

**DRAFT – SUBJECT TO BOARD APPROVAL**

**OLD DOMINION UNIVERSITY**

**BOARD OF VISITORS**

**Friday, June 13, 2008**

**MINUTES**

The Board of Visitors of Old Dominion University held its annual meeting on Friday, June 13, 2008, at 2:00 p.m. in the Board Room of Webb University Center on the Norfolk campus. Present from the Board were:

Marc Jacobson, Rector  
Kenneth E. Ampy  
Kendra M. Croshaw  
James A. Hixon  
Pamela C. Kirk  
Barry M. Kornblau  
Ross A. Mugler  
Robert J. O’Neill  
Moody E. Stallings, Jr.  
Katherine A. Treherne  
Meredith B. Lee (Student Representative)

Absent were:

Frank Batten, Jr.  
Robert O. Copeland  
David W. Faeder  
Harold W. Gehman, Jr.  
Conrad M. Hall  
Mark E. Strome  
Pat Tsao

Also present were:

Roseann Runte, President	Velvet Grant-Johnson
Matt Bowers ( <i>The Virginian-Pilot</i> )	Donna W. Meeks
John R. Broderick	Carol Simpson
Dale Feltes	Karen Travis
Robert L. Fenning	Geneva Walker-Johnson
Velvet Grant-Johnson	F. Richard Whalen
William R. Fisher	Maj. Gen. Montague Winfield
Glenda L. Humphreys	James D. Wright

## **CALL TO ORDER AND SPECIAL PRESENTATION**

The Rector called the meeting to order at 2:20 p.m. Major General Montague Winfield, U.S. Army Cadet Command, representing all military services, presented Roseann Runte with the Department of Defense Civilian Outstanding Services Award in recognition of her support of the military during her tenure as President of Old Dominion University.

## **APPROVAL OF MINUTES**

The Rector asked for approval of the minutes of the regular meeting held on April 11, 2008. Upon a motion made by Ms. Croshaw and seconded by Dr. Treherne, the minutes were approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

## **RECTOR'S REPORT**

The Rector welcomed Brier Lee as the new student representative to the Board. He then presented the following Resolution of Appreciation to President Roseann Runte, which was approved by acclamation of the Board of Visitors.

### **RESOLUTION OF APPRECIATION**

#### **Roseann Runte**

WHEREAS, the Board of Visitors of Old Dominion University, at its meeting on June 26, 2000, appointed Roseann Runte as the seventh President of Old Dominion University, thus beginning her tenure spanning seven years from July 1, 2001, through June 30, 2008; and

WHEREAS, Dr. Runte's presidency was marked by a period of significant growth at Old Dominion University – in its endowment, state funding, academic programs, enrollment, academic programs, research grants and expenditures, and endowed chairs; and

WHEREAS, under Dr. Runte's leadership, the campus itself has undergone a substantial transformation, with the opening of the University Village, new academic and athletic facilities, and major building renovations; and

WHEREAS, Dr. Runte's understanding and appreciation of the University's role in the life of its students, its importance in the greater community and its dedication to the arts and sciences resulted in the establishment of University College, the Community Development Corporation, Research Expo and the ONFilm Festival; and

WHEREAS, the establishment of new traditions, such as Community Care Day, Grand Illumination, the Summer Concert Series and Family Weekend, has enlivened the campus community and promoted better relations with ODU's neighbors; and

WHEREAS, though never having attended a football game, Dr. Runte understood the value of reestablishing collegiate football at ODU as a way to enrich and energize the campus

community, while recognizing the importance of a broad athletics program and without sacrificing academic integrity and continuing scholastic excellence; and

WHEREAS, Dr. Runte touched the lives of all around her – the students for whom her door was always open, the faculty and staff whose concerns and ideas she welcomed, the alumni whom she recognized as vital to the growth of the institution, and the members of the Board of Visitors, whose advice and counsel she valued; and

WHEREAS, on the occasion of Dr. Runte’s departure from Old Dominion to become President of Carleton University, it is appropriate to recognize her for her many contributions to the University.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Visitors expresses its gratitude and sincere appreciation to Dr. Roseann Runte for her loyal and outstanding service to Old Dominion University and wishes her good health, fair winds and following seas as she embarks on this new chapter 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 copy of this Resolution be presented to Dr. Runte with the profound thanks of the Board of Visitors.

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### **PRESIDENT’S REPORT**

In her last report to the Board, President Runte shared what she considered to be the major challenges and opportunities for the Board and the administration of Old Dominion University. These include the external environment (economy, competition, political change, collaboration), the internal environment, delivery of instruction (campus vs. distance, TELETECHNET vs. videostreaming, individual vs. group, etc.), and preserving culture while resolving cultural conflicts. Under the leadership of the Board, and with the great team of administrators, faculty and staff, the solutions exist to meet these challenges and capitalize on opportunities. She thanked the members of the Board for their support during her tenure.

At the conclusion of her remarks, Mr. Stallings commented on President Runte’s leadership in bringing football at Old Dominion.

### **MOTION FOR CLOSED SESSION**

The Rector recognized Mr. Ampy, who made the following motion, “Mr. Rector, I move that this meeting be recessed, and, as permitted by Virginia Code Section 2.2-3711(A)(1), we reconvene in closed session for the purpose of discussing personnel matters related to selection of a new president.” The motion was seconded and approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O’Neill, Stallings, Treherne*).

## **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 nine in favor and none opposed (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

## **ACTION ITEMS**

### **AUDIT COMMITTEE**

Chairman Stallings indicated that the Committee had no action items to present to the Board.

### **INSTITUTIONAL ADVANCEMENT COMMITTEE**

The Rector called on Mr. Mugler who presented the following resolution as a recommendation of the Institutional Advancement Committee. The motion was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

### **RESOLUTION TO NAME THE ATRIUM OF DRAGAS HALL THE HUGHES ATRIUM**

WHEREAS, Old Dominion University constructed Hughes Library - later shortened to Hughes Hall - in 1958, which was considered the “first modern-style building to adorn campus as it extended southward,” according to *Old Dominion Heritage and Horizons*; and

WHEREAS, Hughes Hall was named for Robert Morton Hughes, a Norfolk attorney, higher education activist, former rector of the College of William and Mary and founder of the Norfolk Division; and

WHEREAS, Mr. Hughes believes that a two-year branch of the College of William and Mary should be established in Norfolk, which led to the creation of the College Committee of the Norfolk-Portsmouth Chamber of Commerce; and

WHEREAS, The Old Dominion University Board of Visitors voted that Hughes Hall be renamed Dragas Hall in advance of the demolition of Dragas International Center, which was located in the area of the Foreman Field renovation project.

THEREFORE, BE IT RESOLVED, that the Board of Visitors of Old Dominion University approve naming the atrium of Dragas Hall, “Hughes Atrium.”

BE IT FURTHER RESOLVED, that this Resolution be spread across the minutes of the Board of Visitors, and an appropriately framed copy be displayed in the Hughes Atrium of Dragas Hall.

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**STUDENT ADVANCEMENT COMMITTEE**

The Rector called on Dr. Treherne to introduce the action items from the Student Advancement Committee. Dr. Treherne stated that the Committee reviewed the proposed additional change to the Student Disciplinary Policies and Procedures, Section V, Code of Student Conduct. This section refers to students' misconduct off campus. At the request of the Student Advancement Committee, representatives of student organizations were asked for their input and opinions about the proposed changes. Their responses were supportive of the proposed changes and were made available to the committee at the meeting.

The following resolution was brought forth as a recommendation of the Student Advancement Committee and was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

**REVISIONS TO THE STUDENT DISCIPLINARY  
POLICIES AND PROCEDURES**

RESOLVED, that upon the recommendation of the Student Advancement Committee, the Board of Visitors approves the following revisions to the Student Disciplinary Policies and Procedures, approved by the Board of Visitors on August 27, 1970 and last revised on April 7, 2006.

**NUMBER:** 1530  
**TITLE:** Student Disciplinary Policies and Procedures  
**APPROVED:** August 27, 1970; Revised April 5, 1979; Revised April 6, 1984; Revised February 14, 1985; Revised February 12, 1987; Revised December 8, 1994; Revised June 20, 1996, Revised June 18, 1998; Revised June 17, 1999; Revised September 14, 2000; Revised June 16, 2001; Revised December 10, 2004, April 7, 2006

I. Preamble

Students are expected and required to assume the responsibility for their own behavior and to abide by the laws of the Commonwealth of Virginia and the rules and regulations of Old Dominion University. A student who violates the following general standards of conduct may be subject to administrative actions (as defined in Section III-G), or to one or more disciplinary sanctions (as defined in section VII), whether or not civil authorities choose to prosecute.

## II. Authority

Old Dominion University is governed by its Board of Visitors and supported by the Commonwealth of Virginia. The Board is specifically authorized to regulate student conduct by state statute.

## III. Definitions

As used in this document, the following terms shall have the meanings ascribed to them as follows:

- A. Vice President for Student Affairs (**hereafter referred to as “Vice President”**): The University official who has primary responsibility for the administration of all student discipline. He/she exercises final decision-making authority for cases which have been heard by the Student Conduct Committee. ~~The vice president~~ **This official** may delegate all or part of this responsibility to such other persons as he/she deems appropriate; **In the event there is no Vice President, the President shall designate the official to oversee this responsibility;**
- B. Code of Student Conduct: The statement of rules and regulations governing student conduct as established by the Board of Visitors and contained in Section V herein;
- C. Chair: The head of the Student Conduct Committee and presiding officer at Student Conduct Committee hearings; A vice chair shall assume the duties of chair, when the chair is unavailable.
- D. Student: A person who (1) has been admitted to or has enrolled or intends to enroll at the University, and (2) has not completed a program of study for which she/he was enrolled. Student status continues whether or not the University's academic programs are in session. **For the purposes of pursuing alleged violations of the Code of Student Conduct, each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end (even if the student's conduct is not discovered until after a degree is awarded).**
- E. The Student Conduct Committee: A faculty/student judicial body authorized to hear and adjudicate alleged violations of the Code of Student Conduct.
- F. ~~Plagiarism: A student will have committed plagiarism if he or she reproduces someone else's work without acknowledging its source; or if a source is cited which the student has not cited or used. Examples of plagiarism include: submitting a research paper obtained from a commercial research service, the Internet, or from another student as if it were original work; making simple changes to borrowed materials while leaving the organization, content, or phraseology intact; or copying material from a source, supplying proper documentation, but leaving out quotation marks. Plagiarism also occurs in a group project if one or more of the members of the group does none of the group's work and participates in none of the group's activities, but attempts to take credit for the work of the group.~~
- GF.** Administrative Action: The issuance of an oral or written warning, admonition, reprimand, and/or use of counseling procedures.

- HG.** University Hearing Officer: The University official or officials assigned by the vice president for student affairs to conduct disciplinary proceedings and administrative action.
- HI.** Disciplinary Proceedings: Those proceedings initiated by a notice of charges and governed by the provisions of Section VIII. The term Disciplinary Proceedings does not include Administrative Action.
- II.** Honor Council: A student organization which educates members of the academic community about the University's standards of academic integrity. The Council also monitors student adherence to these standards, and provides panel members to serve on the Student Conduct Committee.

IV. Honor Code

“We, the students of Old Dominion University, aspire to be honest and forthright in our academic endeavors. Therefore, we will practice honesty and integrity and be guided by the tenets of the Monarch Creed. We will meet the challenge to be beyond reproach in our actions and our words. We will conduct ourselves in a manner that commands the dignity and respect that we also give to others.”

V. Code of Student Conduct

University students shall conduct themselves in a manner compatible with the University's educational mission and shall be disciplined only for misconduct adversely affecting that mission-, **regardless of whether the alleged misconduct occurs on or off campus.** ~~Any student who conspires to commit, or who participates in an action that results in a violation of the Code of Student Conduct, shall be bound by the acts of every person participating in such an action and shall be disciplined accordingly.~~ **The University will pursue off-campus misconduct only when the student's behavior compromises the health, safety or well being of the University community or when the misconduct reflects upon a student's fitness to remain enrolled at the institution.** Specifically, students are subject to disciplinary action for the following:

- A. Academic dishonesty, including but not limited to ~~plagiarism and all forms of academic cheating,~~ **a violation of one or more of the following standards of academic honesty in any academic activity** and failure to report known violations of the honor pledge;
  1. **Cheating: Intentionally or knowingly using authorized materials, study aids or other information. Examples of cheating include, but are not limited to, the following: using unapproved resources, information or assistance to complete an assignment, paper, project, quiz or exam; intentionally or knowingly collaborating on any academic work in violation of oral and/or written instructions provided by a faculty member; or submitting a paper for which the content and organization is substantially the same as a paper previously submitted for another course, without first obtaining permission from the instructor of each course.**
  2. Plagiarism: ~~A student will have committed plagiarism if he or she reproduces someone else's work~~ **Intentionally or knowingly representing the words or ideas of another as one's own** without **properly** acknowledging its **their** source; or if a source is cited which the student has not cited or used. Examples of plagiarism include, **but are**

**not limited to, the following:** submitting a research paper obtained from a commercial research service, the Internet, or from another student as if it were original work; making simple changes to borrowed materials while leaving the organization, content, or phraseology intact; or copying material from a source, supplying proper documentation, but leaving out quotation marks. Plagiarism also occurs in a group project if one or more of the members of the group does none of the group's work and participates in none of the group's activities, but attempts to take credit for the work of the group.

