

OLD DOMINION UNIVERSITY
BOARD OF VISITORS
Friday, September 22, 2006

MINUTES

The Board of Visitors of Old Dominion University met in regular session on Friday, September 22, 2006, at 2:00 p.m. in the Board Room of Webb University Center on the Norfolk campus. Present from the Board were:

James A. Hixon, Rector
Frank Batten, Jr.
Robert O. Copeland
Kendra M. Croshaw
Marc Jacobson
Pamela C. Kirk
Ross A. Mugler
Robert J. O'Neill
Moody E. Stallings, Jr.
Katherine A. Treherne
Pat Tsao
Patricia M. Woolsey
Michael Gembitsky (*Student Representative*)

Absent were:

Kenneth E. Ampy
David W. Faeder
Harold W. Gehman, Jr.
Conrad M. Hall
Mark E. Strome

Also present were:

Roseann Runte, President	Thomas Isenhour
Susan Beck	Alice McAdory
Alonzo Brandon	Donna W. Meeks
Cathy Craft	Cecelia T. Tucker
C. Tabor Cronk	Geneva Walker-Johnson
Robert L. Fenning	

CALL TO ORDER AND APPROVAL OF MINUTES

The Rector called the meeting to order at 1:50 p.m. and asked for approval of the minutes of the annual meeting held on June 16, 2006. Upon a motion made by Ms. Woolsey and seconded by Mr. Jacobson, the minutes were approved unanimously as distributed by all members present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

RATIFICATION OF ACTIONS TAKEN BY EXECUTIVE COMMITTEE ON AUGUST 25, 2006

Upon a motion made by Mr. Mugler and seconded by Ms. Croshaw, the following actions items approved by the Executive Committee at its meeting on August 25, 2006 were ratified, by unanimous vote, by all members present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O’Neill, Stallings, Treherne, Tsao, Woolsey*)

RESOLUTION APPROVING 2006-2007 OPERATING BUDGET AND PLAN

RESOLVED, that upon the recommendation of the President, the Executive Committee of the Board of Visitors approves the proposed expenditure plan as displayed below and as contained in TABLE 2 of the University’s 2006-2007 Operating Budget and Plan.

**TABLE 2
UNIVERSITY EXPENDITURE SUMMARY
(in thousands)**

EXPENDITURES	2005-06 Original Budget Plan	2006-07 Proposed Budget Plan
<u>E&G</u>		
Instruction	\$85,563	\$83,405
Research & Sponsored Programs	1,343	18,336
Public Service	273	300
Academic Support	32,526	35,523
Student Services	7,015	8,885
Institutional Support	20,649	27,048
Operations & Maintenance of Plant	13,238	18,379
Subtotal	\$160,607	\$191,876
Auxiliary Services	42,729	57,614
Grants & Contracts	15,923	18,707
Gifts & Discretionary	5,433	6,073
Scholarships & Fellowships	19,831	22,151
Student Loan Funds	58,750	61,500
TOTAL UNIVERSITY EXPENDITURES	\$303,273	\$357,921
Summary of University Revenues & Expenditures		
Revenues	\$306,260	\$358,527
Expenditures	\$303,273	\$357,921
Contribution to/Use of) Fund Balance	\$2,987	\$606

**RESOLUTION TO APPROVE BOARD OF VISITORS POLICY 1622:
AUTHORITY TO CONTRACT WITH LOCAL BUILDING OFFICIAL
FOR DESIGN REVIEW AND INSPECTIONS OF CAPITAL PROJECTS**

RESOLVED, that the Executive Committee of the Board of Visitors approves the following Board of Visitors Policy 1622: Authority to Contract With Local Building Official for Design Review and Inspections of Capital Projects, effective September 22, 2006.

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 1622, 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 2005 General Assembly session passed HB 2866 and SB 1327 to establish the Restructured Higher Education Financial and Administrative Operations Act. This Act allows public institutions of higher education restructured financial and operational authority as described in subdivisions A1 through A13 of Section 23-38.88 of the Act.

In addition to the formal adoption of a Resolution by the Board of Visitors committing the University to the Governor and the General Assembly to meeting the state's goals as described in the Act, the Secretary of Finance published specific provisions, including the adoption of Board policies and procedures, is suggested in order to exercise this authority.

Subdivision A2 states that public institutions of higher education shall "have the option , as provided in subsection C of § 2.2-1132 and pursuant to the conditions and provisions under such subsection, to contract with a building official of the locality in which construction is taking place and for such official to perform any inspection and certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36.97 et seq.) pursuant to subsection B of § 36.98.1."

The foregoing provides that the autonomy delegated to the University may not be exercised until the Board of Visitors adopts an appropriate system of policies, procedures, and guidelines to guide University officials in the exercise of the delegated autonomy.

Waiver of the 45-day notice requirement, as stipulated in the Board's Bylaws, is being requested in order to allow the administration 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: 1622

TITLE: Authority to Contract with Local Building Official for Design Review and Inspections of Capital Projects

APPROVED: September 22, 2006

I. Background

The 2005 General Assembly session passed HB 2866 and SB 1327 to establish the Restructured Higher Education Financial and Administrative Operations Act. This Act allows public institutions of higher education restructured financial and operational authority as described in subdivisions A1 through A13 of Section 23-38.88 of the Act.

Pursuant to §23-38.88, *Eligibility for Restructured Financial and Administrative Operational Authority*, subdivision A2 states that public institutions of higher education shall be eligible “to have the option, as provided in Subsection C of th §2.2-1132 and pursuant to the conditions and provision under such subsection, to contract with a building official of the locality in which the construction is taking place and for such official to perform any inspection and certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.), pursuant to subsection C of §36-98.1.”

II. Board of Visitors Policy

It is the policy of the Board of Visitors of Old Dominion University to utilize the City of Norfolk, Department of Planning, or that of any municipality within which the University currently has or may require facilities, as its building official to perform all design review and inspections of capital projects in order to ensure compliance with the Uniform Statewide Building Code where permitted and deemed appropriate. The Vice President for Administration and Finance or the Vice President’s designee shall determine the appropriateness for use of the City of Norfolk, Department of Planning, for any authorized project that achieves the University’s best interests.

III. Authority

The Vice President for Administration and Finance or the Vice President’s designee shall be responsible for interpretation, implementation and compliance of this policy. The Vice President for Administration and Finance may delegate this authority by letter.

IV. Procedures

The University shall:

- A. Comply with the requirements of the Virginia Public Procurement Act (§2.2-4300 et seq.);

- B. Meet the goals as established in *Eligibility of Restructured Financial and Administrative Operational Authority* (§23-38.99, Subdivision B);
- C. With the exception of the use of the City of Norfolk, Department of Planning, as the University's Building Official, the University shall comply with the design review process as described in the Commonwealth of Virginia "Construction and Professional Services Manual;"
- D. Utilize General Terms and Conditions for those forms of procurement as approved by the Department of General Services and the Office of the Attorney General;
- E. Follow all guidelines established by the Secretary of Administration; and
- F. Follow all administrative procedures established by the Department of General Services.

RESOLUTION APPROVING OF THE LEASING OF THE OLD DOMINION UNIVERSITY REAL ESTATE FOUNDATION STUDENT HOUSING, LLC STUDENT HOUSING PROJECT AND CONSENTING TO THE AMENDMENT OF A LOAN AGREEMENT EXECUTED AND DELIVERED IN CONNECTION WITH THE FINANCING OF STUDENT HOUSING LOCATED IN UNIVERSITY VILLAGE

WHEREAS, at the request of the Old Dominion University Real Estate Foundation Student Housing, LLC (the Lessor), whose sole member is the Old Dominion University Real Estate Foundation, a Virginia non-stock corporation (the Company), the Norfolk Redevelopment and Housing Authority (the Authority) issued its Variable Rate Demand Revenue and Refunding Bonds (Old Dominion University Real Estate Foundation Student Housing, LLC University Village Student Housing Project), Series 2005 (the Series 2005 Bonds), in the aggregate principal amount of \$56,500,000 for the purposes of (i) refinancing a portion of the cost of acquiring, constructing and equipping student housing facilities consisting of ten three-story buildings (and adjacent surface parking areas) that house approximately 962 student beds in approximately 278 units of one, two and four bedroom apartments and educational, office and retail space located on the ground floor of selected buildings, all located in the area known as the University Village (the Project) by the refunding in full of the Authority's Revenue Bonds (Old Dominion University Real Estate Foundation University Village Student Housing Project), Series 2003A and Series 2004B (the Prior Bonds), which were issued to finance the acquisition, construction and equipping the Project, (ii) financing costs associated with the refunding of the Prior Bonds, and (iii) financing termination or similar fees with respect to an interest rate swap for the Prior Bonds;

WHEREAS, contemporaneously with the execution and delivery of the Series 2005 Bonds, the Authority and the Lessor entered into a Loan and Refinancing Agreement dated as of December 1, 2005 (the Loan Agreement), whereby the proceeds of the Series 2005 Bonds were loaned to the Lessor and applied to the refinancing costs described above and certain financial covenants were made by the Lessor;

WHEREAS, pursuant to Chapter 3, Item C-110.30, page 492 of the 2006 Acts of Assembly, the General Assembly of the Commonwealth has authorized Old Dominion University (the University) to enter into a lease agreement for the purpose of occupying, operating and maintaining the Project and under which the University provides for the payment of debt service on the Series 2005 Bonds;

WHEREAS, by resolution adopted August 25, 2006, the Executive Committee of the Board of Visitors of Old Dominion University (the Executive Committee Resolution) approved the execution and delivery of a Deed of Lease dated as of August 1, 2006, by and between the University and the Lessor (the Student Housing Lease) whereby the Lessor leases the Project to the University;

WHEREAS, a copy of the Executive Committee Resolution has been presented at this meeting;

WHEREAS, as debt service payments on the Series 2005 Bonds and other required payments will be paid from Basic Rent (as defined in the Student Housing Lease) to be received from the University pursuant to the Student Housing Lease, the Treasury Board of the Commonwealth of Virginia, as required by Virginia law, approved the Student Housing Lease on August 16, 2006;

WHEREAS, at the request of the Lessor, the Loan Agreement is expected to be amended to provide for the annual delivery of the University's audited financial statements in lieu of annual financial statements with respect to the Project's operations;

WHEREAS, Section 9 of the Second Amended and Restated Support Agreement (the Support Agreement) dated as of December 1, 2005, by and among the University, the Foundation and the Company requires the consent of the University to any modification and amendment to the Loan Agreement that affects any rights or obligations of the University under the Support Agreement;

WHEREAS, the Student Housing Lease has been presented at this meeting in substantially final form;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF VISITORS OF OLD DOMINION UNIVERSITY:

1. The Executive Committee Resolution is hereby ratified and confirmed.
2. The University hereby consents to the amendment to the Loan Agreement heretofore described in this resolution and the President or the Vice President for Administration and Finance of the University, either of whom may act, is authorized to approve any further amendment to the Loan Agreement which in her or his sole descretion is necessary or appropriate in connection with the execution and delivery of the Student Housing Lease.
3. This resolution shall take effect immediately.

**RESOLUTION APPROVING THE LEASING OF THE NEW UNIVERSITY
BOOKSTORE BUILDING IN THE UNIVERSITY VILLAGE**

WHEREAS, the Old Dominion University Real Estate Foundation, a Virginia non-stock corporation (the Company), expects to borrow up to \$8,500,000 (the Construction Loan) from Bank of America, N.A. and TowneBank (the Lender) to provide construction financing for the development, construction and equipping of a 42,000 square foot, three and one-half story bookstore, café and office facility (the Facility) in the University Village and financing costs associated with such Construction Loan and to enter into a permanent financing with the Lender of up to \$5,500,000 with respect to the Facility (the Permanent Loan);

WHEREAS, pursuant to Chapter 3, Item C-110.20, Page 492 of the 2006 Acts of Assembly, the General Assembly of the Commonwealth has authorized the University to enter into a Lease Agreement with the Company for the purpose of occupying, operating and maintaining the Facility;

WHEREAS, the Company and the University have agreed to enter into a Deed of Lease (the Bookstore Lease) whereby the Company will lease the Facility to the University and the University will lease the Facility from the Company, all pursuant to the terms of the Bookstore Lease;

WHEREAS, the University has entered into a fifteen (15) year operating agreement (the Operating Agreement) by and between the University and Follett Higher Education Group (Follett), dated as of August 18, 2006, whereby Follett has agreed to operate and manage the bookstore;

WHEREAS, pursuant to the Operating Agreement, Follett is obligated to pay \$3,000,000 to the University for the construction of the Facility (Facility Construction Payments);

WHEREAS, the University has agreed to assign the Facility Construction Payments to the Company to reduce the Construction Loan;

WHEREAS, debt service payments on the Permanent Loan and other required payments will be paid from Basic Rent (as defined in the Bookstore Lease, to include the payment obligations of the Company with respect to the Facility) to be received from the University pursuant to the Bookstore Lease are to be considered by the Treasury Board of the Commonwealth of Virginia, as required by Virginia law, at its September 20, 2006 meeting; and

WHEREAS, the Bookstore Lease will be presented in substantially final form at the September 22, 2006 meeting of the Board of Visitors;

NOW, THEREFORE, BE IT RESOLVED BY THE EXECUTIVE COMMITTEE OF THE BOARD OF VISITORS OF OLD DOMINION UNIVERSITY:

1. The Bookstore Lease transaction is hereby approved and the Executive Committee hereby directs the President or the Vice President for Administration and Finance of the University, either of whom may act, to present an approving resolution to the Board of Visitors at its September 23, 2006 meeting.

2. The President or the Vice President for Administration and Finance of the University, either of whom may act, is authorized to execute and deliver on behalf of the University such instruments, documents or certificates and to do and perform such things and acts as they shall deem necessary or appropriate in carrying out the transactions authorized by this Resolution or contemplated by the Bookstore Lease transaction, including entering into any necessary sublease with the Company with respect to retail space in the Facility, and all of such actions previously done or performed by the officers of the University in connection therewith are in all respects approved, ratified and confirmed.

RECTOR'S REPORT

The Rector indicated that he had no report.

PRESIDENT'S REPORT

In her report to the Board, President Runte shared news in academics, research, enrollment, fund-raising, athletics, legislative initiatives, capital budget requests, current construction projects, marketing and upcoming events.

In academics, the new Ph.D. in Criminology was approved by the State Council for Higher Education. The NewPAGE course will be discontinued after Fall 2007 and will be reconsidered as part of the General Education curriculum review. President Runte distributed a letter that was sent to the faculty and staff explaining this decision, The President also distributed an article about the fundraising efforts in support of the Jewish Studies program, and a copy of a letter she sent to area legislators explaining how appropriated funds are being used in support of the Virginia Modeling, Analysis and Simulation Center.

President Runte distributed an email sent to her by Vice President Karim detailing collaborative research efforts between Old Dominion University and EVMS. She also distributed an article about a \$7M Department of Energy grant received by Professor Alex Pothen and stated that, in renewing its agreement with Jefferson Labs, the University will receive funding for three additional faculty members in Physics.

President Runte reviewed current enrollment data for freshman, transfer, graduate and international students and shared student demographics that illustrate the diversity of our student body. She announced that two female students from Afghanistan will be attending Old Dominion University and three incoming freshmen received perfect scores on one section of the SAT.

President Runte reported on the status of the financial campaign and shared recent activities related to football. She announced the current rankings for the men's and women's soccer teams and the women's field hockey team.

President Runte reviewed the legislative initiatives she is proposing to submit to the General Assembly, noting that she had shared these with the Executive Committee in August. She described the three initiatives in Early Childhood Education, Energy, and Transportation/Ports, and commented that all three support the Governor's initiatives and are supported by the local legislators.

President Runte reviewed current construction projects and their anticipated completion dates. She then shared the proposed capital budget requests. These include Diehn Fine & Performing Arts Phase II (\$17,847,000 GF and \$7,000,000 private), Physical Sciences Building Phase II - Equipment (\$775,000 GF), 47th Street Warehouse Renovation Phase I (\$6,196,532 GF); Student Retention Center (\$7,879,560 GF), Campus Infrastructure Improvements (\$1,590,000 GF), New Residence Hall Phase II (\$3,534,500 NGF), and Powhatan Sports Center \$28,792,500 (9d bonds).

President Runte provided an update on the Virginia Beach Higher Education Center. She commented that 88% of students taking classes at the Center are also taking classes at the Norfolk campus and FTE enrollment has increased by 8.6%. Discussions are continuing with SCHEV and the Virginia Beach School Board has voiced its support of Old Dominion University's efforts.

President Runte provided a list of upcoming events and briefed the Board on an agreement between the University and Educational Marketing Group of Aurora, Colorado, to develop an integrated marketing and communications plan. She announced her appointment to the Board of Directors of the Virginia National Defense Industrial Authority, and noted that she will receive the 2006 Servant Leader Award from the BillBro Foundation.

President Runte distributed a summary of the report issued by the Spellings Commission, which has received a lot of attention in the press and has been opposed by a majority of higher education associations for a variety of reasons. She commented that there is nothing in the report that Old Dominion, as an institution, isn't already trying to undertake and do well. She also distributed a copy of a letter she wrote to the Washington newspapers regarding college rankings.

At the conclusion of her report, upon a motion by Mr. Mugler and seconded by Ms. Woolsey, the Board approved, by unanimous vote, the President's proposed legislative amendments and capital budget requests. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

REPORTS OF STANDING COMMITTEES

AUDIT COMMITTEE

The Rector called on Mr. Jacobson for the report of the Audit Committee. Mr. Jacobson reported that representatives from the Auditor of Public Accounts reviewed new auditing standards with the Committee. SAS 112 requires the auditor to communicate significant deficiencies and material weaknesses, in writing, to those charged with governance and provides guidance on evaluating the severity of control deficiencies identified. SAS 61 relates to the auditor's communications with the Board and emphasizes two-way communications.

Deane Hennett, Internal Audit Director, reviewed new auditing standards that will impact institutional audits. SEC 500-02 defines key IT roles and responsibilities and requires the maintenance of an agency IT security program that is documented and effectively communicated, including a program of risk management and contingency planning, security awareness and training programs, and self-monitoring and maintaining compliance with the standard. IT Security Standard SEC 501-01 outlines very specific standards for handling many aspects of IT security. IT Security Standard SEC 502 requires agencies to establish a formal IT Security Audit Program, with an Audit Plan (based on the business impact analysis and risk assessment of Information Technology at the agency) submitted annually to the Commonwealth's Information Security Officer at the Virginia Information Technology Agency. Mr. Hennett also met with the Committee in closed session to discuss specific audit findings for the Department of Computer Science and the Office of Student Financial Aid.

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 consider two nominees for honorary degrees and the appointment of a faculty member with tenure.

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. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

HONORARY DEGREE RECOMMENDATIONS

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 individuals noted below. A summary of each nominee's career is contained in the Academic and Research Advancement Committee Agenda.

1. John Thomas Casteen III, President of the University of Virginia
Doctor of Humane Letters (*honoris causa*)
2. Jim Collins, Author and Teacher
Doctor of Humane Letters (*honoris causa*)

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. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

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. Asad J. Khattak as Professor of Civil and Environmental Engineering and the award of tenure in the Department of Civil and Environmental Engineering, effective July 25, 2006. A summary of Dr. Khattak’s curriculum vitae is contained in the Academic and Research Advancement Committee Agenda.

Salary: \$120,000 for 10 months

Rank: Professor of Civil and Environmental Engineering and designated as the Batten Endowed Chair of Transportation Engineering

The Committee also approved, by unanimous vote, the resolutions on 46 faculty appointments, 19 administrative appointments, two site director appointments, four emeritus appointments, an administrative title change for Distance Learning, and administrative title changes for University College. The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee and were approved unanimously by all members present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O’Neill, Stallings, Treherne, Tsao, Woolsey*)

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>
Mr. Kelly N. Alvey Instructor of Information Technology and Decision Sciences	\$42,500	7/25/06	10 mos

Mr. Alvey received a master’s degree in Decision Sciences in 1996 from Indiana University and a bachelor’s degree in Mathematics in 1987 from Oregon State University and has completed coursework toward a Ph.D. in Decision Sciences at Indiana University. Since 2003, he has been an Adjunct Lecturer of Mathematics and Operations Management at Indiana University East and Ivy Tech CC. Prior to that, Mr. Alvey was a Visiting Lecturer in Operations Management at the University of Dayton.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Catie Berkenfield Lecturer of English	\$46,800	7/25/06	12 mos

Ms. Berkenfield received an M.A. in Linguistics in 2000 from the University of New Mexico, a B.A. in English in 1994 from the University of Montana and is a Ph.D. candidate in Linguistics at the University of New Mexico. Since 2002, she has been an Instructor in the Department of Linguistics at the University of New Mexico.

Ms. Dalia G. Biascan Instructor of Early Childhood, Speech Language Pathology and Special Education Child Development Center	\$38,000	8/10/06	10 mos
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Ms. Biascan received an M.S. in Early Childhood Education and a B.S. in Interdisciplinary Studies, in 2005 and 2002 respectively, from Old Dominion University. From September - December 2005, she was a Student Teacher at Southeastern Elementary School. Prior to that, Ms. Biascan was a Teacher Assistant at Old Dominion University's Child Development Center.

Dr. Timothy B. Bostic Visiting Assistant Professor of English	\$45,000	7/25/06	10 mos
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Dr. Bostic received a Ph.D. in Education, Instructional Leadership from Virginia Commonwealth University, an M.A. in Humanities and a B.A. in Speech Communication and Theatre Arts, in 1995 and 1993 respectively, from Old Dominion University and a B.B.A. in Finance in 1988 from George Washington University. Since 2004, he has been an Instructor for Foundations of Education at Virginia Commonwealth University.

Ms. Ellen M. Carpenter Lecturer of Psychology	\$32,000	7/25/06	10 mos
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Ms. Carpenter received an M.A. in Physical Education (Sport Psychology) in 1990 from the University of North Carolina, Chapel Hill and a B.A. in Psychology and Physical Education in 1987 from Oberlin College. She is currently enrolled in the Ph.D. program in Human Factors Psychology at Old Dominion University. Since 2005, she has been a National Science Foundation K-12 Graduate Fellow Mentor and an Academic Tutor for the Athletic Department at Old Dominion University. Ms. Carpenter was also a Psychology Instructor at Old Dominion.

Mr. George Chackman Instructor of Mathematics and Statistics	\$27,000	7/25/06	10 mos
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Mr. Chackman received an M.S. in Applied Mathematics and a B.S. in Electrical Engineering, in 1998 and 1991 respectively, from Old Dominion University. Since 2003, he has been an Adjunct Instructor in the Department of Mathematics and Statistics at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Karen S. Crum Assistant Professor of Educational Leadership and Counseling (Tenure Track)	\$52,000	7/25/06	10 mos

Dr. Crum received an Ed.D. in Administration and Policy Studies and an M.A. in Education and Human Development, in 2006 and 2000 respectively, from The George Washington University and a B.A. in History and Concentration in Elementary Education in 1998 from the College of William and Mary. Since 2002, she has been an Assistant Principal at Phillips Elementary School. Dr. Crum has also been an Adjunct Professor at Old Dominion University and Shenandoah University and an On-Line Facilitator at George Washington University.

Ms. Dawn M. Curran Assistant Instructor of Medical Laboratory and Radiation Sciences	\$48,000	7/25/06	10 mos
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Ms. Curran received a B.S. in Health Sciences - Cytotechnology in 1999 from Old Dominion University and a B.S. in Biology in 1997 from Alvernia College. Since 2001, she has been an Adjunct Faculty member at Old Dominion University and since 2000 a part-time Cytotechnologist at Bon Secours DePaul Medical Center.

Dr. Jozef Dudek Assistant Professor of Physics (Tenure Track)	\$72,000	8/25/06	12 mos
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Dr. Dudek received a D.Phil. and an M. Phys., in 2004 and 2001 respectively, from the University of Oxford, UK. Since 2004, he has been a Postdoctoral Research Fellow in the Theory Center at the Jefferson Lab. Prior to that, he held a PPARC Graduate Studentship in Theoretical Physics at the University of Oxford.

Ms. Patricia Edwards Lecturer of Art	\$44,800	7/25/06	12 mos
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Ms. Edwards received an M.F.A. in Painting in 1991 from the State University of New York at New Paltz and a B.F.A. in Illustration in 1986 from Rhode Island School of Design. Since 1999, she has been an Art Teacher at Ingleside Elementary School, Norfolk Public Schools. Ms. Edwards is also an Art Teacher at the Ghent Studio of Fine Arts.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Alan B. Flanders Lecturer of History	\$46,600	7/25/06	12 mos

Dr. Flanders received a Ph.D. in U.S. History in 1997 from George Washington University/The University of Oxford, an M.A. in English in 1977 from Hollins College and a B.A. in U.S. History in 1970 from Old Dominion University. Since 1982, he has been Atlantic Fleet Naval Historian. Dr. Flanders is also an Adjunct Associate Professor of History at Old Dominion University and a Fellow by Special Election at the University of Oxford.

Ms. Gail Flax Lecturer of Educational Curriculum and Instruction	\$40,000	7/25/06	10 mos
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Ms. Flax received an M.S. in Education and a B.S. in Elementary Education, in 1993 and 1987 respectively, from Old Dominion University. Since 2004, she has been a Lecturer in the Department of Educational Curriculum and Instruction at Old Dominion University.

Dr. Michael D. Fontaine Assistant Professor of Civil and Environmental Engineering (Tenure Track)	\$75,000	8/10/06	10 mos
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Dr. Fontaine received a Ph.D., an M.S. and a B.S. in Civil Engineering, in 2002, 1998 and 1996 respectively, from the University of Virginia. Since 2005, he has been a Visiting Assistant Professor in the Department of Civil Engineering at the University of Virginia. Dr. Fontaine was also a Senior Research Scientist for the Virginia Transportation Research Council.

Ms. Emily Geil Instructor of Mathematics and Statistics	\$27,000	7/25/06	10 mos
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Ms. Geil received an M.S. in Education in 1996 from Old Dominion University and a B.A. in Geography from California State University. She has been a Mathematics Instructor at Old Dominion University, Central Texas College Worldwide and Tidewater Community College.

