trust Agreement described in Section 10.1.

1.17 University

Old Dominion University.

**SECTION 2
PARTICIPATION**

Applications to participate in the Plan must be reviewed by college deans for recommendations, positive or otherwise, to the Provost. In determining each recommendation, Deans will consider

only the short term needs of their colleges in terms of each applicant's specialty and contributions to the college. The Provost will forward his recommendations to the President. Following the President's review of the applications and recommendations, the President, based upon institutional needs, will select the faculty members to participate in the Plan. The President's decision shall be final.

SECTION 3 BENEFITS

3.1 Benefit

A cash payment equal to one hundred percent (100%) of the Participant's Base Salary. The Benefit shall be paid in three (3) substantially equal annual installments.

3.2 Limitation on Benefits

In no event shall the amount of any Benefit determined under this Plan for any Limitation Year exceed the maximum benefit permitted under Code Section 415. For purposes of Code Section 415, "compensation" means the amount of wages or salaries up to the limit provided in Code Section 401(a)(17), as periodically adjusted by the Internal Revenue Service for inflation, paid to any Participant by the University for services rendered during the Plan Year. Compensation shall include any elective deferrals and any amounts contributed by the University to a benefit plan or program at the election of the Participant and that are not includible in the gross income of the Participant by reason of Code Sections 125, 457 or 132(f)(4). For purposes of this Plan, Code Section 415 and the rules and regulations issued thereunder, as amended from time to time, are incorporated by reference.

3.3 Actuarial Assumptions

To the extent it is necessary to determine the lump sum actuarial equivalent of the Participant's Benefit, the Plan shall use the mortality table described in Code Section 417(e)(3)(A)(ii)(I) and an interest rate that is not less than the greatest of (a) 5.5%; or (b) the rate that provides a benefit of not more than 105% of the benefit that would be provided using the applicable interest rate described in Code Section 417(e)(3)(A)(ii)(II).

SECTION 4 FUNDING

The University shall have complete and total discretion in determining the timing and amount of contributions to the Trust to fund Participants' Benefits within the limits set forth in the Program. Notwithstanding the foregoing, the Trust shall have enough assets on or before any distribution date described in this Plan so that the total amount to be distributed to Participants on such date shall be available for such distribution from the Trust.

SECTION 5 VESTING

A Participant shall be fully vested in his or her Benefit upon his or her Retirement.

SECTION 6 DISTRIBUTIONS

6.1 Distribution of Benefit

A Participant shall receive the Benefit described in Section 3.1 in annual installments over a period that is not less than three (3) years following the date of the Participant's Retirement. The initial payment date shall be made on July 1 (or the first business day following July 1) immediately following the date specified in the Participant's Retirement Decision Contract and subsequent annual installments shall be paid on the anniversary of the initial payment date.

6.2 Deferred Distribution

Notwithstanding Section 6.1 above, the University, in its sole and absolute discretion, may defer commencing the distribution of a Participant's Benefit until any date on or before April 1 of the calendar year following the calendar year in which the Participant attains age seventy-and-one-half (70½).

6.3 Minimum Distribution Requirements

The provisions of this Section 6.3 will apply for purposes of determining required minimum distributions for calendar years beginning with the 2007 calendar year and for the coordination with minimum distribution requirements previously in effect. The requirements of this Section shall apply to any distribution of a Participant's Benefit and will take precedence over any inconsistent provisions of this Plan. Distributions in all cases will be made in accordance with Code Section 401(a)(9) and the regulations promulgated thereunder.

(a) Time and Manner of Distribution.

- (i) Required Beginning Date. The participant's entire interest shall be distributed, or begin to be distributed, to the Participant no later than the Participant's Required Beginning Date.
- (ii) Death of Participant before Distributions Begin. If the Participant dies before distributions begin, the Participant's entire interest shall be distributed, or begin to be distributed, no later than as follows:
 - (A) If the participant's surviving spouse is the Participant's sole Designated Beneficiary, then distributions to the surviving spouse shall begin by December 31 of the calendar year immediately

following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age seventy-and-one-half (70½), if later.

- (B) If the participant's surviving spouse is not the Participant's sole Designated Beneficiary, then distributions to the Designated Beneficiary shall begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.
- (C) If there is no Designated Beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's entire interest shall be distributed by December 31 of the calendar year containing the fifth (5th) anniversary of the Participant's death.
- (D) If the Participant's surviving spouse is the Participant's sole Designated Beneficiary and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, this subsection 6.3(a)(ii), other than subsection 6.3(a)(ii)(A), will apply as if the surviving spouse were the Participant.

For purposes of subsections 6.3(a)(ii) and 6.3(c), unless subsection 6.3(a)(ii)(D) applies, distributions are considered to begin on the Participant's Required Beginning Date. If subsection 6.3(a)(ii)(D) applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under subsection 6.3(a)(ii)(A). If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's Required Beginning Date (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection 6.3(a)(ii)(A)), the date distributions are considered to begin is the date distributions actually commence.