3. **Fabrication: Intentionally or knowingly inventing, altering or falsifying any data, citation or information. Examples of fabrication include, but are not limited to, the following: citation of a primary source which the student actually obtained from a secondary source; or invention or alteration of experimental data without appropriate documentation (such as statistical outliers).**

4. **Facilitation: Intentionally or knowingly helping another student violate, or attempt to violate, any standard of academic honesty, or failure to report known violations of academic dishonesty.**

- B. Forgery, alteration, or misuse of University or other official documents, records, or identification;
- C. Knowingly furnishing false information to the University;
- D. Obstruction or disruption of University operations;
- E. Obstruction or disruption of University-authorized activities;
- F. Physical or violent verbal abuse of any person ~~on property owned or controlled by the University, or at functions sponsored or supervised by the University;~~
- G. Conduct that threatens or endangers the health or safety of any person, ~~including oneself, on property owned or controlled by the University or at functions sponsored or supervised by the University;~~
- H. Theft of or damage to University property;
- I. Theft of ~~or intentional damage to~~ private property, **or causing intentional or reckless damage to private property** ~~on premises owned or controlled by the University;~~
- J. Unauthorized entry of University facilities or property;
- K. Unauthorized access, use or misuse of University property including, but not limited to: attempting to leave the library with library materials which have not been properly borrowed; unauthorized use or misuse of computer equipment, computer accounts, computer software and hardware; or misuse of University telephones;
- L. Violation of University regulations or campus policies approved by either the Board of Visitors or the president and described in official University publications, (e.g. Old Dominion University Catalog, Student Handbook, TELETECHNET Student Handbook);

- M. Use or possession of alcohol, marijuana, narcotics, ~~illicit drugs~~ **controlled substances**, or drug paraphernalia (except as expressly permitted by law or University regulations) ~~on property owned or controlled by the University;~~
- N. The sale or distribution of marijuana, narcotics, or dangerous drugs ~~(except as expressly permitted by law) on property owned or controlled by the University or at functions sponsored or supervised by the University;~~
- O. Violation of University Residence Hall policies (consult the Residence Hall Handbook);
- P. Lewd, indecent, or obscene displays of conduct ~~on property owned or controlled by the University or at functions sponsored or supervised by the University or University-related organizations;~~
- Q. Drunken or disorderly behavior ~~on property owned or controlled by the University or at functions sponsored or supervised by the University or University-related organizations;~~
- R. Intimidating behavior directed toward any student, faculty member, staff member, or administrator;
- S. Failure to comply with the directions of a University officials, **their authorized agents, and local police agencies** acting in the performance of ~~his or her~~ **their** duties;
- T. Violation of the University's firearms policy;
- U. Circulating a report or warning that property under University control or supervision may be subject to a bombing, fire, crime, emergency, or other catastrophe, knowing that the report or warning is false;
- V. Tampering with safety equipment or the inappropriate use or possession of safety equipment on property owned or controlled by the University;
- W. Giving false testimony or evidence at any official University hearing or to any university official;
- X. Conduct deemed unlawful by **any local, state or federal civil or criminal law. Violations of law may be regarded as a violation of this Code regardless of whether the offense is prosecuted in a court of law** ~~the criminal statutes of the Commonwealth of Virginia or the United States of America and conduct that endangers or threatens the security of the University community;~~
- Y. Violations of the conditions of a sanction imposed through University disciplinary procedures;
- Z. Violation of the University's sexual assault policy;
- AA. The unreasonable use of complimentary materials and/or supplies provided for the benefit or consumption of the University community;
- AB. Retaliation;~~;~~

**AC. Providing assistance to any person who violates, or attempts to violate, any portion of the Code of Student Conduct;**

**AD. Impersonation of a University official.**

VI. Violations of Residence Hall Rules and Regulations

It is recognized that living in groups requires a certain amount of tolerance and conformity by all concerned. Rules controlling conduct within housing owned or controlled by the University are promulgated by the Office of Student Housing to enhance the freedom and comfort of everyone living in the residence halls. These rules, along with procedures for their enforcement and applicable sanctions, are published in the Residence Hall Handbook available from the Office of Student Housing.

The Old Dominion University Code of Student Conduct and disciplinary procedures apply to all students, including those who live in the residence halls. Alleged violations of the Code by residence hall students will be forwarded to the vice president for student affairs or his/her designee.

VII. Sanctions

A student who violates the Code of Student Conduct may be subject to the following sanctions. Sanctions of suspension, dismissal and any **grade** sanction resulting from an act of academic dishonesty will be recorded on the student's official University transcript. **Additionally, an "academic dishonesty" notation may be applied to the student's transcript as described in Section VIII.B.** All sanctions will be recorded in the student's discipline file, which will be maintained by the Office of Student Judicial Affairs.

A. Restitution

Restitution may include payment for damage to University property or facilities, payment for damage to the property or person of a member of the University community, and repayment of misappropriated or misused University funds.

B. Disciplinary Probation

Disciplinary probation is a period of fixed duration **during in** which the fitness of a student to continue at the University is evaluated. Disciplinary probation serves as a warning to the student that future violations of the Code of Student Conduct may result in more serious sanctions including suspension or dismissal. **Subsequent violations which occur during the student's probationary period will normally result in a review for suspension from the University.** Disciplinary probation may include mandatory conditions such as the following by way of illustration **and not limitation:**

- Exclusion from privileged or extracurricular activities at the University;
- Suspension of residence privileges in property owned or controlled by the University;
- **Educational sanctions, such as papers, projects, meetings or other appropriate educational activities;**
- Mandatory participation in classes, and/or other lawful activities deemed appropriate, as a means of rehabilitating the student found in violation of the Code of Student Conduct.

- A fine of an amount specified by the hearing officer or Student Conduct Committee and approved by the ~~v~~Vice ~~p~~President for student affairs.

In cases where misconduct is the result of abuse of alcohol or other drugs, mandatory alcohol or drug education may be a required condition of the probation.

C. Disciplinary Suspension

Disciplinary suspension is the temporary separation of a student from the University. In cases of disciplinary suspension, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.

D. Disciplinary Dismissal

Disciplinary dismissal is the permanent separation of a student from the University. In cases of disciplinary dismissal, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.

E. **Revocation of Admission and/or Degree**

**Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violations of institutional standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.**

~~E~~F. Summary Disciplinary Dismissal

Summary disciplinary dismissal is the immediate separation of a student from the University and is authorized by the vice president or a designated representative when the continued presence of the student at the University constitutes a danger to the health, safety, or welfare of the University community. At the time a student is summarily dismissed, the student shall be informed of his or her right to a hearing in accordance with the procedures contained in the Student Disciplinary Policies and Procedures. Such hearing shall be held without undue delay and the student shall remain dismissed until the hearing determines the student's status.

~~E~~G. Minimum Sanctions for Alcohol Violations

First Offense: Probation for one Year, \$50.00 fine, mandatory workshop, parental notification for underage offenses.

Second Offense: Probation for an additional year, \$100.00 fine, additional workshop and or counseling, parental notification.

Third Offense: Suspension for one semester, parental notification.

## GH. Minimum Sanctions for Illegal Drug Violations

First Offense: Dismissal from University housing and disciplinary probation for one year; ~~\$50.00~~ **\$100.00** fine, mandatory workshop and parental notification.

Second Offense: Disciplinary suspension

Persons found to be involved in the sale of illegal drugs will be subject to permanent dismissal from the University.

## VIII. Disciplinary Procedures

### A. Administrative Action Proceedings

Administrative action proceedings are informal investigations conducted by a University hearing officer for alleged violations of University regulations by a student or a student organization. The hearing officer may take administrative action without instituting disciplinary proceedings, and such action shall be final and not subject to further hearing or appeal. A disciplinary penalty may not be imposed without first instituting disciplinary proceedings pursuant to the Institution of Disciplinary Proceedings.

### B. Academic Dishonesty Procedures

1. Faculty members should clearly identify course specific standards which interpret University, college, and departmental policies related to academic integrity. These explanations should appear in the course syllabus and in all other explanations of course requirements. Faculty should require the inclusion of the honor pledge on all academic work submitted for grading.
2. Faculty members who discover evidence of academic dishonesty **may** arrange to meet with the student(s) suspected of the alleged infraction **or** forward the case to the ~~Vice pPresident for student affairs~~. **Violations that are purely technical in nature, without any perceived intent to achieve academic advantage, may be reported at the discretion of the faculty member. However, if the instructor wishes to impose a grade sanction for the violation, the Academic Dishonesty Procedures outlined in sections VIII.B.3 – B7 must be followed.** At any time faculty members may choose to consult with the ~~Vice pPresident for student affairs~~ or the Office of Student Judicial Affairs.
3. If the student(s) acknowledge(s) the act of academic dishonesty, and the faculty member is satisfied that the incident can be effectively resolved with a grade sanction:
  - a. The faculty member will assign either an F in the course, or an F for the assignment or exam during which the cheating occurred;
  - b. The faculty member will forward a written summary of the incident to the Office of Student Judicial Affairs.

- c. The hearing officer will contact the student to arrange a conference to review the standards of conduct related to academic dishonesty.
  - d. If the student is currently not on disciplinary probation, the student will be placed on disciplinary probation for one calendar year.
  - e. If the student is currently on disciplinary probation, or if the student has previously acknowledged an act of academic dishonesty and received a grade sanction as a result, disciplinary proceedings will be instituted to determine the appropriate disciplinary sanction. Such sanction may include suspension or dismissal from the University.
4. If the student denies the allegation of academic dishonesty, or if the faculty member believes the severity of the incident **may** warrant a sanction more severe than ~~disciplinary probation~~ **a grade sanction:**
- a. The faculty member will forward a written summary of the incident to the University Hearing Officer. The summary must contain copies of all evidence including the names of any known witnesses to the alleged act of academic dishonesty.
  - b. The University hearing officer will institute formal Disciplinary Proceedings.
  - c. **If the University Hearing Officer determines the student engaged in conduct prohibited by a standard of academic dishonesty described in this Code, but there is insufficient information to support the student violated the standard knowingly or intentionally, then the Hearing Officer may find the student responsible for the lesser violation of “academic negligence” in lieu of the previously alleged standard of academic dishonesty.**
    - 1. **Students may be found in violation of academic negligence only when the student has previously received prior notice regarding charges of plagiarism, cheating, collusion, or fabrication. Accordingly, a determination that a student has engaged in academic negligence may only occur after the Hearing Officer has instituted formal Disciplinary Proceedings.**
    - 2. **A determination that a student engaged in academic negligence will normally result in the imposition of a grade sanction and completion of one or more educational sanctions to improve the student’s knowledge about appropriate academic conduct.**
    - 3. **A Hearing Officer may consider a student’s prior violation of academic negligence when determining whether a student knowingly or intentionally violated a subsequent standard of academic dishonesty. In such**

cases, the Hearing Officer shall consider past misconduct when making a factual determination regarding whether a student knowingly or intentionally committed the violation, as past academic negligence leads to the rebuttable presumption that the student knew or reasonably should have known that the conduct in question was a violation of this Code.

ed. No grade penalty should be assigned by the instructor until the case is finally resolved, including the processes of hearing the student's appeal, if any. If the charges cannot be resolved prior to the end of semester, a grade of "I" should be assigned by the instructor. If a student withdraws from a course in which the alleged dishonesty occurs prior to the final resolution of the allegations, and the student is found responsible for the violation and a grade sanction is assigned, the grade sanction will appear on the student's transcript even when the student has previously withdrawn without a record of the student's registration appearing on the transcript.

de. The faculty member will be notified of the final outcome in order that the appropriate grade may be assigned.

f. If a student accused of academic dishonesty is found to be not in violation, the student will have the option to withdraw from the course without notation on the student's academic transcript, even if the deadline to withdraw without a grade of "W" has passed.

f5. ~~All official disciplinary sanctions, including grade sanctions, which are assigned to a student as a result of an act of academic dishonesty,~~ Students found responsible for knowing or intentional violations of academic dishonesty will normally receive an "Academic Dishonesty" notation ~~will be recorded on the student's official University transcript.~~

1a. ~~In the case of disciplinary sanction of probation assigned for Academic Dishonesty, a student will be given the opportunity to~~ A student may petition the ~~v~~Vice ~~p~~President for student affairs to have the "Academic Dishonesty" notation removed from his/her transcript if:

a1. A minimum of one year has elapsed since the sanction was imposed; and

b2. the student has successfully completed the University's "Academic Integrity Matters" ~~S~~seminar or alternate educational activity approved by the Vice President; and

e3. the student has not been found in violation of other Honor Code infractions Academic Dishonesty violations during the student's tenure at the University; and,

d. — there is evidence that the academic dishonesty was not a premeditated act.

3b. The ~~v~~Vice pPresident for student affairs will notify the petitioner of his/her decision within three weeks of the receipt of the petition.

c. The Academic Dishonesty notation will not normally be removed from the student's transcript when the act of dishonesty involved significant deception or premeditation. A student may only petition to have one "Academic Dishonesty" notation removed from his/her transcript. Any subsequent violations that result in a transcript notation will not be eligible for removal and shall be permanently affixed on the student's transcript.

26. Students may not utilize the grade forgiveness policy to retake the class in which the academic dishonesty occurred. Nothing about this provision is intended to prevent a student from retaking a course required for advancement within the student's intended course of study.

57. Students may file a grade appeal if a grade penalty for alleged academic dishonesty violation occurs without proper adherence to the above procedures.

### C. Institution of Disciplinary Proceedings

Disciplinary charges brought against a student or a recognized student organization shall be adjudicated in the following manner:

1. Upon written notice of an alleged violation of the Code of Student Conduct disciplinary proceedings shall be instituted by the vice president for student affairs or University hearing officer by the issuance of notice of charges. The written notice of complaint may be initiated by faculty, staff, students or through a campus police summons.

2. The accused student will be informed of the alleged violation(s) in writing. The vice president will normally forward relevant evidence to a pre-hearing officer who will promptly schedule a pre-hearing conference with the accused student. Appropriate arrangements will be made by the hearing officer for students at distance sites. The vice president may choose to bypass the pre-hearing and forward a case directly to a University hearing officer for the initial hearing. During the pre-hearing conference, the accused student will have the opportunity to discuss and review all evidence as well as ask questions about the charges and the options available for resolution. During this conference the student will be presented with the following options:

- a. To plead in violation to the charges, waive all rights to a formal hearing and appeal and accept a sanction imposed by the hearing officer; or
  - b. To request a formal hearing with the right to appeal.
3. Students who fail to attend the pre-hearing conference will be considered in violation of the charges and an appropriate sanction will be imposed. Students who fail to attend a formal hearing will forfeit their right to appeal.

D. Formal Hearing Procedures

**1.** **A student may request a new hearing officer if the accused student believes the assigned hearing officer cannot be unbiased. A hearing officer shall also remove him/herself from hearing a case if he/she believes him/herself to be biased. If an accused student requests the removal of a hearing officer, such a request must be received in writing within two business days following the date on which the notice of charge is sent. Requests should be submitted in writing to the Director of Student Judicial Affairs stating the precise reason(s) why the student believes the hearing officer assigned cannot be unbiased. The Director of Student Judicial Affairs will decide, in his/her sole discretion, if the hearing officer should be reassigned. If the accused student seeks to remove the Director of Student Judicial Affairs as the Hearing Officer, the request will be reviewed by the Vice President. The accused student will be notified of the final decision and provided with the name of the new hearing officer, if reassigned. Whenever possible, the original date of the hearing will not change when a new hearing officer is assigned.**

**12.** Rights of the Accused Student:

- a. To be present at the hearing and hear all testimony presented. If a student, who has been properly notified, fails to appear at the scheduled date, time and place for the hearing, the panel may hear the case and make its findings in the student's absence;
- b. To examine, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
- c. To be provided, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
- d. To question witnesses in accordance with the rules;
- e. To present evidence in accordance with the rules;
- f. To remain silent at the hearing.

