

OLD DOMINION UNIVERSITY

BOARD OF VISITORS
Thursday, June 17, 2010

MINUTES

The Board of Visitors of Old Dominion University held its annual meeting on Thursday, June 17, 2010, at 1:15 p.m. in the Board Room of Webb University Center on the Norfolk campus. Present from the Board were:

Ross Mugler, Rector
Frank Batten, Jr.
David L. Bernd
Sarita E. Brown
Kendra M. Croshaw
Harold W. Gehman, Jr.
James A. Hixon
Marc Jacobson
Pamela C. Kirk
Barry M. Kornblau
Krista Harrell-Blair (*Student Representative*)

Absent were:

Kenneth E. Ampy
David W. Faeder
Linda L. Forehand
Conrad M. Hall
Robert J. O’Neill
Moody E. Stallings, Jr.
Katherine A. Treherne

Also present were:

John R. Broderick, President	Glenda L. Humphreys
Rick Berry	Donna W. Meeks
Judy Bowman	Jennifer Mullen
Alonzo Brandon	Wood Selig
Andy Casiello	Carol Simpson
Jim Deangio	Bill Sizemore (<i>The Virginian-Pilot</i>)
Mike DeBowes	Karen Travis
Robert L. Fenning	Geneva Walker-Johnson
Velvet Grant-Johnson	Dick Whalen
Deane Hennett	Jay Wright

CALL TO ORDER

The Rector called the meeting to order at 1:20 and asked for approval of the minutes of the regular meeting held on April 10, 2010. Upon a motion made by Mr. Jacobson and seconded by

Mr. Kornblau, the minutes were approved as distributed by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

RECTOR'S REPORT

The Rector congratulated President Broderick on his appointment to the Governor's Commission on Higher Education Reform.

PRESIDENT'S REPORT

In his report to the Board, President Broderick noted that Larry Atkinson, Professor and Eminent Scholar in the Department of Ocean, Earth and Atmospheric Sciences, has been quoted extensively in various publications on issues related to the Gulf oil spill. The WiTTie Project (Wiki Templates Transforming Instructional Environments) was recently presented at the White House by Dr. Jennifer Kidd of the Department of Teaching and Learning and her students for National Lab Day. The Master of Business Administration program was awarded top honors in *The Virginian-Pilot's* "Best of" contest. Old Dominion University has been selected as one of 15 institutions nationwide to participate in the Naval Engineering Education Consortium (NEEC), designed to generate naval engineering talent for the U.S. Navy.

Faculty researchers Marvin Scully and Mike Nelson were recently recognized for their research. Assistant Professor Scully of the Department of Ocean, Earth and Atmospheric Sciences won a prestigious NSF CAREER Award, and Associate Professor Nelson of the Department of Computer Science won a Library of Congress award.

The Office of Human Resources continues to centralize and better coordinate the campus in several areas, including customer service. A campus-wide telephone protocol will be implemented by the end of June and the BANNER Faculty Load and Compensation module, which will eliminate the manual processing of adjunct faculty salaries, will be implemented for the fall semester. Glenda Humphreys, Bob Fenning, Geneva Walker-Johnson and others are also exploring administrative efficiencies in others areas of the institution.

President Broderick welcomed Krista Harrell-Blair as the student representative to the Board of Visitors and commented that she gave a great report at the Student Advancement Committee meeting.

The latest data was shared on freshman, transfer, graduate, distance learning and international applications and admissions. The President noted that freshman and transfer admissions have increased and are on target; graduate admissions have dropped slightly but can be attributed to the implement of more rigorous standards; distance learning applications and admits have increased significantly in both traditional TELETECHNET site and online programs; and 100-150 new international students –undergraduate and graduate - are expected to attend in the fall.

The Department of Materiel Management received the National Institute of Governmental Purchasing's "Fully Certified Agency Award" wit the highest score ever recorded against the award's criteria. Materiel Management has also partnered with the Office of finance to implement e-Receiving for the start of the fiscal year.