Dr. Danica G. Hays Assistant Professor of Educational Leadership and Counseling (Tenure Track)	\$52,000	7/25/06	10 mos
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Dr. Hays received a Ph.D. in Counselor Education and Practice and an M.S. in Professional Counseling, in 2005 and 2002 respectively, from Georgia State University and a B.S. in Psychology in 1998 from Kennesaw State University. Since 2006, she has been an Instructor in the Department of Counseling and Psychological Services at Georgia State University and at Argosy University for the Professional Counseling Program. Prior to that, she was an Assistant Professor at the University of New Orleans and an Instructor at Georgia State University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Misty D. Hixon Lecturer of Psychology	\$32,000	7/25/06	10 mos

Ms. Hixon received an M.S. in Psychology in 2005 from Old Dominion University and a B.S. in Psychology in 2002 from Tarleton State University. Since 2005, she has been an Adjunct Instructor in the Department of Psychology at Old Dominion University. Prior to that, Ms. Hixon was a Teaching Assistant and Peer Mentor/Lab Assistant at Old Dominion University.

Dr. Linda Horsey Lecturer of Educational Leadership and Counseling	\$42,000	7/25/06	12 mos
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Dr. Horsey received an Ed.D. and a Master's in Social Work from Columbia University, an M.B.A. from New York University, and a B.A. from Franklin College. Since 2004, she has taught at Old Dominion University, Christopher Newport University, and Strayer University. From 1992-2005, Dr. Horsey was Executive Director at The Therapy Center.

Dr. Kerry Lee Jennings Visiting Assistant Professor of Music	\$45,000	7/25/06	12 mos
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Dr. Jennings received a D.M.A. in Vocal Performance in 2004 from the University of Maryland at College Park, and an M.M. and a B.M. in Vocal Performance, in 2000 and 1998 respectively, from the University of Washington. Since 2004, he has been a Lecturer at Frostburg State University.

Ms. Lynn S. Johnson Lecturer of Management	\$46,500	7/25/06	10 mos
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Ms. Johnson received a Masters in Human Resources Management in 1993 from Marymount University and a B.S. G.H.E. with a concentration in Business Administration in 1977 from the University of Delaware. Since 2004, she has been an Adjunct Instructor at Old Dominion University. Prior to that, Ms. Johnson was a Human Resources Supervisor at STIHL Inc.

Ms. Deborah Kaneko Instructor of Computer Science	\$45,000	7/25/06	10 mos
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Ms. Kaneko received an M.C.S. in Computer Science in 1984 from Mississippi State University, an M.S. in Mathematics in 1975 from Clemson University and a B.S. in Mathematics Education in 1973 from Salisbury University. Since 1986, she has been a Lecturer of Computer Science at Hampton University. Prior to that, Ms. Kaneko was an Instructor of Computer Science at Mississippi State University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Rita Klahr Lecturer of Nursing	\$50,000	8/25/06	10 mos

Ms. Klahr received an M.S.N. in Family Nurse Practitioner in 1998 from Old Dominion University and a B.S.N. in 1966 from UCLA, Los Angeles. Since 2004, she has been an Adjunct faculty member and a facilitator for a Cultural Competency Grant in the School of Nursing at Old Dominion University. From 1999-2004, Ms. Klahr was a Family Nurse Practitioner at EVMS Department of Family and Community Medicine.

Dr. Roland W. Lawrence Assistant Professor of Engineering Technology (Tenure Track)	\$60,000	7/25/06	10 mos
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Dr. Lawrence received a Ph.D. in Electrical Engineering in 1992 from North Carolina State University, and an M.S. and B.S. in Electrical Engineering, in 1979 and 1977 respectively, from Old Dominion University. Since 1980, he has worked at the National Aeronautics and Space Administration. His most recent position at NASA was Branch Head of Electromagnetics Research. Over the last 15 years, Dr. Lawrence has been an Adjunct Assistant Professor at Old Dominion University.

Dr. Jiang Li Assistant Professor of Electrical and Computer Engineering (Tenure Track)	\$75,000	12/25/06	10 mos
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Dr. Li received a Ph.D. in Electrical Engineering in 2004 from the University of Texas at Arlington, an M.S. in Automation in 2000 from Tsinghua University, and a B.S. in Electrical Engineering in 1992 from Shanghai Jiaotong University. Since 2004, he has been a Postdoctoral Fellow in the Department of Radiology at the National Institutes of Health. Prior to that, Dr. Li was a Graduate Research Assistant in the Department of Electrical Engineering at the University of Texas at Arlington.

Mr. Nathan J. Luetke Lecturer of Engineering Technology	\$52,000	7/25/06	10 mos
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Mr. Luetke received an M.S. in Mechanical Engineering and a B.S. in Mechanical Engineering Technology, in 2006 and 2000 respectively, from Old Dominion University and is currently pursuing a Ph.D. in Mechanical Engineering at Old Dominion University. Since 2004, he has been an Instructor, Graduate Teaching Assistant and Adjunct Instructor in the Department of Engineering Technology at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. S. Kathleen Lyons Assistant Professor of Biological Sciences (Tenure Track)	\$66,000	7/25/06	10 mos

Dr. Lyons received a Ph.D. and an M.S. in Evolutionary Biology, in 2001 and 1997 respectively, from the University of Chicago, an M.S. in Biology in 1994 from Texas Tech University and a B.S. in Biology in 1991 from Wayland Baptist University. Since 2005, she has been a Research Assistant Professor at the University of Mexico. Prior to that she was a Postdoctoral Fellow at the National Center for Ecological Analysis and Synthesis at the University of California, Santa Barbara.

Dr. Lucy Manning Visiting Assistant Professor of Music	\$46,678	7/25/06	10 mos
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Dr. Manning received a D.M.A. in Conducting in 2005 from the University of South Carolina, an M.M. in Violin Performance in 1970 from the University of Illinois and a B.M. in Violin Performance in 1969 from West Virginia University. Since 1992, she has been Orchestra Director at Saratoga Springs High School and has 16 years of teaching experience at every level of orchestra. Her conducting experience includes serving as Assistant Conductor of the USC Symphony and Chamber Orchestras for several productions.

Ms. Julie A. Manthey Lecturer of English	\$46,800	7/25/06	12 mos
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Ms. Manthey received an M.A. in English in 2002 from Wright State University and a B.S. in Education in 1991 from Eastern Michigan University. Since 2002, she has been an Instructor and an Adjunct Instructor in the Department of English at Old Dominion University.

Ms. Tracey Mershon Lecturer of English	\$46,800	7/25/06	12 mos
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Ms. Mershon received an M.F.A. in Creative Writing in 2003 from Brooklyn College and a B.F.A. in Theater/Directing in 1994 from New York University. Since 2004, she has been an Adjunct Instructor for English and an EOP Tutor at Dutchess Community College. She has also been an ESL Instructor at Orange County Community College.

Ms. Suzanne F. Morrow Lecturer of Psychology	\$32,000	7/25/06	10 mos
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Ms. Morrow received an M.S. in Psychology from Old Dominion University and a B.A. in Psychology from Auburn University. Since 2001, she has been Project Director for Jacksonville Friendly Access. Prior to that, Ms. Morrow was an Information and Outcomes Management Coordinator.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. Daniel E. O'Leary Lecturer of Sociology and Criminal Justice	\$40,000	7/25/06	12 mos

Mr. O'Leary received an M.A. in 2000 from The American University, School of International Service and a B.A. in 1996 from The Evergreen State College. He is currently pursuing a Ph.D. from the Department of Social Science at Syracuse University with an expected completion in May 2007. Since 2005, he has been a Research Associate, Project Manager for the National Environmental Modeling and Analysis Center and an Adjunct Faculty member in the Department of Sociology at the University of North Carolina Asheville.

Mr. Jason L. Parker Lecturer of Psychology	\$42,000	7/25/06	10 mos
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Mr. Parker received an M.S. and B.S. in Psychology, in 1996 and 1989 respectively, from Old Dominion University and is expected to receive a Ph.D. in Psychological Sciences from Virginia Tech. Since 2004, he has been an Instructor at Old Dominion University. Prior to that, Mr. Parker was a Research Data Assistant III and Research Postdoctoral Trainee at Johns Hopkins Center for Health Promotion and the Department of Dermatology.

Mr. Stephen B. Parsons Lecturer of Ocean, Earth and Atmospheric Sciences	\$51,800	8/25/06	12 mos
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Mr. Parsons received a B.A. in Political Science in 1985 from Duke University and is a Ph.D. candidate in Geological Oceanography at Old Dominion University. Since 2004, he has been an Instructor in the Geophysical Sciences Department at Tidewater Community College and a Laboratory Instructor in the Department of Ocean, Earth, and Atmospheric Sciences at Old Dominion University.

Dr. Jill Peloquin Visiting Assistant Professor of Biological Sciences	\$35,000	7/25/06	10 mos
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Dr. Peloquin received a Ph.D. in Marine Science in 2005 from the College of William and Mary, Virginia Institute of Marine Science and a B.Sc. in Marine Biology in 1998 from Eckerd College. Since 2005, she has been a Postdoctoral Research Associate at the Virginia Institute of Marine Science.

Ms. Linda L. Pond Lecturer of Educational Curriculum and Instruction	\$48,800	7/25/06	12 mos
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Ms. Pond received a Masters in Education in 2002 from the University of Virginia and a B.S. in Middle School Education in 1987 from the College of William and Mary. Since 2000, she has been a Gifted Resource Teacher at Great Neck Middle School. Ms. Pond is also an Adjunct Instructor for the Military Career Transition Program (MCTP) at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Dimitrie C. Popescu Assistant Professor of Electrical and Computer Engineering (Tenure Track)	\$78,500	9/25/06	10 mos

Dr. Popescu received a Ph.D. in Electrical and Computer Engineering in 2002 from Rutgers University and a Diploma in Electrical and Computer Engineering and M.S. with specialization in Control Engineering and Computers in 1991 from Polytechnic Institute of Bucharest, Romania. Since 2002, he has been an Assistant Professor in the Department of Electrical Engineering at the University of Texas at San Antonio.

Dr. Zia-ur Rahman Associate Professor of Electrical and Computer Engineering (Tenure Track)	\$78,000	7/25/06	10 mos
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Dr. Rahman received a Ph.D. and an M.S. in Electrical Engineering, in 1989 and 1986 respectively, from the University of Virginia and a B.A. in Physics and Mathematics in 1984 from Ripon College. Since 1996, he has been an Adjunct Assistant Professor of Computer Science, a Research Assistant Professor of Computer Science and a Research Associate Professor of Applied Science at the College of William and Mary. Dr. Rahman was also Vice President of Research and Development at TruView Imaging Company.

Ms. Kathryn B. Roberts Lecturer of Nursing	\$60,000	8/25/06	10 mos
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Ms. Roberts received an M.S. in Nursing in 1984 from the University of Michigan and a B.S. in Nursing in 1976 from Eastern Michigan University. Since 2005, she has been Staff/Charge Nurse on the Telemetry Unit at Mary Immaculate Hospital. Prior to that, Ms. Roberts was an Assistant Professor of Nursing at Rappahannock Community College.

Ms. Sara E. Russell Instructor of Information Technology and Decision Sciences	\$60,000	7/25/06	10 mos
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Ms. Russell received an M.B.A. with a concentration in International Business and Port and Maritime Management in 2004 from Old Dominion University and a B.S. in Business Administration in 2001 from the University of Delaware. Since 2005, she has been an Import Documentation Representative and Traffic Manager at Barthco International. Prior to that, Ms. Russell was Director of Port Logistics at Burris Logistics. From 2002-2004, she was a Graduate Assistant in the College of Business and Public Administration at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Yekaterina Sliva Instructor of Mathematics and Statistics	\$27,000	7/25/06	10 mos

Ms. Sliva received an M.S. in Physics in 1990 from Moscow State University, Russia. Since 2005 she has been a Mathematics Instructor at Thomas Nelson Community College. Prior to that, Ms. Silva was a Mathematics Teacher at Hampton City Schools.

Mr. Jeffrey J. Steckroth Lecturer of Mathematics and Statistics	\$42,000	7/25/06	12 mos
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Mr. Steckroth received an M.Ed. in Secondary Administration in 1996 from the George Washington University, a B.A. in Sociology in 1972 from the College of William and Mary and is expected to receive a Ph.D. in Mathematics Education from the University of Virginia in 2006. Since 2003, he has been a Graduate Fellow in the Center for Technology and Teacher Education and a Graduate Assistant in the Department of Curriculum, Instruction, and Special Education at the University of Virginia.

Mr. Robert J. Strozak Instructor of Mathematics and Statistics	\$27,000	7/25/06	10 mos
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Mr. Strozak received an M.S. in Applied Mathematics in 2005 from Old Dominion University and a B.A. in Mathematics in 1983 from Dowling College. Since 1989, he has been a Senior Software Analyst at Daniel H. Wagner, Associates.

Ms. Sharon C. Stull Lecturer of Dental Hygiene	\$45,000	7/25/06	10 mos
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Ms. Stull received an M.S. and a B.S. in Dental Hygiene, in 2002 and 1996 respectively, from Old Dominion University. Since 1999, she has been an Adjunct Assistant Professor at Old Dominion University in the Dental Hygiene Care Facility. Ms. Stull is also employed as a Registered Dental Hygienist for a private practice.

Ms. Virginia M. Tucker Instructor of English	\$35,000	7/25/06	10 mos
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Ms. Tucker received an M.A. in Professional Writing in 2004 from Old Dominion University and a B.A. in English in 2002 from Christopher Newport University. Since 2004, she has been an Adjunct Instructor and Instructor of English at Old Dominion University. Prior to that, Ms. Tucker was an Instructional Designer for the Center for Learning Technologies at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. Walter J. Unterreiner Instructor of English	\$35,000	7/25/06	10 mos

Mr. Unterreiner received an M.A. in English Education and a B.A. in English, in 2002 and 2000 respectively, from Old Dominion University. Since 2003, he has been an Instructor in the English Department at Old Dominion University. Prior to that he was an Adjunct Faculty member at Old Dominion University and Tidewater Community College.

Ms. Erin Warham Lecturer of Educational Curriculum and Instruction	\$40,000	7/25/06	10 mos
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Ms. Warham received an M.S. with a concentration in Computer Technology Education and Training from Nova Southeastern University and a B.A. in Elementary Education from Florida Atlantic University. Since 2003, she has been a Lecturer of Educational Curriculum and Instruction at Old Dominion University. Prior to that, Ms. Warham was an Instructional Technology Coordinator for Virginia Beach City Public Schools.

Dr. Hongwei Zhu Assistant Professor of Information Technology and Decision Sciences (Tenure Track)	\$118,000	7/25/06	10 mos
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Dr. Zhu received a Ph.D. in Technology, Management and Policy and an M.S. in Technology and Policy, in 2005 and 2002 respectively, from Massachusetts Institute of Technology (MIT), an M.S. in Environmental Engineering in 1997 from the University of Cincinnati, an M.S. in Environmental Engineering in 1994 from Tsinghua University, Beijing, China and a dual B.S. in Thermal Engineering and Environmental Engineering in 1991. Since 2005, he has been a Research Scientist for the MIT Information Quality Program, Center for Technology, Policy and Industrial Development. Prior to that, Dr. Zhu was a Research Assistant at the MIT Sloan School of Management.

APPOINTMENT OF LEARNING COORDINATOR
DISABILITY SERVICES

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Kathleen A. Broderick as Learning Coordinator for the Office of Disability Services, effective June 25, 2006.

Ms. Broderick received an M.S. in Education and a B.S. in Elementary Education, in 1993 and 1990 respectively, from St. Bonaventure University. She has served as Interim Learning Coordinator since January 23, 2006 and was a part-time Disability Services staff member from June 2005-January 2006. Prior to that, Ms. Broderick was a teacher for Chesapeake Public Schools.

Salary: \$44,000 for 12 months
Rank: Learning Coordinator, Disability Services and Instructor

APPOINTMENT OF PROFESSIONAL COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Jessica L. David as Professional Counselor for the Office of Counseling Services, effective August 25, 2006.

Dr. Jessica L. David received a Psy.D. in Clinical Psychology in 2005 from The George Washington University and a B.A. in Psychology in 1997 from George Mason University. She recently completed a Post Doctoral Fellowship with University Health Services at Harvard University.

Salary: \$52,788 for 12 months
Rank: Professional Counselor and Assistant Professor

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. Heather Eberly as Admissions Counselor for the Office of Admissions, effective August 10, 2006.

Ms. Eberly received a Master of Education in College Student Affairs Administration in 2006 from the University of Georgia and a B.S. in Psychology in 2004 from Radford University. Since 2004, she has been a Graduate Assistant in the Division of Student Affairs at Georgia Board of Regents of the University System of Georgia.

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

APPOINTMENT OF COUNSELOR
STUDENT SUPPORT SERVICES

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Terry M. Eusebio as Counselor for Student Support Services, effective June 25, 2006.

Mr. Eusebio received an M.S. in Educational Administration and a B.S. in Human Services Counseling, in 2003 and 2001 respectively, from Old Dominion University. Since 2004, he has been a Counselor for Student Support Services in a temporary appointment.

Salary: \$38,480 for 12 months
Rank: Counselor, Student Support Services and Instructor

APPOINTMENT OF PROFESSIONAL COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Jaime M. Fenton as Professional Counselor for the Office of Counseling Services, effective August 25, 2006.

Dr. Fenton received a Ph.D. in Counseling Psychology and a B.A. in Psychology, in 2006 and 1998, from Pennsylvania State University and an M.S. in Professional Counseling in 2001 from Georgia State University. Since 2004, she has been a Post-doctoral fellow and a Pre-doctoral Intern in Psychology in the Center for Counseling and Student Development at the University of Delaware. Prior to that, Dr. Fenton was an Addictions Counselor for Pyramid Healthcare at State College, PA.

Salary: \$52,788 for 12 months
Rank: Professional Counselor and Assistant Professor

APPOINTMENT OF 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. Veronica Finch as Director of Student Financial Aid, effective August 10, 2006.

Ms. Finch received a B.S. in Accounting in 1968 from North Carolina Agricultural and Technical State University. She came to Old Dominion University as Assistant Director of Student Financial Aid in 1992, and has served as Associate Director since 1996 and Interim Director since 2004. Prior to that, Ms. Finch was Director of Financial Aid at Hampton University. She is a member of the National Association for Student Financial Aid Administrators, the Southern Association for Student Financial Aid Administrators, and the Virginia Association for Student Financial Aid Administrators.

Salary: \$84,000 for 12 months
Rank: Director of Student Financial Aid and Assistant Instructor

APPOINTMENT OF ACADEMIC ADVISOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Gregg A. Henderschiedt as Academic Advisor for the Center for Major Exploration (formerly the Office of Advising Services), effective June 10, 2006.

Mr. Henderschiedt received an M.S.Ed. in Counseling and a B.A. in Geography, in 2003 and 2001 respectively, from Old Dominion University. Since 2005, he has been an Interim Academic Advisor in the Office of Advising Services. Prior to that, Mr. Henderschiedt was an Interim Professional Counselor in the Office of Counseling Services at Old Dominion University.

Salary: \$35,396 for 12 months
Rank: Academic Advisor 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. Samuel L. Jefferson as Admissions Counselor for the Office of Admissions, effective August 25, 2006.

Mr. Jefferson received a B.S. in Criminal Justice in 2006 from Old Dominion University. Since 2005, he has been a Resident Assistant in Student Housing at Old Dominion University. Mr. Jefferson has been an Interim Admissions Counselor at Old Dominion University since January 2006.

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

APPOINTMENT OF TRANSFER ADMISSIONS COUNSELOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Megan S. Jones as Transfer Admissions Counselor for the Office of Admissions, effective July 25, 2006.

Ms. Jones received an M.P.A. in 2005 from Old Dominion University and a B.A. in Political Science in 2003 from Virginia Commonwealth University. Since 2003, she has been a Graduate Assistant in the Department of Urban Studies and Public Administration at Old Dominion. Ms. Jones has been serving as Interim Transfer Counselor since the spring of 2006.

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

APPOINTMENT OF ASSISTANT ATHLETIC TRAINER

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Amber S. Landis as Assistant Athletic Trainer for the Office of Athletics, effective August 10, 2006.

Ms. Landis received an M.S.Ed. in Athletic Training in 2006 from Old Dominion University and a B.S. in Biokinetics in 2004 from Eastern University. Since 2004, she has been a Graduate Assistant Athletic Trainer at Old Dominion University. Previously, Ms. Landis held several positions as an Athletic Trainer.

Salary: \$32,000 for 12 months
Rank: Assistant Athletic Trainer 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. Jacquelyn M. Lepri as Admissions Counselor for the Office of Admissions, effective August 25, 2006.

Ms. Lepri received a B.A. in Honors Communication Studies from the University of Michigan. Since 2004, she has been an Information Referral Assistant and Undergraduate Admissions Clerk at the University of Michigan.

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

**APPOINTMENT OF INTERIM ASSISTANT DIRECTOR
OF THE ENGLISH LANGUAGE CENTER**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Jason J. McSparren as Interim Assistant Director of the English Language Center, effective August 25, 2006.

Mr. McSparren received an M.A. in Teaching English as a Second Language in 2003 from Rhode Island College and a B.A. in English Literature in 1998 from the University of Rhode Island. Since 2005, he has been an Adjunct Professor in the English Language Center at Old Dominion University and an Adjunct ESL Professor at Tidewater Community College .

Salary: \$45,000 for 12 months

Rank: Lecturer and designated as Interim Assistant Director of the English Language Center.

**APPOINTMENT OF ACTING PROGRAM ADVISOR
INTERDISCIPLINARY STUDIES - TEACHER
PREPARATION PROGRAMS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Michele Mitchell as Acting Program Advisor, Interdisciplinary Studies - Teacher Preparation Programs, effective September 25, 2006.

Ms. Mitchell received a J.D. in 2000 from the College of William and Mary Law School and a B.A. in Criminal Justice in 1997 from Old Dominion University. Since 2004 she has served as Assistant Director of Transfer and Military Affairs in Old Dominion University's Office of Admissions. Prior to that, she was as an Admissions Coordinator and Chief Transfer Officer in the University's Office of Admissions. Ms. Mitchell also has served as an adjunct instructor in the Department of Sociology and Criminal Justice and the Department of Political Science and Geography.

Salary: \$35,000 9/25/06-11/24/06

\$36,602 11/25/06-6/24/07

Rank: Acting Program Advisor, Interdisciplinary Studies - Teacher Preparation Programs and Instructor

**APPOINTMENT OF DIRECTOR
VIRGINIA BEACH HIGHER EDUCATION CENTER**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Renee E. Olander as Director of the Virginia Beach Higher Education Center, effective June 25, 2006.

Ms. Olander received an M.F.A. in Creative Writing in 2005 from the University of Southern Maine, an M.A. in English in 1987 from Old Dominion University and a B.A. in English in 1984 from Mary Baldwin College. Since 2005, she has been Interim Director of the Virginia Beach Higher Education Center. Prior to that, Ms. Olander was Director of the Interdisciplinary Studies Department Teacher Preparation Programs and Lecturer and Advising Coordinator in the College of Arts and Letters at Old Dominion University.

Salary: \$95,000 for 12 months
Rank: Director, Virginia Beach Higher Education Center and Assistant Professor

**APPOINTMENT OF ASSISTANT DIRECTOR
MILITARY CAREER TRANSITION PROGRAM**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Nicole M. Perron as Assistant Director of the Military Career Transition Program, Darden College of Education, effective August 10, 2006.

Ms. Perron received an M.S. in Community Health and a B.S. in Therapeutic Recreation, in 2002 and 2000 respectively, from Old Dominion University. Since 2004, she has been an Academic Advisor for the Military Career Transition Program at Old Dominion University. Prior to that, she was a Counselor for Virginia Troops to Teachers.

Salary: \$42,000 for 12 months
Rank: Assistant Director, Military Career Transition Program, and Instructor

**APPOINTMENT OF ASSISTANT DIRECTOR OF THE WOMEN'S CENTER/
S.A.F.E. COORDINATOR**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Alexa A. Priddy as Assistant Director of the Women's Center/S.A.F.E. Coordinator, effective August 25, 2006.

Ms. Priddy received an M.A. in Women's Studies in 2006 from the University of Arizona and a B.S. in Political Science in 2002 from the University of Wisconsin-Stevens Point. Since 2006, she has been Cornerstone Project Coordinator for the Southwest Institute for Research on Women. Prior to that, Ms. Priddy was a Teaching Assistant and Research Institute in the Women's Studies Department at the University of Arizona.

Salary: \$37,598 for 12 months
Rank: Assistant Director of the Women's Center/S.A.F.E. Coordinator and Instructor

APPOINTMENT OF ACADEMIC ADVISOR

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Jose E. Ramos as Academic Advisor for the Center for Major Exploration (formerly the Office of Advising Services), effective June 10, 2006.

Mr. Ramos received an M.S.Ed. in Counseling in 2004 from Old Dominion University and a B.A. in Psychology in 1987 from the University of Puerto Rico. Since 2005 he has been an Interim Academic Advisor in the Office of Advising Services. Prior to that, Mr. Ramos was a Psych Emergency Response Services Crisis Intervention Clinician at Sentara Norfolk General Hospital.

Salary: \$35,396 for 12 months
Rank: Academic Advisor and Instructor

APPOINTMENT OF DIRECTOR OF WOMEN’S BASKETBALL OPERATIONS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. René K. Rice as Director of Women’s Basketball Operations, effective September 1, 2006.

Ms. Rice received an M.A. in Sports Administration in 2006 from Central Michigan University and a B.A. in Telecommunication and Film in 2002 from the University of West Florida. Since January 2006, she has been an All-Star Challenge Intern for the Women’s Basketball Coaches Association (WBCA). Prior to that, Ms. Rice was a Graduate Assistant for Intramural Sports and Programming at Central Michigan University.

Salary: \$30,000 for 12 months
Rank: Director of Women’s Basketball Operations and Instructor

**APPOINTMENT OF INTERIM VICE PROVOST FOR UNDERGRADUATE STUDIES
AND DEAN OF THE UNIVERSITY COLLEGE**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Charles Wilson as Interim Vice Provost for Undergraduate Studies and Dean of the University College, effective June 25, 2006.