23. The notice of charges and all other written notices shall be delivered by ~~the method deemed most effective by the hearing officer to the~~ **accused** student's or organization's address or **official University** e-mail address, as it then appears on the official records of the University. If the address is not current, other reasonable attempts will be made to deliver the notice. **Notices of charge for student organizations will be sent via email to the organization's representative (the representative will normally be the organization's president as listed with the Office of Student Activities and Leadership).** The notice shall include the portion(s) of the Code of Student Conduct allegedly violated; ~~the reported circumstances of the alleged violation;~~ and request the student or organizational representative to appear/participate at a specified time, date and place for a hearing. Other appropriate arrangements will be made by the hearing officer for students at distance sites. Failure to ~~have a current address on record with the University or failure to~~ read email sent to the student's University email address shall not invalidate the notice. If the notice is for a formal hearing, **the student will be informed of the name(s) of any witness(es) the hearing officer will call to the accused student's hearing. The accused student shall also be informed of his/her rights to examine and be provided with** a copy of all evidence available at the time the notice, ~~will accompany the notice as well as names of potential witnesses. The accused student will have the opportunity to review all evidence as well as ask questions about the procedures. A copy of these regulations shall accompany each notice of charges. A copy of the notice of charges may be sent to the parent or guardian of a student if the student is dependent as defined in Section 152 of the Internal Revenue Code of 1954.~~
34. If the notice of charges requests the appearance/participation of the accused at a hearing, and if the accused fails or refuses to appear/participate, the University hearing officer may, after such investigation that is deemed sufficient: dismiss the charges; take administrative action; or impose a disciplinary penalty.
45. Requests for continuance must be timely and made by the student in writing to the hearing officer, who may reschedule the hearing if the request is timely and for good cause. If the hearing officer takes administrative action, the accused student or organization shall be notified in writing of such action and such action shall not be subject to further hearing or appeal. If the hearing officer imposes a disciplinary sanction, the student or organization representative shall be notified in writing of such action. Appeals of disciplinary sanctions imposed at a hearing held in the absence of the accused student or organizational representative shall follow the procedures outlined in the disciplinary procedures.
56. When an accused student or organizational representative appears in response to the notice of charges, the hearing officer shall review the facts of the alleged violations, and the names of witnesses then known to the hearing officer. The student or organizational representative shall be advised that no response is required and that any statement made shall become a part of the official evidence of the case. The accused may advise the hearing officer of any witnesses or evidence supporting the accused's

position. The hearing officer shall also advise the accused that if any new evidence is discovered during an investigation subsequent to the hearing, it will be shared with the accused. The accused will have an opportunity to respond to the evidence. In certain cases an advisor may assist the hearing officer.

67. After the hearing with the student or organizational representative and such further investigation as the hearing officer deems necessary, the hearing officer shall proceed as follows: 1) If the hearing officer determines that the alleged violation is not supported by **a preponderance of the evidence**, the charges shall be dismissed and the accused student so notified. 2) If the hearing officer is satisfied that ~~the violation occurred as alleged,~~ **a preponderance of evidence supports the allegations**, but that no disciplinary sanction should be imposed, the hearing officer may levy administrative action and notify the student accordingly. 3) If the hearing officer is satisfied that ~~the violation occurred as alleged and that a~~ **preponderance of evidence supports a finding of responsibility and that a disciplinary penalty sanction(s) should be imposed**, the hearing officer shall so notify the accused student or organizational representative, describing the sanction(s) which the hearing officer will impose.
78. The accused may accept the decision and sanction(s) proposed by the hearing officer ~~and waive her/his right to any further hearing or appeal.~~ Or, the accused **student** may ~~reject the decision of the hearing officer and~~ request an appeal hearing before the Student Conduct Committee **utilizing the procedures outlined in Section E.**

Faculty and other staff who have been involved in the hearing will be notified that the hearing has concluded and provided with any recommendation resulting from the hearing that requires their action.

89. Rules of Procedure:
- a. In cases involving more than one student, the hearing officer may consolidate the cases for hearing, but shall make separate findings for each accused student.
  - b. The accused student may have an adviser of the student's choice present during the hearing. **All advisers must be University community members, must have no other role in the hearing (such as a witness) and may not be lawyers. A lawyer will only be permitted to serve as an adviser when related criminal charges are filed and pending. In cases where a lawyer serves as an accused student's adviser, the student is responsible for any lawyer's fees incurred.**

Generally, the adviser shall be present for consultation purposes only and shall not be permitted to speak on the student's behalf. However, an adviser may be permitted to address the committee at the discretion of the hearing officer. If an accused student elects to be ~~represented~~ **accompanied** by a third party adviser, the accused **student** must provide a signed letter designating that person as

their ~~official representative~~ **adviser** before the university can communicate otherwise privileged information to the adviser.

- c. Rules of common courtesy and decency shall be observed.
- d. The questioning of any person appearing before the hearing officer by any individual participating in a hearing shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of the hearing officer to curtail a participant's further opportunity for questioning if such behavior occurs.
- e. Any person may be dismissed from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the hearing officer.
- f. The hearing officer shall have the right to call additional witnesses, require the presentation of additional evidence, and require additional investigation. **A witness is regarded as someone who has personal knowledge of the incident at issue. Witnesses may have no other role in the hearing, such as an adviser, and shall be present only during their testimony and subsequent questioning. Neither an accused student nor the complainant may question witnesses directly. Rather, questions will be submitted to the hearing officer, who will decide which, if any, of the questions to ask witnesses in order to preserve a non-adversarial tone during hearings. Hearsay witnesses may be considered at the discretion of the hearing officer for good cause. Character witnesses generally will not be permitted to provide statements. It will be the accused student's responsibility to forward a list of witnesses and a summary of each witness's expected testimony to the Hearing Officer no later than two business days prior to the student's scheduled hearing.**
- g. A taped or stenographic record of a hearing shall **may** be maintained **at the discretion of the Vice President, or designee. Any taped or stenographic records made will become property of Old Dominion University. Generally, the record of the hearing will be established by the hearing officer's written hearing decision, to be delivered to the accused student after the conclusion of the hearing.** The notice, exhibits, **decision, and** taped or stenographic record (**if applicable**) shall become the record of the case and shall be filed in the Office of the Vice President for Student **Judicial** Affairs. ~~This hearing record shall be retained for a period of no more than five years.~~
- h. All hearings shall be closed.
- i. **Formal rules of evidence used in courts of law do not apply in student judicial hearings.**

E. Appeal Procedures

1. Only students who have attended and participated in their disciplinary hearing have the right to appeal the decision of the hearing officer. The appealing student may remain in class pending the outcome of an appeal. However, if the decision of the hearing office is upheld, then sanction(s) will be imposed as of the original date unless the ~~panel~~ **Student Conduct Committee** affixes a different sanction date.
2. An accused student or organization appealing the decision of the hearing officer should file a notice of appeal to the Student Conduct Committee via the Office of ~~the Vice President for Student~~ **Judicial** Affairs. Such an appeal must be physically received in the ~~vice president's~~ **Student Judicial Affairs** office within ~~seven~~ **five** business days from the date of the letter containing the findings in the case. ~~The appeal must include the specific grounds for the appeal, and the names of witnesses that the accused student intends to call for the hearing; and it must be personally signed by the student or an organizational officer. The notice of appeal request shall~~ **must** contain, at a minimum, a statement of grounds for appeal and a summary statement of the facts supporting such grounds. Grounds for appeal include:
  - a. A claim that ~~the decision was not made in accordance with prescribed procedures and identifying the procedures which were not followed;~~ **a substantial deviation from published procedures unfairly and materially affected the outcome of the case;**
  - b. A claim that the sanction(s) imposed was (were) inappropriate or overly harsh; (sanctions of reprimand and disciplinary probation, except in cases involving restitution, fines or academic dishonesty, are not subject to appeal).
  - c. A claim that the ~~decision was clearly erroneous~~ **hearing officer abused his/her discretion;**
  - d. New evidence, not ~~available~~ **known to the accused student** in a previous hearing, which could exonerate the ~~accused~~ student.

F. The Student Conduct Committee

The Student Conduct Committee (**hereafter “the Committee”**) is the appellate body within the University disciplinary system. It shall hear all appeals of ~~disciplinary sanctions imposed~~ **decisions made** by a hearing officer. ~~It~~ **The Committee** shall consist of: faculty members appointed by the ~~v~~**Vice p****President** from a list of nominees submitted by the Faculty Senate or from a list of faculty who have previously served; students appointed by the ~~v~~**Vice p****President** from a list of nominees submitted by the Student Government Association or from a list of students who have previously served; and a chair from the faculty appointed by the ~~v~~**Vice p****President**. Student nominees should consist primarily of members of the Honor Council. The term of office for these positions shall be one year and shall be renewable.

In order to provide for the prompt consideration and disposition of all cases, appeal hearings shall be conducted according to the following procedures:

1. **All requests for appeal will be reviewed by the Director of Student Judicial Affairs to determine if the accused student has clearly outlined one or more acceptable grounds for appeal. The Director will also review requests to ensure that a statement of facts supporting these grounds accompanies the request for an appeal. Students who fail to outline acceptable grounds and a statement of supporting facts will be notified their appeal will not be processed due to failure to provide the required information. Students who identify acceptable grounds and a statement of supporting facts will have their appeal requests forwarded to the Vice President. Students who wish to have witnesses provide statements at their appeal should include in their request a list of witnesses and a summary of each witness's expected testimony. Upon receipt of an appeal from the Director of Student Judicial Affairs, the Vice President shall initiate a Student Conduct Committee appeal hearing by notifying the chair of the need for a hearing and advising him or her of a proposed hearing date. Upon receiving such notice, the chair shall designate designating two faculty members plus one alternate and two student members plus one alternate of the Student Conduct Committee to serve with the chair on a hearing panel. Faculty and student alternates will also be identified to serve in the event of an unanticipated absence of a hearing panel member. A hearing panelist shall remove him/herself from an appeal if the panelist believes he/she cannot be unbiased.** The chair will preside, but will not vote, except in the event of a tie.
2. The ~~Vice p~~**Vice p**President shall provide written notice to the student who filed the appeal including the date, time, and place of the hearing. This written notice will also contain a statement of the grounds for appeal to be considered by the Committee, ~~the names of witnesses the hearing officer will call to the hearing, and a statement of procedural protection afforded the student as described in section VIII.D.8.~~ This notice shall be delivered **by email, or** ~~by the most effective means available as determined by the vice president,~~ to the student's address currently on record with the University. If the student's address is not current, other reasonable attempts will be made to deliver the notice. Failure of the student to have a current address on record with the University, **or failure to read email sent to the student's official University email address** shall not invalidate the notice. The notice shall be given ~~(e.g. mailed or delivered)~~ at least ~~seven consecutive~~ **five working** days before the hearing date, unless the ~~hearing officer~~ **Vice President**, for good cause, shall fix a shorter time. If a student who has been properly notified fails to appear for the hearing at the scheduled date, time, and place, the hearing panel may hear the evidence **appeal** and make its findings in the student's absence.
3. A continuance of the hearing date may be requested by ~~either~~ the accused student ~~or the hearing officer.~~ Such requests must be timely and made in writing to the ~~chair~~ **Vice President**, who shall have the authority to reschedule the hearing if the request is timely and for good cause. Usually, only one such continuance is granted ~~to each of the parties.~~ If a

continuance is granted, the ~~chair~~ **Vice President** shall notify both the student and the ~~Student Conduct Committee~~ **hearing panel** of the new date for the hearing.

4. The format for the hearing shall be as follows: The chair shall call the hearing to order, call the roll of the panel in attendance, note the presence or absence of the student appealing the decision, read the notice of hearing, ~~verify the notice of charges given to the student, report any continuances granted,~~ establish the presence of any adviser for the student, call to the attention of the student any special or unusual procedures to be used during the hearing, and permit the student to state the grounds for the appeal. ~~The Student Conduct Committee shall then determine whether an appeal is substantiated.~~ Only evidence or witnesses that the chair deems relevant to the stated grounds for appeal will be heard. In certain cases the ~~hearing officer~~ **chairperson** may be assisted by an advisor.

The appeal hearing shall be limited to testimony and evidence related to the grounds for appeal as stated by the accused student. ~~The hearing officer will brief the panel on the charges and nature of the case, introducing any evidence and witnesses relevant to the appeal. After the hearing officer has introduced and questioned a witness, the witness may then be questioned by the panel members and the accused student, respectively. The accused student shall then have the opportunity to introduce any evidence and witnesses relevant to the grounds for appeal. After the accused student has questioned such a witness, the witness may then be questioned by the panel members and the hearing officer. At the conclusion of the presentation of evidence, the hearing officer and the accused student shall have the opportunity to make summary statements pertaining to the appeal. The chair shall rule on the relevance of evidence and testimony, if necessary.~~

5. At the conclusion of the ~~summary statements~~ **appeal hearing**, the hearing panel shall recess the hearing and meet in executive session (out of the presence of all parties to the hearing) to determine its findings. The panel shall either recommend upholding the findings of the hearing officer or recommend that the decision of the hearing officer be ~~overturned~~ **modified**. If the panel recommends that the hearing officer's decision be ~~overturned~~ **modified**, the panel shall recommend either a different finding and/or sanction to the ~~v~~**V**ice ~~p~~**P**resident. There shall be no findings to ~~uphold~~ **modify** unless a majority of the hearing panelists agree that a preponderance of the evidence ~~presented~~ supports **modifying** the decision of the hearing officer. All hearing panel members are expected to cast a vote-; **however, all votes made by individual panel members shall remain confidential.** The chair shall not be entitled to vote, except in the case of a tie vote.
6. Upon making its decision, the ~~Student Conduct Committee~~ **hearing panel** shall so advise the ~~v~~**V**ice ~~p~~**P**resident of ~~student affairs~~ in writing within ~~five~~ **two** ~~business~~ **working** days after the date of the appeal hearing. The ~~v~~**V**ice ~~p~~**P**resident will review the student's appeal and the recommendations of the Student Conduct Committee.

The ~~v~~Vice ~~p~~President shall examine the record of the case and any additional evidence provided. The ~~v~~Vice ~~p~~President may interview witnesses to the case, or engage in whatever investigation he/she deems appropriate to fully hear the student's appeal. The ~~v~~Vice ~~p~~President shall consider the recommendations of the ~~Student Conduct Committee~~ hearing panel and may accept or ~~reverse the finding by reducing or increasing the sanctions imposed by the hearing officer~~ reject the recommendations of the panel. Nothing herein prohibits the Vice President from consulting with other university officials concerning any appeal.

Within ~~seven~~ five working days after receiving the recommendation of the ~~Student Conduct Committee~~ hearing panel, the ~~v~~Vice ~~p~~President will advise the accused student of his/her decision concerning the final disposition of the case. However, the Vice President may extend this deadline for good cause. The decision of the ~~v~~Vice ~~p~~President is final and not subject to further appeal or consideration.

7. Rules of Procedure in Appeal Hearings:
  - a. In cases involving more than one student, the vice president for student affairs may consolidate the cases for hearing, but the committee shall make separate recommendations for each accused student.
  - b. The appealing student may have an adviser of the student's choice present during the hearing. All advisers must be University community members, must have no other role in the hearing (such as a witness) and may not be lawyers. A lawyer will only be permitted to serve as an adviser when related criminal charges are filed and pending. In cases where a lawyer serves as an accused student's adviser, the student is responsible for any lawyer's fees incurred. Generally, the adviser shall be present for consultation purposes only and shall not be permitted to speak on the student's behalf. However, an adviser may be permitted to address the committee at the discretion of the chair. If an accused student elects to be ~~represented~~ accompanied by a third party adviser, the accused must provide a signed letter designating that person as their ~~official representative~~ adviser before the university can communicate to the adviser otherwise privileged information.
  - c. Rules of common courtesy and decency shall be observed.
  - d. The questioning of any person appearing before the hearing panel by any individual participating in a hearing shall not be in a badgering, unduly repetitious, or irrelevant manner. It shall be at the discretion of the chair to curtail a participant's further opportunity for questioning if such behavior occurs.