The Office of Development and Foundations will make \$8.2M available to transfer to the University on July 1st. The University's Facebook was recognized as one of the top college Facebook pages. The Veterans Business Outreach Center Opening (part of the ODU Business Gateway) will hold its grand opening on June 21. That same evening, the IEEE International Conference on Plasma Science reception will be held on Kaufman Mall. The seventh International Bioelectrics Symposium will be hosted by the Frank Reidy Research Center in Bioelectrics June 24-26, with an opening reception on June 24 in IRP Building 2. Opening Reception

Upcoming events include a reception for the Board of Visitors on August 5th. This will be the first event held in the President's House and will honor the retiring board members. The annual State of the University Address will take place on August 24 in the Ted Constant Convocation Center arena.

The University's licensing program continues to do well in the sale of ODU products, with over \$2.4 million in retail sales and royalties of \$116,488 through March, 2010. These royalties are split 50/50 between academic and athletic scholarships.

The University expanded its reputation as one of the most military-supported institutions of higher learning in the nation, with formal ranking in the top 100 pro-military institutions in national competition by *GI Jobs Magazine*. ODU is also ranked 8th nationwide in the number of new military enrollments associated with the implementation of the new GI Bill, which came online in August 2009.

The ODU Business Gateway was official launched and featured Secretary of Commerce and Trade Jim Cheng. The Gateway presents an exciting opportunity for the University and will be used as a single entry point to the intellectual capital, innovative technologies and work-class infrastructure of the University, and has generated a lot of positive feedback from Richmond and elsewhere. Jerry Robertson will serve as director.

ODU's Community Development Corporate held its second annual Hampton Roads conference for girls entitled, "The Power of Sisterhood: Continuing the Journey." The conference drew more than 400 participants and is a good recruiting tool for the University.

President Broderick stated that he, Harry Lester, and a delegation from ODU and Eastern Virginia Medical School met with six members of Congress from Virginia to discuss research earmarks. The visit was well received and he is reasonably optimistic the institutions will receive Federal funding in support of modeling and simulations, alternative energy and other initiatives.

President Broderick noted that his appointment to the Governor's Commission on Higher Education Reform was important for him but more important for the University, as this will give him an opportunity to make his case for a better funding model for base adequacy.

The President recognized outgoing board members Ross Mugler, Kendra croshaw, Jim Hixon Marc Jacobson and Sonny Stallings, and thanked them for their service to Old Dominion University. A more formal recognition will take place at the President's House on August 5.

At the conclusion of his report, President Broderick introduced Andy Casiello, Associate Vice President for Distance Learning, for a presentation on distance learning. Mr. Casiello provided a brief history of the program and its partnerships with the Virginia Community College system and the military. He described the different modalities for delivering courses to students, the joint planning team and renewed MOU with the VCCS, the current distance learning programs and the strategic focus on online program development.

Mr. Casiello noted the increased competition and student demand for online degree programs as well as its growth potential. President Broderick has authorized the development of ten new online degree programs which are currently in the pre-production phase. A critical issue is faculty incentives for participation, and he is developing a revenue share plan for the Colleges and faculty participating in these programs. Production will occur during the fall and enrollment will start in the spring.

President Broderick stated that the investment the University is making into online degree programs is partly in response to the recommendations made in the Portch report, but also in recognition that the future is in web-based instruction. The University is being selective in choosing areas of emphasis where it has a specific niche, expertise and market share. Mr. Batten encouraged the administration to push on what ODU can do better than others, as the competition is intense.

BYLAWS REVISION

The Rector noted that the requisite 12 members were not present in order to take action on the proposed Bylaws revision, so this will be tabled to the next meeting.

REPORTS OF STANDING COMMITTEES

AUDIT COMMITTEE

The Rector called on Mr. Hixon for the report of the Audit Committee. Mr. Hixon reported that Deane Hennett, University Auditor, presented proposed revisions to Board Policy 1610 on the Internal Audit Charter, noting that they are minor changes to update old references to the Administration & Finance Committee to the Audit Committee and to update terminology.

Committee members unanimously approved a Resolution to approve the proposed revisions. The following resolution, which was brought forth as a recommendation of the Audit Committee, was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

RESOLUTION TO APPROVE REVISIONS TO BOARD OF VISITORS POLICY 1610, CHARTER OF THE INTERNAL AUDIT DEPARTMENT

RESOLVED, that upon the recommendation of the Audit Committee, the Board of Visitors approves the proposed revisions to Policy 1610, Charter of the Internal Audit Department.