Dr. Wilson received a Ph.D. in English from the University of Georgia, an M.A. in English from North Carolina State University and a B.A. in English from West Georgia College. A member of the Old Dominion faculty since 1991, Wilson spent the past year as an American Council of Education Fellow. He was named a SCHEV Outstanding Faculty Award winner in 2004 and has received Old Dominion's A. Rufus Tonelson Faculty Award and the Robert L. Stern Award for

Excellence in Teaching. Wilson is an expert in African-American and Southern literatures and his research interests include black manhood, race, class and gender in Southern fiction, and the intersection of past and present in the South. He is the recipient of two National Endowment for the Humanities grants, including one for a summer institute at Harvard University.

Salary: \$127,019 for 12 months (Salary includes stipend of \$31,600 for serving as Interim Vice Provost and Dean of the University College)
Rank: Interim Vice Provost for Undergraduate Studies and Dean of the University College and Professor of English (with academic tenure)
Designated as a University Professor.

APPOINTMENT OF TELETECHNET SITE DIRECTORS

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

Ms. Marcia K. Lyman (Site Director, Yavapai College)

Ms. Lyman received an M.A. in Organizational Management in 2003 from the University of Phoenix and a B.A. in Christian Ministry in 2001 from American Indian College. Since 2002, she has been Registrar at American Indian College. She has also been Interim Director of Institutional Research and an Adjunct Professor at American Indian College.

Salary: \$52,574 for 12 months effective June 25, 2006
Rank: TELETECHNET Site Director, Yavapai College, and Instructor

Ms. Ann L. Sorensen (Site Director, John Tyler Community College)

Ms. Sorensen received an M.B.A. in 1996 from Averett College, a B.S. in Business Administration in 1982 from the University of Arkansas and is currently pursuing an Ed.D in Educational Policy, Planning and Leadership from the College of William and Mary. Since 2002, she has been Director of Admissions and Transfer at Richard Bland College.

Salary: \$48,000 for 12 months effective September 10, 2006
Rank: TELETECHNET Site Director, John Tyler Community College, 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>
Colin E. Box Associate Professor Emeritus of Community and Environmental Health	June 1, 2006
Roger S. Richman Professor Emeritus of Urban Studies and Public Administration	June 1, 2006
Stanley E. Weinstein Professor Emeritus of Mathematics and Statistics	June 1, 2006
George T. F. Wong Professor Emeritus of Ocean, Earth and Atmospheric Sciences	June 1, 2006

Colin E. Box

Colin E. Box received a B.S. in Physical Education, an M.S. in Health Science, and a Doctor of Health Sciences from Indiana University in 1965, 1968 and 1970 respectively. He also completed a Post Doctorate in Counseling Psychology at the University of Missouri in 1972.

Box joined Old Dominion as an Associate Professor of Community and Environmental Health in 1976. He served as Graduate Program Director of the Community Health Program from 1978-1980 and 1998-2004, as Chair of Community and Environmental Health from 1978-1982 and 2001-2004, and as Assistant Dean from 1981-1982.

During his 30 years at Old Dominion University, Box was responsible for the development of numerous programs, including undergraduate, graduate and certificate programs. His research interests included drug and alcohol treatment and alternative therapies. In recognition of his accomplishments, Box was awarded the Shewfelt Medal from Canada's Albert College in 2002.

Roger Richman

Dr. Richman received a Ph.D. in Public Administration from New York University in 1975, an M.S. in Urban and Regional Planning from Pratt Institute in 1967, and an A.B. in Sociology/Philosophy from Wagner College in 1965.

During his 30 years at Old Dominion University, he has taught a variety of graduate courses and conducted research in public law and public administration, urban policy, dispute resolution, telecommunications policy, and environmental planning. Richman published two books. He served as Graduate Program Director for the Master of Urban Studies and/or Master of Public Administration programs for almost a decade.

Stanley E. Weinstein

Stanley E. Weinstein earned a B.A. in Mathematics from Hunter College, City University of New York in 1962. He earned an M.S. in Mathematics in 1964 and a Ph.D. in Mathematics in 1967 from Michigan State University.

After teaching for eight years at the University of Utah, Weinstein joined Old Dominion University as Professor and Chair of the Department of Mathematical and Computing Sciences in 1975. He served as Chair for nine years, stepping down in 1984 to devote himself to teaching and research. Over the next 22 years, Weinstein made significant contributions in approximation theory, numerical analysis and computer-aided geometric design. He published 20 papers in peer-reviewed journals and presented at six national conferences. From 1988-1994, he held a NASA grant with total expenditures of \$400,000.

In addition to his own accomplishments, Dr. Weinstein played a major role in developing and mentoring young mathematicians who came to Old Dominion University during his tenure as Chair.

George T. F. Wong

Wong received a Ph.D. in Oceanography/Marine Geochemistry in 1976 from Massachusetts Institute of Technology and Woods Hole Oceanographic Institution, an M.S. in Oceanography/Marine Geochemistry in 1973 from Massachusetts Institute of Technology, and a B.S. in Chemistry in 1971 from California State University, Los Angeles.

Wong joined Old Dominion University as an Assistant Professor in the Department of Oceanography in 1971. He was promoted to the rank of Associate Professor in 1982 and awarded an early promotion to the rank of Professor in 1987. He served as the Graduate Program Director of the Department of Oceanography from 1985 to 1990.

During his tenure of 30 years at Old Dominion University, Wong helped to build the section in chemical oceanography in the Department of Oceanography from one that involved only himself to one with three faculty members, multiple well-equipped laboratories and an international reputation. He mentored many doctoral and master's students and supervised their research projects. He has published widely in most of the major journals in chemical oceanography and is considered one of the world's leading experts in the marine geochemistry of iodine. Wong also helped to advance the marine sciences in both Taiwan and Mainland China by serving as a science advisor of their national center and state key laboratory.

ADMINISTRATIVE TITLE CHANGE FOR DISTANCE LEARNING

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following title change in the Office of Distance Learning, effective September 22, 2006.

Andrew Casiello From Assistant Vice President for Academic Technology Services
to Associate Vice President for Distance Learning

Rationale: Mr. Casiello has served Old Dominion University capably as Assistant Vice President. His performance plan for the coming year includes an even higher level of executive leadership, supervision, and fiscal oversight; guidance to top-level University administrators, the Vice Provost for Distance Learning, and the Distance Learning management team regarding strategic planning, policy development, and technical infrastructure development; and cultivation and nurturing of strategic external relationships. He attended a two-week intensive Management Development Program at Harvard this year, and he is systematically applying the principles of change and other program content to his daily management and leadership challenges. In the absence of the Vice Provost, Mr. Casiello represents the Office of Distance Learning in a professional and collegial manner, and as Associate Vice President he will have an expanded role in working with top-level administrators around the world.

There is no increase in Mr. Casiello’s annual salary as a result of this title change.

ADMINISTRATIVE TITLE CHANGES FOR UNIVERSITY COLLEGE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following title changes with the implementation of University College, effective September 22, 2006.

Rationale: University College is a newly formed unit that coordinates existing University resources and develops new initiatives that promote academic excellence and enhance the success of undergraduate students, especially first-year and transferring undergraduate students.

The University College is the central resource for first-year student orientation, academic advising, major and career exploration, learning communities, tutoring, placement testing, experiential learning evaluation, developmental course offerings, continuance, transfer articulation agreements, transfer student services, student success programs, and the coordination of the undergraduate general education program.

The University College consists of faculty administrators and staff members from units in Academic Affairs and Student Affairs. An implementation committee was formed in order to merge these units effectively and develop the college’s organizational structure. As a result of the committee’s work, the following title changes are recommended. (The salaries of these individuals will not change.)

Judith M. Bowman	<u>From</u> Assistant Vice President for Undergraduate Studies <u>to</u> Assistant Vice President for Undergraduate Studies and Assistant Dean of University College.
James Calliotte	<u>From</u> Executive Director, Student Success Center <u>to</u> Assistant Dean for First-year Experience
Cynthia Ghaemmaghami	<u>From</u> Supervising Director, Academic Skills Center <u>to</u> Director of Academic Skills and Developmental Mathematics
Judy Luedtke	<u>From</u> Director, First Year Transition <u>to</u> Director of New Student and Parent Programs
Lisa Mayes	<u>From</u> Director of Continuance <u>to</u> Director of Tutoring and Academic Achievement
G. W. Thompson	<u>From</u> Director of Advising Services <u>to</u> Director of the Center for Major Exploration
Sandra Waters	<u>From</u> Director of Undergraduate Services <u>to</u> Assistant Dean for Advising and Transfer Programs
Tom Wunderlich	<u>From</u> Executive Director of the Career Management Center <u>to</u> Assistant Dean for Career Management

The Committee approved proposed revisions to the Policy on Academic Rank and Promotion in Rank. The proposed revisions allow research faculty to chair dissertation committees and establish that they must meet the same standards as tenured and tenure-track faculty in order to chair these committees. 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. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

**APPROVAL OF PROPOSED CHANGES TO THE BOARD OF VISITORS
POLICY ON ACADEMIC RANK AND PROMOTION IN RANK**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed changes to the Board of Visitors Policy on Academic Rank and Promotion in Rank, effective September 22, 2006.

Rationale: The proposed changes to the Board of Visitors Policy on Academic Rank and Promotion in Rank are requested in order to establish the criteria for research faculty (assistant, associate and full) to be allowed to chair dissertation committees. The proposed changes establish that research

faculty must meet the same standards as tenured and tenure-track faculty in order to chair dissertation committees.

NUMBER: 1410

TITLE: Academic Rank and Promotion in Rank

APPROVED: June 12, 1980; Revised February 24, 1984; Revised June 20, 1985; Revised December 13, 1988; Revised September 27, 1990; Revised March 11, 1991; Revised April 9, 1992; Revised April 8, 1993; Revised April 10, 1997; Revised April 9, 1998; Revised December 10, 1998; Revised April 12, 2001; Revised December 14, 2001; Revised April 12, 2002; Revised June 14, 2002; Revised December 12, 2003; **Revised September 22, 2006**

I. Board of Visitors Definition of Academic Rank

- A. Full-time faculty members holding the following academic ranks are eligible to be considered for tenure after a suitable probationary period, and time at Old Dominion University in these ranks is counted toward the probationary period.
1. Professor - Those appointed or promoted to this rank, which is one of the highest honors that the university can bestow, are teacher-scholars of genuinely national standing who have made recognized contributions to the university and to their disciplines. They are expected to have demonstrated excellence in teaching, to have performed recognized and outstanding research in their fields of specialization, and to have been pre-eminent in professional service. Although few will excel equally in the three areas of teaching, research, and service, all appointed or promoted to the rank of professor are expected to have made some demonstrable contribution in each area. Except under most unusual circumstances, the highest terminal degree in the field is required.
 2. Associate Professor - Appointment or promotion to the rank of associate professor is based on established high quality of performance in teaching, research, and service and pre-eminence in at least one of these areas. Except under most unusual circumstances, the highest terminal degree normally attainable in the field is required.
 3. Assistant Professor - Appointment or promotion to the rank of assistant professor requires the highest terminal degree normally held in the field or its clear equivalent. Evidence of promise in teaching, research, and service is required. Faculty members holding the rank of assistant professor may be considered for tenure only if promotion to associate professor is simultaneously considered.

- B. Full-time faculty members holding the following ranks are not eligible for tenure, but time at Old Dominion University in these ranks is counted as part of the probationary period for tenure, except as noted in paragraph 1.a. below.
1. Instructor - Appointment to the rank of instructor is based on evidence of promise in teaching. Instructors normally hold master's degrees in their areas of specialization, but occasional exceptions can be made for fields in which the master's degree is the highest terminal degree normally attainable. There are three types of instructors at Old Dominion University:
 - a. Faculty members normally lacking the highest terminal degree who are employed to teach on the freshman and sophomore levels -- They normally receive annual appointments for a period of three years, but in exceptional circumstances they may be reappointed for a maximum of three additional annual contracts. They must be informed in writing at the time of the original appointment that their positions are not permanent and that they will not be eligible to be considered for tenure.
 - b. Instructors who are terminal degree candidates -- Candidates for a terminal degree may be given annual appointments as instructors if they can provide evidence that they will complete all requirements for the terminal degree within the first year of teaching at Old Dominion University. An instructor in this category who completes this work, and whose department recommends reappointment, is given a second annual contract as an assistant professor and is eligible for tenure at the end of the usual probationary period. An instructor in this category who completes all degree requirements during the first semester at Old Dominion University is given the title of assistant professor for the second semester. An instructor in this category who does not complete all requirements for the terminal degree within the first year of employment is normally not reappointed for a second year, but a second annual contract as instructor may be granted with the approval of the chair, dean and provost and vice president for academic affairs; if all requirements for the degree are completed within the second year, the instructor is promoted to the rank of assistant professor. If all degree requirements are not completed during the second year, a third and terminal contract as instructor may be granted but the faculty member is not eligible for consideration for promotion or tenure.
 - c. Tenure-track, master's-level instructors -- In certain professional departments in which the master's degree is the terminal degree, faculty members who have three years or less of full-time teaching experience at the college level are normally appointed initially to the rank of instructor. Such faculty members are eligible for promotion to the rank of assistant professor after two years in the instructor's

rank on the recommendation of the chair and dean and on the approval of the provost and vice president for academic affairs. In exceptional cases, where professional experience is clearly demonstrated, the requirement of prior experience may be waived with the approval of the chair, dean, and provost and vice president for academic affairs. This type of instructor can be appointed only in academic fields in which the provost and vice president for academic affairs has previously approved such appointments on the recommendation of the chair and dean concerned. At present, instructors of this type are employed in the areas of applied music, dance, dental hygiene, engineering technology, nursing, physical therapy, and studio art.

- C. The following full-time academic ranks do not carry tenure, but if a faculty member who has held one of these ranks is subsequently appointed to a tenurable position as described in section A, time spent at Old Dominion University in one of these ranks may be counted as part of the probationary period for tenure.
1. Visiting professor - This rank is reserved for scholars of distinction who agree to come to the university for one year or less in order to serve a particular need in a college or department. Credentials equal to those required of a full professor are required.
 2. Visiting associate professor - This rank is reserved for scholars of distinction who agree to come to the university for one year or less in order to serve a particular need in a college or department. Credentials equal to those required of an associate professor are required.
 3. Visiting assistant professor - This rank is reserved for scholars of distinction who agree to come to the university for one year or less in order to serve a particular need in a college or department. Credentials equal to those required of an assistant professor are required.
- D. The following academic ranks do not carry tenure, and time at Old Dominion University in these ranks is not counted as part of the probationary period for tenure. These ranks are intended to meet the university's need to fill special instructional roles which differ from the traditional university faculty role, preparation, and expectation. All appointments and reappointments are contingent upon available funding.
1. Assistant instructor - This is a full-time rank requiring at least a bachelor's degree in the area of specialization. Except under unusual circumstances, assistant instructors do not teach courses carrying degree credits.
 2. Lecturer - This is a full-time rank which requires an appropriate master's degree and evidence of teaching ability. Demonstrated expertise in a specific field may also be required. Persons appointed to this rank are expected to

assume a predominantly instructional role, at undergraduate or graduate levels, and participate in other professional service activities normally assigned to or expected of full-time faculty.

Persons initially appointed at the rank of lecturer will be evaluated and a decision made concerning their reappointment on an annual basis, according to the policy on "Reappointment or Nonreappointment of Faculty." In addition, during the fall semester of the fifth year of service, persons holding this rank will receive a major faculty review. This review will be conducted by the dean and will include an in-depth evaluation of the individual's teaching effectiveness and other professional activities, as well as the needs of the department. The purposes of this review shall be to evaluate the individual's performance and determine whether he or she should be retained beyond the fifth year. An evaluation report should be submitted to the provost and vice president for academic affairs following completion of the review at the college level.

If the evaluation is positive and the dean's recommendation on retention is affirmative, the individual may be offered an appointment for the next three academic years. Those persons who are reappointed in this manner shall be subject to another in-depth review conducted by the dean during the fall semester of the third year of the reappointment. Lecturers will be reappointed for additional three-year periods by utilizing the same procedure as described above.

If the decision is made not to retain the lecturer, either after the fifth year of initial service or subsequent three-year reappointments, he or she will be notified of termination according to the appropriate schedule contained in the policy on "Reappointment or Nonreappointment of Faculty" and may request a review of the nonreappointment decision by the provost and vice president for academic affairs, as provided by the same policy.

3. Senior lecturer - This is a full-time rank which requires an appropriate master's degree, demonstrated expertise in the field, a sustained record of effective performance in teaching and professional service, evidence of continued development and study in the field, and a minimum of five years' experience at the rank of lecturer or equivalent. Persons appointed to this rank are expected to assume a predominantly instructional role, at undergraduate or graduate levels, and participate in other professional service activities normally assigned to or expected of full-time faculty.

Persons initially appointed at the rank of senior lecturer will be evaluated and a decision made concerning their reappointment on an annual basis, according to the policy on "Reappointment and Nonreappointment of Faculty." In addition, during the fall semester of the fifth year of service, persons holding this rank will receive a major faculty review. This review will be conducted by the dean and will include an in-depth evaluation of the

individual's teaching effectiveness and other professional activities as well as the needs of the department. The purposes of this review shall be to evaluate the individual's performance and determine whether he or she should be retained beyond the fifth year. An evaluation report should be submitted to the provost and vice president for academic affairs following completion of this review at the college level.

If the evaluation is positive and the dean's recommendation on retention is affirmative, the individual may be offered an appointment for the next three academic years. Those persons who are reappointed in this manner shall be subject to another in-depth review conducted by the dean during the fall semester of the third year of the reappointment. Senior lecturers may be reappointed for additional three-year periods by utilizing the same procedure as described above.

If the decision is made not to retain the senior lecturer either after the fifth year of initial service or subsequent three-year appointments, he or she will be notified of termination according to the appropriate schedule contained in the policy on "Reappointment or Nonreappointment of Faculty" and may request a review of the nonreappointment decision by the provost and vice president for academic affairs as provided by the same policy.

Promotion to the rank of senior lecturer from the rank of lecturer shall be upon the recommendation of the department, chair, and college promotion and tenure committee to the dean of the college. If the dean decides against the promotion, the person may request a review by the provost and vice president for academic affairs. The decision of the provost and vice president for academic affairs is final.

4. Intercollegiate coach - This is a full-time rank normally requiring a master's degree and a record of demonstrated performance in the area of specialization. Persons holding this rank devote half time or less to the instruction of credit students. These positions are normally funded from both Commonwealth and non-Commonwealth sources.
5. Artist-in-residence - The holder of this position is a distinguished practitioner of the fine arts, employed either full time or part time by the university. In most cases, an artist-in-residence devotes half time or less to the instruction of credit students. The rest of the time, for a full-time faculty member, is devoted to noncredit course work and other public service activities; to unstructured instruction to university students; to professional service to the community; and to any combination of these activities. The main criterion for reappointment is pre-eminence in an artistic field, and the normal academic credentials, such as advanced degrees or experience in university teaching, are not necessarily required.

6. Performer-in-residence - The description of this position is basically equivalent to that of artist-in-residence, except that the holder is a distinguished practitioner of the performing arts whose service to the university and the community may include performances available to the university community and to the region.
7. Writer-in-residence - The description of this position is basically equivalent to that of artist-in-residence, except that the holder is a creative writer of distinction.
8. Research professor - Faculty members in this position, which may be either full time or part time, are devoting most of their efforts to research and are normally not teaching more than one course a semester. These positions are normally funded from non-Commonwealth funds. A research professor must meet the criteria demanded of a full professor in the relevant department. **Personnel with the title of research professor may chair doctoral and master's committees provided they are certified as graduate faculty. Research personnel are subject to all university, college and department policies and procedures governing graduate teaching, program implementation, and oversight of graduate research and must undergo the same formal academic review and graduate certification review as required of tenured and tenure-track faculty members.**
9. Research associate professor - This position has the same characteristics as that of research professor except that those holding it meet the criteria for appointment to the rank of associate professor in the department(s) to which they are attached. **Personnel with the title of research associate professor may chair doctoral and master's committees provided they are certified as graduate faculty. Research personnel are subject to all university, college and department policies and procedures governing graduate teaching, program implementation, and oversight of graduate research and must undergo the same formal academic review and graduate certification review as required of tenured and tenure-track faculty members.**
10. Research assistant professor - This position has the same characteristics as that of research associate professor except that those holding it meet the criteria for assistant professor in the department(s) to which they are attached. **Personnel with the title of research assistant professor may chair doctoral and master's committees provided they are certified as graduate faculty. Research personnel are subject to all university, college and department policies and procedures governing graduate teaching, program implementation, and oversight of graduate research and must undergo the same formal academic review and graduate certification review as required of tenured and tenure-track faculty members.**

11. Research associate - This position has the same characteristics as that of research assistant professor except that those holding it meet the criteria for instructor in the department(s) to which they are attached.
12. Postdoctoral Research Associate - This position is generally reserved for a person who has recently completed his or her doctoral degree. While the primary employment activity will be research related, some teaching may be allowed. In general, these positions are funded through non-Common-wealth funds.
13. Adjunct professor - This rank is awarded to persons engaged in part-time teaching or special services who meet the criteria demanded of a full professor in the department(s) to which they are attached.
14. Adjunct associate professor - This position is awarded to persons engaged in part-time teaching or special services who meet the criteria established for associate professor in the department(s) to which they are attached.
15. Adjunct assistant professor - This position is awarded to persons engaged in part-time teaching or special services who meet the criteria established for assistant professor in the department(s) to which they are attached.
16. Adjunct instructor - This position is held by part-time faculty members who meet the criteria established for instructor in the department(s) to which they are attached.
17. Adjunct assistant instructors - This position is held by part-time faculty members who meet the criteria established for assistant instructor in the department(s) to which they are attached.
18. Adjunct clinical faculty, adjunct community faculty - The titles adjunct clinical faculty or adjunct community faculty (as appropriate), with their respective ranks, may be awarded to persons engaged in part-time teaching or special services relating to the practical instruction of students, and who meet the professional and academic criteria for those ranks established in the department(s) to which they are attached. These titles pertain to persons who are not normally paid a salary by the university, but who supervise activities designed to give students practical experience in a given profession.
19. Other - The president may recommend to the Board of Visitors the establishment of other nontenured positions to allow the appointment of persons distinguished in their fields but not covered by any of the above.

II. Promotion in Rank

A. Board of Visitors Policy

1. Except for promotion to the rank of assistant professor, all promotions in rank are based on evaluation of the faculty member's performance in teaching, research, and service over the total time in the previous rank as compared to the criteria established by the Board of Visitors for the rank being considered and any other criteria established by the department or college.
2. Promotion to the rank of associate professor must occur at the time of the tenure award, except in the case of certain faculty members who were tenured in the rank of assistant professor prior to June 30, 1982. Such persons may be considered for promotion to the rank of associate professor during any subsequent year under the same policy and procedures as are used for promotion to the rank of full professor.
3. Promotion to the rank of full professor is normally considered no earlier than during the sixth year of a faculty member's service as associate professor at Old Dominion University. Exceptions are made only under the following circumstances:
 - a. A faculty member who has held the rank of associate professor at another institution and was initially appointed to Old Dominion University at the rank of associate professor may be considered for promotion at the time of the award of tenure.
 - b. A faculty member of extraordinary merit may be considered for promotion to the rank of full professor before the sixth year as associate professor at Old Dominion University.
4. The president, upon the recommendation of the Faculty Senate, shall establish procedures for consideration of promotion to the rank of full professor (and designation as eminent scholar), and of promotion to the rank of associate professor for those tenured as assistant professors prior to June 30, 1982. Such procedures shall require consideration and recommendation by faculty members at the department and college level, the chair, the dean, and the University Promotion and Tenure Committee. The decision concerning promotion is to be made by the provost and vice president for academic affairs. If the provost and vice president for academic affairs decides against promotion, the faculty member may request a review by the president. The decision of the president is final.

B. Procedures for Promotion in Rank

1. These procedures apply to promotion to the rank of full professor. (In the case of those faculty members who held tenure and the rank of assistant professor in June 1982, these procedures also apply to promotion to the rank of associate professor. Otherwise, promotion to the rank of associate professor is part of the tenure consideration and is dealt with in accordance with the policy concerning tenure.) Promotion to the rank of assistant professor is made by the provost and vice president for academic affairs following recommendation by the chair and dean. These procedures are designed to implement the Board of Visitors policy concerning promotion. The board policy is governing in all promotion cases.
2. Considerations Concerning Promotion
 - a. Each faculty committee and administrator considering a promotion case must specifically consider factors listed below as they apply to each case in the written recommendations that are submitted up the line to the provost and vice president for academic affairs. In the case of committees, the vote must be recorded in the recommendation, and the reasons produced by the minority members must be specified.
 - b. Each committee and administrator making a recommendation concerning promotion considers evidence of the faculty member's performance over the total time in which the previous rank has been held as compared to the guidelines for the rank being considered as established by the Board of Visitors and any other guidelines established by the department or college.
 - c. The total rank structure of the department should be considered.
 - d. At the least, the committees and administrators should examine faculty information sheets, chair evaluations, dean's evaluations, and any other evidence submitted by the faculty member, the chair of the department, or any other relevant source. Particularly in the case of promotion to full professor, external evaluation of the faculty member's research and scholarly activity by nationally recognized experts in the field of specialization may be required at any step of the process.
3. A candidate for promotion in rank is initially considered by the faculty members in the department who hold the rank being considered or above¹:

¹See the Faculty Evaluation Schedule in the appendix for specific dates and actions.

- a. In the case of large departments, the faculty members in the rank being considered or above may select a committee from their ranks to consider and make recommendations concerning promotion. In that case, it is the responsibility of the committee to elicit opinions from all faculty members holding the rank considered or above.
- b. No dean, associate dean, assistant dean, or other full-time administrator or department chair shall attend or participate in the deliberation of either departmental, college, or the University Promotion and Tenure Committee. All members of the college promotion and tenure committees shall be elected directly by the faculties they represent. The college committees shall consist of one tenured faculty member from each department in the college. This member shall be chosen by majority vote of all full-time teaching and research faculty members of the department, present and voting, by secret ballot before April 15 of each year for the ensuing year. The University Promotion and Tenure Committee shall consist of one tenured full professor from each of the major degree-granting academic colleges. This member shall be elected by his/her college's promotion and tenure committee(s).