- (iii) Forms of Distribution. Unless the Participant's interest is distributed in the form of an annuity purchased from an insurance company, as of the first Distribution Calendar Year distributions shall be made in accordance with subsections (b) and (c) of this Section 6.3. If the Participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Code Section 401(a)(9) and the Treasury Regulations.

(b) Required Minimum Distributions During Participant's Lifetime.

(i) Amount of Required Minimum Distribution for Each Distribution Calendar Year. During the Participant's lifetime, the minimum amount that will be distributed for each Distribution Calendar Year is the lesser of:

- (A) the quotient obtained by dividing the Participant's account balance by the distribution period in the Uniform Lifetime Table set forth in Treasury Regulation Section 1.401(a)(9)-9, using the Participant's age as of the Participant's birthday in the Distribution Calendar Year; or
- (B) if the Participant's sole Designated Beneficiary for the Distribution Calendar Year is the Participant's spouse, the quotient obtained by dividing the Participant's Benefit by the number in the Joint and Last Survivor Table set forth in Treasury Regulation Section 1.401(a)(9)-9, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the Distribution Calendar Year.

(ii) Lifetime Required Minimum Distribution Through Year of Participant's Death. Required minimum distributions will be determined under this subsection 6.3 (b) beginning with the first Distribution Calendar Year and up to and including the distribution calendar year that includes the Participant's date of death.

(c) Required Minimum Distributions After Participant's Death.

(i) Death On or After Date Distributions Begin.

- (A) Participant Survived by Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is a Designated Beneficiary, the minimum amount that will be distributed for each Distribution Calendar Year after year of the Participant's death is the quotient obtained by dividing the Participant's Benefit by the longer of the remaining life expectancy of the Participant or the remaining life expectancy of the Participant's Designated Beneficiary, determined as follows:
 - (1) The Participant's remaining life expectancy is calculated using the age of the Participant in the year of death, reduced by one (1) for each subsequent year.
 - (2) If the Participant's surviving spouse is the Participant's sole Designated Beneficiary, the remaining life expectancy of the surviving spouse is calculated for each Distribution Calendar Year after the year of the Participant's death

using the surviving spouse's age as of the spouse's birthday in that year. For Distribution Calendar Years after the year of the surviving spouse's death, the remaining life expectancy of the surviving spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one (1) for each subsequent calendar year.

(3) If the Participant's surviving spouse is not the Participant's sole Designated Beneficiary, the Designated Beneficiary's remaining life expectancy is calculated using the age of the beneficiary in the year following the year of the Participant's death, reduced by one (1) for each subsequent year.

(B) No Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no Designated Beneficiary as of September 30 of the year after the year of the Participant's death, the minimum amount that shall be distributed for each Distribution Calendar Year after the year of the Participant's death is the quotient obtained by dividing the Participant's Benefit by the Participant's remaining life expectancy calculated using the age of the Participant in the year of death, reduced by one (1) for each subsequent year.

(ii) Death Before Date Distributions Begin.

(A) Participant Survived by Designated Beneficiary. If the Participant dies before the date distributions begin and there is a Designated Beneficiary, the minimum amount that shall be distributed for each Distribution Calendar Year after the year of the Participant's death is the quotient obtained by dividing the Participant's Benefit by the remaining life expectancy of the Participant's Designated Beneficiary, determined as provided in subsection 6.3(c)(i).

(B) No Designated Beneficiary. If the Participant dies before the date distributions begin and there is no Designated Beneficiary as of September 30 of the year following the year of the Participant's death, distribution of the Participant's entire interest shall be completed by December 31 of the calendar year containing the fifth (5th) anniversary of the Participant's death.

(C) Death of Surviving Spouse before Distributions to Surviving Spouse are Required to Begin. If the Participant dies before the date distributions begin, the Participant's surviving spouse is the Participant's sole Designated Beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under subsection 6.3(a)(ii)(A), this subsection

6.3(c)(ii) shall apply as if the surviving spouse were the Participant.

(d) Definitions.

- (i) Designated Beneficiary. The individual who is designated as the Beneficiary under the Plan and is the Designated Beneficiary under Code Section 401(a)(9) and Treasury Regulation Section 1.401(a)(9)-1, Q&A-4.
- (ii) Distribution Calendar Year. A calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first Distribution Calendar Year is the calendar year immediately preceding the calendar year which contains the Participant's Required Beginning Date. For distributions beginning after the Participant's death, the first Distribution Calendar Year is the calendar year in which distributions are required to begin under subsection 6.3(a)(ii). The required minimum distribution for the Participant's first Distribution Calendar Year shall be made on or before the Participant's Required Beginning Date. The required minimum distribution for other Distribution Calendar Years, including the required minimum distribution for the Distribution Calendar Year in which the Participant's Required Beginning Date occurs, will be made on or before December 31 of that Distribution Calendar Year.
- (iii) Life Expectancy. Life expectancy as computed by use of the Single Life Table in Treasury Regulation Section 1.401(a)(9)-9.
- (iv) Required Beginning Date. The Required Beginning Date of a Participant is April 1 following the calendar year in which the Participant attains age seventy-and-one-half (70½) or if later, April 1 following the calendar year in which the Participant retires.