- e. Any person may be dismissed from the hearing who interferes with or obstructs the hearing or who fails to abide by the rulings of the chair.
  - f. The chair shall have the right to call additional witnesses, require the presentation of additional evidence, and require additional investigation. **A witness is regarded as someone who has personal knowledge of the incident at issue. Witnesses may have no other role in the hearing, such as an adviser, and shall be present only during their testimony and subsequent questioning. Neither an accused student nor the complainant may question witnesses directly. Rather, questions will be submitted to the chair, who will decide which, if any, of the questions to ask witnesses in order to preserve a non-adversarial tone during appeal hearings. Hearsay witnesses may be considered at the discretion of the chair for good cause. Character witnesses generally will not be permitted to provide statements.**
  - g. A taped or stenographic record of a hearing shall be maintained **(not including subsequent deliberations occurring in the panel's executive session). Any taped or stenographic records made will become property of Old Dominion University.** The notice, exhibits, taped or stenographic record, ~~and~~ **vote recommendation** of the panel **and final disposition of the case by the Vice President** shall become the record of the case and shall be filed in the Office of ~~the Vice President for Student~~ **Judicial** Affairs. ~~This hearing record shall be retained for a period of ten years.~~
  - h. All hearings shall be closed.
  - i. **Formal rules of evidence used in courts of law do not apply in appeal hearings.**
8. The accused is entitled:
- a. To be present at the hearing and hear all testimony presented. If a student, who has been properly notified, fails to appear at the scheduled date, time, and place for the hearing, the panel may hear the case and make its findings in the student's absence;
  - b. To examine, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
  - c. To be provided, prior to the hearing, with the names of witnesses whom the university hearing officer has asked to appear at the hearing;
  - d. To question witnesses in accordance with the rules;
  - e. To present evidence in accordance with the rules;

f. To remain silent during the hearing;

G. Additional Procedures in Cases of Sexual Assault

1. The vice president for student affairs shall schedule special training for the Student Conduct Committee and the hearing officer(s) once each semester covering the University's policies governing sexual assault, and the special needs of the accuser and the accused in these cases.
2. Upon notification of an alleged violation, the accused shall not initiate any contact, directly or indirectly, with the accuser. Retaliation against the accuser or against any witness involved in the case by the accused or others acting on behalf of the accused shall be considered violation of the Code of Student Conduct.
3. During a hearing, no evidence may be presented which pertains to the past sexual history of the accuser or of any witness.
4. During a hearing, unrelated past sexual history of the accused may not be entered as evidence nor discussed in the hearing.
5. The accused and accuser will be notified in writing of the outcome of Disciplinary Proceedings, any sanctions imposed and of the final action taken by the vice president on any appeal.
6. In cases where a sanction of disciplinary suspension or dismissal is imposed, a notation of the sanction will be recorded on the student's official University transcript.
7. The accuser shall have the right to have an accompanying advisor throughout a hearing.
8. The accuser shall be informed of all witnesses to be called, to the extent known, during a hearing.
9. A hearing involving charges of sexual assault shall be closed.
10. All proceedings in cases involving sexual assault will be treated confidentially, to the extent provided by law, and the identities of any involved party will not be disclosed to anyone not directly involved with the University's disciplinary process.

H. Mediation Option

Students seeking to file charges against another student that have arisen out of personal or group conflict may choose the mediation option instead of formal disciplinary proceedings. All parties to the conflict must agree in writing to have their dispute mediated.

The University hearing officer may assist the student in determining if the concern should be mediated or handled through the student judicial system.

Mediation is confidential and mediation agreements will be binding. Violation of such agreements may be referred to the student judicial process. The University hearing officer using trained, mediators will schedule mediation sessions.

IX. Record Maintenance

Disciplinary files will be maintained and destroyed in accordance with the Commonwealth of Virginia’s *Records Retention and Disposition Schedule*. All disciplinary case resolutions will be recorded in the student's discipline file, which will be retained by the Office of Student Judicial Affairs for a period of five years with the following exceptions:

- A. In cases of disciplinary suspension and disciplinary dismissal the disciplinary file will be retained permanently by the Office of Student Judicial Affairs.
- B. Records of disciplinary probation (excluding academic dishonesty cases) will be retained for one year after the conclusion of the probationary period.

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A new Virginia statute, “Implementation of Policies Addressing the Needs of Potentially Suicidal Students,” was discussed. Jay Wright noted State institutions are required to adopt this policy, with individual institutions adapting the wording to their respective schools. The following resolution was brought forth as a recommendation of the Student Advancement Committee and was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O’Neill, Stallings, Treherne*).

**IMPLEMENTATION OF POLICIES ADDRESSING THE  
NEEDS OF POTENTIALLY SUICIDAL STUDENTS**

WHEREAS, Virginia Code § 23-9.2:8 requires the governing boards of each public institution of higher education to develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior; and

WHEREAS, Virginia Code § 23-9.2:8 prohibits each institution from establishing policies that penalize or expel any student solely for attempting to commit suicide or seeking mental health treatment for suicidal thoughts or behaviors; and

WHEREAS, Virginia Code § 23-9.2:8 permits each institution to establish policies and procedures for appropriately dealing with students who are a danger to themselves, or to others, and whose behavior is disruptive to the academic community;

RESOLVED, the Board of Visitors of Old Dominion University approves the following to comply with Virginia Code § 23-9.2:8; specifically:

1. The University's Office of Counseling Services shall continue to educate the University community, including Residence Life staff, regarding the manifestations of depression and risk of suicide; and
2. The University's Office of Counseling Services shall continue its comprehensive clinical assessment and treatment of students at risk of suicide; and
3. The University's Office of Counseling Services shall continue its professional education of its own staff and mental health trainees regarding the assessment and treatment of students at high risk of suicide; and
4. The foregoing being subject at all times to the ongoing authority and responsibility of the University's Vice President for Student Affairs or officer designated by the President to authorize any such improvements or revisions as may be desirable or necessary and in the best interests of the University and to report any material improvements or revisions to the Board of Visitors at its next scheduled meeting.

RESOLVED FURTHER, the Board approves and reaffirms the continuation of the University's longstanding policy of holding all students to the same behavioral Standards of Conduct. This includes the University's continued use of its published procedure of interim suspension, whereby the University may, as needed, immediately and temporarily suspend any student whose behavior poses a threat to himself or herself, to the health or safety of other members of the University, to University property, or to the educational process, pending a hearing on an underlying offense charged under the Standards of Conduct.

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House Bill 1005, "Approval of New Policies and Procedures to Notify Parents of Tax-Dependent Students in Instances of Psychological Emergency," which was enacted by during the 2008 General Assembly session, was presented to the Committee. Jay Wright and other representatives from various institutions met with FERPA to discuss this policy. The following resolution was brought forth as a recommendation of the Student Advancement Committee and was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

**APPROVAL OF NEW POLICIES AND PROCEDURES TO  
NOTIFY PARENTS OF TAX-DEPENDENT STUDENTS IN  
INSTANCES OF PSYCHOLOGICAL EMERGENCY**

WHEREAS, House Bill 1005, passed during the 2008 General Assembly Session, provides notice under certain circumstances to the parents of a dependent student receiving mental health treatment at a state college or university student health or counseling center; and

WHEREAS, the bill specifically requires a parent of a dependent student to be notified when there exists a substantial likelihood that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; and

WHEREAS, the bill allows such notification to be withheld if the student's treating physician or treating clinical psychologist has made a part of the student's record a written statement that, in the exercise of his professional judgment, the notification would be reasonably likely to cause substantial harm to the student or another person; and

WHEREAS, the bill requires that the governing boards of each institution shall establish the policies and procedures necessary to comply with the legislation;

RESOLVED, in accordance with HB 1005 and commencing the effective date thereof on July 1, 2008, the Board of Visitors of the Old Dominion University hereby affirms as University policy the aforesaid parental notification requirement which shall be implemented as follows:

1. The University's Office of Counseling Services or Student Health Services shall notify promptly the Vice President for Student Affairs or officer designated by the President whenever the office treats a student who meets the criteria for parental notification under this legislation; and
2. The Vice President for Student Affairs or officer designated by the President shall be primarily responsible for contacting the parent of any such dependent student as required by state law, and documenting such notification as appropriate under the circumstances. The foregoing general procedure is subject at all times to the authority and direction of the University's Vice President for Student Affairs or officer designated by the President to approve notification by such other University office or personnel as may be necessary or appropriate under the circumstances.

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**ACADEMIC AND RESEARCH ADVANCEMENT COMMITTEE**

The Rector called on Mr. Ampy to present the action items from the Academic and Research Advancement Committee. Mr. Ampy stated that the Committee met in closed session to discuss tenure appointments for eleven faculty members, the appointment of two faculty members with tenure, and a change in an honorary degree title.

The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

## **TENURE RECOMMENDATIONS**

RESOLVED, that upon the recommendation of the Provost, the Academic and Research Advancement Committee of the Board of Visitors recommends that the Board of Visitors approve the award of tenure and promotion to associate professor to the following members of the faculty at Old Dominion University. The tenure and promotion will be effective with the Fall 2008 semester.

### College of Arts and Letters

Shabbir Akhtar, Department of Philosophy and Religious Studies  
Martha M. Daas, Department of Foreign Languages and Literatures  
Jennifer Fish, Department of Women's Studies\*

### College of Business and Public Administration

Yuping Liu, Department of Business Administration  
Robert Pinsker, Department of Accounting

### College of Engineering and Technology

Ghaith Rabadi, Department of Engineering Management and Systems Engineering  
Isaac Flory, Department of Engineering Technology

### College of Health Sciences

Carolyn M. Rutledge, School of Nursing\*

### College of Sciences

Moskov Amaryan, Department of Physics\*  
Li Shi Luo, Department of Mathematics and Statistics\*  
Michael L. Nelson, Department of Computer Science

\* Already an Associate Professor

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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 (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

## **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. Johathan I. Leib as Associate Professor of Political Science and Geography and the award of tenure in the Department of Political Science and Geography, effective July 25, 2008. A copy of his curriculum vitae is on file in the Board of Visitors Office.

Salary: \$72,000 for 12 months  
Rank: Associate Professor of Political Science and Geography

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**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. Mileta M. Tomovic as Professor of Engineering Technology and the award of tenure in the Department of Engineering Technology, effective July 25, 2008. A copy of his curriculum vitae is on file in the Board of Visitors Office.

Salary: \$115,000 for 12 months  
Rank: Professor of Engineering Technology (Designated as Chair of the Department of Engineering Technology)

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The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

**HONORARY DEGREE TITLE**

RESOLVED, that the Board of Visitors approves changing the honorary degree to be awarded to the individual noted below from a Doctor of Humane Letters to a Doctor of Health Sciences.

Frank Reidy, President of McClees Associates LLC  
Doctor of Health Sciences (*honoris causa*)

Rationale: Mr. Reidy has requested a change in the title of the honorary degree to be awarded to him. Given his background and involvement with the Bioelectrics Center, Operation Smile, and the Peace Corps, health sciences is the more appropriate degree title.

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The Committee approved by unanimous vote the resolutions on 27 faculty appointments and 13 administrative appointments. 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 (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

**FACULTY APPOINTMENTS**

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

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Nana Amoah Assistant Professor of Accounting (Tenure Track)	\$115,000	7/25/08	10 mos

Dr. Amoah received a Ph.D. in 2008 from Morgan State University, an M.B.A. in 2004 from Howard University and a B.Sc. in Engineering in 1994 from the University of Science and Technology, Ghana. He has been teaching in the Department of Accounting and Finance at Morgan State University.

Mr. Gary M. Bernstein Lecturer of Exercise Science, Sport, Physical Education and Recreation	\$42,500	7/25/08	10 mos
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Mr. Bernstein received an M.S. in Sports Administration in 1983 from North Texas State University and a B.S. in Health, Physical Education and Recreation in 1977 from Slippery Rock State College. Since 2006, he has been a Senior Consultant for the Covenant Group. Mr. Bernstein is also a part-time faculty member in Sports Administration at the University of Louisville.

Ms. Yang Li Bowling Instructor of Foreign Languages and Literatures	\$40,000	7/25/08	10 mos
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Ms. Bowling received an M.A. in Chinese Minority Literature in 2005 from Central University of Nationalities, China, a B.A. in Chinese Literature in 2000 from Nanchang University, China and is currently an M.A. student in International Studies at Old Dominion University. Ms. Bowling has been a Lecturer in Chinese Culture and Literature and Division Director of the Cultural and Pedagogy Research Group at Beijing Union University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. Carroll M. Butler Senior Lecturer of Early Childhood, Speech Language Pathology and Special Education	\$59,278	6/10/08	12 mos

Mr. Butler received an M.S.Ed. in Special Education and a B.S. in Health, Physical Education and Recreation from Old Dominion University. Since 2006, he has been a Senior Lecturer of Early Childhood, Speech Language Pathology and Special Education at Old Dominion University. Prior to that, Mr. Butler was an Instructional Specialist in the Division of Student Services for York County School Division.

Mr. Timothy L. Fish Lecturer of Engineering Technology	\$63,000	7/25/08	10 mos
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Mr. Fish received an M.B.A. in 2003 from the University of North Carolina at Chapel Hill and a B.S. in Civil Engineering in 1986 from West Virginia Institute of Technology. Since 2007, he has been an Adjunct Professor at East Tennessee State University. Mr. Fish has also served as the Survey Manager for Albemarle & Associates, Ltd.

Ms. Barbara Freidt Instructor of Exercise Science, Sport, Physical Education and Recreation	\$42,500	7/25/08	10 mos
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Ms. Freidt received an M.S.Ed. in Physical Education in 2008 from Old Dominion University and a B.S. in English Education in 2001 from East Carolina University. Since 2007, she has been a Graduate Teaching Assistant and Graduate Research Assistant in the Department of Exercise Science, Sport, Physical Education and Recreation at Old Dominion University.

Dr. David T. Gauthier Assistant Professor of Biological Sciences (Tenure Track)	\$61,000	7/25/08	10 mos
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Dr. Gauthier received a Ph.D. in Marine Science in 2004 from the Virginia Institute of Marine Science at the College of William and Mary and a B.S. in Zoology in 1996 from Michigan State University. Since 2004, he has been a Research Assistant Scientist in the Virginia Institute of Marine Science at the College of William and Mary.

Ms. Sabra M. Gear Lecturer of Early Childhood, Speech Language Pathology and Special Education	\$55,749	6/10/08	12 mos
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Ms. Gear received an M.S.Ed. in Special Education in 2006 from Old Dominion University, a B.A. in Psychology in 1997 from Mary Baldwin College and is working on a Ph.D. in Special Education at Old Dominion University. Since 2006, she has been an Adjunct Instructor of Special Education at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. David M. Godden Lecturer of Philosophy and Religious Studies	\$40,000	7/25/08	10 mos

Dr. Godden received a Ph.D. in Philosophy in 2004 from McMaster University, an M.A. in Philosophy in 1997 from York University and a B.A. in Philosophy in 1995 from Wilfrid Laurier University. He is currently an Assistant Professor in the Department of Philosophy at the University of Winnipeg. Prior to that, he was an SSHRC Post-Doctoral Research Fellow in the Department of Philosophy at the University of Windsor.

Ms. Sarah Goldberger Instructor of History	\$40,000	7/25/08	10 mos
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Ms. Goldberger received an M.A. in History in 1996 from Old Dominion University, a B.A. in History in 1993 from the University of Iowa and is a Ph.D. candidate in History at the University of Illinois at Chicago. In 2006-07, she was an Education and Volunteer Consultant at the Naval War College Museum. Ms. Goldberger was a Teaching Assistant at the University of Illinois at Chicago from 2002-04.