The University Promotion and Tenure Committee shall elect one of its members as chair². No person shall serve on a college promotion and tenure committee for more than three years consecutively but is eligible for reelection after an absence of at least one year.

- c. Should there be no more than two persons in the department who hold the rank for which the faculty member is being considered or a higher rank, the faculty member has the option of skipping the departmental stage and being considered directly by the college promotion committee, which shall consider the recommendation of the chair.
 - d. The faculty member involved is informed that the committee is considering promotion in rank and is given an opportunity either to appear before the committee (or group) considering the case, or to submit a statement in writing in support of eligibility for promotion.
4. The committee or faculty group makes its recommendation concerning promotion to the chair together with reasons for the recommendation (including a minority statement in the case of a split vote), and specifies the vote of the committee. The chair evaluates independently the credentials of

²The members of the faculty who are elected to serve on the University Promotion and Tenure Committee shall serve for the subsequent academic year. The promotion and tenure committees elected by each individual degree-granting college serve for an entire academic year, not for the spring semester of one year and the fall semester of the following year.

the faculty member, the rank structure of the department, and any additional evidence presented, either by the faculty member or from any other source, and makes a recommendation, with reasons, concerning promotion.

5. If neither the faculty committee (or group) nor the chair recommends promotion, the faculty member will not be considered for promotion in the coming year unless a review by the college promotion committee and the dean is requested by the faculty member. If a review is requested, the departmental committee and the chair forward all documents to the promotion committee of the college, which examines them and makes a recommendation concerning promotion to the dean. The dean examines all documents, including the recommendation of the college committee, and makes a determination concerning promotion. If the dean's determination is negative and is in accordance with the recommendations of the departmental committee, the chair, and the college committee, then the faculty member is not promoted for the coming year. If the dean's determination is negative and is not in accordance with all previous recommendations, the faculty member may request a further review by the provost and vice president for academic affairs. The decision of the provost and vice president for academic affairs is final in such cases.
6. If either the departmental committee (or group), or the chair, or both recommend promotion, the faculty member's credentials together with the recommendation of the faculty committee and the chair will be forwarded to a promotion committee of the college for consideration. This committee will make an independent evaluation and make a recommendation concerning promotion with reasons (including reasons of the minority), to the dean. The recommendations will indicate the vote of the committee.
7. The dean, considering all previous recommendations and all credentials, then makes a recommendation concerning promotion, which is forwarded, with reasons, to the provost and vice president for academic affairs.
8. The University Promotion and Tenure Committee, consisting of one tenured full professor from each of the major degree-granting academic colleges, examines the facts and all previous recommendations and documentation, and makes a recommendation (with reasons, including minority reasons, if any) concerning promotion which is forwarded to the provost and vice president for academic affairs.
9. On the basis of all the evaluations and recommendations presented, and after consultation with staff, the provost and vice president for academic affairs makes a decision concerning promotion for the coming year. If the recommendations of the committees and administrators that have previously considered the case have not been in agreement with one another, or if the provost and vice president for academic affairs disagrees with the recommendations that have been in agreement with one another, the provost

and vice president for academic affairs shall consult with the chair, the dean, and the University Promotion and Tenure Committee before reaching a final decision. The decision of the provost and vice president for academic affairs will consist of one of the following:

- a. promotion
- b. deferral

- 10. If the decision of the provost and vice president for academic affairs is for promotion, the faculty member will receive the higher rank in the subsequent academic year. The decision of the provost and vice president for academic affairs will be reported to the president.
- 11. The faculty member may request that the president review a negative decision by the provost and vice president for academic affairs. The decision of the president is final.
- 12. All promotions are reported by the president to the Board of Visitors.
- 13. The above procedures at the department and college level may be suitably adapted for faculty members who hold interdisciplinary or interdepartmental appointments. The adapted procedures should be recommended by the promotion and tenure committee of the college or colleges involved and approved by the dean or deans and the provost and vice president for academic affairs. Procedures above the college level will be the same as those designated above in all cases.

- C. Part-time instructional faculty may be promoted in rank (for example, from adjunct assistant professor to adjunct associate professor) upon recommendation of the chair and dean to the provost and vice president for academic affairs. Full documentation of the credentials of the faculty member being recommended for promotion is required. If the provost and vice president for academic affairs denies the promotion, the faculty member may request a review by the president. The decision of the president is final.

The Committee approved proposed revisions to the Policy on Tenure. The revisions do not change the substance of the policy but are a rewrite of the section on the exclusion of a period of time from the probationary period for tenure because of the occurrence of a serious event. The revisions define more clearly a serious event that would warrant the exclusion of a period of time. 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. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

**APPROVAL OF PROPOSED CHANGES TO THE BOARD OF VISITORS
POLICY ON TENURE**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed changes to the Board of Visitors Policy on Tenure, effective September 22, 2006.

Rationale: The proposed changes to the Board of Visitors Policy on Tenure deal with the exclusion of a period of time from the probationary period for tenure because of the occurrence of a serious event. The revisions are not intended to change the substance of the policy but to rewrite the section to define more clearly a serious event that would warrant the exclusion of a period of time.

NUMBER: 1411

TITLE: Tenure

APPROVED: June 12, 1980; Revised February 24, 1984; Revised November 19, 1987; Revised December 13, 1988; Revised September 27, 1990; Revised April 9, 1998; Revised December 10, 1998; Revised April 12, 2002; Revised April 11, 2003; Revised June 14, 2005; Revised September 9, 2005; **Revised September 22, 2006**

- I. Purpose of Tenure - The main purposes of tenure are to recognize the performance of faculty members who have given years of dedicated service to the university, to protect academic freedom, and to enable the university to retain a permanent faculty of distinction in order to accomplish its mission. For these reasons, tenure is awarded only after a suitable probationary period, and the decision to award tenure is based both on the merit of the individual faculty member and on the long-term needs and mission of the department, the college, and the university.
- II. Eligibility for Tenure
 - A. The provost and vice president for academic affairs, fifteen months prior to the date for giving notification of the tenure decision, shall formally advise the professor that the limit of the probationary period is approaching, and explain what procedures should be followed by those wishing to be considered for tenure.
 - B. Only faculty members who hold the ranks of assistant professor, associate professor, or full professor are eligible to be considered for tenure. Assistant professors will be awarded tenure only if they are simultaneously being promoted to the rank of associate professor.

- C. Under certain circumstances administrative faculty holding rank in a department at the assistant professor (if promotion to the rank of associate professor is being simultaneously considered), associate professor, or full professor level may be considered for tenure, as specified by the Board of Visitors policy concerning administrative faculty.
- D. Since tenure is granted as a faculty member in an academic department or program, the award of tenure does not imply continuance in any full-time or part-time administrative position, nor does it imply continuance of any specific work assignment within or outside the department in which tenure is granted.

III. Probationary Period

- A. The probationary period begins with the initial full-time, tenure-track appointment at Old Dominion University at the rank of instructor, assistant professor, associate professor, or full professor; only time spent in a tenure-track position at one of these ranks is counted as part of the probationary period.

Subject to agreement by the university and the faculty member, any academic year in which a faculty member was on a full-time tenure-track appointment in one of these ranks for at least one semester, may be counted as one year of the probationary period.

- B. The following do not count as part of the probationary period:
 - 1. Time in the rank of assistant instructor, artist-in-residence, performer-in-residence, writer-in-residence, research professor, research associate professor, research assistant professor, research associate, or any part-time position.
 - 2. Time in appointment as an administrator, that is, in a position designated as a teaching/research administrative position or as a classified position in the state personnel system. (Time spent in a teaching and research faculty position as defined in the state personnel system will count as part of the probationary period, even if administrative responsibilities are assigned as part of that position; normally, departmental administrative positions such as chair or assistant chair will thus count as part of the probationary period.)
 - 3. Time in a position which involves no teaching of credit courses, for example as a teacher of children or a therapist in the Child Study Center or as a teacher of exclusively noncredit course work.
 - 4. Time spent on leave of absence.
 - 5. Time spent on faculty exchanges if the faculty member so chooses.

- 6. A period of time, not to exceed one year, may be excluded from the probationary period, upon the approval of the provost and vice president for academic affairs subject to the following conditions.**
- a. That the faculty member submits a request in writing to the department chair. The department chair and the dean shall forward the request with a recommendation to the provost and vice president for academic affairs.**
 - b. The request must be the result of the occurrence of a serious event. A “serious event” is defined as a life-altering situation which requires the faculty member to devote more than eight hours of each day to alleviate the impact of the event for a period greater than six weeks and less than one year. These events may include the birth of a child, adoption of a child under the age of six years, serious personal illness or care of an immediate family member including parent, stepparent, child, or spouse.**
 - c. The faculty member shall provide documentation to justify the time requested and the seriousness of the event.**
 - d. The request shall be made no later than one year from the first day of the serious event.**
 - e. The faculty member must have been adequately performing the duties assigned prior to the first day of the serious event.**
 - f. Faculty who are awarded this exclusion shall have no requirements or expectations beyond those of any probationary faculty member.**
 - g. Work accomplished during the excluded period may be cited in the tenure case.**
 - h. Requests for exclusion may be made at any time during each academic year. No request shall be made after the application for tenure has been submitted.**
 - i. Decisions will be made within 60 days of the receipt of the faculty member’s request by the department chair.**
 - j. The decision of the provost and vice president for academic affairs is final.**

~~6. An approved extension of the probationary period for justifiable cause. A probationary faculty member may apply to exclude time from the~~

~~probationary period because of caregiving responsibilities associated with the birth of a child or adoption of a child under age six, serious personal or immediate family illness, or other serious extenuating circumstances. Guidelines and procedures are as follows.~~

GUIDELINES

- ~~a. An individual may exclude no more than one year from the probationary period for justifiable conditions.~~
- ~~b. Requests for exclusions must be made within one year from the time the conditions occurred which precipitated the request.~~
- ~~c. Exclusions will not be granted after the application for tenure has been submitted.~~
- ~~d. Decisions regarding whether or not requests for exclusions will be granted shall be based on:
 - ~~1. Verification that the conditions leading to the request occurred or continue to exist and significantly impeded the faculty member's ability to be productive and make progress toward achieving tenure.~~
 - ~~2. Verification that the faculty member's performance prior to the conditions leading to the request warrants an exclusion.~~
 - ~~3. Confirmation that the conditions for which the request is being made fall within the parameters of those deemed in these guidelines to be justifiable.~~~~
- ~~e. Faculty who have been awarded an exclusion shall have no requirements or expectations beyond those of any probationary faculty member.~~
- ~~f. Work accomplished during the excluded period may be cited in the tenure case.~~

PROCEDURES

- a. Requests for exclusion shall be made in writing by the faculty member to the department chair. The chair will discuss the request with the dean, who will then forward a recommendation to the provost and vice president for academic affairs. The provost and vice president for academic affairs will have the final authority to approve exclusions for justifiable conditions.

- ~~b. Requests for exclusions may be made at any time during each academic year up until the application for tenure has been submitted. Decisions regarding requests will be made within 60 days of the receipt of the request.~~
- C. The maximum length of the probationary period is seven academic years. The faculty member is informed of the decision of the provost and vice president for academic affairs on tenure by June 30 of the sixth year of probationary service. The faculty member will receive either a tenure contract or a terminal contract in the seventh year.
- D. The length of the probationary period may be reduced in any of the following instances:
1. A faculty member who has full-time teaching experience at the rank of instructor or above at another collegiate institution, or at Old Dominion University prior to a break in service, may have the probationary period reduced by either one or two years. If the probationary period is to be reduced, the reduction must be recommended by the chair and dean and approved by the provost and vice president for academic affairs at the time of the initial appointment. Unless such a reduction has been approved and the faculty member has been so notified in writing at the time of initial appointment, reduction for prior service will not be granted. The changes in the provisions of this paragraph as compared to the *Faculty Handbook* of 1978-79 will not apply to faculty members whose initial contract was offered prior to June 15, 1980.
 2. A faculty member initially appointed to the rank of full professor may be notified of a tenure decision by June 30 of the second year of service; if tenure is awarded, a tenure contract will be offered for a third year of service. In addition, the probationary period for a full professor may be eliminated, and an initial tenure appointment may be recommended to the Board if such an appointment has been requested by the chair, voted on by the departmental tenure committee, the college promotion and tenure committee, the university promotion and tenure committee and approved in writing by the dean, the provost and vice president for academic affairs, and the president. It is the sense of the Board of Visitors that the procedure of eliminating the probationary period for tenure should be rarely used.
 3. A faculty member initially appointed to the rank of associate professor may be notified of a tenure decision by April 15 of the fourth year of service. If tenure is approved, a tenure contract will be offered for the fifth year. In addition, the probationary period for an associate professor may be eliminated, and an initial tenure appointment may be recommended to the board if such an appointment has been requested by the chair, voted on by the departmental tenure committee, the college promotion and tenure committee, the university promotion and tenure committee and approved in writing by

the dean, the provost and vice president for academic affairs, and the president. It is the sense of the Board of Visitors that the procedure of eliminating the probationary period for tenure should be rarely used.

4. The probationary period for tenure may be shortened in the case of exceptional merit and performance. It is the sense of the Board of Visitors that this procedure be followed only in the case of demonstrably exceptional faculty members and that such early award of tenure be exceedingly rare.

IV. Criteria for the Award of Tenure

A. The following criteria are used in the evaluation of every candidate for tenure. Each faculty committee and administrator considering a tenure case must specifically address each of these criteria as they apply to that case in the written recommendations that are submitted up the line to the provost and vice president for academic affairs. Committee votes must be recorded in the recommendations. In cases in which a vote is not unanimous, reasons for negative votes must be included.

B. Criteria to be used are as follows:

1. Merit - Merit of the faculty member in teaching, research and service over the entire probationary period and the contributions made by the faculty member in these areas to the university. (For definition of teaching, research, and service and a discussion of methods of evaluation, see policies and procedures concerning evaluation of faculty members.) In addition to information supplied by faculty information sheets, the chair's evaluation and other material presented by the department, an opportunity shall be made available for the faculty member to provide in writing any other material in support of the tenure candidacy.

External evaluation of the quality of the faculty member's research performance will be required from nationally recognized experts in the faculty member's field.

- a. The responsibility for initiating the external review, securing the reviewers, and forwarding complete review files to the dean, provost and vice president for academic affairs, and University Promotion and Tenure Committee belongs to the department chair. In promotion of department chairs, the responsibility belongs to the dean.
- b. The department tenure and promotion committee and the candidate will prepare separate lists of potential reviewers. The candidate will review both lists and will document personal and professional relationships with all potential reviewers. The chair will select three reviewers from the candidate's list and three reviewers from the department tenure and promotion committee's list. (If one list is not

submitted, all reviewers will be selected from the list that is submitted.) As a general rule, external reviewers should not be co-authors or former mentors of the candidate.

- c. External reviews will be confidential; reviewers will be so advised. Requests for exception to the confidentiality of external reviews should be made directly to the provost before the reviewers are asked to submit evaluations. If an exception is approved, candidates for tenure and/or promotion will be allowed access to the substance of external reviews, but the authorship of specific external reviews and other identifying information contained therein will remain confidential. All external reviewers will receive a copy of the policy on external reviews so their responsibilities will be clear.
 - d. A curriculum vita will be required of each external reviewer. Each reviewer will be asked to describe any personal or professional relationship with the candidate. It is the responsibility of the chair to include a curriculum vitae of each reviewer. For promotion and tenure of department chairs, the responsibility belongs to the dean.
 - e. External reviewers will be asked to evaluate all submitted material mailed to them. In the case of the arts, reviewers may be asked to consider works of art or performances. External reviewers will be asked to evaluate: a) the quality of the scholarship or creative work under review; and b) the scholarly reputation (regional, national, international) of the candidate.
 - f. All candidates for tenure and promotion will be required to have their scholarship evaluated by no fewer than four external reviewers. If fewer than four reviews are received, the chair will choose additional reviewers alternately from the lists of the department promotion and tenure committee and of the candidates.
 - g. The university and college administration will assist departments where reasonable expenses are necessary to obtain appropriate external reviews.
2. The determined long-term needs of the department, college, and university, including at least the following:
 - a. The long-term enrollment of the department.
 - b. The need for an additional specialist in the faculty member's area of specialization as a permanent member of the department in terms of the mission of the department, the college, and the university.

- c. The tenure structure of the department. (Although no maximum percentage of faculty members on tenure is established, all committees and administrators considering tenure must take into account the need for flexibility in course offerings and the desirability of a tenure structure that will allow openings for new tenured faculty members in the ensuing decades so that new areas of specialization and new needs can be met. The position of other nontenured faculty members in the department, anticipated retirements, or other known departures, and projected new programs or changes in directions must be considered.)
3. No person can be awarded tenure unless convincing evidence is provided of effective teaching.
4. In departments offering graduate work, no faculty member can normally be awarded tenure unless convincing evidence is provided of successful performance in research. (Exceptions can be made only if the department can demonstrate a long-term need for an additional tenured faculty member who will not be teaching graduate students.)
5. Since tenure may be awarded only to faculty members who hold the rank of associate or full professor or who are being simultaneously appointed to one of those ranks, any faculty member awarded tenure must meet the minimum requirements for the rank of associate professor.

V. Procedures for Tenure Consideration³

- A. Initial consideration of tenure cases is conducted by the tenured faculty of the department.
 1. The tenured faculty of a department may determine that a tenure committee of a specified size will be selected from their membership to conduct the tenure deliberations and make recommendations to the chair. In this case, the entire full-time department faculty will elect the committee. It is the responsibility of this committee to determine the opinions of tenured members of the department not serving on the committee.
 2. No dean, associate dean, assistant dean, or other full-time administrator or department chair shall attend or participate in the deliberation of the departmental, college, University Promotion and Tenure Committee, or the tenured faculty of the department serving as a group to consider tenure, except in those cases when such committees or groups may, at their discretion, request administrators or chairs to answer specific questions

³See the Faculty Evaluation Schedule in the appendix for specific dates and actions.

concerning tenure cases. All members of the college promotion and tenure committees shall be elected directly by the faculties they represent.

The college committee shall consist of one tenured faculty member from each department in the college. This member shall be chosen by majority vote of all full-time teaching and research faculty members of the department, present and voting, by secret ballot before April 15 of each year for the ensuing year. The University Promotion and Tenure Committee shall consist of one tenured full professor from each of the major degree-granting academic colleges. This member shall be elected by his/her college's promotion and tenure committee(s). The University Promotion and Tenure Committee shall elect one of its members as chair.⁴

No person shall serve on a college promotion and tenure committee or on the University Promotion and Tenure Committee for more than three years consecutively but is eligible for reelection after an absence of at least one year.

3. Should there be no more than two tenured members in the department, the faculty member being considered for tenure has the option of skipping the departmental stage and being considered directly by the college tenure committee, which will consider the recommendation of the chair.
 - B. The committee or group of tenured faculty makes its recommendations to the chair. Considering this recommendation, the chair makes an additional evaluation and recommendation concerning tenure.
 - C. If neither the departmental committee nor the chair recommends tenure for the faculty member, tenure is not granted in the ensuing year. If the faculty member is being considered in the year preceding the limit of his or her probationary period, as defined by the Board of Visitors policy on tenure, that faculty member is given a terminal contract for the ensuing year unless a further review is requested. If the faculty member requests further review, all materials, including departmental and chair evaluations and recommendations are forwarded to the college tenure committee, which makes a separate recommendation to the dean. The dean then makes a decision concerning tenure and informs the faculty member. If either the decision of the college committee or that of the dean is positive, the faculty member's case is considered in accordance with the procedures in the following paragraphs. If both decisions are negative, the faculty member may request a further review by the provost and vice president for academic affairs, who makes a final determination concerning further consideration of tenure.

⁴The members of the faculty who are elected to serve on the University Promotion and Tenure Committee shall serve for the subsequent academic year. The promotion and tenure committees elected by each individual degree-granting college serve for an entire academic year, not for the spring semester of one year and the fall semester of the following year.

- D. If either the tenured faculty (or their committee), or the chair, or both recommend tenure, the credentials of the faculty member together with the recommendations of the tenured faculty (or their committee) and the chair are forwarded to the tenure committee of the college, which examines the facts and the recommendations and makes a recommendation to the dean.
- E. The dean of the college examines the facts and all previous recommendations and makes a recommendation concerning tenure, which is forwarded to the provost and vice president for academic affairs.
- F. The University Promotion and Tenure Committee, consisting of one tenured full professor from each of the major degree-granting academic colleges, examines the facts and all previous recommendations and documentation and makes a recommendation (with reasons, including minority reasons, if any) concerning tenure, which is forwarded to the provost and vice president for academic affairs.
- G. The provost and vice president for academic affairs, after examining all submitted documents and consulting with appropriate staff members, makes a determination concerning tenure for the faculty member. If the recommendations from all committees and administrators previously acting on the case have not all been the same, or if the provost and vice president for academic affairs disagrees with the recommendations that have been the same, then the provost and vice president for academic affairs shall consult with the University Promotion and Tenure Committee and with the chair and dean concerned.
- H. If the determination of the provost and vice president for academic affairs is in favor of tenure, the provost and vice president for academic affairs forwards the faculty member's name to the president for presentation to the Board of Visitors as a candidate for tenure. The Board of Visitors will act on the case by June 30 of the year in which it is being taken up. Upon approval of the Board of Visitors, the faculty member is offered a tenure contract for the coming year.
- I. If the determination of the provost and vice president for academic affairs is against tenure and the decision is made in the year preceding the end of the limit of the probationary period, the faculty member is notified by May 15 that a terminal contract will be offered for the ensuing year. A faculty member who has not reached the limit of the probationary period may be offered either one subsequent annual contract or a terminal contract for the ensuing year.
- J. The faculty member may request by May 22 that the president review a negative decision of the provost and vice president for academic affairs. The president should make a decision on the review by May 29. If the president upholds the decision of the provost and vice president for academic affairs, the faculty member may request a further review by the Board of Visitors or its designated committee by June 5. The decision of the Board of Visitors or its designated committee is final. The Board of Visitors will make its decision by June 30.

- K. The above procedures at the departmental and college level may be suitably adapted for faculty members who hold interdisciplinary or interdepartmental appointments. The adapted procedures should be recommended by the promotion and tenure committee of the college or colleges involved and approved by the dean or deans and the provost and vice president for academic affairs. Procedures above the college level will be the same as designated above in all cases.

The Committee approved by unanimous vote the proposed revisions to the Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity and the proposed revisions to the Procedures for Responding to Allegations of Misconduct in Scientific Research or Other Scholarly Activity. The proposed revisions are editorial only and provide updated information to make the policy and the procedures current. The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee and were approved unanimously by all members present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

**APPROVAL OF PROPOSED CHANGES TO THE BOARD OF VISITORS
POLICY FOR RESPONDING TO ALLEGATIONS OF MISCONDUCT IN SCIENTIFIC
RESEARCH AND SCHOLARLY ACTIVITY**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed changes to the Board of Visitors Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity, effective September 22, 2006.

Rationale: The proposed changes to the Board of Visitors Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity are editorial only and provide updated information to make the policy current.

NUMBER: 1426

TITLE: Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity

APPROVED: December 13, 2002; **Revised September 22, 2006**

I. Introduction

A. General Policy

It is the responsibility of every member of the Old Dominion University community to ensure integrity in scientific research and scholarly activity. Inaccurate or falsified research is not only irresponsible, but it can endanger others, while undermining the academic process. Research misconduct injures the reputation of the university and restricts its ability to compete for external research support. Conversely, a demonstrable commitment to intellectual integrity-shown by the honest collection, evaluation, and dissemination of data, along with respect for the creativity and intellectual property of others-is the basis upon which a strong and vibrant university can develop and grow. Old Dominion University is dedicated to intellectual integrity and requires the same commitment from all of its faculty, staff, students, and research contributors. Hereafter, “research” connotes any type of scientific research or other scholarly activity and “misconduct” connotes misconduct in scientific research or in other scholarly activity.

The U.S. Public Health Service (PHS) and the National Science Foundation (NSF) regulate the management of research misconduct in programs they fund. These agencies require notification upon the discovery of misconduct. The regulations also provide guidelines for protecting the reputations and privacy of both the accuser and the accused. The Old Dominion University policy seeks compliance with these regulations. With the exception of reporting requirements, this policy applies also to research funded by sources other than the PHS and the NSF and to unfunded research.

B. Scope

This policy and the associated procedures apply to all individuals engaged in scientific research or other scholarly activity at Old Dominion University. Special notes identify procedures that are **particular** peculiar to PHS- and NSF-funded research. This policy applies to any person paid by, under the control of, or affiliated with Old Dominion University, such as faculty, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators.

The policy and associated procedures will normally be followed when an allegation of possible misconduct is received by an institutional official.

II. Definitions

- A. *Allegation* means any written statement of possible misconduct made to an institutional official, either to the dean of the affected college or to the research integrity officer.
- B. *Complainant* means a person who makes an allegation of misconduct in scientific research or other scholarly activity.
- C. *Confidentiality* means a state or quality of being confidential. It connotes the entrustment with secret affairs or purpose and a shared intent to operate secretly. In many cases of research misconduct, confidentiality is a legal requirement. Each member involved in the process bears the duty of protecting the privacy of both the complainant and the respondent; a member who breaches this duty may be subject to discipline.
- D. *Conflict of interest* means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.
- E. *Deciding Official* means the university official who makes final determinations on allegations of misconduct and any responsive institutional actions. The deciding official will normally be the provost and vice president for academic affairs. For this reason, he or she cannot serve as the research integrity officer. If the provost has had direct, prior involvement in the research, inquiry, investigation, or allegation assessment, he or she will be required to recuse him or herself and the president will appoint an alternate deciding official.
- F. *Good faith allegation* means an allegation made with the honest belief that misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.
- G. *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- H. *Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct.
- I. **Old Dominion University defines** *misconduct in scientific research and other scholarly activity* **as means:**
 - 1. fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations of results or judgments in the collection of data.

2. the retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith. (In such cases, agency notification is limited to the NSF.)
3. any form of attribution of another's work as the respondent's own work.

The ODU definition is based on how Research Misconduct is defined in the regulations promulgated by the National Science Foundation and Public Human Service.