(e) Election to Allow Participants, Former Participants or Beneficiaries to Elect 5-Year Rule.

Participants or beneficiaries may elect on an individual basis whether the 5-year rule or the life expectancy rule in subsections 6.3(a)(ii) and (c)(ii) applies to distributions after the death of a Participant who has a Designated Beneficiary. The election must be made no later than the earlier of September 30 of the calendar year in which distribution would be required to begin under Subsection 6.3 (a)(ii), or by September 30 of the calendar year which contains the fifth (5th) anniversary of the Participant's (or, if applicable, surviving spouse's) death. If neither the Participant nor beneficiary makes an election under this paragraph, distributions will be made in accordance with subsections 6.3(a)(ii) and 6.3(c)(ii).

(f) Election to Allow Designated Beneficiary Receiving Distributions Under 5-Year Rule to Elect Life Expectancy Distributions.

A Designated Beneficiary who is receiving payments under the 5-year rule may make a new election to receive payments under the life expectancy rule until December 31, 2003, provided that all amounts that would have been required to be distributed under the life expectancy rule for all distribution calendar years before 2004 are distributed by the earlier of December 31, 2003 or the end of the 5-year period.

6.4 Election of Beneficiaries

A Participant shall provide, in a form acceptable to the Administrator, one or more beneficiary(ies) to receive any remaining distributions of the Participant's Benefit upon the Participant's death after Retirement. If a Participant has no valid beneficiary designation on file with the Administrator, or the beneficiary has predeceased the Participant, the Administrator shall designate as the beneficiary the Participant's estate. The Administrator's determination of this matter shall be binding.

6.5 Death or Disability of a Participant

- (a) If a Participant dies after executing a Retirement Decision Contract, but prior to its effective date, the Participant shall forfeit any benefits due him or her under the Plan.
- (b) If a Participant becomes permanently and totally disabled after a Retirement Decision Contract is executed, but prior to its effective date, the University will provide payments under the terms of the Retirement Decision Contract.

6.6 Incompetence of Distributee

If the Administrator receives evidence that a person entitled to receive any distribution under the Plan is physically or mentally incompetent or incompetent by reason of age to receive such distribution, the Administrator shall direct the Trustees to make such distribution to the Participant's legal representative provided the Administrator, in its sole and absolute discretion, determines that such individual has the authority as legal representative to request payment from the Plan. Any such payment made under this Section 6.5 shall constitute a complete discharge of any liability under the Plan.

6.7 Location of Participant or Beneficiary Unknown

In the event that all, or any portion, of the distribution payable to a Participant or his or her beneficiary remains unpaid solely by reason of the inability of the Administrator to ascertain the whereabouts of such Participant or beneficiary after sending a registered letter, return receipt requested, to the Participant's or beneficiary's last known address on file with the Administrator, and after further diligent effort, a savings account at a local financial institution shall be established in the Participant's or beneficiary's name and the distribution shall be deposited therein.

6.8 Direct Rollover

(a) General

Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Section 6.8, a distributee may elect, at the time and in the manner prescribed by the Administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) Definitions

(i) Eligible Rollover Distributions

An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); and the portion of any distribution that is not includable in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

(ii) Eligible Retirement Plan

An eligible retirement plan is (A) an individual retirement account described in Code section 408(a), (B) an individual retirement annuity described in Code section 408(b), (C) an annuity plan described in Code section 403(a), or (D) a qualified trust described in Code section 401(a), that accepts the distributee's eligible rollover distribution, (E) an eligible deferred compensation plan described in Code section 457(b) maintained by a governmental employer described in Code section 457(e)(1)(A), or (F) an annuity contract/custodial account described in Code section 403(b), that accepts the distributee's eligible rollover distribution.

(iii) Distributee

A distributee includes an Employee or former Employee. In addition, the Employee's or former Employee's surviving spouse and the Employee's or former Employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p), are distributees with regard to the interest of the spouse or former spouse.

(iv) Direct Rollover

A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.

**SECTION 7
AMENDMENT AND TERMINATION**

7.1 Amendment

The University reserves the right to amend or terminate the Plan by action of the Board of Visitors, at any time and from time to time, in whole or in part, including, without limitation, retroactive amendments necessary or advisable to qualify the Plan and Trust under the provisions of Code section 401(a). However, except as set forth in Section 7.3, no such amendment shall:

- (a) cause any part of the assets of the Trust to revert to or be recoverable by the University or be used for or diverted to purposes other than the exclusive benefit of Participants and beneficiaries;
- (b) deprive any Participant or beneficiary of any Benefit already vested;
- (c) alter, change, or modify the duties, powers, or liabilities of the Trustees without their written consent; or
- (d) permit any part of the assets of the Plan and the Trust to be used to pay premiums or contributions of the University under any other plan maintained by the University for the benefit of its Employees. No amendment to the vesting schedule shall deprive a Participant of nonforfeitable rights to benefits accrued to the date of the amendment.