NUMBER: 1610

TITLE: Charter of the Internal Audit Department

APPROVED: November 14, 1981; Revised May 15, 1982; Revised April 5, 1990; Revised September 13, 2002; **Revised June 17, 2010**

Introduction

Old Dominion University supports Internal Audit, as defined by the Institute of Internal Auditors, as "an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes." This charter as adopted herein will serve as a guide for the activities of the Internal Audit Department at Old Dominion University.

This charter does not include, nor is it intended to include, all of the department's duties or responsibilities as they may exist from time to **time**.

This charter will:

1. Provide a written record of formally approved policies of the Internal Audit Department;
2. Provide a basis for the evaluation of the performance of the Internal Audit Department by the management of the University and the **Audit** ~~Administration and Finance~~ Committee of the Board of Visitors;
3. Serve as a basic document in the organization and administration of the Internal Audit Department.

Mission

Internal Audit was established to assist the Board of Visitors and management of Old Dominion University in providing the Commonwealth and the country with the best possible educational institution for the 21st century. As appropriate to accomplish this mission, Internal Audit will have a dual focus; (1) to provide an independent and objective appraisal of the University's financial, operational and information systems, and to evaluate the internal control environment; and (2) to work with management in a proactive and creative manner to ensure the development and provision of services and processes in the most efficient and effective manner.

Objectives

The underlying objectives for accomplishing the Internal Audit Department's mission include, but are not limited to, the following procedures:

1. Evaluating financial and operating procedures for adequacy of internal controls and providing advice and guidance on control aspects of new policies, systems, processes and procedures;
2. Ascertaining the extent of adherence, by the University and its employees, to established policies, plans, and procedures, and compliance with state and federal laws and regulations;
3. Ensuring that proper safeguards are maintained to protect University assets from loss, and if necessary, verify their existence;
4. Determining the propriety and accuracy of financial transactions and data;
5. Working with management to identify opportunities for process improvements, cost savings and revenue enhancements;
6. Evaluating the accuracy, security, effectiveness and efficiency of the University's information technology and processing systems;
7. Appraising the results of operations to ascertain the effectiveness and efficiency of organizations in accomplishing their missions, objectives and goals;
8. Assisting in the education and training of employees in University policies and procedures, as well as the need for and characteristics of good internal controls;
9. Assisting management in the deterrence of fraud and to investigate any instances of such activity discovered at the University; and
10. Coordinating audit efforts with the Auditor of Public Accounts and other external auditors.

Standards for the Professional Practice of Internal Auditing

The Institute of Internal Auditors, Inc., an international organization dedicated solely to the advancement of the internal auditing profession, has adopted "**The International Professional Practices Framework (IPPF)** ~~Standards for the Professional Practice of Internal Auditing.~~"

In the performance of its mission, the Internal Audit Department of Old Dominion University hereby adopts the **IPPF and the** "Standards for the Professional Practice of Internal Auditing," **which it includes,** as an integral part of the department's statement of policies.

Other Auditing Standards

The American Institute of Certified Public Accountants has promulgated Generally Accepted Auditing Standards (GAAS) through Statements of Auditing Standards, Industry Audit Guides, and other professional releases.

The United States General Accounting Office recommends the "Government Auditing Standards" (the Yellow Book) for use by auditors who audit state organizations, programs, activities, and functions. In the performance of its mission, the Internal Audit Department will reference these additional standards as appropriate.

Reporting Responsibilities

The Internal Audit Department is functionally accountable and reports to the Board of Visitors through the Audit ~~Administration and Finance~~ Committee. The Department reports administratively to the President and works with the President or through a designated representative for the purpose of the day-to-day direction needed by the department in the mediation of audit scope and scheduling, plus budgetary and personnel concerns.

The Internal Audit Director shall have direct access to the President and to the Audit ~~Administration and Finance~~ Committee of the Board of Visitors in any instance where the Internal Audit Director believes that such access is needed to fulfill the stated objectives of the department.

The Internal Audit Director shall, at a minimum, meet in executive session, to the extent permitted by law, with the Audit ~~Administration and Finance~~ Committee of the Board of Visitors at each of the scheduled quarterly Board Meetings to discuss:

1. Audit reports issued;
2. Detailed audit plan for the forthcoming fiscal year and the areas of audit concerns for the subsequent two years;
3. ~~Annual time summary;~~
4. Relationships between the Internal Audit Department and external auditors;
5. The propriety of any limitations on the scope of internal audits that may be imposed by University management.