- J. *NSF* means the National Science Foundation.
- K. *NSF regulation* means the National Science Foundation regulation establishing standards for institutional inquiries and investigations into allegations of scientific misconduct, which is set forth at 45 C.F.R. Part 689, entitled "Misconduct in Science and Engineering."
- L. *ORI* means the Office of Research Integrity, the office within the Department of Health and Human Services (DHHS) that is responsible for the scientific misconduct and research integrity activities of the U.S. Public Health Service.
- M. *PHS* means the U. S. Public Health Service, an operating component of the DHHS.
- N. *PHS regulation* means the Public Health Service regulation establishing standards for institutional inquiries and investigations into allegations of scientific misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science."
- O. *PHS or NSF support* means PHS or NSF grants, contracts, or cooperative agreements or applications therefore.
- P. *Research Integrity Officer* means the institutional official responsible for assessing allegations of misconduct, for determining when such allegations warrant inquiries, and for overseeing inquiries and investigations.
- Q. *Research record* means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of misconduct. A research record includes, but is not limited to: grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; exhibitions, productions, or displays; correspondence; videos; photographs; X-ray film; slides; biological materials; audio-tape recordings; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

- R. *Respondent* means the person against whom an allegation of misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- S. *Retaliation* means any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has in good faith made an allegation of misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation.
- T. *Sequester* means to separate or isolate documents or material from the individual concerned and into the custody of a disinterested institutional official designated by the research integrity officer, such as the general counsel, who can provide confidential and secure storage.

III. Rights and Responsibilities

A. Research Integrity Officer

The president will appoint the research integrity officer, who will have primary responsibility for implementation of the procedures set forth in this document. The research integrity officer will be an institutional official who is well qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith. In general, the provost, general counsel, and vice president for research are unavailable for service as the research integrity officer.

The research integrity officer will appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The research integrity officer will ensure that confidentiality is maintained.

The research integrity officer will assist the inquiry and investigation committees and all institutional personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The research integrity officer is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The research integrity officer, through the vice president for research, will report to ORI or NSF, as required by regulation, keep the appropriate agency apprised of any developments during the course of the inquiry or investigation that may affect current or potential funding for the individual(s) under investigation or that the agency needs to know to ensure appropriate use of Federal funds, and otherwise protect the public interest.

B. Complainant

The complainant will have an opportunity to testify before the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the research integrity officer has determined that the complainant may be able to provide pertinent information on any portions of the draft report, these portions will be given to the complainant for comment.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

C. Respondent

The respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, to review the draft inquiry and investigation reports, and to have the advice of counsel.

The respondent is responsible for maintaining confidentiality of all information received from the inquiry or investigation and for cooperating with the conduct of an inquiry or investigation. If the respondent is found to be not guilty of misconduct, he or she has the right to receive institutional assistance, reasonable and diligent under the circumstances, to restore his or her reputation.

D. Deciding Official

The deciding official will receive the inquiry and investigation reports and any written comments made by the respondent or the complainant on the draft report. The deciding official will consult with the research integrity officer and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions [see section X].

IV. General Policies and Principles

A. Responsibility to Report Misconduct

All employees or individuals associated with Old Dominion University should report observed, suspected, or apparent misconduct to the research integrity officer directly or through the dean of the affected college. If an individual is unsure whether a suspected incident falls within the definition of misconduct, he or she may informally and confidentially discuss the suspected misconduct with the research integrity officer. If the circumstances described by the individual do not meet the definition

of misconduct, the research integrity officer will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

At any time, an employee may have confidential discussions and consultations about concerns of possible misconduct with the research integrity officer, the vice president for research, or the dean of the affected college, and will be counseled about appropriate procedures for reporting allegations.

B. Protecting the Complainant

The research integrity officer will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The research integrity officer will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action.

Employees should immediately report any alleged or apparent retaliation to the research integrity officer.

Also the institution will protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the complainant requests anonymity, the university will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The complainant will be advised that if the matter is referred to an investigation committee and the complainant's testimony is required, anonymity may no longer be guaranteed. Old Dominion University will undertake reasonably diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

C. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation.

Institutional employees accused of misconduct may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case.

D. Cooperation with Inquiries and Investigations

All individuals involved will cooperate with the research integrity officer and other institutional officials in the review of allegations and the conduct of inquiries and

investigations. This affirmative duty includes the obligation to provide relevant evidence to the research integrity officer or other officials on misconduct allegations.

E. Preliminary Assessment of Allegations

Upon receiving an allegation of misconduct, the research integrity officer will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether PHS or NSF support or applications for funding are involved, and whether the allegation falls under the PHS or NSF definitions of scientific misconduct.

V. Conducting the Inquiry

A. Initiation and Purpose of the Inquiry

Following the preliminary assessment, if the research integrity officer determines that the allegation provides sufficient information to allow specific follow-up and falls under the definition of misconduct, he or she will immediately initiate the inquiry process. In initiating the inquiry, the research integrity officer should identify clearly the original allegation and any related issues that should be evaluated. The purpose is to determine whether there is sufficient evidence of possible misconduct to warrant an investigation. The inquiry should not reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

B. Sequestration of the Research Records

After determining that an allegation falls within the definition of misconduct, the research integrity officer must ensure that all original research records and materials relevant to the allegation are immediately secured. The research integrity officer may consult with federal agencies through the Office of Research for advice and assistance in this regard.

C. Appointment of the Inquiry Committee

The research integrity officer, in consultation with other university officials as appropriate, will appoint an inquiry committee and committee chair within 10 days of the initiation of the inquiry. The inquiry committee should consist of individuals who do not have real or apparent conflicts of interest in the case, are believed to be fair and unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, colleagues, administrators, lawyers, or other qualified persons, and they may be from inside or outside the institution. The inquiry committee may identify additional experts for consultation during the inquiry.

The research integrity officer will notify the respondent of the proposed committee membership within 10 days. If the respondent submits a written objection to any appointed member of the inquiry committee or expert (consultant) based on bias or conflict of interest within five days of the receipt of the request, the research integrity officer will immediately replace the first challenged member or expert with a qualified substitute and determine whether to replace other members or experts the respondent challenges.

D. Charge to the Committee and the First Meeting

The research integrity officer will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible misconduct to warrant an investigation. The purpose is not to determine whether misconduct definitely occurred or who was responsible.

At the committee's first meeting, the research integrity officer will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The research integrity officer and general counsel will be present or available throughout the inquiry to advise the committee as needed.

E. Inquiry Process

The inquiry committee will normally interview the complainant, the respondent, and key witnesses as well as examine relevant research records and materials. Then the inquiry committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the research integrity officer and general counsel, the committee members will decide whether there is sufficient evidence of possible misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct has occurred or conducting exhaustive interviews and analyses. The scope of the inquiry involves the informal collection of information relevant to commonly accepted practices in the community, the questioned practices at hand, and a determination of whether any credible information supports characterizing the questioned practices as misconduct. An inquiry is a limited undertaking. The inquiry should not weigh a conflict in credible information, but refer it to investigation.

VI. The Inquiry Report

A. Elements of the Inquiry Report

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; the allegations; the specific funding code

and source of support (PHS, NSF or other); a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted; and the committee's recommendation as to whether an investigation is warranted and any other actions that should be taken if an investigation is not recommended. The draft report should be prepared within 36 calendar days in order to leave time for the inclusion of any comments into the final report and the deciding official's review within 60 calendar days of the first meeting of the inquiry committee. The general counsel will review the report for legal sufficiency.

B. Comments on the Draft Report by the Respondent and the Complainant

The research integrity officer will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant, if he or she is identifiable, with portions of the draft inquiry report that address the complainant's role and opinions in the investigation.

1. Confidentiality - The research integrity officer will establish reasonable conditions for review to protect the confidentiality of the draft report.
2. Receipt of Comments - Within 14 calendar days of their receipt of the draft report, the complainant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent submits on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may revise the report as appropriate.

C. Inquiry Decision and Notification

1. Decision by Deciding Official - The research integrity officer will transmit the final report and any comments to the deciding official. The deciding official will have 10 days in which to make the determination of whether findings from the inquiry provide sufficient evidence of possible misconduct to justify conducting an investigation. The inquiry is completed when the deciding official makes this determination, which will be made within 60 calendar days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file. The time from completion of the inquiry to the first meeting of the investigation committee will in no case exceed 30 calendar days.
2. Notification - The research integrity officer will notify both the respondent and the complainant in writing of the deciding official's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The research integrity officer will also notify the president, the general counsel, the vice president for research, and the dean of the affected college.

D. Time Limit for Completing the Inquiry Report

The inquiry committee will normally complete the inquiry and submit its report in writing to the research integrity officer no more than 50 calendar days following its first meeting, unless the research integrity officer approves an extension for good cause. If an extension is approved, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension.

VII. Conducting the Investigation

A. Purpose of the Investigation

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health. The findings of the investigation will be set forth in an investigation report.

B. Sequestration of the Research Records

The research integrity officer will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent is notified that an investigation has begun. The need for additional sequestration of records may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

C. Appointment of the Investigation Committee

Normally the Faculty Senate Committee D (Research and Scholarly Activity) will comprise the investigation committee. In general, the investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are believed to be fair and unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. If the Faculty Senate Committee does not satisfy this standard, or is inappropriate for the purposes of maintaining confidentiality, then the research integrity officer, in consultation with the president and general counsel, will appoint an investigation committee and the committee chair within 10 days of the notification to the respondent that an

investigation is planned or as soon thereafter as practicable. These individuals may be scientists, colleagues, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The research integrity officer will notify the respondent of the proposed committee membership within five days. If the respondent submits a written objection to any appointed member of the investigation committee or expert, the research integrity officer will immediately replace the first challenged member and determine whether to replace the other challenged members or experts with qualified substitutes, observing the 30-day time limit.

D. Charge to the Committee and the First Meeting

1. Charge to the Committee - The research integrity officer will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. In addition, the research integrity officer, with the assistance of the general counsel, will advise the committee on how this procedure differs from the faculty grievance procedure.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the research integrity officer, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

The inquiry report will be available to the investigation committee. However, the report in no way limits the evidence available to the investigation committee for consideration. Inasmuch as any decision of an investigation might conflict with any conclusion of the inquiry, the investigation will be considered a de novo process.

2. The First Meeting - The research integrity officer, with the assistance of the general counsel, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of these instructions and, where federal funding is involved, the PHS or NSF regulations.

E. Investigation Process

The investigation committee will be appointed and the process initiated within 30 days of the completion of the inquiry, if findings from that inquiry provide a sufficient basis for conducting an investigation.

The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, the committee should interview the complainant(s), the respondent(s), and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent should be tape recorded or transcribed. All other interviews should be transcribed, tape recorded, or summarized. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

VIII. The Investigation Report

A. Elements of the Investigation Report

The final report, which, if applicable, will be submitted to ORI or NSF, must describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as a description of any sanctions imposed and administrative actions taken by the institution.

B. Comments on the Draft Report

1. Respondent - The research integrity officer will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed 10 days to review and comment on the draft report. The respondent's comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.
2. Complainant - The research integrity officer will provide the complainant, if he or she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report should be modified, as appropriate, based on the complainant's comments.
3. General Counsel - The draft investigation report will be transmitted to the general counsel for a review of its legal sufficiency. The general counsel's comments should be incorporated into the report as appropriate.

4. Confidentiality - In distributing the draft report, or portions thereof, to the respondent and complainant, the research integrity officer will inform the recipient of the confidentiality under which the draft report is made available and will establish reasonable conditions to ensure such confidentiality. For example, the research integrity officer may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

C. Institutional Review and Decision

Based on a preponderance of the evidence, the deciding official will make the final determination whether to accept the investigation report, its findings, and the recommended institutional actions. If this determination varies from that of the investigation committee, the deciding official will explain in detail the basis for rendering a decision different from that of the investigation committee in the institution's letter transmitting the report to PHS (ORI), NSF, or other funding agency. The deciding official's explanation should be consistent with the particular agency's definition of misconduct, the institution's policies and procedures, and the evidence reviewed and analyzed by the investigation committee. The deciding official may also return the report to the investigation committee with a request for further fact-finding or analysis. The deciding official's determination, together with the investigation committee's report, constitute the final investigation report for purposes of agency review.

When a final decision on the case has been reached, the research integrity officer will notify both the respondent and the complainant in writing. In addition, the deciding official will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The research integrity officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

D. Transmittal of the Final Investigation Report

After comments have been received and the necessary changes have been made to the draft report, the investigation committee should transmit the final report with attachments, including the respondent's and complainant's comments, to the deciding official, through the research integrity officer.

E. Time Limit for Completing the Investigation Report

An investigation should ordinarily be completed within 120 calendar days of its initiation, with the initiation being defined as the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the deciding official for approval, and submitting the report to the appropriate agency, if relevant.

IX. Requirements for Reporting to ORI or NSF Inspector General

- A. The decision to initiate an investigation of PHS- or NSF-funded research must be reported in writing to the director of ORI (at DHHS) or the Inspector General of NSF before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of misconduct, and the agency applications or grant number(s) involved. ORI or NSF must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. Any significant variations from the provisions of these policies and procedures should be explained in any reports.
- B. Prior to any decision to terminate an inquiry or investigation without completing all relevant requirements of the PHS or NSF regulations, the research integrity officer will submit a report of the planned termination to ORI or the NSF Inspector General, including a description of the reasons for the proposed termination.
- C. If the university determines that it will not be able to complete an investigation of federally funded research in 120 days, the research integrity officer will submit to the respective agency a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. The request will be submitted through the Office of Research. If the NSF is the funding agency, the Office of Research may authorize an extension of the investigation such that the investigation and all administrative actions will be completed within an additional 60 days. If the request is granted, the research integrity officer will file periodic progress reports as requested.
- D. When PHS or NSF funding or applications for funding are involved and an admission of misconduct is made, the research integrity officer will contact the agency for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. An admission of misconduct does not constitute sufficient basis for closing a case involving PHS or NSF funds without prior approval from the agency.
- E. When PHS or NSF funding is involved, the research integrity officer will notify the agency at any stage of the inquiry or investigation if:
 - 1. there is an immediate health hazard involved;
 - 2. there is an immediate need to protect federal funds or equipment;
 - 3. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
 - 4. it is probable that the alleged incident is going to be reported publicly;

5. the allegation involves a sensitive public health issue, e.g., a clinical trial;
6. there is a reasonable indication of possible criminal violation. In this instance, the institution must inform the agency within 24 hours of obtaining that information;
7. for any other reason, the scientific community or the public should be informed.

X. Administrative Actions

Old Dominion University will take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated.

If the deciding official determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the research integrity officer. The actions may include:

- * withdrawal or correction of all pending or published abstracts and papers emanating from the research where misconduct was found.
- * removal of the responsible person from the particular project, letter of reprimand, and/or special monitoring of future work.
- * sanctions such as probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment.
- * restitution of funds as appropriate.

XI. Other Considerations

A. Termination of Institutional Employment or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

B. Restoration of the Respondent's Reputation

If the institution finds no misconduct and the respective agency concurs, after consulting with the respondent, the research integrity officer will undertake reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the research integrity officer should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of misconduct was previously publicized, or expunging all reference to the misconduct allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation must first be approved by the deciding official.

C. Protection of the Complainant and Others

Regardless of whether the institution, ORI or NSF determines that misconduct occurred, the research integrity officer will undertake reasonable efforts to protect complainants who made allegations of misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the deciding official will determine, after consulting with the complainant, what steps, if any, are needed to restore the position or reputation of the complainant. The research integrity officer is responsible for implementing any steps the deciding official approves. The research integrity officer will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant.

D. Allegations Not Made in Good Faith

The deciding official will determine whether the complainant's allegations of misconduct were made in good faith. If an allegation was not made in good faith, the deciding official will determine whether any administrative action should be taken against the complainant.

E. Interim Administrative Actions

The vice president for research will take interim administrative actions, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.

XII. Record Retention

After completion of a case and all ensuing related actions, the research integrity officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the research integrity officer or committees. The research integrity officer will keep the file for three years after completion of the case to permit later assessment of the case. ORI, NSF, or other authorized personnel will be given access to the records upon request.

**APPROVAL OF PROPOSED CHANGES TO THE BOARD OF VISITORS
PROCEDURES FOR RESPONDING TO ALLEGATIONS OF MISCONDUCT IN
SCIENTIFIC RESEARCH OR OTHER SCHOLARLY ACTIVITY**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed changes to the Board of Visitors Procedures for Responding to Allegations of Misconduct in Scientific Research or Other Scholarly Activity, effective September 22, 2006.

Rationale: The proposed changes to the Board of Visitors Procedures for Responding to Allegations of Misconduct in Scientific Research or Other Scholarly Activity are editorial only and provide updated information to make the procedures current.

NUMBER: 1427

TITLE: Procedures for Responding to Allegations of Misconduct in Scientific Research or Other Scholarly Activity

APPROVED: December 13, 2002; **Revised September 22, 2006**

I. Introduction

These procedures provide the methods and principles for assessing allegations and conducting inquiries and investigations related to possible misconduct in scientific research or other scholarly activity; in particular, these procedures seek compliance with misconduct procedures for scientific research that is proposed to or supported by the U.S. Public Health Service or the National Science Foundation. Included are procedures for reporting scientific misconduct investigations to these agencies, adopting institutional actions in response to findings of scientific misconduct, and cooperating with the PHS Office of Research Integrity (ORI) or the NSF Inspector General in their review of institutional actions and reports. Hereafter, “research” connotes any type of scientific research or other scholarly activity and “misconduct” connotes misconduct in scientific research or in other scholarly activity.

These procedures are intended to govern the assessment of allegations, the conduct of inquiries and investigations, and the reporting of results to the appropriate agency. The procedures do not create any right or benefit, substantive or procedural, enforceable at law by a party against the institution, its agencies, officers, or employees.

These procedures should be read in conjunction with the Old Dominion University Policy for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity.

II. Definitions

A. *Allegation* means any written statement of possible misconduct in scientific research or other scholarly activity made to an institutional official, either the dean of the affected college or to the research integrity officer.

- B. *Complainant* means a person who makes an allegation of misconduct in scientific research or other scholarly activity.
- C. *Confidentiality* means a state or quality of being confidential. It connotes the entrustment with secret affairs or purpose and a shared intent to operate secretly. In many cases of research misconduct, confidentiality is a legal requirement. Each member involved in the process bears the duty of protecting the privacy of both the complainant and the respondent; a member who breaches this duty may be subject to discipline.
- D. *Conflict of interest* means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships. This definition is not intended to conflict with or replace the State and Local Government Conflict of Interests Act of the Code of Virginia 2.1-639.1 through 2.1-639.24 (as amended from time to time).
- E. *Deciding Official* means the university official who makes final determinations on allegations of misconduct and any responsive institutional actions. The deciding official will normally be the provost and vice president for academic affairs. For this reason, he or she cannot serve as the research integrity officer. If the provost had direct, prior involvement in the research, inquiry, or allegation assessment, he or she must recuse him or herself and the president will appoint an alternate deciding official.
- F. *Employee or member* means, for the purpose of these instructions only, any person paid by, under the control of, or affiliated with Old Dominion University, including but not limited to scientists, physicians, trainees, students, fellows, technicians, nurses, support staff, and guest researchers.
- G. *General Counsel* means legal counsel who represents Old Dominion University during the misconduct inquiry and investigation and who is responsible for advising the research integrity officer, the inquiry and investigation committees, and the deciding official on relevant legal issues. The general counsel does not represent the respondent, the complainant, or any other person participating during the inquiry, investigation, or any follow-up action, except the university officials responsible for managing or conducting the misconduct process as part of their official duties.
- H. *Good faith allegation* means an allegation made with the honest belief that misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.
- I. *Inquiry* means information-gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- J. *Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred and, if so, to determine the responsible person and the seriousness of the misconduct.

K. **Old Dominion University defines misconduct in scientific research and other scholarly activity as means:**

1. fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.
2. the retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith. (In such cases, agency notification is limited to the NSF.)
3. Misconduct in scholarly activity connotes any form of attribution of another's work as the respondent's own work.

The ODU definition is based on how Research Misconduct is defined in the regulations promulgated by the National Science Foundation and Public Human Service.

- L. *NSF* means the National Science Foundation.
- M. *NSF regulation* means the National Science Foundation regulation establishing standards for institutional inquiries and investigations into allegations of misconduct, which is set forth at 45 C.F.R. Part 689, entitled "Misconduct in Science and Engineering."
- N. *ORI* means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the scientific misconduct and research integrity activities of the U.S. Public Health Service.
- O. *PHS* means the U.S. Public Health Service, an operating component of the U.S. Department of Health and Human Services.
- P. *PHS regulation* means the Public Health Service regulation establishing standards for institutional inquiries and investigations into allegations of scientific misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing with Possible Misconduct in Science."
- Q. *PHS or NSF support* means PHS or NSF grants, contracts, or cooperative agreements, or applications therefore.
- R. *Research Integrity Officer* means the institutional official responsible for assessing allegations of misconduct, for determining when such allegations warrant inquiries, and for overseeing any inquiries and investigations.

- S. *Research record* means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; exhibitions, productions, or displays; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; audio-tape recordings; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.
- T. *Respondent* means the person against whom an allegation of misconduct is directed or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- U. Retaliation means any action that adversely affects the employment or other status of an individual that is taken by an institution or an employee because the individual has, in good faith, made an allegation of misconduct or of inadequate institutional response thereto, or has cooperated in good faith with an investigation of such allegation.
- V. *Sequester* means to separate or isolate documents or material from the individual concerned and into the custody of a disinterested institutional official designated by the research integrity officer, such as the general counsel, who can provide confidential and secure storage.

III. General Procedures and Principles

A. Responsibility to Report Misconduct

All employees or individuals associated with Old Dominion University should report observed, suspected, or apparent misconduct to the research integrity officer directly or through the dean of the affected college. The research integrity officer will promptly engage in an assessment of the allegation to determine whether it falls within the definition of misconduct, involves PHS or NSF support, and provides sufficient information to proceed with an inquiry.

B. Protecting the Complainant

Employees who receive or learn of an allegation of misconduct will treat the complainant with fairness and respect and, when the allegation has been made in good faith, will take reasonable steps to protect against retaliation the position and reputation of the complainant and other individuals who cooperate with Old Dominion University. Employees will immediately report any alleged or apparent retaliation to the research integrity officer.

C. Protecting the Respondent

Employees who receive or learn of an allegation of misconduct will treat the respondent with fairness and respect. The research integrity officer will take reasonable steps to ensure that the process observes these procedural safeguards, the PHS regulation, 42 C.F.R. Part 50, Subpart A, and the NSF regulation, 45 C.F.R. Part 689. Employees will report significant deviations from these instructions to the research integrity officer. The research integrity officer will report any allegation not made in good faith to the deciding official for appropriate action.

D. Confidentiality

Institutional employees who make, receive, or learn of an allegation of misconduct will protect, to the maximum extent possible, the confidentiality of information regarding the complainant, the respondent, and other affected individuals. The research integrity officer may establish reasonable conditions, such as confidentiality agreements, to ensure the confidentiality of such information.

E. Responding to Allegations

In responding to allegations of misconduct, the research integrity officer and any other institutional official with an assigned responsibility for handling such allegations will make diligent efforts to ensure that the following functions are performed.

1. Any allegation assessment, inquiry, or investigation is conducted in a timely, objective, thorough, and competent manner.
2. Reasonable precautions are taken to maintain confidentiality and avoid bias and real or apparent conflicts of interest on the part of those involved in conducting the inquiry or investigation.
3. Immediate notification is provided to the PHS (ORI) or NSF (Inspector General) if:
 - a. there is an immediate health hazard involved;
 - b. there is an immediate need to protect federal funds or equipment;
 - c. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
 - d. it is probable that the alleged incident is going to be reported publicly;

- e. the allegation involves a sensitive public health issue, e.g., a clinical trial;
 - f. there is a reasonable indication of a possible Federal criminal violation. In this instance, the institution must report within 24 hours of obtaining that information;
 - g. for any other reason, the scientific community or the public should be informed.
3. Interim administrative actions are taken, as appropriate, to protect federal funds and the public health, and to ensure that the purposes of the federal financial assistance are carried out.

F. Employee Cooperation

Employees will cooperate with the research integrity officer and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the research integrity officer or other institutional officials on misconduct allegations. Further, employees will cooperate with ORI or NSF in its conduct of inquiries and investigations, its oversight of institutional inquiries and investigations, and any follow-up actions.

G. Evidentiary Standards

The following evidentiary standards apply to findings of misconduct in research and scholarly activity.

1. Burden of Proof - The burden of proof for making a finding of misconduct is on the university.
2. Standard of Proof - Any finding of misconduct will be established by a preponderance of the evidence. This means that the evidence shows that it is more likely than not that the respondent committed misconduct in scientific research or scholarly activity.

H. Completion of Process

The research integrity officer is responsible for ensuring that the inquiry investigation process and all other steps required by this investigation and the PHS or NSF regulations are completed even in those cases where the respondent leaves after allegations are made.

I. Early Termination

If circumstances suggest the termination of an inquiry or investigation into PHS- or NSF-funded research prior to completion of all the steps required by the PHS or NSF

regulations, the research integrity officer, through the Office of Research, will notify the respective agency of the planned termination and the reasons therefore. The agency will then review the information provided and advise the institution whether further investigation should be undertaken.

J. Referral of Non-Scientific Misconduct Issues

When the institution's review of the allegation identifies non-scientific misconduct issues, the research integrity officer should refer these matters to the proper institutional, state, or federal office for action. Some of the issues meriting referral are described below.