7.2 Termination

Upon termination of the Plan by expiration or action of the Board of Visitors, the assets of the Trust, after payment of expenses, shall be distributed to Participants (and beneficiaries) to the extent Participants are due Benefits under the Plan. The Trustees may furnish any consent otherwise required of the University or Administrator and may deal directly with the Participant in all matters relating to benefits. If Trust assets remain after payment and satisfaction of all liabilities to Participants, beneficiaries or others, such assets shall be returned to the University. Each Participant shall have a non-forfeitable right to his Benefit upon a termination or partial termination of the Plan or upon a complete discontinuance of contributions under the Plan.

7.3 Permissible Reversions

- (a) Notwithstanding any other provision of the Plan:
 - (i) No Participant or beneficiary shall have any right or claim to any assets of the Trust or to any benefit under the Plan before the Internal Revenue Service determines that the Plan and Trust qualify under the provisions of Code section 401(a), or any statute of similar import.
 - (ii) To the extent the University's contributions are made by reason of a mistake of fact, they may be returned to the University within one (1) year from the date of contribution.
- (b) The amounts that may be returned to the University under Section 7.3(a)(ii) above shall be the excess of the amounts contributed over the amounts that would have been contributed had there not been a mistake of fact. No earnings on the mistaken contributions may be returned to the University and losses sustained by the Trust after the date of contribution shall proportionately reduce the amount that may be returned to the University.

SECTION 8 CLAIMS

A Participant's or beneficiary's claim for distributions of the Participant's Benefit may be presented in writing by the Participant or beneficiary to the Administrator.

If the claim for benefits is wholly or partially denied, the Administrator shall notify the Participant or beneficiary in writing of such denial of benefits within sixty (60) days of receipt of the claim.

Any notice of a denial of benefits shall advise the Participant or beneficiary of:

- (a) the specific reason or reasons for the denial;
- (b) the specific provisions of the Plan or Program on which the denial is based;
- (c) any additional material or information necessary for the Participant or beneficiary to perfect the claim and an explanation of why such material or information is necessary; and
- (d) the steps which the Participant or beneficiary must take to have the claim reviewed.

A Participant (or beneficiary) whose claim has been denied may file a written request for a review by the Administrator of the denial of this claim. Such written request for review must be filed within sixty (60) days after receipt of written notification of the denial of this claim. The Administrator shall review the written comments and any submissions of the Participant (or

beneficiary) and render its decision regarding the appeal within sixty (60) days of receipt of such appeal. Such decision shall be in writing setting forth the specific reasons and specific Plan provisions on which the Administrator based its decision.

SECTION 9 ADMINISTRATION

9.1 Plan Administrator

The Administrator shall administer the Plan. The President of the University is designated as the agent of the Plan for the service of legal process.

The Administrator's duties shall include, without limitation, powers with respect to the administration of the Trust as may be conferred upon it by the Trust. It shall have the power to take all action and to make all decisions that shall be necessary or proper in order to carry out the provisions of the Plan and, without limiting the generality of the foregoing, it shall have the following powers:

- (a) to make (and enforce by suspension or forfeiture) such rules and regulations as it shall deem necessary or proper for the efficient administration of the Plan;
- (b) to interpret or construe the Plan;
- (c) to decide questions concerning the Plan and the eligibility of any Employee to participate therein and the right of any person to receive benefits thereunder;
- (d) to decide any dispute arising under the Plan;
- (e) to compute the amount of benefits which shall be payable to any person in accordance with the provisions of the Plan;
- (f) to authorize all disbursements by the Trustees;
- (g) to prescribe and require the use of such forms as it shall deem necessary or desirable in connection with the administration of the Plan;
- (h) to supply any remedies or corrections to omissions in the Plan;
- (i) to reconcile and correct any errors or inconsistencies in the Plan; and
- (j) to make equitable adjustments for any mistakes or errors made in the administration of the Plan.

The Administrator shall establish rules and regulations and shall take other necessary or proper action to carry out its duties and responsibilities.

9.2 Actions Conclusive

Benefits under this Plan shall be paid only if the Administrator decides in its discretion that the Participant or beneficiary is entitled to them. The decisions of the Administrator on any matter within its authority shall be made in the sole discretion of the Administrator and shall be final and binding on all parties, including without limitation, the University, Participants and beneficiaries.

9.3 Appointment of Agents

The Administrator may employ or engage such accountants, counsel, other experts, and other persons as it deems necessary in connection with the administration of the Plan to the extent permitted by law.