Dr. George D. Haber Assistant Professor of Occupational and Technical Studies (Tenure Track)	\$60,000	7/25/08	10 mos
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Dr. Haber received a Ph.D. in Workforce Education and Development in 2002 from the Pennsylvania State University, an M.Ed. in Special Education from George Mason University in 1998 and a B.S. in Parks Recreation and Leisure Studies in 1990 from George Mason University. He is currently a Clinical Education Manager at Philips Medical Systems. Prior to that, Dr. Haber was an Assistant Professor of Career and Technical Teacher Education at Kent State University.

Dr. Richard Heller Professor of Medical Laboratory and Radiation Sciences	\$143,100	7/25/08	10 mos
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Dr. Heller received a Ph.D. and an M.S. in Medical Sciences, in 1989 and 1988 respectively, from the University of South Florida, College of Medicine, an M.S. in Health Sciences in 1984 from Long Island University – C.W. Post Center, and a B.S. in Microbiology in 1979 from Oregon State University. He is currently a Professor in the Department of Molecular Medicine in the College of Medicine at the University of South Florida with a joint appointment in the Department of Chemical Engineering. Dr. Heller has been Co-Director of the Center for Molecular Delivery at the University of South Florida since 1999 and a member of the Moffitt Cancer Center and Research Institute since 1993.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Jennifer Leigh Hoyt Lecturer of English	\$46,800	7/25/08	10 mos

Ms. Hoyt received an M.A. in English, Professional Writing in 2008 from Old Dominion University and a B.A. in Journalism in 1996 from the University of Texas at Tyler. Since 2005, she has been an Adjunct Instructor of Journalism at Old Dominion University. Ms. Hoyt is also a Freelance Writer for Hampton Roads Magazine and President of her own media consultant business.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Nak-Kyeong Kim Assistant Professor of Mathematics and Statistics (Tenure Track)	\$72,000	7/25/08	10 mos

Dr. Kim received a Ph.D. and an M.S. in Statistics, in 2005 and 2001 respectively, from Purdue University and a B.S. in Computer Science and Statistics in 1999 from Seoul National University. Since 2005, he has been a Postdoctoral Fellow at the National Center for Biotechnology Information (NCBI), NLM, NIH. Prior to that, Dr. Kim was a Research Assistant in the Department of Statistics at Purdue University.

Dr. Miltiadis Kotinis Assistant Professor of Mechanical Engineering (Tenure Track)	\$75,000	7/25/08	10 mos
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Dr. Kotinis received a Ph.D. and an M.S.E. in Naval Architecture and Marine Engineering, in 2005 and 2001 respectively, from the University of Michigan and a Diploma in Naval Architecture, Marine, and Mechanical Engineering in 2000 from the National Technical University of Athens. Since 2005, he has been an Assistant Professor of Naval Architecture in the Department of Engineering at the State University of New York Maritime College. He has also been a Research Associate in the Department of Naval Architecture and Marine Engineering at the University of Michigan.

Mr. John D. Lape Instructor of Information Technology and Decision Sciences	\$52,000	7/25/08	10 mos
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Mr. Lape received a Masters of Science in Operations Research (Operational Logistics) in 1993 from the Naval Postgraduate School and a B.S. in Industrial Management in 1983 from Purdue University. He is enrolled part time in the doctoral program in Modeling and Simulation at Old Dominion University. Since 2002, Mr. Lape has been a Teacher at Kempsville High School. He has also been an Adjunct Professor at Tidewater Community College.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Cheryl Latko Lecturer of Educational Leadership and Counseling	\$46,176	6/10/08	12 mos

Ms. Latko received an Ed.S. in Administration and Supervision/Special Education in 1989 from the College of William and Mary, an M.S.Ed. in Special Education in 1981 from Old Dominion University, a B.A. in Psychology in 1976 from Alderson-Broaddus College and is enrolled in the Ph.D. program in Community College Leadership at Old Dominion University. Since 2006, she has been the Internship Coordinator for the Human Services Program at Old Dominion University. Ms. Latko has also been a Lecturer in the Human Services Program.

Ms. Jennifer A. Lee Instructor of Occupational and Technical Studies (Tenure Track )	\$52,000	7/25/08	10 mos
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Ms. Lee received a Master of Education in Technology Education in 2004 from North Carolina State University and a B.A. in Technical Theater in 1989 from the University of North Carolina at Asheville. She is expected to receive an Ed.D. in Technology Education from North Carolina State University. Since 2004, she has been a Teaching Assistant in the Mathematics, Science, and Technology Education Department at North Carolina State University. (Rank will be Assistant Professor and salary will be \$60,000 if all requirements for the Ed.D. are completed by July 25, 2008.)

Mr. Jiwon Lee Assistant Professor of Art (Tenure Track)	\$51,000	7/25/08	10 mos
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Mr. Lee received an M.F.A. in Graphic Design in 2006 from California Institute of the Arts and a B.F.A. in Visual Communication Design in 2002 from Kookmin University, College of Design, Korea. Since 2006, he has been an Interactive Graphic Designer at Crispin Porter & Bogusky.

Dr. Guillaume Martinat Research Assistant Professor of Ocean, Earth and Atmospheric Sciences	\$40,000	7/25/08	12 mos
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Dr. Martinat received a Ph.D. and a Master of Science in Fluid Dynamics, in 2007 and 2004 respectively, from IMFT (Institute de Mecanique des Fluides de Toulouse), a Master of Science in Applied Physics in 2003 from the Université de Rennes, and a B.S. in Physics in 2002 from the Université de Rennes. Since 2008, he has been in a Postdoctoral position at IMFT. Prior to that, Dr. Martinat was a Research Assistant at the Université de Rennes.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Miguel A. Padilla Assistant Professor of Psychology (Tenure Track)	\$70,000	7/25/08	10 mos

Dr. Padilla received a Ph.D. and an M.A. in Research and Evaluation Methodology, in 2005 and 2002 respectively, from the University of Florida and a B.A. in Psychology in 1998 from California State University. Since 2005, he has been a Postdoctoral Fellow in the Department of Biostatistics at the University of Alabama at Birmingham. Dr. Padilla has also been a Statistical Consultant and a Research Assistant at the University of Florida.

Dr. Stacie I. Ringleb Assistant Professor of Mechanical Engineering (Tenure Track)	\$75,000	7/25/08	10 mos
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Dr. Ringleb received a Ph.D. in Mechanical Engineering in 2003 from Drexel University, an M.S.E. in Mechanical Engineering in 1999 from Temple University and a B.S. in Biomedical Engineering in 1997 from Case Western Reserve University. Since 2006, she has been a Research Assistant Professor and Research Scientist at the Virginia Modeling, Analysis and Simulation Center at Old Dominion University. Dr. Ringleb has also been an Adjunct Assistant Professor in the Department of Mechanical Engineering at Old Dominion University and a Research Collaborator at the Mayo Clinic.

Dr. Michael J. Seiler Professor of Finance (Tenure Track)	\$165,000	7/25/08	10 mos
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Dr. Seiler received a Doctorate of Business Administration in Finance/Real Estate in 1997 from Cleveland State University, a Master's of Business Administration in Finance in 1992 from the University of North Florida and a B.S. in Finance in 1991 from the University of South Florida. Since 2006, he has been a Professor and Program Chair in the Department of Finance and Real Estate at Hawaii Pacific University. Dr. Seiler has also been a Visiting Fellow at The Australian National University. His teaching and research areas of interest are behavioral real estate, portfolio management, brokerage, and real estate investments. He is designated as the Robert M. Stanton Chair of Real Estate and Economic Development.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Ahmad K. Sleiti Assistant Professor of Mechanical Engineering (Tenure Track)	\$75,000	7/25/08	10 mos

Dr. Sleiti received a Ph.D. in Mechanical Engineering, Thermal Fluids in 2004 from the University of Central Florida, a Master of Science in Mechanical Engineering, Thermal Sciences in 2001 from the University of Jordan and a Bachelor and Master of Science in Mechanical Engineering in 1991 from Rostov State Building University, Russia. Since 2007, he has been a Visiting Assistant Professor in the Department of Mechanical, Materials and Aerospace Engineering at the University of Central Florida. Prior to that, Dr. Sleiti was a Research Associate, Project Manager and Adjunct Professor at the University of Central Florida.

Dr. Althea L. Tait Assistant Professor of Women's Studies (Tenure Track)	\$57,000	7/25/08	10 mos
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Dr. Tait received a Ph.D. in English Literature from Morgan State University in 2008, an M.A. in English Literature in 2002 from The University of Tulsa and a B.A. in English Literature in 1998 from Oral Roberts University. Since 2006 she has been a Visiting Lecturer in African American Literature at Towson University.

Dr. Cherng-Jyh Yen Assistant Professor of Educational Leadership and Counseling (Tenure Track)	\$63,500	7/25/08	10 mos
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Dr. Yen received a Ph.D. in Educational Research in 2002 from the University of Virginia, an M.S. in Counselor Education in 1995 from Indiana University and a B.S. in Philosophy in 1989 from Tung-Hai University. Since 2002, he has been an Assistant Professor in the Department of Educational Leadership in the Graduate School of Education and Human Development at The George Washington University.

Mr. Noam Zeev Instructor of Mathematics and Statistics (Tenure Track)	\$70,000	7/25/08	10 mos
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Mr. Zeev received a degree in Applied Mathematics from Simon Bolivar University, Venezuela and is expected to receive a Ph.D. in Mathematics from the University of Delaware. Since 2007 he has been an Instructor of Mathematics at the Charter School of Wilmington. Prior to that, Mr. Zeev was a Teaching Assistant at the University of Delaware. (Rank will be Assistant Professor if all requirements for the Ph.D. are completed by August 31, 2008.)

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**APPOINTMENT OF INTERIM DIRECTOR**  
**NORTHERN VIRGINIA HIGHER EDUCATION CENTER**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Amanda Antico-Majkowski as Interim Director of the Northern Virginia Higher Education Center, effective May 25, 2008.

Ms. Antico-Majkowski received an M.A. in 2004 from George Mason University and a B.A. in 1996 from George Washington University and is currently pursuing an Ed.D. from George Washington University. She is currently an independent consultant. Prior to that, she was the Co-Founder and Director of TLT Group and Director of Ventera Corporation.

Salary: \$85,000 for 12 months  
Rank: Interim Director, Northern Virginia Higher Education Center, and Instructor

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**APPOINTMENT OF SENIOR PROJECT SCIENTIST**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Saikou Diallo as Senior Project Scientist for the Virginia Modeling, Analysis and Simulation Center, Office of Research, effective May 25, 2008.

Mr. Diallo received an M.S. in Modeling and Simulation and a B.S. in Computer Engineering, in 2006 and 2003 respectively, from Old Dominion University and is a Ph.D. candidate in Modeling and Simulation. Since 2006, he has been a Project Scientist at the Virginia Modeling, Analysis and Simulation Center at Old Dominion University.

Salary: \$80,000 for 12 months  
Rank: Senior Project Scientist and Instructor

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**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. Synthia L. Goode as Assistant Athletic Trainer, effective June 10, 2008.

Ms. Goode received an M.S.Ed. in Athletic Training and a B.S. in Exercise Science, in 2005 and 2003 respectively, from Old Dominion University. Since 2006, she has been Assistant Athletic

Trainer at Appalachian State University. Prior to that, Ms. Goode was an Exercise Specialist/Athletic Trainer at Menchville High School.

Salary: \$35,000 for 12 months  
Rank: Assistant Athletic Trainer and Instructor

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**APPOINTMENT OF RESEARCH ASSOCIATE PROFESSOR**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Loree C. Heller as Research Associate Professor in the Frank Reidy Research Center for Bioelectrics, effective July 10, 2008.

Dr. Heller received a Ph.D. in Medical Sciences in 1993 from the University of South Florida, College of Medicine, an M.S. in Medical Microbiology and Immunology in 1984 from Long Island University and a B.S. in Microbiology in 1979 from Oregon State University. Since 2004, she has been an Assistant Professor in the Department of Molecular Medicine at the University of South Florida, College of Medicine. Dr. Heller is also a Clinical Scientist for Tampa General Hospital and a Senior Research Scientist, RMR Technologies, LLC.

Salary: \$90,000 for 12 months  
Rank: Research Associate Professor

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**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 Mr. Richard L. Mayo, III as Acting Program Advisor for the Interdisciplinary Studies Teacher Preparation Program, effective June 10, 2008.

Mr. Mayo received an M.S.Ed. in Higher Education and a B.A. in Communication, in 2008 and 2006 respectively, from Old Dominion University. Since 2006, he has been a Graduate Research Assistant in the Advising and Transfer Programs and Undergraduate Continuance Office in University College at Old Dominion University.

Salary: \$38,000 for 12 months  
Rank: Acting Program Advisor, Interdisciplinary Studies Teacher Preparation Programs, 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 Mr. Nathan J. Miker as Assistant Athletic Trainer, effective June 10, 2008.

Mr. Miker received an M.Ed. in Health Promotions in 2006 from Virginia Polytechnic Institute and State University and a B.S. in Athletic Training in 2004 from Mount Union College. In 2007-2008, he worked in the Athletics Department at Georgia Southern University. Prior to that, Mr. Miker was an NFL Intern for the Cleveland Browns.

Salary:           \$35,000 for 12 months  
Rank:             Assistant Athletic Trainer and Instructor

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**APPOINTMENT OF ASSISTANT DIRECTOR/CHIEF DEPARTMENTAL ADVISOR  
INTERDISCIPLINARY STUDIES**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Michele Mitchell as Assistant Director/Chief Departmental Advisor for Interdisciplinary Studies, Teacher Preparation Programs in the College of Arts and Letters, effective June 10, 2008.

Ms. Mitchell received a J.D. in 2000 from William and Mary School of Law and a B.A. in Criminal Justice in 1997 from Old Dominion University. For the past year, she has been Program Advisor and then Acting Assistant Director and Chief Departmental Advisor for Interdisciplinary Studies, Teacher Preparation Programs and the Bachelor of Arts in International Studies in the College of Arts and Letters. She has also been an Adjunct Instructor of Criminal Justice and Adjunct Assistant Professor of Political Science. From 2004 to 2006, Ms. Mitchell was Assistant Director of Transfer and Military Affairs in the Admissions Office at Old Dominion University.

Salary:           \$42,400 for 12 months  
Rank:             Assistant Director/Chief Departmental Advisor, Interdisciplinary Studies –  
Teacher Preparation Program, and Assistant Professor

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**APPOINTMENT OF ASSISTANT TO THE DEAN FOR MARKETING,  
PUBLICATIONS, AND OUTREACH, DARDEN COLLEGE OF EDUCATION**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Shayla Moore

Prince as Assistant to the Dean for Marketing, Publications, and Outreach in the Darden College of Education, effective June 10, 2008.

Ms. Prince received an M.P.A. with an emphasis in Higher Education Administration from Old Dominion University and a B.A. in English Arts from Hampton University. Since 2005, she has been Coordinator for Academic Services at Norfolk State University. Prior to that she was Event Planning Coordinator at Norfolk State.