1. Criminal Violations - Potential violation of criminal law under DHHS grants and contracts should be referred to the Office of Inspector General, DHHS-OIG Hot line, 330 Independence Avenue, SW, Washington, D. C. 20201, telephone (800) 447-8477. If the possible criminal violation is identical to the alleged scientific misconduct (e.g., alleged false statements in a PHS grant application), the criminal charge should be reported to ORI. ORI will then refer it to OIG. Potential violation of criminal law under NSF grants and contracts should likewise be referred to the Office of the Inspector General, NSF, 4201 Wilson Boulevard, Arlington, VA 22230, telephone (703) 292-7100.
2. Violation of Human and Animal Subject Regulations - Potential violation of human ~~or animal~~ subject regulations should be referred to the Office for Human Research Protection, 1101 Wootton Parkway, Rockville, MD 20852, telephone (301) 496-7005 **or (866) 447-4777**. Potential violations of the Animal Welfare Act should be referred to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, Eastern Region, Animal Care, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606, telephone (919) **855-7100** ~~716-5532~~.
3. Violation of FDA Regulations - Potential violations of Food and Drug Administration regulated research requirements should be referred to the FDA Office of Regulatory Affairs, Division of Compliance Policy, Bioresearch Program Coordination, 5600 Fishers Lane, Room 12A41, Rockville, MD 20857, telephone (301) 827-3101.
4. Fiscal Irregularities - Potential violations of cost principles or other fiscal irregularities should be referred as follows:
 - a. For all NIH Agencies-Office of Management Assessment, NIH, 6011 Executive Blvd., Suite 601, Rockville, MD 20852, MSC 7669. Telephone (301) 496-1873, FAX: (301) 435-1901, email:manuals@od.nih.gov: URL: <http://OMA.OD.NIH.GOV>.

- b. For all other PHS Agencies-PHS Office of Grants and Contracts, 5600 Fishers Lane, Room 5C18, Rockville, MD 20857, telephone (301) 443- 6557.
- c. For NSF-Office of the Inspector General, NSF, 4201 Wilson Boulevard, Arlington, VA 22230, telephone (703) 292-7100. Email Chris Boesz at cboesz@nsf.com.

If there are any questions regarding the proper referral of non-scientific misconduct issues, the research integrity officer may call the ORI Division of ~~Research~~ Investigations **Oversight** at **(301) 443-5330** (800) 447-8477, or the NSF Inspector General at (703) 292-7100, to obtain advice.

K. Requirements for Reporting to Federal Agencies

1. The decision to initiate an investigation into PHS- or NSF-funded research must be reported in writing to the Director of ORI or the Inspector General of NSF on or before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of misconduct, and the agency's applications or grant number(s) involved. Notification to the NSF should further include a request for deferral of the NSF inquiry and investigation. The agency must be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. Any significant variations from the provisions of the institutional policies and procedures should be explained in any reports.
2. Prior to the decision, for any reason, to terminate an inquiry or investigation of PHS- or NSF-funded research without completing all relevant requirements of the PHS or NSF regulation, the research integrity officer will submit a report of the planned termination to the respective agency, including a description of the reasons for the proposed termination.
3. If at any time it appears that the university will not be able to complete the investigation in 120 calendar days, the research integrity officer will submit to ORI or NSF a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. The request will be submitted through the Office of Research. If the NSF is the funding agency, the Office of Research may authorize an extension of the investigation such that the investigation and all administrative actions will be complete within an additional 60 days. If the request is granted, the research integrity officer will file periodic progress reports as requested by the agency.
4. When PHS or NSF funding or applications for funding are involved and an admission of misconduct is made, the research integrity officer will contact

the agency for consultation and advice. Normally, the individual making the admission of misconduct will be asked to sign a statement attesting to the occurrence and the extent of misconduct. When the case involves agency funds, the university will not accept an admission of misconduct as a basis for closing a case or not undertaking an investigation without prior approval from the agency.

5. When PHS or NSF funding is involved, the research integrity officer will notify ORI or NSF at any stage of the inquiry or investigation if:
 - a. there is an immediate health hazard involved;
 - b. there is an immediate need to protect federal funds or equipment;
 - c. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
 - d. it is probable that the alleged incident is going to be reported publicly;
 - e. the allegation involves a sensitive public health issue, e.g., a clinical trial;
 - f. there is a reasonable indication of possible criminal violation. In this instance, the institution must inform ORI within 24 hours of obtaining that information.
 - g. for any other reason, the scientific community or the public should be informed.

IV. Preliminary Assessment of Allegations

A. Allegation Assessment

Upon receiving an allegation of misconduct, the research integrity officer will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether PHS, NSF, or other support or applications for funding are involved, and whether the allegation falls under the definition of misconduct.

1. PHS or NSF Support - Allegations involving research supported by PHS- or NSF-funded grants, contracts, or cooperative agreements, or applications for funding connote that agency's support. If the allegation does not involve agency support, it should be handled under the NSF definition of misconduct (<http://www.oig.nsf.gov/misconductmeansold.htm>) (H.—K.1-3) and

procedures except that the reporting and compliance aspects of 42 C.F.R. Part 50, Subpart A or 45 C.F.R. Part 689 do not apply.

2. PHS Definition - The PHS definition of scientific misconduct is found in II.K.1 and 2, and II.P. The allegation should be carefully reviewed to determine whether it potentially constitutes fabrication, falsification, plagiarism, or other serious deviation from commonly accepted practices for proposing, conducting, or reporting research. In case of doubt, the research integrity officer should consult with the general counsel or ORI on whether the allegation falls within the PHS definition of scientific misconduct.
3. NSF Definition - The NSF definition (II.K.1 and II.M) adds to the PHS definition any retaliation against the reporting person or any person providing information.
4. Old Dominion University Definition - The Old Dominion University definition of scientific misconduct is **based on the** ~~the same as the~~ NSF definition and is found in II.K.1. and 2. The definition of misconduct in scholarly activity is found in II.K.3.
5. Sufficient evidence to proceed - There is not always sufficient evidence or information to permit further inquiry into the allegation. For example, an allegation that a scientist's (or scholar's) work should be subjected to general examination for possible misconduct is not sufficiently substantial or specific to initiate an inquiry. In case of such a vague allegation, an effort should be made to obtain more information before initiating an inquiry. This information may be sought from any reasonable source, including the complainant, if known.

B. Referral of Other Issues

Regardless of whether it is determined that a misconduct inquiry is warranted, if the allegation involves PHS or NSF support and concerns possible failure to protect human or animal subjects, financial irregularities, or criminal activity, the allegation should be referred to the appropriate office. See section III.J.

V. Conducting the Inquiry

A. Initiation and Purpose of the Inquiry

Following the preliminary assessment, if the research integrity officer determines that the allegation provides sufficient information to allow specific follow-up and falls under the definition of misconduct, he or she will immediately initiate the inquiry process. In initiating the inquiry, the research integrity officer should identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry is to make a preliminary evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses

to determine whether there is sufficient evidence of possible misconduct to warrant an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

B. First Steps if an Inquiry is Necessary

As soon as practicable after the research integrity officer determines that an inquiry is required, he or she will:

1. secure the relevant research records;
2. notify the Office of Research, the general counsel, the respondent, and if PHS or NSF funding is involved, the ORI or the Inspector General of NSF through the Office of Research. In the case of NSF funding, the notification should specifically include a request that NSF defer independent inquiry;
3. appoint and charge the inquiry committee; and
4. notify ORI or NSF if any of the conditions listed in section III.E.3 of these procedures are present.

The research integrity officer or general counsel may consult with an affected federal agency at any time regarding appropriate procedures to be followed.

C. Sequestration of the Research Records

1. Immediate Sequestration - If the relevant research records have not been obtained at the assessment stage, the research integrity officer will immediately locate, collect, inventory, and secure them to prevent the loss, alteration, or fraudulent creation of records.
2. Institutional Access - Research records produced under PHS or NSF grants and cooperative agreements are the property of Old Dominion University, and employees cannot interfere with the university's right of access to them. Under some federal contracts, certain research records may belong to the federal agency, which will normally allow access to contract records in the custody of the university for purposes of reviewing misconduct allegations.
3. Original Records - The documents and materials to be sequestered will include all the original items (or copies if originals cannot be located) that may be relevant to the allegations. These include, but are not limited to, research records as defined in section II.S. of this document.
4. Sequestration of the Records from the Respondent - The research integrity officer should notify the respondent that an inquiry is being initiated simultaneously with the sequestration so that the respondent can assist with

location and identification of the research records. The research integrity officer should obtain the assistance of the respondent's supervisor and the general counsel in this process, as necessary. If the respondent is not available, sequestration may begin in the respondent's absence. The respondent should not be notified in advance of the sequestration of research records to prevent questions being raised later regarding missing documents or materials and to prevent accusations against the respondent of tampering with or fabricating data or materials after the notification. In addition to securing records under the control of the respondent, the research integrity officer may need to sequester records from other individuals, such as coauthors, collaborators, or complainants. As soon as practicable, and if requested, a copy of each sequestered record will be provided to the individual from whom the record is taken. These measures will be undertaken with care to preserve the confidentiality, privacy, and reputation of the respondent inasmuch as is reasonable during the sequestration.

5. Inventory of the Records - A dated receipt should be signed by the sequestering official and the person from whom an item is collected, and a copy of the receipt should be given to the person from whom the record is taken. If it is not possible to prepare a complete inventory list at the time of collection, one should be prepared as soon as possible, and then a copy should be given to the person from whom the items were collected.
6. Security and Chain of Custody - The research integrity officer will lock records and materials in a secure place. The persons from whom items are collected may be provided with a copy of any item. Where feasible, that person will have access to his or her own original items under the direct and continuous supervision of a university official. This will ensure that a proper chain of custody is maintained and that the originals are kept intact and unmodified. Questions about maintaining the chain of custody of records should be referred to the general counsel.

D. Notification of the Respondent

1. Contents of Notification - The research integrity officer will notify the respondent in writing of the opening of the inquiry. The notification should identify the research project in question and the specific allegations; define misconduct; identify the presence, source, and implications of PHS or NSF funding; list the names of the members of the inquiry committee (if appointed) and experts (if any); explain the respondent's opportunity to challenge the appointment of a member of the committee or expert for bias or conflict of interest, to be assisted by counsel, to be interviewed, to present evidence to the committee, and to comment on the inquiry report; address the respondent's obligation as an employee of the institution to cooperate; describe the institution's policy on protecting the complainant against retaliation and the need to maintain the complainant's confidentiality during the inquiry and any subsequent proceedings.

2. Potential Respondents - If no specific respondent has been identified at this stage of the process, the research integrity officer will notify each potential respondent that an inquiry will be undertaken, e.g., each coauthor on a questioned article, each investigator on a questioned grant application, or each co-participant in other scholarly activity. The research integrity officer will consult with the general counsel on the proper method of notification under the circumstances.

E. Designation of an Official or a Committee to Conduct the Inquiry

The research integrity officer is responsible for conducting or designating others to conduct the inquiry.

1. Use of an Inquiry Committee - In complex cases, the research integrity officer will normally appoint a committee of three or more persons to conduct the inquiry, following the procedures set forth in section V.F. (see below).
2. Use of an Inquiry Official - In cases in which the allegations and apparent evidence are straightforward, such as an allegation of plagiarism or simple falsification or an admission of misconduct by the respondent, the research integrity officer may choose to conduct the inquiry directly or designate another qualified individual to do so. In such cases, the inquiry official will nevertheless obtain the necessary expert and technical advice to consider properly all research issues.
3. Inquiry Process - The inquiry, whether conducted by a committee or an individual, will follow each procedural step set forth below.

F. Appointment of the Inquiry Committee

If an inquiry committee is to be appointed, the research integrity officer will use the following procedures.

1. Committee Membership - The research integrity officer, in consultation with other university officials as appropriate, will appoint the committee and committee chair within 10 calendar days of the initiation of the inquiry. The inquiry committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are believed to be fair and unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, lawyers, or other qualified persons, and they may be from inside or outside of the institution.
2. Experts - The research integrity officer, in consultation with the committee, will determine whether additional experts other than those appointed to the

committee need to be consulted during the inquiry to provide special expertise to the committee regarding the analysis of specific evidence. In this case, the experts provide a strictly advisory function to the committee; they do not vote and generally do not interview witnesses. The experts chosen may be from inside or outside of Old Dominion University.

3. Bias or Conflict of Interest - The research integrity officer will take reasonable steps to ensure that the members of the committee and experts have no bias or personal or professional conflict of interest with the respondent, complainant, or the case in question. In making this determination, the research integrity officer will consider whether the individual (or any members of his or her immediate family):
 - a. has any financial involvement with the respondent or complainant;
 - b. has been a coauthor on a publication with the respondent or complainant;
 - c. has been a collaborator or coinvestigator with the respondent or complainant;
 - d. has been a party to a research controversy with the respondent or complainant;
 - e. has a supervisory or mentor relationship with the respondent or complainant;
 - f. has a special relationship, such as a close personal friendship, kinship, or a professional/client relationship with the respondent or complainant; or
 - g. falls within any other circumstance that might appear to compromise the individual's objectivity in reviewing the allegations.
4. Objection by Respondent - The research integrity officer will notify the respondent of the proposed committee membership within 10 calendar days. If the respondent submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within five days, the research integrity officer will immediately replace the first challenged member or expert with a qualified substitute and determine whether to replace other members or experts the respondent challenges.
5. Confidentiality - Members of the committee and experts will agree in writing to maintain the confidentiality of the proceedings and any information or documents reviewed as part of the inquiry. Outside of the official proceedings of the committee, they may not discuss the proceedings with the

respondent, complainant, witnesses, or anyone not authorized by the research integrity officer to have knowledge of the inquiry.

6. Provision of Assistance - The research integrity officer, in consultation with the general counsel, will provide staff assistance and guidance to the committee and the experts on the procedures for conducting and completing the inquiry, including procedures for maintaining confidentiality, conducting interviews, analyzing data, and preparing the inquiry report.

G. Charge to the Committee and the First Meeting

The research integrity officer will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible misconduct to warrant an investigation pursuant to university, and PHS or NSF requirements if applicable. The purpose is not to determine whether misconduct definitely occurred or who was responsible.

At the committee's first meeting, the research integrity officer will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The research integrity officer and general counsel will be present or available throughout the inquiry to advise the committee as needed.

H. General Approaches to Conducting the Inquiry

During the inquiry, the committee will take the following steps.

1. The committee will collect information relevant to commonly accepted research practices of the community involved, the questioned practices at hand, and determine whether any credible information supports characterizing the questioned practices as misconduct. The scope of the inquiry is limited; the inquiry should not weigh a conflict in credible information, but refer it to investigation.
2. The committee will take all necessary steps to avoid bias or conflict of interest between the committee and experts and the respondent, complainant, and witnesses.
3. The committee will refer other issues that arise; it will advise the research integrity officer of any necessary interim actions to protect the research funds, human or animal subjects, or other steps required by regulation or policy. See section III.E.3 and III.J.

I. General Approaches to Conducting an Interview

1. Purpose of the Interview - The purpose of an interview at the inquiry stage is to allow each respondent, complainant, or witness to tell his or her side of the story. The committee should not attempt to speculate about what happened or might have happened or put words in the witnesses' mouths. Also, the committee should not disclose information obtained from others interviewed unless this is necessary and can be done without identifying the source of the information.
2. Issues to Cover - Before an interview, the committee should provide each witness with a summary of the matters or issues intended to be covered at the interview. If the committee raises additional matters, the witness should be given an opportunity to supplement the record in writing or in another interview. The witness should be informed that his or her cooperation and truthful answers are expected.
3. Confrontation - Witnesses should not be told at this stage whether other testimony conflicts with theirs, although questions may be asked for purposes of clarifying the testimony. Avoid leading questions such as, "You must have made a mistake and thought it was actually this way, right?"
4. Using Experts - The committee may request that experts attend or participate in interviews to assist in its evaluation of the allegations and related issues. If the committee determines that such participation is not appropriate, it may ask an expert to prepare questions for the committee to use at the interview. Any expert retained to assist the committee may read the transcripts or summaries of the interviews.
5. Transcribing Interviews - Interviews with the respondent will be transcribed or recorded. Interviews with anyone else will be summarized, tape-recorded, or transcribed. A transcript or summary of the interview will be provided to each witness for review and correction of errors. Witnesses may add comments or information. Changes to the transcript or summary will be made only to correct factual errors.
6. Confidentiality of Interviews - Witnesses should be advised that the proceedings are confidential and that they should not discuss the inquiry or their interview with anyone else other than their counsel or adviser.
7. Access to Counsel - Witnesses may be accompanied and advised by legal counsel or by a non-legal adviser who is not a principal or witness in the case. However, the counsel or adviser may only advise the witness and may not participate directly in the interview. Witnesses will respond directly to the interview questions.

8. Order of Interviews - The inquiry committee should interview, if possible, the complainant, key witnesses, and the respondent, in that order. Witnesses should be asked to provide, in advance if possible, any relevant evidence, including their own notes, manuscripts, research records, or other documents that were not sequestered previously but are relevant to the allegation.
9. Interviewing the Complainant - In interviewing the complainant, the inquiry committee should attempt to obtain as much additional evidence regarding the substance of the allegation as possible and to determine the complainant's view of the significance and impact of the alleged misconduct. However, it is not the complainant's responsibility to prove his or her allegations.
10. Interviewing the Respondent - The respondent should be asked to provide his or her own response to the allegations, including any analysis of the primary data. If the respondent claims that an honest error or difference of scientific or professional judgment occurred, he or she should provide any evidence to support that claim. If he or she requests, the respondent may make a closing statement at the end of the interview.
11. Recording Admissions - If the respondent admits to the misconduct, the respondent should be asked immediately to sign a statement attesting to the occurrence and extent of the misconduct. Normally, an admission is a sufficient basis to proceed directly to an investigation. However, the admission may not be a sufficient basis for closing a case. Further investigation may be needed to determine the extent of the misconduct or to explore additional issues. If an admission is made when PHS or NSF funding is involved, the research integrity officer through the Office of Research, or the general counsel may seek advice from ORI or NSF in determining whether there is a sufficient basis to close a case, after the admission is fully documented and all appropriate procedural steps are taken. If the case is closed, the report should be forwarded to the deciding official with recommendations for appropriate institutional sanctions and then submitted to agency review, if relevant. If the respondent admits to the misconduct, the committee may consult with the general counsel immediately, with the option of seeking advice from ORI or NSF as needed.
12. Committee Deliberations - The inquiry committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the research integrity officer and general counsel, the committee members will decide whether there is sufficient evidence of possible misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

Committee deliberations should never be held in the presence of the interviewee. During the interview, the committee members should not debate among themselves or with witnesses over possible interpretations of

scientific research or other scholarly activity. These questions should be reserved for private discussions among the inquiry committee members and expert consultants.

VI. The Inquiry Report

A. Elements of the Inquiry

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; the allegations; the presence and source of PHS or NSF or other support; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted; and the committee's determination as to whether an investigation is recommended and whether any other actions should be taken if an investigation is not recommended. General counsel will review the report for legal sufficiency. All relevant dates should be included in the report.

B. Comments on the Draft Report by the Respondent and the Complainant

The research integrity officer will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant, if he or she is identifiable, with those portions of the draft report that address the complainant's role and opinions in the investigation.

1. Confidentiality - The research integrity officer will establish reasonable conditions for review to protect the confidentiality of the draft report.
2. Receipt of Comments - Within 14 calendar days of their receipt of the draft report, the complainant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent submits on the draft report will become part of the final report and record. Based on the comments, the inquiry committee may revise the report as appropriate.

C. Inquiry Decision and Notification

1. Decision by Deciding Official - The research integrity officer will transmit the final report and any comments to the deciding official, who will make the determination of whether findings from the inquiry provide sufficient evidence of possible misconduct to justify conducting an investigation. The inquiry is completed when the deciding official makes this determination, which will be made within 60 calendar days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file.

2. Notification - The research integrity officer will notify both the respondent and the complainant in writing of the deciding official's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The research integrity officer will also notify all appropriate institutional officials of the deciding official's decision.

D. Time Limit for Completing the Inquiry Report

The draft report should be prepared within 36 calendar days in order to leave time for the inclusion of any comments into the final report and the deciding official's review within 60 calendar days of the first meeting of the inquiry committee, unless the research integrity officer approves an extension for good cause. If the research integrity officer approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent will also be notified of the extension. The general counsel will review the report for legal sufficiency.

VII. Federal Oversight

A. Decision to Investigate

If the deciding official decides that an investigation of possible scientific misconduct in PHS- or NSF-funded research will be conducted, the research integrity officer, through the Office of Research, will notify ORI or NSF and will forward a copy of the final inquiry report and these policies and procedures to the respective agency.

B. Decision Not to Investigate

If the deciding official decides not to proceed to an investigation and the inquiry was begun at the request of ORI, NSF, or other funding agency, or if any agency requests a copy, the research integrity officer, through the Office of Research, will send a copy of the final inquiry report and the institutional decision to the appropriate agency. Otherwise, the PHS- or NSF-funded case may be closed without notice to ORI or NSF.

C. Access to Evidence

If either ORI or NSF is performing an oversight review of the university's determination not to proceed to an investigation, the research integrity officer, if so requested, will provide the respective agency with the report and the inquiry file, including, but not limited to, sequestered evidence, analyses, and transcripts of interviews. The research integrity officer will keep all records secure until the agency makes its final decision on its oversight of the university's inquiry or investigation.

VIII. Referral to Other Agencies

Information obtained during the inquiry regarding allegations other than scientific misconduct involving PHS or NSF funds should be referred to the responsible officials or government agencies. See section III.J.

IX. Conducting the Investigation

A. Purpose of the Investigation

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health. The findings of the investigation will be set forth in an investigation report.

B. Sequestration of the Research Records B.Sequestration of the Research Records

The research integrity officer will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent is notified that an investigation has begun. The need for additional sequestration of records may occur for a number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry. See section V.B.

C. Notification of the Respondent

The research integrity officer will notify the respondent as soon as reasonably possible after the determination is made to open an investigation. The notification should include: a copy of the inquiry report; the specific allegations; the presence, source, and implication of PHS or NSF funding; the definition of misconduct; the procedures to be followed in the investigation, including the appointment of the investigation committee and experts; the opportunity of the respondent to be interviewed, to provide information, to be assisted by counsel, to challenge the membership of the committee and experts based on bias or conflict of interest, and to comment on the draft report; the fact that either ORI or NSF may perform an oversight review of the report if that agency funded the research; and an explanation of the respondent's right to request a hearing before the agency's appellate process if there is a finding of misconduct under that agency's definition.

D. Designation of an Official or a Committee to Conduct the Investigation

The research integrity officer is responsible for conducting or designating others to conduct the investigation.

1. Use of an Investigation Committee - In complex cases, the research integrity officer will normally appoint a committee to conduct the investigation, following the procedures set forth in section IX.E. (see below).
2. Use of an Investigation Official - In cases in which the allegations and apparent evidence are straightforward, such as an allegation of plagiarism or simple falsification or an admission of misconduct by the respondent, the research integrity officer may choose to conduct the investigation directly or designate another qualified individual to do so. In such cases, the investigation official will nevertheless obtain the necessary expert and technical advice to consider properly all scientific or ethical issues. In such a case, the research integrity officer will offer the respondent a chance to comment on this decision; any comments will be recorded as an attachment to the investigation report.
3. Investigation Process - The investigation, whether conducted by a committee or an individual, will follow each procedural step set forth below.

E. Appointment of the Investigation Committee

If an investigation committee is to be appointed, the research integrity official will use the following procedures

1. Committee Membership - Normally the Faculty Senate Committee D, Research and Scholarly Activity will comprise the investigation committee. In general, the investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are believed to be fair and unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigation. If the Faculty Senate Committee D does not satisfy this standard, or is inappropriate for the purposes of maintaining confidentiality, then the research integrity officer, in consultation with the president and general counsel, will appoint an investigation committee and the committee chair within 10 calendar days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside Old Dominion University. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The research integrity officer will notify the respondent of the proposed committee membership within five days. If the respondent submits a written

objection to any appointed member of the investigation committee or expert, the research integrity officer will immediately replace the first challenged member or expert with a qualified substitute, observing the 30-day time limit. In additional written objections, the research integrity officer will determine whether to replace challenged members or experts with qualified substitutes.

2. Experts - Experts may be appointed as noted in section V.F.2 (or carried over from the inquiry) to advise the committee on scientific or other issues.
3. Bias or Conflict of Interest - The research integrity officer will take reasonable steps to ensure that the members of the committee and the experts have no bias or personal or professional conflict of interest with the respondent, complainant, or the case in question. See section V.F.3.
4. Objection to Committee or Experts by Respondent - The research integrity officer will notify the respondent of the proposed committee membership within five days. If the respondent submits a written objection to any appointed member of the investigation committee or expert based on bias or conflict of interest, the research integrity officer will immediately replace the first challenged member or expert with a qualified substitute and determine whether to replace other members or experts the respondent challenges.
5. Confidentiality - Members of the committee and experts will agree in writing to maintain the confidentiality of the proceedings and any information or documents reviewed as part of the investigation. Outside of the official proceedings of the committee, they may not discuss the proceedings with the respondent, complainant, witnesses, or anyone not authorized by the research integrity officer to have knowledge of the investigation.

F. Charge to the Investigation Committee and the First Meeting

1. Charge to the Committee - The research integrity officer will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, to what extent, who was responsible, and its seriousness.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the research integrity officer, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

The inquiry report will be made available to the investigation committee. However, the report in no way limits the evidence available to the committee for consideration. Inasmuch as any decision of an investigation may conflict with any conclusion of the inquiry, the investigation will be considered a de novo process.

2. The First Meeting - The research integrity officer, with the assistance of the general counsel, will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of these instructions and, where federal agency funding is involved, the PHS or NSF regulation.

G. Developing an Investigation Plan

At the initial meeting, the committee should begin development of its investigative plan and complete it as soon as reasonably possible. The investigation plan will include an inventory of all previously secured evidence and testimony; a determination of whether additional evidence needs to be secured; what witnesses need to be interviewed, including the complainant, respondent, and other witnesses with knowledge of the research or events in question; a proposed schedule of meetings, briefing of experts, and interviews; anticipated analyses of evidence (scientific, forensic, or other); and a plan for the investigative report.

H. General Approaches to Conducting the Investigation

During the investigation, the committee will take the following steps.

1. Avoid Bias or Conflict of Interest - All necessary steps must be taken to avoid bias or conflict of interest between the committee and experts and the respondent, complainant, and witnesses.
2. Refer Other Issues - The research integrity officer must be advised of any necessary interim actions to protect the research funds, human or animal subjects, or other steps required by regulation or policy. See section III.E.3 and III.J.
3. Consult with the Research Integrity Officer and General Counsel - The investigation committee should consult the research integrity officer and general counsel throughout the investigation on compliance with these procedures, PHS or NSF regulations if applicable, appropriate investigatory and interviewing methods and strategies, legal issues, and the standard of proof. The research integrity officer and general counsel will be present or available throughout the investigation to advise the committee.