9.4 Reliance on Opinions

The Administrator and each member thereof and each person to whom it may delegate any power or duty in connection with administering the Plan shall be entitled to rely conclusively upon, and shall be fully protected in any action taken by them or any of them in good faith reliance upon any valuation, certificate, opinion, or report which shall be furnished to them or any of them by the Trustees or by any accountant, counsel, other expert, or other person who shall be employed or engaged by the Trustees or the Administrator.

9.5 Records and Accounts

The Administrator shall keep or cause to be kept all data, records and documents pertaining to the administration of the Plan, and shall execute all documents necessary to carry out the provisions of the Plan. The Administrator shall advise the Trustees of such facts as may be pertinent to the Trustees' administration of the Trust and shall give proper instruction to the Trustees for carrying out the purposes of the Plan.

9.6 Payment of Expenses

- (a) Subject to the provisions of paragraph (b) below, expenses in connection with the administration of the Plan and Trust including commissions, taxes, and expenses of the Trustees and of any accountant or other person who shall be employed by the Administrator or Trustees in the administration thereof, shall be paid by the Trust unless paid by the University.
- (b) In the event of permanent discontinuance of contributions or termination any further payment of expenses which arise or have arisen in connection with the administration of the Plan and Trust shall be paid by the Trust unless paid by the University.

9.7 Liability

The Administrator shall incur no liability for any action taken or not taken in good faith reliance on advice of counsel, who may be counsel for the University or taken or not taken in good faith reliance on a determination as to a matter of fact which has been represented or certified by a person reasonably believed to have knowledge of the fact so represented or certified, or taken or not taken in good faith reliance on a recommendation or opinion expressed by a person reasonably believed to be qualified or expert as to any matter where it is reasonable or customary to seek or rely on such recommendations or opinions. Nor shall any employee of the Administrator be liable for the wrongful or negligent conduct of any other or any person having fiduciary responsibilities with respect to the Plan unless the employee (i) knowingly participates in or undertakes to conceal an act or omission of such other person knowing the act or omission is a breach of fiduciary duty, (ii) by failing to act solely in the interests of Participants and beneficiaries or to exercise the care, skill, prudence and diligence under the circumstances prevailing from time to time that a prudent man acting in a like capacity and familiar with such matters would exercise, has enabled the other fiduciary to commit a breach, or (iii) has knowledge of a breach by the other fiduciary and does not make reasonable efforts under the circumstances to remedy it. Nothing in this Plan is intended as, nor shall be deemed to be, an abrogation of the sovereign immunity of the Commonwealth of Virginia, or of the University as an arm or alter ego of the Commonwealth, under either state or federal law.

SECTION 10 TRUST AGREEMENT

10.1 The Trust Agreement

“Trust Agreement” means the “Old Dominion University Retirement Benefit Trust Agreement” between the University and the Trustees. The Trustees are to hold, invest, and distribute the assets of the Trust in accordance with the terms and provisions of the Trust Agreement. The duties and rights of the Trustees shall be determined solely by reference to the Trust Agreement.

10.2 No Diversion of Corpus or Income

In no event shall any portion of the corpus or income of the Trust be used for or diverted to purposes other than the exclusive benefit of Participants and their beneficiaries.

SECTION 11
MISCELLANEOUS

11.1 Limitation of Rights; Employment Relationship

Neither the establishment of the Plan and the Trust nor any modifications of them, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as modifying or affecting in any way the terms of employment of any Employee.

11.2 Merger; Transfer of Assets

- (a) If the University merges or consolidates with or into another entity, or if substantially all the assets of the University are transferred to another entity, the Plan shall terminate on the effective date of the merger, consolidation, or transfer. However, if the surviving entity resulting from the merger or consolidation, or the entity to which the assets have been transferred, adopts this Plan, the Plan shall continue and the successor entity shall succeed to all rights, powers, and duties of the University under the Plan, and the employment of any Employee who is continued in the successor entity's employ shall not be deemed to have been terminated for any purpose under the Plan.
- (b) This Plan shall not be merged or consolidated with any other employee benefit plan, nor shall there be any transfer of assets or liabilities from this Plan to any other plan, unless, immediately after the merger, consolidation, or transfer, each Participant's benefits, if the other plan were then to terminate, are at least equal to the benefits to which the Participant would have been entitled had this Plan been terminated immediately before the merger, consolidation, or transfer.

11.3 Prohibition Against Assignment

- (a) Except as provided below, the benefits provided by this Plan may not be assigned or alienated. Neither the University nor the Trustees shall recognize any transfer, mortgage, pledge, hypothecation, order, or assignment by any Participant or beneficiary of all or part of his or her interest under the Plan, and the interest shall not be subject in any manner to transfer by operation of law and shall be exempt from the claims of creditors or other claimants from all orders, decrees, levies, garnishment, and/or executions, and other legal or equitable process or proceedings against the Participant or beneficiary to the fullest extent that may be permitted by law.
- (b) This provision shall not apply to an "administrative domestic relations order" and those other domestic relations orders permitted to be so treated by the Administrator under the Code. To the extent provided under an "administrative domestic relations order," a former spouse of a Participant shall be treated as the spouse or surviving spouse for all purposes under the Plan.