Salary: \$52,500 for 12 months  
Rank: Assistant to the Dean for Marketing, Publications, and Outreach, Darden College of Education, and Instructor

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**APPOINTMENT OF SENIOR PROJECT SCIENTIST**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Robert M. Robinson as Senior Project Scientist at the Virginia Modeling, Analysis, and Simulation Center, Office of Research, effective May 25, 2008.

Mr. Robinson received an M.S. in Physics from the Naval Postgraduate School, a B.S. from the U.S. Naval Academy and is a Ph.D. candidate in Modeling and Simulation at Old Dominion University. Since 2004, he has been working at the Virginia Modeling, Analysis, and Simulation Center as Director of Program Advancement/Business Development and Project Scientist.

Salary: \$93,000 for 12 months  
Rank: Senior Project Scientist and Instructor

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**APPOINTMENT OF DIRECTOR OF HUMAN RESOURCES**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. September Sanderlin as Director of Human Resources, effective April 25, 2008.

Ms. Sanderlin received an M.S. in Occupational and Technical Studies from Old Dominion University and a B.A. in Sociology from Mary Baldwin College. She has been at Old Dominion University since 1997 and for the past six years has been the Associate Director of Human Resources.

Salary: \$100,000 for 12 months  
Rank: Director of Human Resources and Assistant Instructor

**APPOINTMENT OF ASSISTANT DIRECTOR OF COMPLIANCE**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Kimberly L. Smith as Assistant Director of Compliance for the Office of Athletics, effective June 10, 2008.

Ms. Smith received an M.S. in Public Service Administration in 2007 from the University of Evansville and a B.S. in Sports Management in 2001 from Valparaiso University. Since 2007, she has been Assistant to the Director of Compliance at the University of Evansville.

Salary:           \$37,000 for 12 months  
Rank:             Assistant Director of Compliance and Instructor

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**APPOINTMENT OF ACADEMIC ADVISOR**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Mirta S. Williams as Academic Advisor for Advising and Transfer Programs, effective April 25, 2008.

Ms. Williams received an M.S.Ed. in School Counseling and a B.S. in Criminal Justice, in 2003 and 1997 respectively, from Old Dominion University. Since 2007, she has been a High School Counselor at Princess Anne High School. Prior to that, Ms. Williams was a High School Counselor at Booker T. Washington High School. She is a Licensed Professional Counselor.

Salary:           \$36,000 for 12 months  
Rank:             Academic Advisor and Instructor

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**APPOINTMENT OF RESEARCH ASSOCIATE**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Min Xu as Research Associate for Institutional Research and Assessment, effective June 25, 2008.

Ms. Xu received an M.A. and B.A. in Political Education, in 2000 and 1995 respectively, from China University of Mining and Technology and is expected to receive an Ed.D. in Educational Administration in 2008 from the University of Akron. Since 2003, she has been a Graduate Assistant in the Department of Educational Foundations and Leadership at the University of Akron. Ms. Xu also was an Intern in the Office of Institutional Research at the University of Akron.

Salary: \$44,000 for 12 months  
Rank: Research Associate and Instructor

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The Committee approved, by majority vote (3 in favor; 2 opposed), the resolution to rename the Institute of Applied Ethics in the College of Arts and Letters to the Institute of Ethics and Public Affairs. The following resolution was brought forth as a recommendation from the Academic and Research Advancement Committee and was approved by majority vote of all members present and voting (*In favor: Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, Stallings, Treherne; Opposed: O'Neill*).

**APPROVAL TO RENAME THE INSTITUTE OF APPLIED ETHICS**  
**THE INSTITUTE FOR ETHICS AND PUBLIC AFFAIRS**  
**COLLEGE OF ARTS AND LETTERS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves renaming the Institute of Applied Ethics in the College of Arts and Letters the Institute for Ethics and Public Affairs.

Rationale: The Institute was started quite some time ago by members of the Department of Philosophy and Religious Studies who are no longer at the University. It lay dormant for a number of years, but has been revived over the last five years. The Institute's goal has been to present at least two events every year that will bridge the "town/gown divide" and bring members of the general public to campus for presentations on ethical issues that are of interest and importance to the Hampton Roads community.

"Applied ethics" is a piece of philosophical jargon. Many philosophers do not like the term because they think it presupposes that the way to answer ethical questions is to start with a set of abstract principles that you then "apply" to specific situations. Eliminating the jargon from the name describes the Institute in a way that will make sense to non-philosophers and effectively conveys that those at the Institute are interested in the ethical dimension of questions that are of interest to the community generally and the entire target audience.

"Public affairs" is a common term for describing matters that are of interest to the public generally. Philosophers in the areas of moral, social, and political philosophy frequently describe their subject matter as public affairs. *Philosophy and Public Affairs* is one of the most prominent philosophy journals, and *Public Affairs Quarterly* describes itself as being "devoted to current issues in social and political philosophy."

Some universities do have departments or schools of public affairs, although the fields of study within these units vary. Sometimes "Public Affairs" means "Public Administration," sometimes it means "Political Science," and sometimes schools of public affairs are multidisciplinary units that bring together scholars from many fields, including philosophers. Since "Public Affairs" is

not part of the name of any school or department at Old Dominion, there is little potential for confusion.

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The Committee approved, by unanimous vote, the new policy on release of educational records for dependent students. The following resolution was brought forth as a recommendation from the Academic and Research Advancement Committee and was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

**APPROVAL OF NEW POLICY ON RELEASE OF EDUCATIONAL  
RECORDS OF DEPENDENT STUDENTS**

WHEREAS, House Bill 1058 passed during the 2008 General Assembly session, requires adoption of policy and procedures requiring release of educational records of a dependent student; and

WHEREAS, Old Dominion University has a continued commitment to comply with the Family Educational Rights and Privacy ACT (FERPA) 20 U.S.C. §1232 and the regulations promulgated thereunder by release of educational records of a dependent student when accompanied by a written release, a written statement from the student stating that the student is a dependent, or provision of a copy of the prior year's tax return showing the student to be a dependent; and

WHEREAS, Old Dominion University is committed to making the access to these records less burdensome on parents and is actively researching current technology to permit the student to declare the status as a dependent student, immediately making the student's status known to the University faculty and staff with a need for this information; therefore be it

RESOLVED that in accordance with Virginia Code §23-9.2:3(C) that records be released to a parent of a dependent student in accordance with FERPA; and be it further

RESOLVED that the University continues efforts underway to streamline the access to this information and making the transfer less burdensome to both the dependent student and the parent.

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The Committee approved, by unanimous vote, the proposed revisions to the policy on Emeritus Appointments. The following resolution was brought forth as a recommendation from the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

**APPROVAL OF PROPOSED REVISIONS TO THE POLICY ON  
EMERITUS APPOINTMENTS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed revisions to the Policy on Emeritus Appointments, effective June 13, 2008.

Rationale: The revisions to the Policy on Emeritus Appointments are intended to clarify and update the policy. Emerita status has been added and will apply to female faculty granted emeritus status. The process for recommending faculty for emeritus/emmerita status has been revised so that it may begin with the department chair or the provost and vice president for academic affairs. Information about recognition has been added to the policy along with the requirement that emeritus/emmerita faculty be informed annually of the privileges associated with their status.

**NUMBER:** 1441

**TITLE:** Emeritus/**Emerita** Appointments

**APPROVED:** September 28, 1972; Revised August 30, 1990; Revised April 12, 2002; Revised April 7, 2006; **Revised June 13, 2008**

- A. The title "emeritus/**emerita**" shall be granted only by the Board of Visitors. **The title of emeritus/emmerita is granted in recognition of dedicated and meritorious service at Old Dominion University and entitles its holders to commensurate rights and privileges.**
- B. Eligibility for the titles of professor emeritus and associate professor emeritus shall be limited to full-time tenured faculty upon their retirement.
- C. Administrative officers who hold faculty rank and tenure, except for the president, may be named "emeritus" upon retirement. The Board of Visitors may in its discretion award the honorary title of "president emeritus" to a former president upon his or her retirement.
- D. To be eligible for an emeritus/**emerita** appointment, **a faculty member shall be recommended by his or her chair and approved by the dean, provost and vice president for academic affairs, and president, or the process may begin with the recommendation of the provost and vice president for academic affairs.** Administrators shall be recommended by **the provost and vice president for academic affairs and approved by the president.**
- E. Should a qualifying faculty member die before actual retirement, his or her chair may recommend him or her for posthumous emeritus/emmerita recognition.

**F. Each person receiving the title of emeritus/emerita will receive appropriate recognition from the university.**

**G. Emeritus/emerita appointments carry the following lifetime privileges, an updated list of which will be sent annually by the Office of Academic Affairs to every emeritus/emerita faculty member.**

1. Use of the library as a faculty member.
2. Attendance at faculty meetings (nonvoting), at receptions and at academic processions, including commencement.
3. The same tuition rates for spouses and dependent children enrolled in the university as are provided for active faculty.
4. Listing in all university publications on the same basis as active faculty.
5. Receipt of all university informational bulletins that are circulated to active faculty.
6. Attendance at lectures, concerts, athletic events, banquets, etc., and use of university facilities, including parking lots, on the same basis as active faculty.
7. Office and laboratory space, or library study space, **as available and** on a temporary basis, but priority will be given to active faculty, staff, and students when space is limited.

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The Committee heard two appeals of two faculty members who were denied tenure in closed session. In the first appeal, the Committee agreed by majority vote (4 in favor; 1 opposed) to uphold the President's decision to deny tenure. In the second appeal the Committee agreed by unanimous vote to uphold the President's decision to deny tenure.

The Committee approved, by unanimous vote, the proposed revisions to the policy on sick leave; annual, military and civil leave for administrative and professional faculty and faculty on twelve-month contracts; a new policy on military leave; a new policy on civil and administrative leave; a new policy on recognition leave, school assistance and voluntary service leave; emergency and disaster leave; and bone marrow and organ donor leave. The following resolutions were brought forth as recommendations from the Academic and Research Advancement and were approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

## APPROVAL OF PROPOSED REVISIONS TO THE SICK LEAVE POLICY

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed revisions to the Sick Leave Policy, effective June 13, 2008.

Rationale: The proposed revisions to the sick leave policy incorporate recommendations from the State Auditor to establish more control and minimize the potential for abuse by reducing the number of days of sick leave that may be taken before sick leave verification is required.

**NUMBER:** 1430

**TITLE:** Sick Leave Policy

**APPROVED:** June 12, 1975; Revised September 23, 1993; Revised December 4, 1997; Revised April 9, 1998; Revised September 9, 2005; **Revised June 13, 2008**

It is the policy of the university to grant sick leave with pay to faculty members or **administrative and professional faculty (AP faculty)** ~~an administrator with faculty rank~~ when this becomes necessary during the period covered by the person's contract. ~~If sick leave extends 10 days, the disability must be certified by the attending physician.~~ **Sick leave is subject to verification. Faculty with a history of frequent and/or prolonged illness may be asked to provide a health care provider's certification. Faculty must comply with a management request for verification of the need to use sick leave. Extended absences (5 workdays or more) due to illness should be discussed with the Director of Human Resources because of the requirements of the Family and Medical Leave Act (FMLA).** ~~Such~~ Sick leave will continue until the person is able to resume his or her responsibilities, but for no longer than six months of sick leave during those months normally covered by contract.

A faculty member or ~~an administrator with faculty rank~~ **AP faculty** may use their sick leave, up to six days at a time, for an illness or death in their immediate families. Leave for this purpose may not exceed six days in a fiscal year. Immediate family includes parents, stepparents, spouse, children, stepchildren, siblings, stepbrothers and sisters, and any relative living in the faculty member's or administrator's home.

Faculty or ~~an administrator with faculty rank~~ **AP faculty** may use sick leave with pay for the period of absence that is certified by a physician as medically necessary because of illness, health conditions, or recuperation due to pregnancy or childbirth. Therefore, the period of absence before, during and after delivery that is certified by the attending physician as medically necessary may be charged to sick leave. Any additional period of absence that the faculty member elects to take must be taken as leave without pay. The provisions of the Family and Medical Leave Act (FMLA) apply to absences due to the birth of a child or the mother's health

condition related to childbirth. The FMLA specifies the conditions under which the university is required to allow eligible faculty and ~~administrators with faculty rank~~ **AP faculty** up to 12 weeks of job-protected leave (paid or unpaid) during a 12-month period for several listed reasons. Please see the Family and Medical Leave section for more specific information. All such leave should be requested in advance, or as soon as possible after an eligible need is known.

Faculty members are encouraged to carry a disability insurance policy that begins coverage after six months when sick leave is exhausted and the faculty member is removed from the payroll. Such a policy is offered through the university's Department of Human Resources. If a leave of absence without pay is granted after sick leave is exhausted, the position will be filled with a temporary appointment for the period of the leave.

The chair and/or dean, in conjunction with the faculty member, will be responsible for developing a work-management plan for hiring replacements or assigning work or teaching to others when a faculty member takes sick leave.

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**APPROVAL OF PROPOSED REVISIONS TO THE  
ANNUAL, MILITARY AND CIVIL LEAVE POLICY FOR ADMINISTRATIVE AND  
PROFESSIONAL FACULTY AND FACULTY ON TWELVE-MONTH CONTRACTS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed revisions to the Annual, Military and Civil Leave Policy for Administrative and Professional Faculty and Faculty on Twelve-Month Contracts, effective June 13, 2008.

Rationale: The proposed revisions to the existing annual leave policy are required to define the twelve-month teaching and research faculty eligible to accrue and use annual leave, to revise the leave year to fit the contract cycle, and to revise the leave increments to align with web time entry. Recommendations from the State Auditor were also included to stress accountability for reporting leave. Civil and military leave were deleted from the existing policy and rewritten as individual leave policies.

**NUMBER:** 1491

**TITLE:** Annual, ~~Military, and Civil~~ Leave Policy for Administrative and Professional Faculty and **Eligible Instructional and Research** Faculty on Twelve-Month Contracts

**APPROVED:** September 16, 1983; Revised August 27, 1987; Revised June 15, 1989; Revised September 29, 1989; Revised September 23, 1993; Revised December 2, 1993; Revised September 22, 1994;  
**Revised June 13, 2008**

**Old Dominion University, as a state agency and public institution, is supported by the Commonwealth of Virginia, a public employer committed to serving the interests of the taxpayers and ensuring accountability for using public funds effectively. Therefore, it is the policy of the commonwealth and the university that faculty are not paid for time that they do not work, except when using appropriate leave time as set forth in policy by the university.**

1. Administrators **Administrative** and professionals **professional faculty (AP faculty)** who hold faculty rank and **eligible instructional and research** faculty on twelve-month contracts earn ~~two (2) days~~ **sixteen (16) hours of** annual leave per month, normally twenty four (24) working days per year. **Twelve-month teaching and research faculty who hold academic rank with departmental designation and have twenty-five (25) percent or less of their workload assigned to administrative duties are not eligible for annual leave.** This annual leave is in addition to the ~~eleven (11)~~ **twelve (12)** holidays observed by the state. Administrative and professional faculty **AP faculty** employed on less than a twelve-month basis receive all state holidays scheduled during their employment period and annual leave at the rate of ~~two days~~ **sixteen (16) hours** per month. **AP faculty who work less than 40 hours per work week accrue annual leave on a pro-rated basis.**
2. Annual leave days are to be accrued monthly on the first of the month. Leave may be taken at any time subsequent to being earned but should be planned with regard to workload and office schedules. The dates of the leave must be approved in advance by the supervisor. Annual leave will not be accrued during any month in which the faculty member is on a leave without pay status.
3. A vice president may authorize annual leave advances, i.e. granting of leave prior to it being earned, when unusual circumstances dictate. Covered faculty members should submit a written request to the vice president which explains the reasons for the request. Should a faculty member resign prior to working the entire period during which the leave would have been earned, a payroll deduction will be initiated to recover the salary amount of the leave advance.
4. Workload and office schedules should be arranged so as to allow each member full benefit of his/her annual leave. It is not in the best interest of either the university or the individual member for the employee to work a full year with less than full annual leave. However, to allow for special university requirements, a maximum of thirty-six (36)\* days **(288 hours)** may be carried forward from one fiscal **contract** year **(June 10 to the following June 9)** to the next. Annual leave balances may exceed thirty-six (36)\* days during the fiscal **contract** year as a result of monthly accruals. **(\*Twenty days (160 hours) for covered employees employed on or after July 1, 1993.)**
5. Those whose initial appointment or contract period begins in the middle of a month will accrue annual leave for the month during which he/she is hired.