I. Reviewing the Evidence

The investigation committee will obtain and review all relevant documentation and perform or cause to be performed necessary analyses of the evidence, including scientific, forensic, statistical, or other analyses as needed.

J. Conducting Interviews

The investigation committee will conform to the following guidelines.

1. **Conducting the Interviews** - The investigation committee will conduct the interviews as described in section V.I., except that at the investigative stage interviews should be in-depth and all significant witnesses should be interviewed. Each witness should have the opportunity to respond to inconsistencies between his or her testimony and the evidence or other testimony, subject to the need to take reasonable steps to maintain the confidentiality of the testimony of the respondent and other witnesses.
2. **Preparing for Interviews** - The investigation committee will prepare carefully for each interview. All relevant documents and research data should be reviewed in advance and specific questions or issues that the committee wants to cover during the interview should be identified. The committee should appoint one individual to take the lead on each interview. If significant questions or issues arise during an interview that require committee deliberation, the committee should take a short recess to discuss the issues. Committee deliberations should never be held in the presence of the interviewee.
3. **Objectivity** - The investigation committee will conduct all interviews in a professional and objective manner, without implying guilt or innocence on the part of any individual.
4. **Transcribing Interviews** - Any interview with the respondent will be transcribed or recorded. Interviews with anyone else will be summarized, tape-recorded, or transcribed. A transcript or summary of the interview will be provided to each witness for review and correction of errors. Witnesses may add comments or additional information, but changes to the transcript or summary will only be made to correct factual errors.
5. **Recording Admissions of Misconduct** - If the respondent admits to the misconduct, he or she should be asked immediately to sign a statement attesting to the occurrence and extent of the misconduct, acknowledging that the statement was voluntary and stating that the respondent was advised of his or her right to seek the advice of counsel. The committee should consult with the general counsel on the specific form and procedure for obtaining this statement. The admission may not be used as a basis for closing the investigation unless the committee has adequately determined the extent and

significance of the misconduct and all procedural steps for completion of the investigation have been met. If applicable, the committee may ask the research integrity officer or general counsel to consult with ORI or NSF when deciding whether an admission has adequately addressed all the relevant issues such that the investigation can be considered completed. The investigation should not be closed unless the respondent has been appropriately notified and given an opportunity to comment on the investigative report. If the case is considered complete, it should be forwarded to the deciding official with recommendations for appropriate institutional actions and, if applicable, to ORI or NSF for review.

K. Committee Deliberations

1. Burden and Standard of Proof - In reaching a conclusion on whether there was misconduct and who committed it, the burden of proof is on the university to support its conclusions and findings by a preponderance of the evidence. See section III.G.
2. Definition of Misconduct
 - a. In the case of PHS-funded research, to comply with PHS regulations, the committee will consider whether falsification, fabrication, or plagiarism occurred in proposing, conducting, or reporting research or whether and why there was a serious deviation from accepted practices in the scientific or professional community at the time the actions were committed.
 - b. In the case of NSF-funded research, to comply with NSF regulations, the committee will consider whether falsification, fabrication, or plagiarism occurred in proposing, conducting, or reporting research or whether and why there was a serious deviation from accepted practices in the scientific or professional community at the time the actions were committed. In addition, the committee will consider whether there was retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.
 - c. Notwithstanding subparagraphs a. and b., the committee will always consider the Old Dominion University definition of misconduct (as defined in Section IV.A.4) for appropriate university response in the absence of federal agency funding. Included in this category are cases of possible retaliation for the reporting of misconduct in PHS-funded research. Accordingly, the investigation committee will consider whether falsification, fabrication, or plagiarism occurred in proposing, conducting, or reporting research or whether and why there was a serious deviation from accepted practices in the scientific or professional community at the time the actions were committed.

In addition, the committee will consider whether there was retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.

3. Sufficient Evidence - The committee will consider whether there is sufficient evidence of intent such that the university can meet its burden of proving misconduct by a preponderance of the evidence. The committee will also consider whether the respondent has presented substantial evidence of honest error or honest differences in interpretations or judgments of data, such that misconduct cannot be proven by a preponderance of the evidence.

X. The Investigation Report

A. Elements of the Investigation Report

1. Background - The report will include sufficient background information to ensure a full understanding of the issues. This section should describe the facts leading to the investigation, including a chronology of the research at issue, the persons involved in the alleged misconduct, and the role of the complainant. If PHS or NSF funding is involved, the report should include any associated grant applications or publications and any public health issues. This section should summarize the university's inquiry and investigation processes, including the composition of the committees, the persons interviewed, the evidence secured and reviewed, the policies and procedures used, and any other factors that may have influenced the proceedings. All relevant dates should be included.

Because the PHS definition of scientific misconduct does not include retaliation, information and findings about retaliation may be omitted from the main body of the report submitted to ORI. Information about the allegation of retaliation will be referenced in an appendix to the main report as described in X.A.5.e. and X.A.6.b. Notwithstanding this variation in the definition of misconduct and the attendant variation in reporting requirements, Old Dominion University will always treat retaliation as misconduct for the purposes of internal administrative response.

This requirement does not arise in research not funded by PHS because the Old Dominion University definition of misconduct in scientific research or in other scholarly activity includes retaliation, thereby conforming to the NSF definition.

2. Allegations - The report will list all the allegations raised by the complainant and any additional misconduct issues that arose during the inquiry and investigation stages. The source and basis for each allegation or issue should be cited except to the extent that the confidentiality of a complainant requesting anonymity is compromised or the identity of the source is irrelevant or unnecessary. In the case of possible retaliation in NSF-funded

research, this section would describe both the core misconduct reported and the retaliation that has been alleged.

3. PHS or NSF Support - In the absence of PHS or NSF support, the report will include a brief statement of the sources of research funding, if any. For each allegation of misconduct under the PHS or NSF definition, the report will identify the PHS or NSF support for the research or report at issue.
4. Respondent's Claims - The report should summarize each claim that the respondent raises in his or her defense against the misconduct allegations and cite the source of each claim. Any inconsistencies among the respondent's various claims should be noted. The report should not consider claims that do not address the allegations at issue; allegations of personal bias by the complainant, for example, should not be addressed in the report unless they are relevant to the report's conclusions.
5. Analysis
 - a. The report will provide a detailed analysis of the evidence that either supports or does not support a finding of misconduct. This analysis should take into account all the relevant statements, claims, rebuttals, documents, and other evidence related to the case. Any use of expert analysis should be noted.
 - b. The analysis should be consistent with the appropriate definition of misconduct as noted in section II. It should describe the relative weight given to the various witnesses and pieces of evidence, noting inconsistencies, credibility, and persuasiveness. It should demonstrate how a consideration of the evidence as a whole led to the report's findings. A finding of misconduct should be supported by a preponderance of the evidence.
 - c. The report should summarize or quote relevant statements, including rebuttals, made by the complainant, respondent, and other witnesses pertinent to the report's analysis and findings. The report should provide references to the appropriate sources.
 - d. If the investigation committee determines that the respondent committed fabrication, falsification, or plagiarism, the report should indicate the extent and seriousness of the fabrication, falsification, or plagiarism, including its effect on prior research findings, research subjects, and the laboratory or project in which the misconduct occurred. If the investigation committee determines that the respondent committed misconduct by seriously deviating from "other commonly accepted practices," the report should thoroughly document the commonly accepted practice of the relevant scientific or professional community at the time the misconduct occurred and

indicate the extent of the respondent's deviation from that standard. Publications, university standards, or relevant professional societies, state and federal regulations, expert opinion, and other sources should be described and cited as the basis for the commonly accepted practice. The serious deviation therefrom should be described in detail, including an analysis of why it is a serious ethical deviation.

- e. If the investigation committee determines that the respondent retaliated against a person reporting misconduct or relevant information, that information will be treated differently based on the source of funding. If the research was PHS supported, these findings will be included as an appendix to the report submitted to ORI. The appendix will include the Old Dominion University definition of misconduct and explain why the PHS definition does not apply. If the research was not funded by PHS, but by NSF or other, then the report need not have this appendix, but merely should indicate the extent and seriousness of the retaliation and the surrounding circumstances in the body of the main report.
- f. Misconduct does not include honest error or honest differences in interpretations or judgments of data. If the investigation committee concludes that misconduct occurred, the report should describe the evidence that shows that the respondent acted with intent to commit the misconduct. Specifically, the report should describe any evidence that the respondent knowingly committed the falsification, fabrication, plagiarism, or other conduct that constitutes serious ethical deviation from commonly accepted practices. If the investigation committee concludes that honest error or difference of scientific opinion occurred with respect to any issue, the report should describe the evidence supporting that finding.
- g. All significant pieces of evidence should be referenced in the analysis, and copies of the significant evidence should be appended to the report.

6. Findings

- a. Issues - The report will concisely state the investigation committee's finding for each identified issue. The final investigation report should make separate findings regarding whether each issue constitutes misconduct, using the appropriate definition of "misconduct." See sections II. and IV.A.2. If the investigation committee finds misconduct on one or more issues, the report should identify the type of misconduct for each issue; i.e., "fabrication," "falsification," "plagiarism," or "other practices that seriously deviate from those that are commonly accepted within the scientific or professional community."

- b. Misconduct found under the University’s definition but not the PHS definition - The investigation committee may determine that an issue, such as retaliation, that does not constitute misconduct under the PHS definition is, nevertheless, misconduct under the Old Dominion University definition (Section II.K). Any issue that the investigation committee determines to be misconduct under the Old Dominion University definition should be identified as such in an appendix to the report. These findings are not subject to ORI’s jurisdiction, if ORI agrees that they do not meet the PHS definition.
- 7. Old Dominion University Response - Based on its findings, the investigation committee will recommend the administrative actions that it believes the university should take consistent with its policies and procedures, including appropriate actions against the respondent, such as a letter of reprimand, special supervision, probation, or other action. These actions will include, where appropriate, a plan to restore the reputation of any innocent respondent or complainant and to protect good faith complainants against retaliation. The committee may identify any published research reports or professional contributions that should be retracted or corrected based on the finding of misconduct and take steps to assure that journal editors are notified.
- 8. Summary - The final investigation report should conclude with a detailed and specific summary of the institution's finding for each issue, an overall finding of whether misconduct occurred, and if applicable, the PHS or NSF support for each finding of misconduct under that agency’s definition.

B. Standard Format of the Investigation Report

The following outline should be used in preparing the Investigation Report, except when special factors suggest a different approach. The outline should incorporate all of the elements described in section X.A.

- 1. Overview and Summary of Findings
 - Separate findings for each issue
- 2. Funding (Jurisdictional Requirement for PHS or NSF Funding)
- 3. Background
 - Chronology of events
 - Include public health sensitivities
- 4. List of allegations and other issues identified by the investigation committee
- 5. Institutional Inquiry: Process and Recommendations

6. Institutional Investigation: Process
 - Committee members
 - Individuals interviewed
 - Evidence sequestered and reviewed
7. Institutional Investigation: Analysis
 - For each issue:
 - Finding
 - Background
 - Analysis of all the relevant evidence and specific identification of evidence supporting the finding
 - Effect of Misconduct (e.g., potential harm to research subjects, reliability of data)
 - Summary
8. Conclusions and Recommended Institutional Actions
9. Optional Appendix of X.A.6.b.
10. Attachments

C. Documenting the Investigative File

1. Index of Evidence - The investigation committee should maintain an index of all the relevant evidence it secured or examined in conducting the investigation, including any evidence that may support or contradict the report's conclusions. Evidence includes, but is not limited to: research records, transcripts or recordings of interviews, committee correspondence, administrative records, grant applications and awards, manuscripts, publications, and expert analyses.
2. Purpose of Documentation - The purpose of the documentation is to substantiate the investigation's findings.
3. Record Retention - After completion of a case and all ensuing related actions, the research integrity officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the research integrity officer or committees. The research integrity officer will keep the file for three years after completion of the case to permit later assessment of the case. NSF, ORI or other authorized DHHS personnel will be given access to the records upon request.

D. Comments on the Draft Report

1. Respondent - The research integrity officer will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed ten days to review and comment on the draft

report. The respondent's comments will be attached to the final report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.

2. Complainant - The research integrity officer will provide the complainant, if he or she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report should be modified, as appropriate, based on the complainant's comments.
3. General Counsel - The draft investigation report will be transmitted to the general counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.
4. Confidentiality - In distributing the draft report, or portions thereof, to the respondent and complainant, the research integrity officer will inform the recipient of the confidentiality under which the draft report is made available and will establish conditions to ensure such confidentiality. For example, the research integrity officer may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

E. Institutional Review and Decision

Based on a preponderance of the evidence, the deciding official will make the final determination whether to accept the investigation report, its findings, and the recommended actions. If this determination varies from that of the investigation committee, the deciding official will explain in detail the basis for rendering a decision different from that of the investigation committee. In the case of PHS or NSF funding, this letter will be included in the letter transmitting the report to ORI or the NSF inspector general. The deciding official's explanation should be consistent with the appropriate definition of misconduct, the university's policies and procedures, and the evidence reviewed and analyzed by the investigation committee. The deciding official may also return the report to the investigation committee with a request for further fact-finding or analysis. In the case of PHS-funded research, the deciding official's determination, together with the investigation committee's report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the research integrity officer will notify both the respondent and the complainant in writing. In addition, the deciding official will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The research integrity officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

F. Transmittal of the Final Investigation Report

After comments have been received and the necessary changes have been made to the draft report, the investigation committee should transmit the final report with attachments, including the respondent's and complainant's comments, to the deciding official, through the research integrity officer.

G. Time Limit for Completing the Investigation Report

The final investigation report will be completed within 120 calendar days of the first meeting of the investigation committee. In the case of PHS or NSF funding, the report will be submitted to ORI or NSF within these 120 calendar days unless the university submits a written request for extension and the agency grants the extension. All attachments to the final report should be submitted with the report. The research integrity officer should maintain all other evidence and materials for possible agency review.

XI. Institutional Administrative Actions

Old Dominion University will take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated.

If the deciding official determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the research integrity officer. The actions may include:

- withdrawal or correction of all pending or published abstracts, papers emanating from the research, and exhibits or displays where misconduct was found.
- removal of the responsible person from the particular project, letter of reprimand, or special monitoring of future work.
- sanctions such as probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment.
- restitution of funds as appropriate.

XII. Other Considerations

A. Termination of Employment or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's employment, by resignation or otherwise, before or after an allegation of possible misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and its effect on the committee's review of all the evidence.

B. Restoration of the Respondent's Reputation

If the institution finds no misconduct and, if applicable, the ORI or NSF concurs, after consulting with the respondent, the research integrity officer will undertake reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the research integrity officer should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of misconduct was previously publicized, or expunging all reference to the misconduct allegation from the respondent's personnel file. Any actions to restore the respondent's reputation must first be approved by the deciding official.

C. Protection of the Complainant and Others

Regardless of whether a determination of misconduct is made or if an agency concurs, the research integrity officer will undertake reasonable efforts to protect complainants who made allegations of misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the deciding official will determine, after consulting with the complainant, what steps, if any, are needed to restore the position or reputation of the complainant. The research integrity officer is responsible for implementing any steps the deciding official approves. The research integrity officer will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant.

D. Allegations Not Made in Good Faith

If relevant, the deciding official will determine whether the complainant's allegations of misconduct were made in good faith. If an allegation was not made in good faith, the deciding official will determine whether any administrative action should be taken against the complainant.

E. Interim Administrative Actions

The dean of the affected college and the Office of Research will take appropriate interim administrative actions to protect any federal funds involved and ensure that the purposes of the federal financial assistance are carried out.

XIII. Agency Review of the Investigation Report and Follow-up

A. Purpose of ORI or NSF Review

Funding agencies review the final investigation report, the supporting materials, and the deciding official's determinations to decide whether the investigation has been performed in a timely manner and with sufficient objectivity, thoroughness, and competence. Based on its review, the agency may:

1. request additional information;
2. accept all the findings and conclusions of the report;
3. accept all or part of the factual findings of the report and make its own conclusions;
4. request additional investigation;
5. reject the report and conduct its own investigation;
6. impose administrative actions on the respondent beyond those recommended by the institution;
7. refer the case for review of the university's regulatory compliance; or
8. take any other action deemed to be in the public interest and within the agency's authority.

ORI will attempt to complete its review of the institution's report within 180 days of its receipt, except where additional follow-up activities are required, such as an ORI request for additional information or analysis or where further investigation is necessary. NSF will normally assess the accuracy and completeness of an investigation report within 30 days; similarly, NSF will evaluate the procedure, recommend adoption of the findings in whole or in part, or initiate a new investigation.

B. Cooperation with Agency Review

For research they fund, ORI (PHS) and the NSF are authorized to review institutional reports on allegations of misconduct. In reviewing the report, an agency may request additional information or other assistance from the research integrity officer or other university officials. If the university official receiving the ORI or NSF request is unsure how to respond, he or she should consult with the research integrity officer or general counsel. The general counsel may consult with agency counsel prior to advising the university official on how to respond.

C. Request for Additional Documents and Information

The research integrity officer will cooperate with any agency request for additional relevant documents and information by responding to all requests in a timely and responsive fashion. The research integrity officer may consult with the general counsel for advice as needed.

D. Notification of Agency Determination

1. ORI Concurrence - If ORI concurs with the university's findings, ORI will notify the respondent and appropriate university officials in writing and will send the respondent and appropriate university officials a summary or copy of the concurrence and notice of any additional PHS actions. If there is an ORI finding of misconduct, the respondent will be notified of his or her opportunity to appeal to the DHHS Departmental Appeals Board (DAB). See 59 *Fed. Reg.* 29809 (1994).
2. ORI Nonconcurrence- If ORI does not concur with the university's findings, ORI will notify the appropriate university official of the basis for that decision. If ORI does not concur with a finding of no misconduct, the university may be requested to conduct a further investigation, either with the same or a different investigation committee, or ORI may conduct its own investigation. In the latter instance, ORI will notify the appropriate individuals of its investigation.
3. NSF Concurrence - If NSF concurs with a university finding of no misconduct, the NSF inspector general will notify the subject of the investigation and the appropriate university personnel. If NSF concurs with a finding of misconduct, in a case in which NSF considers debarment an appropriate disposition, that case will be referred to the debarring official. If NSF concurs in a case in which debarment is not an appropriate disposition, then that case will be referred to the deputy director for a decision on the recommended disposition within 45 days after completion of the investigation; the deputy director may concur, initiate further hearings or investigation, or specify additional actions. An affected individual may appeal the deputy director's decision in writing within 30 days after receiving notification. Otherwise the decision becomes a final administrative action.
4. NSF Nonconcurrence - If NSF does not concur with the university's findings, NSF will notify the appropriate university official of the basis for that decision. If NSF does not concur with a finding of no misconduct, the university may be requested to conduct a further investigation, either with the same or a different investigation committee, or NSF may conduct its own investigation.

E. Cooperation in Appealed Cases

For cases in which ORI concurs with the institution's findings of misconduct under the PHS definition or makes its own finding of misconduct, ORI will request institutional employees to cooperate in presenting ORI findings of misconduct before the DAB if the respondent appeals the findings. Cooperation includes providing evidence, testimony, or any other information needed to assist in the preparation and presentation of ORI's case before the DAB. Institutional employees may consult with the research integrity officer or institutional counsel in responding to ORI's request for cooperation.

XIV. Record Retention

After completion of a case and all ensuing related actions, the research integrity officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the research integrity officer or committees. The research integrity officer will keep the file for at least three years after completion of the case to permit later assessment of the case. Authorized agency personnel will be given access to the records upon request.

APPENDIX

This appendix summarizes the responsibilities assigned to the deciding official and the research integrity officer. The appendix is a review of the duties assigned to these two officials.

Responsibilities of the Deciding Official

- Determines whether an investigation is warranted
- Determines whether to accept the investigation report
- Determines institutional administrative actions if misconduct is found
- Explains why the institution does not agree with the investigation report in a transmittal letter to ORI or NSF
- Determines institutional administrative actions against "bad faith" complainants
- Informs ORI or NSF that an investigation is not warranted if the agency requested the inquiry

Responsibilities of the Research Integrity Officer

Receipt of Allegations

- Receives allegations of misconduct
- Receives allegations of retaliation
- Receives reports of "bad faith" allegations
- Receives reports of violations of PHS or NSF regulations

Assessment of Allegations

- Conducts preliminary assessment of allegations
- Determines whether an inquiry is warranted
- Refers non-scientific misconduct issues to appropriate institutional or Federal office

Conduct of Inquiry

- Initiates inquiry process
- Notifies appropriate institutional officials, the respondent, and, if necessary, the appropriate agency that an inquiry is underway
- Sequesters research or other relevant records
- May conduct the inquiry in appropriate cases
- Appoints the inquiry official or committee, as required
- Replaces the first challenged person with a qualified substitute and determines whether to replace other challenged persons
- Determines whether additional expertise is needed
- Establishes conditions of confidentiality
- Protects against bias or conflicts-of-interest
- Develops the charge
- Provides the inquiry official or committee with advice on appropriate procedures
- Meets ORI or NSF notification requirements
- Takes appropriate interim administrative actions
- Seeks advice from federal agencies when an admission of misconduct is made
- Determines whether a time extension will be allowed
- Provides a draft report to the respondent
- Provides appropriate portions of the draft report to complainant
- Transmits the final report and comments to the deciding official
- Communicates the decision of the deciding official to the inquiry committee, complainant, and respondent.
- Notifies ORI or NSF if an investigation will be conducted
- Provides the final report and inquiry file to ORI or NSF upon request, if relevant
- Retains all inquiry records
- Reports "bad faith" allegations to the deciding official
- Undertakes reasonable efforts to restore the reputation of cleared respondents
- Undertakes reasonable efforts to protect "good faith" complainants and others who cooperated with the inquiry

Conduct of Investigation

- Notifies the respondent that an investigation will be conducted
- Sequesters additional research records when necessary
- May conduct the investigation in appropriate cases
- Appoints the investigation official or committee
- Replaces the first challenged person and determines whether to replace persons challenged later
- Determines whether additional expertise is needed
- Establishes conditions of confidentiality
- Protects against bias or conflicts-of-interest
- Develops the charge
- Convenes the first meeting of the investigation committee
- Provides the investigation official or committee with advice on appropriate procedures
- Meets ORI or NSF notification requirements, if relevant
- Takes appropriate interim administrative actions
- Seeks advice from federal agencies when an admission of misconduct is made

- Requests an extension if necessary from ORI or NSF and submits progress reports
- Submits plan to terminate an investigation to ORI or NSF
- Provides a draft report to the respondent
- Provides appropriate portions of the draft report to the complainant
- Transmits the final report and comments to the deciding official
- Notifies the respondent and complainant of the institution's findings and actions
- Retains all records of investigation
- Reports "bad faith" allegations to the deciding official
- Undertakes reasonable efforts to restore the reputation of cleared respondents
- Undertakes reasonable efforts to protect "good faith" complainants and others who cooperated with the inquiry

Post-Investigation

- Responds to requests from federal agencies for additional information or assistance during the review process
- Responds to requests from ORI for additional information or assistance during a DAB appeal

In his report, Provost Isenhour briefed the Committee on searches underway for the Dean of the College of Sciences, Executive Director of International Programs, and Vice Provost for Distance Learning; the University's participation in the Foundations of Excellence guided self-study of the First-Year Experience; University College; on-line course offerings; and new initiatives in the Office of Graduate Studies.

Marty Smith Sharpe, Assistant Vice President for Institutional Research and Assessment, provided an overview of the responsibilities of her department. Vice President Karim presented information on the research ranking of Old Dominion as reported recently by the National Science Foundation based on its FY 2004 data.

ADMINISTRATION AND FINANCE COMMITTEE

The Rector called on Mr. Jacobson for the report of the Administration and Finance Committee. Mr. Jacobson reported that the Committee approved, by unanimous vote, a resolution authorizing the University to participate in the Commonwealth's Treasury Board's 9c) bond issuance in order to finance up to \$9,500,000 in support of the University's Quad Housing Phase II project. 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. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

**RESOLUTION OF THE RECTOR AND VISITORS OF
OLD DOMINION UNIVERSITY**

QUAD HOUSING PHASE II

WHEREAS, there has been passed by the General Assembly of Virginia an act entitled "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2006" (the "2006 Act") which has been or is expected to be signed by the Governor;

WHEREAS, the 2006 Act may be repealed but the Project, as defined below, continues as an authorized project for bond financing through subsequent legislation (the 2006 Act and any such subsequent legislation, the "Act");

WHEREAS, pursuant to the Act, the Treasury Board of the Commonwealth of Virginia (the "Treasury Board") is authorized, by and with the consent of the Governor, to sell and issue bonds or bond anticipation notes of the Commonwealth of Virginia for the purpose of providing funds, with other available funds, for paying the cost of acquiring, constructing, renovating, enlarging, improving and equipping certain revenue-producing capital projects at certain institutions of higher learning of the Commonwealth and for paying issuance costs, reserve funds and other financing expenses (the "Financing Expenses"), all in accordance with the provisions of Section 9(c) of Article X of the Constitution of Virginia;

WHEREAS, such revenue-producing capital projects include a Quad Housing Phase II (Capital Outlay Project Number 221-17342) (the "Project") for Old Dominion University(the "Institution"); and

WHEREAS, the Treasury Board is proposing to sell and issue bonds or bond anticipation notes pursuant to the Act for such revenue-producing capital projects, in one or more series;

NOW, THEREFORE, BE IT RESOLVED BY THE RECTOR AND VISITORS OF OLD DOMINION UNIVERSITY:

Section 1. The Board of Visitors of the Institution (the "Board") requests the Treasury Board to sell and issue bonds or bond anticipation notes ("BAN's") in an aggregate principal amount not to exceed \$9,500,000 to finance all or a portion of the costs of the Project plus Financing Expenses (individually, the "Project Bonds" or "Project Notes", collectively, the "Project Borrowing"). The Project Borrowing will be identified by amount by the State Treasurer upon issuance of any bonds or BAN's.