11.4 Applicable Law; Severability

This Plan shall be construed, administered, and governed in all respects in accordance with the laws of the Commonwealth of Virginia, provided, however, that if any provision is susceptible to more than one interpretation, it shall be interpreted in a manner consistent with the Plan's status as a tax-qualified plan within the meaning of the Code. If any provision of this instrument shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.

11.5 Reliance Upon Copy of Plan

Any person dealing with the Administrator or the Trustees may rely upon copies of the Plan and the Trust Agreement, and any amendments thereto, certified by the Administrator to be true and correct copies.

11.6 Gender and Number; Captions or Headings

Wherever appropriate to the meaning or interpretation of this Plan, the masculine gender shall include the feminine, and the singular number shall include the plural and vice versa. Captions or headings are inserted and intended for organizational format and convenience of reference only; they are not to be given independent substantive meaning or effect.

EXHIBIT A

OLD DOMINION UNIVERSITY
RETIREMENT DECISION CONTRACT

This Contract by and between Old Dominion University (the "University") and _____ (the "Participant"), is entered into by the University and the Participant pursuant to the Early Retirement Incentive Plan for Faculty (the "Plan"). The Participant, who has voluntarily applied for, and has been approved for early retirement in accordance with the terms of the Plan, hereby agrees that he or she shall retire and be separated from full-time employment with the University effective June 1, 2007.

1. In consideration for the Participant's agreement to retire early, the University agrees to a total retirement incentive payment of \$_____, to be paid to Participant, or to Participant's designated beneficiary(ies), over a period of three (3) years as provided below.

2. The University will make the following distributions into a trust account for the benefit of the Participant: \$_____ on or about July 1, 2007, \$_____ on or about July 1, 2008, and \$_____ on or about July 1, 2009, to be further disbursed from the said account in accordance with the option selected by the Participant to the Participant or to the Participant's designated primary or secondary beneficiary(ies) in the event of Participant's death. Participant

must execute Distribution Election and Beneficiary Designation Forms provided by the University to effectuate the provisions of this paragraph.

3. The amounts stated above are subject to such state and federal taxes as may be required by law. It is the sole obligation of the Participant to determine the tax consequences that may or will result from his or her participation in the Plan.

4. The Participant shall meet all participation eligibility requirements in the Old Dominion University Early Retirement Incentive Program for Faculty. Retirement under this plan shall mean the conclusion of full-time employment with the University, and such conclusion shall require: (1.) the withdrawal from active membership in the Virginia Retirement System by VRS members, or (2.) the cessation of University contributions to the Optional Retirement Plan authorized by Va. Code Sec. 51.1-126.

5. In the event that a Participant becomes permanently and totally disabled after delivering his or her signed Retirement Decision Contract to the University but before actual retirement, the University will be responsible for providing the payments stated above. However, in the event that the Participant dies after said delivery but before actual retirement, the University shall not be liable for any retirement payments under this Contract, which upon said event shall be null and void and of no further effect.

6. In the event that the Commonwealth of Virginia or the Virginia Retirement System offers alternative early retirement incentives after this contract has been delivered signed to the University but before actual retirement, the terms of this Contract will not be affected.

7. The Participant acknowledges the terms and other conditions as contained in the Old Dominion University Early Retirement Incentive Plan for Faculty, which said Plan is incorporated herein by this reference, a copy of which has heretofore been provided to Participant in its entirety. As of this time the Plan has not as yet received necessary approval required by state law. While it is anticipated that approval will be timely forthcoming, your participation in the Plan is necessarily contingent on approval being obtained, as well as any other adverse legal condition which in the University's sole judgment renders present Plan implementation presently contraindicated.

8. Participant understands and agrees that the University neither can, nor does it undertake to indemnify the Participant and his or her beneficiary(ies) from any loss or damage of whatsoever nature resulting from participation in the Plan.

9. Participant understands and agrees that this Contract becomes irrevocable at close of business on _____, the seventh day after _____, 2007, the date of execution and delivery of this Contract to the University by the Participant. Revocation must be by signed writing delivered to the office of Glenda Humphreys, Director of Human Resources, during normal business hours.

Old Dominion University

By: _____
Provost and Vice President
For Academic Affairs

Witness:

Witness' signature

Participant's signature

Witness' printed name

Participant's printed name

Committee members received information on two leaves of absence without compensation. In his report, Provost Isenhour briefed the Committee on the credentials of the new Dean of the College of Sciences, department chair appointments in the College of Arts and Letters, plans for a future School of Public Health, the receipt of the 2007 National Association of Colleges and Employers Chevron Award by the Career Management Center (the highest award in the nation), the selection of Vice Provost Phil Langlais as the 2007-08 Vice President and President-elect of the Conference of Southern Graduate Schools, the successful launching this past Fall of the asynchronous BS in Criminal Justice program under the leadership of Nancy Cooley, the Foundations of Excellence Program and Phase I of the reform of General Education under the auspices of Vice Provost Charles Wilson, and an update on the Virginia Beach Higher Education Center.