6. Unless approved by the President, employees who terminate for any reason are expected to utilize all accumulated annual leave prior to their date of termination.
7. **A vice president may grant an exception to the limit of annual leave that may be carried over into the next contract year when AP faculty have not been allowed to use their leave because of university and/or departmental work demands over a substantial period of time. Such exceptions should be given in writing and should indicate the timeframe during which the person must use the additional leave time. Written exceptions should be submitted to the Department of Human Resources.**
8. In general, those who terminate employment or an administrative assignment will not be compensated for any accrued, but unused, annual leave days that remain when they terminate that employment or assignment. However, in exceptional cases, where the presence of a key employee is required by the University until he/she actually terminates employment, the President may approve a lump sum payout equal to the value of the salary of accrued, but unused, annual leave days. The maximum number of accumulated leave days that may be so compensated is 36 for individuals employed prior to July 1, 1993, and 20 for individuals employed thereafter.
- ~~8. Administrators who hold faculty rank and faculty on twelve-month appointments who are members of any reserve component of the armed forces of the United States, such as National Guard, Naval Reserve, Air Force Reserve and Army Reserve, will receive full pay for any federally funded military training duty for up to a maximum of fifteen (15) work days per contract period. Other voluntary, military-related training such as the Virginia State Defense Force and the National Defense Executive Reserve are also included in this policy. Annual leave need not be used for military reserve or voluntary, military-related training except in circumstances where more than fifteen (15) training days per appointment or contract period are needed.~~
- ~~9. Faculty members covered by this policy will be granted unconditional military leave without pay for the duty indicated in their military orders that is not covered by military leave with pay, normally for up to four years. Details on the status of benefits coverage during active military duty and reinstatement are available through the University's Department of Human Resources.~~
- ~~10. Full pay will be allowed for those serving on a jury or attending court as a witness under a formal subpoena. In these instances, accrued annual leave need not be used. Any other instances requiring court appearances outside the nature of university employment will require the use of annual leave.~~
- ~~11. The above provisions refer to annual, civil, and military leave only. Provisions concerning other types of leave are covered in separate policies.~~

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## APPROVAL OF NEW POLICY ON MILITARY LEAVE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the new policy on Military Leave, effective June 13, 2008.

Rationale: Information on military leave was included originally in the Annual, Military and Civil Leave Policy for Administrative and Professional Faculty and Faculty on Twelve-Month Contracts. The new policy on military leave is based on State leave policy and is reflective of current requirements based on federal regulations.

### **Military Leave**

1. Military leave is available to all faculty members. Faculty members are eligible for leave with pay for up to 15 work days in a federal fiscal year (October 1 through September 30) for military duty, including training, if they are members of any reserve component of the Armed Forces or the National Guard. Annual leave for those faculty eligible for annual leave need not be used for military reserve or voluntary, military-related training except in circumstances where more than fifteen (15) training days per appointment or contract period are needed.
2. In addition to the 15 days discussed above, up to eight hours of military leave for pre-induction and other physical examinations required for military service are provided per federal fiscal year.
3. The Governor of Virginia may call the Commonwealth's Militia to respond to natural or man-made disasters in Virginia or in another state. Faculty called to such emergency-response military duty are on military leave with pay. This time is separate from and in addition to the 15 days of paid military leave discussed above.
4. To qualify for military leave, faculty members are required to provide their department heads and Human Resources with copies of orders documenting dates and types of required military training, physical examination, or active duty from appropriate military officials, including discharge documentation.
5. Faculty members covered by this policy will be granted unconditional military leave without pay for the duty indicated in their military orders that is not covered by military leave with pay, normally for up to five years.
6. Contact Human Resources for a full description of military leave benefits and conditions, and guidance on all requests for military leave and/or reinstatement.

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## **APPROVAL OF NEW POLICY ON CIVIL AND ADMINISTRATIVE LEAVE**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the new policy on Civil and Administrative Leave, effective June 13, 2008.

Rationale: Information on civil leave was included originally in the Annual, Military and Civil Leave Policy for Administrative and Professional Faculty and Faculty on Twelve-Month Contracts. The new policy on Civil and Administrative Leave is based on State leave policies and is reflective of current requirements based on state regulations. More information is provided concerning the application of civil and administrative leave.

### **Civil and Administrative Leave**

Civil and administrative leave is available for all faculty members.

1. Civil and administrative leave is granted to fulfill the civic duties and functions listed below:
  - \* As required by a summons to jury duty.
  - \* To appear as a crime victim or witness in a court proceeding or deposition as compelled by a subpoena or summons.
  - \* To accompany the faculty member's minor child when the child is legally required to appear in court.
  - \* To attend work-related administrative hearings as a party or witness.
  - \* To attend one initial session with the Employee Assistance Program per qualifying incident.
  - \* To cover periods of investigation as approved by Human Resources and senior management.
  - \* To provide paid leave during the due process period.
  
2. Civil and administrative leave is not granted for use by a faculty member:
  - \* who is a defendant in a criminal matter, where criminal matter means either an alleged misdemeanor or felony,
  - \* who has received a summons to appear in traffic court (except as a witness), or

- \* who is a party to a civil case, either as plaintiff or defendant, or who has any personal or familial interest in the proceedings.

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### **APPROVAL OF NEW FACULTY LEAVE POLICIES**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves new faculty leave policies on Recognition Leave, School Assistance and Volunteer Service Leave, Emergency/Disaster Leave, and Bone Marrow and Organ Donor Leave, effective June 13, 2008.

Rationale: The proposed addition of recognition leave provides supervisors with a mechanism to recognize outstanding performance by faculty eligible for this type of leave. The proposed policy is consistent with current State policy for classified employees.

The purpose of offering school assistance and volunteer service leave is to expand the application of a State policy for classified employees to administrative and professional faculty and twelve-month faculty eligible for annual leave. This leave would enable eligible faculty to use up to 16 hours per contract year for volunteer service for eligible non-profit organizations and public schools. This leave type would also enable eligible faculty to attend school (public or private) meetings or events for their children.

The purpose of offering emergency/disaster leave is to expand the application of a State policy for classified employees to faculty who may be impacted by severe or catastrophic damage to his/her primary personal residence as a result of a natural or man-made emergency or disaster. This leave would also provide up to 80 hours of paid leave to eligible faculty who are called away from their university jobs to provide specialized emergency services when approved by the university.

The purpose of offering bone marrow and organ donor leave is to expand the application of a State policy for classified employees to provide up to 30 days of paid leave to eligible faculty who may be donors.

### **BONE MARROW AND ORGAN DONOR LEAVE**

Faculty employed by the university for one year may receive up to 30 days of additional paid leave for donating bone marrow or organs. This type of leave is provided in addition to other leave benefits, does not count toward the 12-week period of family and medical leave, requires medical certification prior to approval of the leave, and guarantees the faculty member's position will be available upon return.

For complete information, please refer to Policy 4.37 in the Department of Human Resource Management Policy Manual or call Human Resources at 683-3042.

## **EMERGENCY/DISASTER LEAVE**

AP faculty and 12-month faculty eligible for annual leave who are called away from their regular jobs to provide specific kinds of emergency services during defined times of state and/or national disaster are authorized, when approved by the university, to receive up to 80 hours of paid leave on an annual basis.

Leave may also be available under this policy to a faculty member who has sustained severe or catastrophic damage to or loss of his or her primary personal residence, or has been ordered to evacuate that residence, as a result of a natural or man-made emergency or disaster. The university president has sole discretion for authorizing up to 80 hours of leave annually under this policy for faculty who meet all criteria shown below:

- The event resulted in a formal declaration of a State of Emergency or of federal disaster status.
- The faculty member's home was located in the officially declared disaster area.
- Formal documentation from recognized disaster relief organizations or insurance companies verifies severe, extreme, or catastrophic damage to or loss of personal property as a result of the declared emergency in which the damage or required evacuation rendered the faculty member's home temporarily or permanently uninhabitable.

## **RECOGNITION LEAVE**

Recognition leave up to five workdays may be awarded to AP faculty and 12-month faculty eligible for annual leave in a contract year to reward outstanding performance, contributions to the goals and objectives of the department or university, and to acknowledge individual or team accomplishments. The vice president must approve the awarding of recognition leave.

Recognition leave lapses within 12 months from the date it is awarded. However, the vice president may extend the 12-month retention period for recognition leave if the department has been unable to allow the use of the leave.

## **SCHOOL ASSISTANCE AND VOLUNTEER SERVICE LEAVE**

This type of leave permits (or, in the case of volunteer fire and rescue service, requires) the university to grant AP faculty and 12-month faculty eligible for annual leave up to 16 hours of time off with pay per contract year to provide volunteer services through eligible non-profit organizations within or outside their communities. Such service may be provided as a member of a service organization or through authorized school assistance. The policy supports the

Governor's Commission on National and Community Service which encourages Virginians to dedicate service to others.

Service organizations are defined as those that (1) are community based or that have extensions of their organizations within a community and (2) provide services through voluntary efforts of citizens in the following ways:

- Relief to physically or mentally challenged persons;
- Relief to victims of natural disasters or catastrophes (refer to DHRM [Policy 4.17, Emergency/Disaster Leave](#) or contact Human Resources at 683-3042);
- Health services, emergency relief and shelter, transportation and preparation or delivery of meals;
- Other direct health or welfare services for the economically disadvantaged; or
- Community services which assist residents, including child and youth development.

AP faculty and eligible 12-month faculty with children may be granted paid leave under this policy to:

- meet with a teacher or administrator of a public or private preschool, elementary school, middle school, or high school concerning their children, step-children, or children for whom the faculty member has legal custody; or
- attend a school function in which such children are participating.

Any AP faculty or eligible 12-month faculty may be granted paid leave under this policy to perform volunteer work approved by any teacher or school administrator to assist a **public** preschool, elementary school, middle school, or high school.

Faculty must receive approval from their supervisors prior to using volunteer leave. Supervisors may require written verification from an official of the service organization for use of volunteer leave. If the leave is used for school assistance, written verification should be from a school administrator or teacher.

Supervisors should attempt to approve leave at the time requested by faculty, but have discretion to disapprove leave if it would significantly impact departmental operations.

Supervisors may determine that it is not possible to release certain faculty under this policy, such as faculty in direct care or public safety positions, due to staffing requirements. When adequate, capable back-up staff is readily available, or if it is possible to adjust work schedules, faculty requests should be granted. If they are unable to grant volunteer leave requests, supervisors should inform affected faculty as soon as possible after the decision is made.

Leave not taken under this policy in a contract year is not carried forward to the next year. There is no payment for unused volunteer leave upon separation from university service.

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### **ADMINISTRATION AND FINANCE COMMITTEE**

The Rector called on Mr. Hixon to present the action items from the Administration and Finance Committee. Mr. Hixon stated that the Committee held the first part of its meeting in joint session with the Academic and Research Advancement Committee to receive a briefing from Vice President Fenning on the proposed operating budget and plan for 2008-2009.

Following joint session, the Administration and Finance Committee reconvened and approved the proposed 2008-2009 Operating Budget and Plan. The following resolution was brought forth as a recommendation from the Administration and Finance Committee and was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

### **RESOLUTION APPROVING 2008-2009 OPERATING PLAN**

RESOLVED, that upon the recommendation of the President and the Administration and Finance Committee, the Board of Visitors approves the proposed expenditure plan as displayed below and as contained in TABLE 2 of the University's 2008-2009 Operating Budget Plan.

TABLE 2  
UNIVERSITY EXPENDITURE SUMMARY  
(in thousands)

Expenditures	2007-08 Original Budget Plan	2008-09 Proposed Budget Plan
<i><u>E&amp;G</u></i>		
Instruction	\$84,527	\$103,536
Research & Sponsored Programs	15,684	4,156
Public Service	310	316
Academic Support	38,255	39,367
Student Services	9,622	10,899
Institutional Support	25,562	28,233
Operations & Maintenance of Plant	24,788	21,459
Subtotal	\$199,748	\$207,966
Auxiliary Services	62,890	67,556
Grants & Contracts	23,237	24,940
Gifts & Discretionary	7,466	8,940
Scholarships & Fellowships	24,047	29,954
Student Loan Funds	63,750	72,250
<b>TOTAL UNIVERSITY EXPENDITURES</b>	<b>\$381,138</b>	<b>\$411,570</b>
<b>Summary of University Revenues &amp; Expenditures</b>		
Revenues	\$383,939	\$415,608
Expenditures	\$381,138	\$411,570
Contribution to/(Use of) Fund Balance	\$2,801	\$4,038

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Dale Feltes, Director of Design and Construction, briefed the Committee on the use of the Construction Manager (CM) At-Risk delivery method and proposed its use in order to control costs through design and construction of the new Systems Research and Academic Building. The motion to use CM At-Risk for this project was brought forth as a recommendation of the Administration and Finance Committee and was approved by

all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

Mr. Rick Massey, Chief Financial Officer for Foundations, and Vice President Fenning briefed the Committee on two proposed Amendments of Deed of Lease resolutions for the University Village Apartments and the North Parking Deck. These resolutions would amend the Deed of Lease between the Old Dominion University Real Estate Foundation Student Housing, LLC (for the University Village Apartments) and Real Estate Foundation 45<sup>th</sup> Street Parking Garage, LLC and Old Dominion University, which were originally approved by the Board, in order to refinance the projects with the issuance of Series 2008 Refunding 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 (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

**RESOLUTION APPROVING THE AMENDMENT OF THE DEED OF LEASE**  
**LEASING THE OLD DOMINION UNIVERSITY REAL ESTATE FOUNDATION**  
**STUDENT HOUSING, LLC STUDENT HOUSING PROJECT**  
**AND OTHER ACTIONS RELATED TO THE REFINANCING OF**  
**STUDENT HOUSING LOCATED IN UNIVERSITY VILLAGE**