Section 2. The Board (a) covenants to fix, revise, charge and collect a room and board fee and other rates, fees and charges, for or in connection with the use, occupation and services of the Project and (b) pledges such rates, fees and charges remaining after payment of (i) the expenses of operating the Project and (ii) the expenses related to all other activities funded by the room and board fee ("Net Revenues") to the payment of the principal of, premium, if any, and interest on the Project Borrowing. The Board further covenants that it will fix, revise, charge and collect such rates, fees and charges in such amounts so that Net Revenues will at all times be sufficient to pay, when due, the principal of, premium, if any, and interest on the Project Borrowing and on any other obligations secured by Net

Revenues (such payments collectively the "Required Payments"). The Project Borrowing shall be secured on a parity with such other obligations so secured by Net Revenues (other than any obligations secured by a prior right in Net Revenues). Any Net Revenues pledged herein in excess of the Required Payments may be used by the Institution for any other lawful purpose.

Section 3. It is hereby found, determined and declared that, based upon responsible engineering and economic estimates and advice of appropriate officials of the Institution, as shown on the Financial Feasibility Study attached hereto as Exhibit A, the anticipated Net Revenues pledged herein will be sufficient to pay the Required Payments so long as the aggregate amount of net debt service on the Project Borrowing actually payable in any bond year does not exceed the amounts assumed in the Financial Feasibility Study.

Section 4. The Board covenants that the Institution will furnish the Treasury Board its general purpose financial statements, within 30 days of their issuance and receipt, audited by a firm of certified public accountants or the Auditor of Public Accounts which shall include a schedule of revenues and expenditures for auxiliary enterprise systems. If Net Revenues are insufficient to pay Required Payments during such period, the Institution shall provide evidence of a plan to generate Net Revenues sufficient to make Required Payments in the future.

Section 5. The Board covenants that so long as any of the Project Notes are outstanding, the Institution will pay to the State Treasurer, not less than 30 days before each interest payment date, an amount estimated by the State Treasurer to be due and payable on such date as interest on the Project Notes. The Board covenants that so long as any of the Project Bonds are outstanding, the Institution will pay to the State Treasurer, not less than 30 days before each interest or principal payment date, the amount certified by the State Treasurer to be due and payable on such date as principal of, premium, if any, and interest on the Project Bonds.

Section 6. The Board covenants that the Institution will pay from time to time its proportionate share of all expenses incurred in connection with the sale and issuance of any series of bonds that includes Project Bonds or Project Notes and all expenses thereafter incurred in connection with the Bonds, including without limitation the expense of calculating any rebate to the United States of the earnings derived from the investment of gross proceeds of the Bonds, all as certified by the State Treasurer to the Institution.

Section 7. The Board covenants that the Institution will not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bonds to be includable in the gross income of the owners thereof for federal income tax purposes under existing laws. Without limiting the generality of the foregoing, the Institution will pay from time to time its proportional share of any rebate to the United States of the earnings derived from the investment of the gross proceeds of the Bonds.

Section 8. The Board covenants that the Institution will proceed with due diligence to undertake and complete the Project and that the Institution will spend all of the available proceeds derived from the sale of the Project Borrowing for costs associated with the Project and appropriated for the Project by the General Assembly.

Section 9. The Board covenants that the Institution will not permit the proceeds of the Project Borrowing to be used in any manner that would result in (a) 5% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds being used with respect to any output facility within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code. The Institution need not comply with such covenants if the Institution obtains the written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income of the owners thereof for federal income tax purposes.

Section 10. The Board covenants that for so long as any of the Bonds are outstanding the Institution will not enter into any operating lease, management contract or similar agreement with any person or entity, other than a state or local governmental unit, for all or any portion of the Project without first obtaining the written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that entering into such agreement will not cause the interest on the Bonds to be included in the gross income of the owners thereof for federal income tax purposes.

Section 11. The Board covenants that for so long as any of the Bonds are outstanding, the Institution will not sell or dispose of any or any part of the Project without first obtaining the written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that such sale or disposition will not cause interest on the Bonds to be included in the gross income of the owners thereof for federal income tax purposes.

Section 12. The officers of the Institution are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the sale and issuance of the Bonds.

Section 13. The Board acknowledges that the Treasury Board will rely on the representations and covenants set forth herein in issuing the Bonds, that such covenants are critical to the security for the Bonds and the exclusion of the interest on the Bonds from the gross income of the owners thereof for federal income tax purposes, that the Board will not repeal, revoke, rescind or amend any of such covenants without first obtaining the written approval of the Treasury Board, and that such covenants will be binding upon the Board so long as any of the Bonds are outstanding.

Section 14. This resolution shall take effect immediately.

The Committee also approved a Resolution authorizing the University to participate in the Virginia College Building Authority's 9d) bond issuance in order to finance up to \$1,250,000 in support of the University's Athletics Facilities Expansion and Indoor Tennis Center. 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.

(Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey)

**RESOLUTION OF THE BOARD OF VISITORS OF
OLD DOMINION UNIVERSITY**

ATHLETICS FACILITIES EXPANSION AND INDOOR TENNIS CENTER

WHEREAS, pursuant to Chapter 3.2, Title 23 of the Code of Virginia of 1950, as amended (the "Act"), the General Assembly of Virginia has authorized the Virginia College Building Authority (the "Authority") to develop a pooled bond program (the "Program") to purchase bonds and other debt instruments issued by public institutions of higher education in the Commonwealth of Virginia (the "Institutions") to finance or refinance the construction of projects of capital improvement specifically included in a bill passed by a majority of those elected to each house of the General Assembly of Virginia (the "Projects");

WHEREAS, the Authority intends to issue from time to time under the Program its Educational Facilities Revenue Bonds (Public Higher Education Financing Program) (the "Bonds") to finance the purchase of bonds and other debt instruments issued by the Institutions to finance or refinance the Projects, all in the furtherance of the purposes of the Act and the Program;

WHEREAS, the Board of Visitors of Old Dominion University (the "Board") may from time to time wish to finance or refinance Projects of Old Dominion University (the "Institution") through the Program;

WHEREAS, if the Institution wishes to finance or refinance a Project through the Program, it will be necessary for the Institution to enter into a Loan Agreement (a "Loan Agreement") between the Authority and the Institution and to evidence the loan to be made by the Authority to the Institution pursuant to the Loan Agreement by issuing the Institution's promissory note (the "Note") pursuant to Section 23-19 of the Code of Virginia of 1950, as amended, and pursuant to the Loan Agreement, the Authority will agree to issue its Bonds and to use certain proceeds of the Bonds to purchase the Note issued by the Institution and the Institution will agree to use the proceeds received from the Authority to finance or refinance the construction of the Project and to make payments under the Loan Agreement and the Note in sums sufficient to pay, together with certain administrative and arbitrage rebate payments, the principal of, premium, if any, and interest due on that portion of the Bonds issued to purchase the Note;

WHEREAS, the Institution now proposes to sell to the Authority the Institution's Note (the "2006A Note") to be issued under a Loan Agreement (the "2006A Loan Agreement") to finance or refinance from all or a portion of the proceeds of certain Bonds issued by the Authority in 2006 (the "2006A Bonds") a portion of the costs of construction and/or improvements of the Athletics Facilities Expansion & Indoor Tennis Center ([collectively,] the "2006A Project"), which has been authorized for bond financing by the General Assembly; and

WHEREAS, it is the desire of the Board to delegate to such Authorized Officers (as hereinafter defined) of the Institution the authority to approve, on behalf of the Board, the forms of

the 2006A Loan Agreement and the 2006A Note and, similarly, to authorize such Authorized Officers of the Institution to execute, deliver and issue in the name of and on behalf of the Institution, the 2006A Loan Agreement, the 2006A Note and any and all documents necessary or desirable to effectuate the financing or refinancing of all or a portion of the costs of the 2006A Project through the Program with the Authority and to facilitate the purchase of the 2006A Note by the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE INSTITUTION:

Section 1. The 2006A Project is hereby designated a Project to be undertaken and financed or refinanced by the Authority and, accordingly, the President and Vice President of Administration and Finance of the Institution (collectively, the “Authorized Officers”), are each hereby delegated and invested with full power and authority to approve the forms of the 2006A Loan Agreement and 2006A Note, and any pledge to the payment of the 2006A Note of the Institution’s total gross university sponsored overhead, unrestricted endowment income, tuition and fees, indirect cost recoveries, auxiliary enterprise revenues, general and nongeneral fund appropriations and other revenues not required by law or by previous binding contract to be devoted to some other purpose, restricted by a gift instrument for another purpose or excluded from such pledge as provided in the 2006A Loan Agreement, and such approval is hereby authorized, subject to the provisions of Section 3 hereof.

Section 2. Subject to the provisions of Section 3 hereof, the Authorized Officers are each hereby individually delegated and invested with full power and authority to execute, deliver and issue, on behalf of the Board, (a) the 2006A Loan Agreement and the 2006A Note with the approval of such documents in accordance with Section 1 hereof by any such officer evidenced conclusively by the execution and delivery of the 2006A Loan Agreement and 2006A Note, respectively, and (b) any and all other documents, instruments or certificates as may be deemed necessary or desirable to consummate the financing or refinancing of all or a portion of the costs of the 2006A Project through the Program, the construction of the 2006A Project and the Institution’s participation in the Program, and to further carry out the purposes and intent of this Resolution. The Authorized Officers are directed to take such steps and deliver such certificates prior to the delivery of the 2006A Note as may be required under existing obligations of the Institution, including bond resolutions relating to the Institution’s outstanding general revenue pledge bonds.

Section 3. The authorizations given above as to the approval, execution, delivery and issuance of the 2006A Loan Agreement and the 2006A Note are subject to the following parameters: (a) the principal amount to be paid under the 2006A Note allocable to each Project constituting part of the 2006A Project, together with the principal amount of any other indebtedness with respect to such Project, shall not be greater than the amount authorized for such Project by the General Assembly of Virginia, as the same may be adjusted as required or permitted by law, (b) the aggregate principal amount of the 2006A Note shall in no event exceed \$1,250,000, as the same may be so adjusted, (c) the interest rate payable under the 2006A Note shall not exceed a “true” or “Canadian” interest cost more than 50 basis points higher than the interest rate for “AA” rated securities with comparable maturities, as reported by Delphis-Hanover, or another comparable service or index, on the date that the interest rates on the 2006A Note are determined, taking into account original issue discount or premium, if any, (d) the weighted average maturity of the principal payments due under the 2006A Note shall not be in excess of 20 years, (e) the last principal payment date under the 2006A Note shall not extend beyond the period of the reasonably expected average weighted economic life of the

2006A Project, and (f) subject to the foregoing, the actual amount, interest rates, maturities, and date of the 2006A Note shall be approved by an Authorized Officer, which approval will be evidenced by the execution of the 2006A Note.

Section 4. The Board acknowledges, on behalf of the Institution, that if the Institution fails to make any payments of debt service due under any Loan Agreement or Note, including the 2006A Loan Agreement and the 2006A Note, the Program authorizes the State Comptroller to charge against the appropriations available to the Institution all future payments of debt service on that Loan Agreement and Note when due and payable and to make such payments to the Authority or its designee, so as to ensure that no future default will occur on such Loan Agreement or Note.

Section 5. The Board agrees that if the Authority determines that the Institution is an "obligated person" under Rule 15c2-12 of the Securities and Exchange Commission with respect to any issue of Bonds, the Institution will enter into a continuing disclosure undertaking in form and substance reasonably satisfactory to the Authority and the Institution and will comply with the provisions and disclosure obligations contained therein.

Section 6. This resolution shall take effect immediately upon its adoption.

The Committee approved a resolution that will permit reimbursement from bond proceeds of preliminary design and construction costs for the Powhatan Sports Center in anticipation of the need to make these expenditures prior to the sale of bonds. 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. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

RESOLUTION OF THE BOARD OF VISITORS
OF OLD DOMINION UNIVERSITY
POWHATAN SPORTS CENTER

WHEREAS, the Board of Visitors (the "Board") of Old Dominion University (the "University"), has determined that it is necessary and expedient to undertake certain expenditures (the "Expenditures") in connection with the acquisition, design, construction and equipping of the Powhatan Sports Center, a project necessary to develop athletic sports facilities for the initiation of various intercollegiate athletic programs (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board has determined that those moneys previously advanced no more than sixty (60) days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the University for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds"); and

WHEREAS, Section 1.150-2 of the treasury regulations issued pursuant to the Internal Revenue Code of 1986, as amended, requires that there must be declared an official intent by the University or the issuer of the Bonds to reimburse the Expenditures with the proceeds of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF VISITORS OF OLD DOMINION UNIVERSITY:

1. There is hereby declared official intent to finance the Project with the Bonds, including such Expenditures with respect to the Project as are incurred prior to the issuance of the Bonds but no more than sixty (60) days prior to adoption of this Resolution.

2. The maximum principal amount of the Bonds expected to be issued with respect to the Project is not expected to exceed \$28,800,000.

3. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the University so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the University.

4. The University will make a reimbursement allocation, which is a written allocation by the University that evidences the University's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure is paid. The University recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

5. The President and/or Vice President for Administration and Finance of the University are hereby authorized to perform such other acts as may be required to implement the undertakings as hereinabove set forth.

6. This Resolution shall take effect immediately upon its adoption.

In his report to the Committee, Vice President Fenning reviewed fall semester sales and service activity to date in food services, the Card Center, Bookstore and parking and transportation, and provided a status report on the various projects in the University Village. He noted that the Commonwealth's Secretary of Finance recently notified the University that it has again met all the required Management Standards for Institutions of Higher Education for FY2005-2006. Similarly, the National Purchasing Institute awarded the Achievement of Excellence in Procurement Award, for the second year in a row, to the University's Department of Construction & Procurement Services for 2006. He reviewed highlights of a report issued by the State Council of Higher Education on 2006-2007 tuition and fees at

Virginia’s state-supported colleges and universities, and briefed the Committee on actions taken by the Boards of Visitors of other institutions in order to exercise Level I authority under the 2005 Restructured Higher Education Financial Administrative Operations Act.

Dale Feltes, Director of Design and Construction, and Patrick Ramirez of Moseley Architects, reviewed the final design and schedule for the new Student Recreation Center. Rusty Waterfield, Acting Assistant Vice President for Computing and Communications Services, shared network and information technology initiatives recently undertaken by the University.

The Committee received the standing reports on Capital Outlay projects from Dale Feltes and the status of the University investments by Vice President Alonzo Brandon.

INSTITUTIONAL ADVANCEMENT COMMITTEE

The Rector called on Ms. Tsao for the report of the Institutional Advancement Committee. Ms. Tsao reported that the Committee considered three action items. The first is a Resolution recommending several naming opportunities for buildings on campus. The following resolution was brought forth as a recommendation of the Institutional Advancement Committee and was approved by all members present and voting. *(In favor: Copeland, Croshaw, Jacobson, Kirk, Mugler, O’Neill, Stallings, Treherne, Tsao, Woolsey. Abstained: Batten, Hixon)*

RESOLUTION TO NAME RESIDENCE HALLS

WHEREAS, The naming of student housing offers an outstanding and appropriate opportunity for Old Dominion University to honor individuals who have been instrumental in shaping its history; and

WHEREAS, The individuals listed below provided exceptional voluntary service as leaders of Old Dominion University boards; and

WHEREAS, It is also fitting to recognize Old Dominion University’s connection to the region and to the history which gave the institution its name.

THEREFORE, BE IT RESOLVED, That the Board of Visitors of Old Dominion University approves the naming of the following student residence halls:

Powhatan Complex	
Powhatan A	Francis N. Crenshaw House
Powhatan B	Edgar S. Everhart House
Powhatan C	Dorothy M. Doumar House
Powhatan D	M. Lee Payne House

Powhatan E	Robert M. Stanton House
Powhatan F	Richard F. Barry III House
Powhatan G	James K. Hall House
Powhatan H	Arnold B. McKinnon House
Powhatan I	Arthur A. Diamonstein House
Powhatan J	Anne B. Shumadine House
Powhatan K	James F. Babcock House
Powhatan L	Edward L. Hamm, Jr. House
Powhatan M	Walter D. Kelley, Jr. House
Powhatan N	Frank Batten, Jr. House
Powhatan AA	James A. Hixon House
Powhatan BB	James H. Culpeper House
Powhatan CC	F.A. "Buddy" Davis House
Powhatan DD	Donald G. Griffin House
Powhatan EE	Franklin House
Powhatan FF	Gloucester House
Powhatan GG	Isle of Wight House
Powhatan HH	James City House
Powhatan II	Mathews House
Powhatan JJ	Southampton House
Powhatan KK	Surry House
Powhatan LL	York House
Powhatan MM	George Dragas, Jr. House
Powhatan NN	Hugo A. Owens, Sr. House
University Quad Complex	
Quad A	Ireland House
Quad B	Virginia House
Quad C	Scotland House
Quad D	France House
University Village Complex	
Village Apartment 1	Chesapeake House
Village Apartment 2	Hampton House
Village Apartment 3	Newport News House
Village Apartment 4	Norfolk House
Village Apartment 5	Poquoson House
Village Apartment 6	Portsmouth House

Village Apartment 7	Smithfield House
Village Apartment 8	Suffolk House
Village Apartment 9	Virginia Beach House
Village Apartment 10	Williamsburg House

BE IT FURTHER RESOLVED, that this Resolution be spread across the minutes of the Board of Visitors, and plaque be prominently displayed outside each building.

The Committee also approved Resolutions of Appreciation for Dana Burnett, former Vice President for Student Services, and Claire Ackiss, former Executive Director of Alumni Relations. The following resolutions were brought forth as recommendations of the Institutional Advancement Committee and were approved by all members present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

RESOLUTION OF APPRECIATION
Dana D. Burnett

WHEREAS, Dana D. Burnett began his career at Old Dominion University in 1972 as Director of Financial Aid and Placement after having served as a Financial Aid Counselor at Indiana University; and in 1974 was appointed to the position of Dean of Students and held positions of increasing responsibility until he was appointed Vice President for Student Services and Dean of Students in 1984, which resulted in a career spanning 34 years in Student Services; and

WHEREAS, Dr. Burnett, during his tenure as Chief Student Affairs Officer, created key offices within the division of Student Affairs, including the Student Health Center, the Women's Center, Counseling Services and Disability Services; and

WHEREAS, Dr. Burnett also served in the dual role of Professor and Chief Student Affairs Officer, teaching numerous and varied courses over the years within the Department of Educational Leadership and Counseling; and

WHEREAS, Dr. Burnett took the leadership in establishing Old Dominion University's Student Emergency Loan Fund and the Christina Maria Emergency Loan Fund, which provide a source of temporary funds to ODU students who require immediate financial support due to emergencies; and

WHEREAS, Dr. Burnett led efforts to identify potential community college partners and brought to fruition new distance learning sites, which resulted in new markets in Illinois, North Carolina, Arizona and Georgia; and

WHEREAS, Dr. Burnett served as a staunch voice for and strong supporter of Old Dominion University students, creating such programs as PAW (Programs All Weekend), which benefited over 17,800 students last year; and

WHEREAS, on the occasion of his appointment as Chair of the Educational Leadership and Counseling Department in the Darden College of Education at Old Dominion University, it is appropriate to recognize Dr. Burnett for his many contributions to the University.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Visitors expresses its sincere appreciation to Dr. Dana D. Burnett for his loyal and outstanding service to Old Dominion University and its students and wishes him great success in his current and future endeavors.

BE IT FURTHER RESOLVED, that these words be spread upon the minutes of the Board of Visitors and that an appropriately framed Resolution be presented to Dr. Burnett.

RESOLUTION OF APPRECIATION

E. Claire Ackiss

WHEREAS, E. Claire Ackiss' career at Old Dominion University has spanned thirty years since she joined the Athletics Department in 1976; and

WHEREAS, Ms. Ackiss joined the Office of Alumni Relations in 1985 and held various positions of increasing responsibility until she was appointed Director in June 2003, and Executive Director in March 2005; and

WHEREAS, from February 2001 through June 2003, Ms. Ackiss took on additional responsibilities as the Coordinator for Governmental Relations; and

WHEREAS, during Ms. Ackiss' career at Old Dominion University, she has worked under four university presidents and twenty-two Alumni Association presidents, and has seen the alumni base grow from 38,000 to more than 100,000; and

WHEREAS, during Ms. Ackiss' tenure as Executive Director, she oversaw the renovation and opening of the first Alumni Center, the creation of and fundraising for the new Adam Thoroughgood Scholarship, the development of the Online Alumni Community, and the launch of the quarterly newsletter, True Blue; and

WHEREAS, Ms. Ackiss' love and enthusiasm for her University and her alumni are well-known and have earned her the reputation of making every individual alumna and alumnus feel special and welcomed; and

WHEREAS, on the occasion of her retirement from Old Dominion University, it is fitting to recognize Ms. Ackiss for the contributions she has made to her Alma Mater.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Visitors expresses its sincere appreciation to Ms. E. Claire Ackiss for her devoted service to Old Dominion University and its alumni and wishes her well as she enters the next phase of her life.

BE IT FURTHER RESOLVED, that these words be spread upon the minutes of the Board of Visitors and that an appropriately framed Resolution be presented to Ms. Ackiss.

Cecelia Tucker, Director of Community Relations, briefed the Committee on the Lambert's Point Summer Program and introduced two students who were participants in the program as youngsters.

Alice McAdory, Executive Director of Admissions and Assistant Vice President for Institutional Advancement, provided an enrollment report and introduced four students who shared with the Committee why they chose to attend Old Dominion University.

Victoria Burke, Director of University Publications, discussed Community Care Day scheduled for Friday, October 13, and presented samples of several publications.

Dick Whalen, Director of Military Activities, introduced new Army and Naval ROTC staff officers, including Master Sgt. Burnett who was selected as the Army's 2006 "Soldier of the Year."

STUDENT ADVANCEMENT COMMITTEE

The Rector called on Ms. Croshaw for the report of the Student Advancement Committee. Ms. Croshaw reported that the Committee enjoyed a hip-hop dance performance by Rex Marcelina, President of the Urban Street Dance Association. The Committee also met with members of the South Asian Cultural Association and the Freshmen Class Council to hear about their activities.

Jim Jarrett, Athletic Director, provided summer sports highlights and reviewed the schedule to initiate Division I-AA football by Fall, 2009. Murray Rudisill, coach of the men's golf team, discussed how the new Lambert's Point golf course adjacent to the campus has helped his recruitment efforts.

In her report to the Committee, Interim Vice President Walker-Johnson spoke about fall semester opening activities, including a "soft opening" of residence halls on the Wednesday of opening week as a way to help students get settled in before the start of classes. She also discussed the opening of the first building in the Quad I residence halls on October 8 and the opening of temporary Recreational Sports facilities due to the demolition of the H&PE Building. She described the PAWS-On Homecoming Contest for students to earn a chance at winning a leased car for a year.

REPORT OF NOMINATING COMMITTEE

The Rector called on Mr. Batten, Chair of the Nominating Committee, for the Committee's report. Mr. Batten spoke briefly about each of the outgoing officers and thanked them for their service. He then spoke briefly about each of the nominees and presented the following slate of officers for the 2006-2008 term:

RECTOR -	Marc Jacobson
VICE RECTOR -	Kendra M. Croshaw
SECRETARY -	Pamela C. Kirk

The Rector asked for nominations from the floor. Hearing none, a motion was made by Mr. Stallings to close nominations. The motion was seconded by Ms. Woolsey and approved unanimously by all members present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

The Rector then asked for approval of the slate of officers as presented. The slate was approved unanimously by all members present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

CLOSED SESSION

The Rector recognized Ms. Woolsey, who made the following motion: "Mr. Rector, I move that this meeting be recessed, and, as permitted by Virginia Code Sections 2.2-3711(A)(1), we reconvene in closed session for the purpose of discussing the evaluation and compensation of the President of the University. In addition, the Board finds it necessary to allow Mr. Strome to listen to the closed session via telephone." The motion was seconded and approved unanimously by all members present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

RECONVENE IN OPEN SESSION AND FOIA CERTIFICATION

At the conclusion of the closed session, the meeting reconvened in open session, at which time the Rector called for the Freedom of Information Act certification of compliance that (1) only public business matters lawfully exempted from the open meeting requirements under the Freedom of Information Act were discussed and (2) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered. The certification of compliance vote was eleven in favor and none opposed. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

REPORT OF THE PRESIDENTIAL EVALUATION AND COMPENSATION COMMITTEE

Mr. Hixon reported that the Board is extremely pleased with President Runte's performance. He encouraged her to use the funds made available to her from the Foundation to cover costs of attending functions in her capacity as Old Dominion's President. Ms. Woolsey also expressed her appreciation for all the University has accomplished under President Runte's leadership, noting that when she was first appointed to the Board she had concerns about Old Dominion University that she no longer has, and that she knew Old Dominion University would accomplish great things in academics, research, athletics and fundraising, but she didn't think it would happen this soon.

The Committee recommended the following adjustments to the President's compensation:

- (1) That her current salary be increased from \$300,150 to \$312,156. The state-funded portion, as mandated by the General Assembly, will increase by 4% from \$145,972 to \$151,811, and the non-state portion would also increase by 4% from \$154,178 to \$160,345, effective November 25, 2006.
- (2) That her contract be amended to extend her employment term through 2010 and to increase the designated annual deferred compensation amounts, as follows:
 - a. 2006-07 - \$20,000
 - b. 2007-08 - \$20,000
 - c. 2008-09 - \$20,000
 - d. 2009-10 - \$20,000
 - e. 2010-11 - \$25,000
 - f. 2011-12 - \$100,000

The recommendation from the Presidential Evaluation and Compensation Committee was unanimously approved by all members of the Board present and voting. (*Batten, Copeland, Croshaw, Jacobson, Kirk, Mugler, O'Neill, Stallings, Treherne, Tsao, Woolsey*)

OLD/UNFINISHED BUSINESS

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

NEW BUSINESS

The Rector expressed his appreciation to his fellow officers, the Board and the administration for their support during his term as Rector. President Runte and the Board expressed their appreciation to Mr. Hixon for his leadership as Rector. There was no new business to come before the Committee.

With no further business to be discussed, the meeting was adjourned at 3:40 p.m.