In his Research report to the Committee, Vice President Karim reported that FY06 research expenditures totaled \$65.4M and many of Old Dominion's programs are ranked in the Top 100 of NSF's research and development rankings. In addition, work on Maglev is continuing and a funding source is being developed, occupants have been identified for the first Office/Research Building 1 in Innovation Research Park@ODU, and VMASC has 170 member partners and faculty hiring in the different application domains is continuing. Vice President Karim also noted the current research assets of the University and reported on the strategic planning objectives in the Office of Research and several recent research successes. He noted that projections indicate that Old Dominion University may be ranked around 151 in total expenditures and 155 in federal expenditures among state and private universities combined in the next NSF rankings.

INSTITUTIONAL ADVANCEMENT COMMITTEE

The Rector called on Ross Mugler for the report of the Institutional Advancement Committee. Mr. Mugler reported that Vice President Broderick briefed the Committee on the results of the 2007 General Assembly session. He noted that a number of Senators

and Delegates have decided not to seek reelection and what the implications of this may be for Old Dominion. He also shared with the Committee inaugural newsletters highlighting both community and governmental relations.

Vice President Broderick and Jennifer Mullen, Director of Media Relations, discussed the University's new integrated marketing, communications and branding strategy. Ms. Mullen also shared information on Old Dominion research highlighted in national media outlets.

Alice McAdory, Executive Director of Admissions, presented Fall 2007 admissions data as well as comparison data for the last two years. She reported that Old Dominion University has received 20% more freshman applications this year than last year at this time and 1,173 more than the University has ever received, totaling over 13,000 applications. She also reported that three new admissions counselors have been hired and Steve Risch has been promoted to Director of International and Graduate Admissions.

Dick Whalen, Director of Military Activities, provided an update on military activities on campus and ongoing relationships with the military community.

STUDENT AFFAIRS COMMITTEE

In the absence of the Chair and Vice Chair, Ms. Woolsey chaired the Student Advancement Committee and was called upon by the Rector to give the Committee's report.

Ms. Woolsey reported that the Committee met in closed session to interview candidates for student representative to the Board. The Committee reconvened in open session and unanimously approved a resolution to recommend Chanele Bryant as the student representative for 2007-2008. The following recommendation was brought forth as a recommendation of the Student Advancement Committee and was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote.*)

RESOLUTION APPOINTING STUDENT REPRESENTATIVE TO THE BOARD OF VISITORS

RESOLVED, that in accordance with Board of Visitors policy, and upon the recommendation of the Student Advancement Committee, the Board of Visitors approves the appointment of Chanele Bryant as the student representative to the Board, whose normal term shall expire on May 10, 2008.

The Committee revisited the proposed revisions to the Hazing Policy that were originally presented to the Committee in December. Associate General Counsel James Wright met with the Committee to explain that the proposed revisions reflect more of an educational approach to the expectations of standards of student behavior. There was considerable discussion about the differences between the legal jargon and the importance of a student's ability to clearly understand the policy. The Committee approved the policy revisions, but in addition, requested that the Vice President provide the Committee with the process and procedures for notifying students and student groups of the revised policy. The Committee also requested that the Vice President provide a report at the meeting in June on the number and type of hazing incidents on campus over the years.

The following recommendation was brought forth as a recommendation of the Student Advancement Committee and was approved unanimously by all members present and voting. (*Ampy, Batten, Croshaw, Gehman, Hall, Hixon, Kirk, Mugler, O'Neill, Stallings, Woolsey. Faeder not present during vote.*)

REVISIONS TO THE HAZING POLICY

RESOLVED, that upon the recommendation of the Student Advancement Committee, the Board of Visitors approves the following revisions to the Hazing Policy, approved by the Board of Visitors on November 14, 1981 and last revised on September 14, 2001.

NUMBER: 1520

TITLE: Hazing **Proscribed Behavior for Students and Student Organizations**

APPROVED: November 14, 1981; Revised June 18, 1987, Revised September 14, 2001; **Revised April 6, 2007**

~~University Statement Against Hazing:~~

- A.** It is the responsibility of all student organizations to encourage an atmosphere of learning, social responsibility, and respect for human dignity and to provide positive influence and constructive development for members and aspiring members. As such, these organizations are expected to utilize good judgment to determine the abilities of individual students as they relate to organizational activities and requirements. "~~Hazing~~" is an **Certain** unproductive and hazardous customs **sometimes associated with the process of initiation** that is **are** incongruous with this responsibility ~~and has no place in university life, either on or off campus.~~ Hazing, as defined in this policy, is **are** prohibited. Students ~~and~~ **or** organizations ~~who are~~ found to have engaged in **hazing these behaviors** may be disciplined in accordance with the University's disciplinary procedures.