WHEREAS, at the request of the Old Dominion University Real Estate Foundation Student Housing, LLC, a Virginia limited liability company (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, a political subdivision of the Commonwealth of Virginia (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 and the Lessor, the Company, the Authority and Old Dominion University (the University) executed and delivered, either contemporaneously with the issuance of the Series 2005 Bonds or thereafter, certain related documents and instruments, including a Deed of Lease (the Lease) between the Lessor and the University dated as of August 1, 2006, for the purposes of (i) refinancing and securing the refinancing of 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, CIFG Assurance North America, Inc. (the Bond Insurer) issued its bond insurance policy (the Bond Insurance Policy) obligating the Bond Insurer to pay principal and interest on the Series 2005 Bonds;

WHEREAS, pursuant to Chapter 3, Item C-110.30, page 492 of the 2006 Acts of Assembly, the General Assembly of the Commonwealth authorized the University to enter into the Lease 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 September 22, 2006, the Board of Visitors of Old Dominion University approved the execution and delivery of the Lease;

WHEREAS, as debt service payments on the Series 2005 Bonds and other required payments are paid from the University's payment of Basic Rent (as defined in the Lease), the Treasury Board of the Commonwealth of Virginia, as required by Virginia law, approved the Lease on August 16, 2006;

WHEREAS, the Bond Insurer's credit ratings have been substantially lowered since January 1, 2008, causing the weekly variable interest rate on the Series 2005 Bonds, and accordingly the University's Basic Rent under the Lease, to exceed substantially the anticipated interest rates and other payment obligations with respect to the Series 2005 Bonds and the University's financial officers have determined that it is in the best interest of the Project, the Lessor, the Company and the University (a) to redeem in full the Series 2005 Bonds by the issuance by the Authority of refunding bonds (the Series 2008 Bonds) in order to terminate the Bond Insurance Policy and (b) to apply for credit enhancement for the the Series 2008 Bonds through a direct pay letter of credit issued by a highly rated financial institution to be selected, all in order to reduce debt service and the University's Basic Rent under the Lease;

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

1. The University hereby approves amending the Lease in connection with the issuance of the Series 2008 Bonds.

2. The President (or Acting President) or the Vice President for Administration and Finance of the University, each of whom may act, is authorized to approve the amendments to the Lease to be made in connection with the issuance of the Series 2008 Bonds, subject to the approval by the President (or Acting President) or the Vice President for Administration and Finance of the University, each of whom may act, for the principal amount of the Series 2008 Bonds, the initial interest rate with respect to the Series 2008 Bonds, the maturity schedule with respect to the Series 2008 Bonds, the letter of credit provider, underwriter and remarketing agent with respect to the Series 2008 Bonds, the letter of credit, underwriting and remarketing terms and fees with respect to the Series 2008 Bonds and all other financial terms, conditions and costs related to the issuance of the Series 2008 Bonds. The execution and delivery of the amendment to the Lease by the President (or Acting President) or the Vice President for Administration and

Finance of the University is hereby approved and such execution and delivery shall evidence approval of the financing terms of the Series 2008 Bonds and any related documents.

3. The appropriate officers of the University are hereby authorized and directed to seek the approval of the terms of the amendments to the Lease by the Treasury Board of the Commonwealth of Virginia, as required by Virginia law, and to take such other actions as may be consistent with this resolution and to carry out the transactions authorized hereby or contemplated herein.

4. The President (or Acting President) or the Vice President for Administration and Finance of the University shall report to this Board at its next regular meeting the financial terms with respect to the Series 2008 Bonds and the projected savings in Basic Rent resulting from the issuance of the Series 2008 Bonds.

5. This resolution shall take effect immediately.

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The following resolution was brought forth as a recommendation of the Administration and Finance Committee and was approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

**RESOLUTION APPROVING THE AMENDMENT OF THE DEED OF LEASE  
LEASING THE OLD DOMINION UNIVERSITY REAL ESTATE FOUNDATION  
PARKING GARAGE, LLC PROJECT AND OTHER ACTIONS RELATED TO THE  
REFINANCING OF A PARKING GARAGE LOCATED IN UNIVERSITY VILLAGE**

WHEREAS, at the request of the Old Dominion University Real Estate Foundation 45<sup>th</sup> Street Parking Garage, LLC, a Virginia limited liability company (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, a political subdivision of the Commonwealth of Virginia (the Authority), issued its Variable Rate Demand Revenue Bonds (Old Dominion University Real Estate Foundation 45<sup>th</sup> Street Parking Garage, LLC Project), Series 2006 (the Series 2006 Bonds) in the aggregate principal amount of \$12,615,000 and the Lessor, the Company, the Authority and Old Dominion University (the University) executed and delivered, contemporaneously with the issuance of the Series 2006 Bonds, certain related documents and instruments, including a Deed of Lease (the Lease) between the Lessor and the University dated as of May 1, 2006, for the purposes of (i) financing and securing the financing of a portion of the cost of constructing a multi-story parking garage also containing a University art gallery and folk art museum on the ground floor to be located on 45<sup>th</sup> Street near and east of the northeast corner of the intersection of Hampton Boulevard and 45<sup>th</sup> Street in Norfolk, Virginia (the Project), (ii) paying the costs of issuance for the Series 2006 Bonds and interest on the Series 2006 Bonds during construction of the Project and (iii) funding a debt service reserve fund;

WHEREAS, contemporaneously with the execution and delivery of the Series 2006 Bonds, CIFG Assurance North America, Inc. (the Bond Insurer) issued its bond insurance policy (the Bond Insurance Policy) obligating the Bond Insurer to pay principal and interest on the Series 2006 Bonds;

WHEREAS, pursuant to Section 23-38.88 et. seq of the Code of Virginia the University was granted authority to enter into the Lease 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 2006 Bonds;

WHEREAS, by resolution adopted April 7, 2006, the Board of Visitors of Old Dominion University approved the execution and delivery of the Lease;

WHEREAS, as debt service payments on the Series 2006 Bonds and other required payments are paid from the University's payment of Basic Rent (as defined in the Lease), the Treasury Board of the Commonwealth of Virginia, as required by Virginia law, approved the Lease on April 19, 2006;

WHEREAS, the Bond Insurer's credit ratings have been substantially lowered since January 1, 2008, causing the weekly variable interest rate on the Series 2006 Bonds, and accordingly the University's Basic Rent under the Lease, to exceed substantially the anticipated interest rates and other payment obligations with respect to the Series 2006 Bonds and the University's financial officers have determined that it is in the best interest of the Project, the Lessor, the Company and the University (a) to redeem in full the Series 2006 Bonds by the issuance by the Authority of refunding bonds (the Series 2008 Bonds) in order to terminate the Bond Insurance Policy and (b) to apply for credit enhancement for the the Series 2008 Bonds through a direct pay letter of credit issued by a highly rated financial institution to be selected, all in order to reduce debt service and the University's Basic Rent under the Lease;

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

1. The University hereby approves amending the Lease in connection with the issuance of the Series 2008 Bonds.

2. The President (or Acting President) or the Vice President for Administration and Finance of the University, each of whom may act, is authorized to approve the amendments to the Lease to be made in connection with the issuance of the Series 2008 Bonds, subject to the approval by the President (or Acting President) or the Vice President for Administration and Finance of the University, each of whom may act, for the principal amount of the Series 2008 Bonds, the initial interest rate with respect to the Series 2008 Bonds, the maturity schedule with respect to the Series 2008 Bonds, the letter of credit provider, underwriter and remarketing agent with respect to the Series 2008 Bonds, the letter of credit, underwriting and remarketing terms and fees with respect to the Series 2008 Bonds and all other financial terms, conditions and costs related to the issuance of the Series 2008 Bonds. The execution and delivery of the amendment to the Lease by the (or Acting President) President or the Vice President for Administration and

Finance of the University is hereby approved and such execution and delivery shall evidence approval of the financing terms of the Series 2008 Bonds and any related documents.

3. The appropriate officers of the University are hereby authorized and directed to seek the approval of the terms of the amendments to the Lease by the Treasury Board of the Commonwealth of Virginia, as required by Virginia law, and to take such other actions as may be consistent with this resolution and to carry out the transactions authorized hereby or contemplated herein.

4. The President (or Acting President) or the Vice President for Administration and Finance of the University shall report to this Board at its next regular meeting the financial terms with respect to the Series 2008 Bonds and the projected savings in Basic Rent resulting from the issuance of the Series 2008 Bonds.

5. This resolution shall take effect immediately.

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#### **ELECTION OF NOMINATING COMMITTEE**

The Rector suggested Mr. Hixon, Mr. Stallings and Dr. Treherne to serve on Nominating Committee. With no additional nominations, Mr. Mugler moved that the Board elect Jim Hixon, Sonny Stallings and Katherine Treherne to the Nominating Committee. The motion was seconded and approved unanimously by all members present and voting (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

#### **REPORTS OF STANDING COMMITTEES**

##### **AUDIT COMMITTEE**

The Vice Rector called on Mr. Stallings for the report of the Audit Committee. Mr. Stallings reported that Ms. Helen Vanderland from the Auditor of Public Accounts presented the findings of the Audit Report for the year ended June 20, 2007. Their audit found ODU's financial statements were presented fairly and in accordance with generally accepted accounting principles, no internal control matters that were considered to be material weaknesses, and one instance of non-compliance related to completion of Employment Eligibility Verification Forms issued by the INS. The University's response has noted revised procedures, training, and oversight to correct this issue.

Mr. Deane Hennett, University Auditor, briefed the Committee on the proposed Audit Plan for 2008-2009. The proposed Audit Plan also addresses IT-related audits (including those related to the Commonwealth's IT Security compliance standards), as well as a number of follow-up audits and specific compliance-related activities. The Committee approved by the Audit Plan as presented.

After an update on projects in process, the Committee then received, in closed session, details of a recent audit of Banner Student Security.

### **INSTITUTIONAL ADVANCEMENT COMMITTEE**

The Vice Rector called on Mr. Mugler for the report of the Institutional Advancement Committee. Mr. Mugler reported that Mr. John R. Broderick, Vice President for Institutional Advancement and Chief of Staff, reviewed the accomplishments of the 2007-2008 academic year from the offices of Admissions, Community Relations, Financial Aid, Governmental Relations, Licensing, Media Relations, Military Relations, Photography, University Events, University Publications and University Relations.

Dr. Alice McAdory, Executive Director of Admissions and Assistant Vice President for Institutional Advancement, presented five-year data on freshman applications, admitted students, enrolled students, average SAT scores and high school GPAs, and freshmen with distinction. The data show an increase of 39 percent in the number of applications; a declining admission rate from 72 percent to 67 percent; increasing averages of GPAs and SAT scores; and a 28 percent increase over five years in the number of applications from freshmen with distinction. She also provided a list of the top 10 feeder high schools, and presented an admissions “funnel” showing the number of prospective students for fall 2008, the number of inquiries, number of applications received, number of admitted students and the expected number of students who will enroll for the fall semester. In addition, Dr. McAdory presented enrollment data for the past three years by gender and ethnicity, and the top five intended majors by gender. The Committee asked that a comprehensive enrollment plan be developed for the next Strategic Plan.

Ms. Lisa Snowdy, Public Relations Specialist and YouTube Channel Administrator, discussed the creation of the official ODU YouTube channel, and the ongoing development of the channel including branding, current video uploads and upcoming content.

Ms. Victoria Burke, Director, University Publications, discussed ODU’s branding efforts. Ms Burke shared the posters and displays that were developed to begin to tell the ODU story. She acknowledged that the brand is more than a visual element, and said that helping the university community understand the ideas behind it is both a goal and a major challenge.

### **MOTION FOR CLOSED SESSION**

The Rector recognized Mr. Ampy, who made the following motion, “Mr. Rector, I move that this meeting be recessed, and as permitted by Virginia Code Section 2.2-3711(A)(1), we reconvene in closed session for the purpose of discussing personnel matters related to the selection of a new president.” The motion was seconded and unanimously approved (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O’Neill, Stallings, Treherne*).

## **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 nine in favor and none opposed (*Ampy, Croshaw, Hixon, Kirk, Kornblau, Mugler, O'Neill, Stallings, Treherne*).

## **REPORTS OF STANDING COMMITTEES (Cont.)**

### **STUDENT ADVANCEMENT COMMITTEE**

The Rector called on Dr. Treherne for the report of the Student Advancement Committee. Dr. Treherne reported that Athletic Director Jim Jarrett presented construction updates on several new athletic facilities, including the Wrestling Center, Tennis Complex, practice fields, Powhatan Sports Center and student seating capacity for the football games. Brier Lee, student representative to the Board, asked if any consideration had been given to offering reduced ticket prices to graduating seniors for the next four or five years since their student fees supported the football initiative.

A question was asked if, once opened, the new Recreational Sports Center would be available to the public. Dr. Walker-Johnson responded in the not too distant future membership opportunities might become available to alums, community members and other interested guests. But the first priority had to be student use of the facility.

Michelle Davis, the newly elected President of the Student Government Association, gave the Committee a brief overview of her leadership style during her tenure as student body president. Ms. Davis feels her primary role is to gather student input on issues that are of concern to the quality of their experience as ODU students and to work closely with the administration to offer insight into the student experience to help facilitate positive outcomes for all concerned.

### **ACADEMIC AND RESEARCH ADVANCEMENT COMMITTEE**

The Rector called on Mr. Ampy for the report of the Academic and Research Advancement Committee. Mr. Ampy reported that Provost Carol Simpson briefed the Committee on the University's policies and procedures on tenure. The Committee agreed to table the proposal to rename the Department of Exercise, Sports, Physical Education and Recreation to the Department of Human Movement Studies.

The Committee received information on two leaves of absence without compensation, the report on promotions in rank, and the annual report on committee actions.

Vice President of Research Mohammad Karim distributed a written report from the Office of Research.

### **ADMINISTRATION AND FINANCE COMMITTEE**

The Rector called on Ms. Kirk for the report of the Administration & Finance Committee. Ms. Kirk reported that the Committee met in joint session with the Academic and Research Advancement Committee to hear a report from Vice President Fenning on the proposed Operating Budget and Plan for 2008-2009. The proposed total expenditure budget is \$411,570,000 and focuses the combined appropriations from the state, tuition and fees, and other revenues on supporting the Strategic Plan initiatives and the state performance standards, as well as mandated increases.

Mr. Deane Hennett, University Auditor, presented the proposed Audit Plan for 2008-2009, which had been approved by the Audit Committee. The Committee also approved the proposed plan.

In his report to the Committee, Vice President Fenning provided updates on the Level II Restructuring Legislation and University preparations to seek Level II authority. He also briefed the Committee on the current status of projects in the University Village and recent recycling efforts.

Vice President Fenning and Ms. Betsy Boykins of Ayers Saint Gross provided copies of the newly published Updated Master Plan and briefed the Committee on plans for the new Roseann Runte University Quad. A proposed design for the new Quad will be shared with the Committee at the September meeting.

The Committee received the standing reports on Capital Outlay Projects from Mr. Dale Feltes, Director of Design and Construction, and the status of university investments from Mr. Rick Massey, Chief Financial Officer of Foundations.

### **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 asked if there was any new business to come before the Board. Mr. Kornblau reported on behalf of the *ad hoc* committee on the president's house. He noted that the

Committee toured the house on 49<sup>th</sup> Street as a potential residence for the President and concurred that the current President's house should be renovated for the new President based on the location and the cost of renovations compared with the 49<sup>th</sup> Street House.

With no further business to be discussed, the meeting was adjourned at 3:30 p.m.