~~The purpose of this policy is to define hazing and to provide guidelines with regard to hazing that student organizations and their members must follow.~~

For the purpose of this policy, a “student organization” whether or not the organization is recognized by the Student Government Association, is defined as an organization classified as departmental interest, general fraternity, general sorority, honorary, political, professional, religious, service, special governing board, special interest, athletic or any other organization with student membership.

Hazing is:

Hazing is defined as an

B. Intentional, knowing or reckless acts taken toward any student, occurring either on or off campus, by a student, or by a student organization or any of its members, or by any student(s) perceived to be members of the organization, or by former members, to produce public humiliation, physical discomfort, bodily injury, or public ridicule; or to create a situation where public/private humiliation, physical discomfort, bodily injury, or public/private ridicule occurs which a reasonable person would perceive as humiliating, physically uncomfortable, or which results in bodily injury or public ridicule, are prohibited.

The following are examples of actions that might constitute hazing. As it is impossible to anticipate every situation that could involve hazing, this list should not be considered to be all-inclusive:

1. Paddling;
2. All forms of physical activity which are used to harass or which are not a part of an organized athletic contest and not specifically directed toward constructive work;
3. Road trips (involuntary excursions);
4. Confining another in any room or compartment;
5. Spraying, painting, or pelting another with any substance;
6. Burying in any substance;
7. Requiring or compelling others to engage in activities creating unnecessary work, duties, detention, or any duties which impair academic efforts;
8. Requiring or compelling exposure to uncomfortable elements;
9. Verbal harassment;
10. Requiring or compelling the wearing, in public, of apparel which is not in good taste;
11. Requiring or compelling the forced consumption of any liquid or solid substance;

~~12. — Depriving students of sufficient sleep (six consecutive hours per day is normally considered to be a minimum);~~

~~13. — Burning, branding, or tattooing any part of the body; or any other activity, whether voluntary or involuntary, which may cause physical injury or endanger the life of the individual being hazed;~~

~~14. — Psychological hazing is defined as any act which is likely to:~~

~~(a) — encourage or intimidate a student to subject her/himself to any activity that could be defined as hazing;~~

~~(b) — cause embarrassment or shame to a member or pledge, cause a member or pledge to be the object of malicious amusement or ridicule, or~~

~~(c) — cause psychological harm or substantial emotional strain.~~

~~Initiation and Induction Into Student Organizations~~

~~The initiation and induction of students into student organizations shall be in a manner consistent with the purpose stated in section A above and shall not include any form of hazing, as defined in section C.~~

~~Relationship of This Policy to the Code of Virginia~~

~~The Code of Virginia Section 18.2-56, which declares hazing illegal, establishes conditions for civil and criminal liability and outlines the duties of the university when an individual student has been found guilty of hazing. It is hereby incorporated as part of this policy and will serve as a guide for action by the university when hazing results in bodily injury.~~

~~Definition of “Student Organization”~~

~~For the purpose of this policy, “student organization” is defined as an organization classified as departmental interest, general fraternity, general sorority, honorary, political, professional, religious, service, special governing board, special interest, athletic, or any other organizations with student membership.~~

~~For additional information, please refer to the Student Handbook.~~

C. The Vice President for Student Affairs is delegated the authority to discipline students and/or organizations which violate the provisions of paragraph B. The Vice President for Student Affairs may delegate all or part of this authority to such other persons as deemed appropriate.

D. The discipline applied in violation of paragraph B may include summary dismissal from the University for serious or repeated breaches of the standards set forth in paragraph B above. The Vice President for Student Affairs is delegated the authority to determine appropriate discipline in every case.

E. Violations of paragraph B causing bodily injury shall be reported to the Commonwealth's Attorney of the appropriate jurisdiction.

OLD BUSINESS

The Rector asked if there was any old or unfinished business to come before the Board. There was none.

NEW BUSINESS

The Rector asked if there was any new business to come before the Board. Mr. O'Neill asked about how Old Dominion is dealing with the issue that is being raised about student loan programs and conflicts of interest. Vice President Fenning responded that Old Dominion University is a direct lending institution and is not affiliated with those programs.

Mr. O'Neill also asked about the implications of Title IX on James Madison University and Old Dominion's ability to add football. The President indicated JMU had a large number of athletic programs, while Old Dominion has a program of selective excellence in athletics and over the years has selected to fund the minimum number of athletic programs as required by the NCAA. The Rector added that in adding football, Old Dominion added the requisite number of Title IX programs to maintain balance.

Mr. Stallings noted that the In- and Out-of-State Comparison slide in the BOVIS Report shows that the percentage of out-of-state students has remained virtually the same over a ten-year period. He asked if this was in line with the percentages of other institutions and if there is an optimum percentage to be sought by the University given the budget implications. President Runte responded that there is no optimum percentage, since there are a number of factors to consider besides funding, but she pointed out that while the percentage has remained level, the actual number of students has significantly increased over the years.

With no further business to be discussed, the meeting was adjourned at 3:25 p.m.