As used herein, the term "external" shall refer to representatives of or the activities of the Auditor of Public Accounts for the Commonwealth of Virginia, individual certified public accountants (the "CPA") and auditors from organizations, governmental or commercial, outside the University.

The Internal Audit Director may also present materials, such as the annual audit plan, to the Administration and Finance Committee in an informational capacity.

Authority

To the extent permitted by law, the Internal Audit Department shall have timely and unrestricted access to all university activities, properties, personnel, and records which are relevant to fulfillment of the department's mission to the University.

It is understood that certain items of the university are confidential in nature and special arrangements will be made by the audit department when examining and reporting upon such items.

Independence

Programming

The Internal Audit Department shall be free from control or undue influence in the selection and application of audit techniques, procedures, and programs.

Reporting

The Internal Audit Department shall be free from control or undue influence in the determination of facts revealed by the examination or in the development of recommendations or opinions as a result of the examination.

Investigative

The Internal Audit Department shall be free from undue influence in the selection of areas, activities, personal relationships, and managerial policies to be examined. No legitimate source of information is to be closed to the auditor.

General

Objectivity is an essential element of independence. The independence of the department may be compromised if the internal auditor participated directly in the preparation or reconstruction of accounting systems, data, or records; thus members of the Internal Audit Department will be used only in an advisory capacity.

System Planning and Development

The Internal Audit Department will participate, in an advisory capacity, in the planning, development, implementation, and modification of major computer-based and manual systems to ensure that:

1. Adequate controls are incorporated in the system;
2. A thorough testing of the system is performed at appropriate stages;
3. System documentation is complete and accurate; and
4. The intended purpose and objective of the system implementation or modification has been met.

The internal auditor participating in such a review should ensure that the extent of participation does not affect independence, thus suggested audit trails or other controls will be transmitted through formal correspondence.

Responsibility for the Detection of Errors or Irregularities

The staff of the Internal Audit Department have a professional responsibility to conduct reviews with an attitude of professional skepticism, recognizing that the application of internal auditing procedures may produce evidential matter indicating the possibility of errors or irregularities.

If the internal audit staff believe that an error or irregularity may exist in an area under review or in any other area of the university, the Internal Audit Director shall be notified at once. The Internal Audit Director should consider the implications of such an error or irregularity and its disposition with the President and/or the President's designated representative. If the Internal Audit Director believes that both of the individuals are directly involved, then the disclosure of potential errors or irregularities should be made directly to the chairman of the **Audit Administration and Finance** Committee of the Board of Visitors.

The Internal Audit Department cannot be solely responsible for the detection and prevention of all errors and irregularities which may occur within the university. This is a responsibility shared by all members of the university management team.

Cooperation With External Auditors

The Internal Audit Director is responsible for coordinating the audit efforts of the Internal Audit Department with those of the Auditor of Public Accounts for the Commonwealth of Virginia and other external auditors that have business with the university. This coordination of audit efforts should be in the planning and definition of the scope of proposed audits so the work of auditing groups is complementary and will provide a comprehensive, cost-effective audit.

The Internal Audit Department shall assist the **Audit Administration and Finance** Committee of the Board of Visitors in the evaluation of the external auditors' examination of the University.

Audit Plan

Each year, a proposed detailed audit plan for the next fiscal year will be submitted by the Internal Audit Director to the **Audit Administration and Finance** Committee. Upon approval of the plan by the **Audit Administration and Finance** Committee, the Internal Audit Director will initiate audits pursuant to the plan.

A block of time will be set aside for unexpected audits, special request audits and consulting, and cases received from the Commonwealth's fraud, waste and abuse hotline. In excess of this, any additions to the plan will require written documentation as to the need for such additions with final approval for the request being made by the President and Committee.

A copy of all approved revisions to the audit plan will be submitted to the President and the **Audit Administration and Finance** Committee.

Audit Reports

At the conclusion of each audit, the department or activity audited will be provided an opportunity to respond in writing to the findings, conclusions, and recommendations of the Internal Audit Department. In addition, an exit conference will be held with the individual in

charge of the department or activity under review. All findings, conclusions and recommendations will be discussed and any differences of opinion settled or so noted. A formal audit report will be prepared after the exit conference is held and draft report reviewed. This report will contain a summary of the function of the department or area, the objective of performing the audit, the audit methods used, detailed explanations of any issues noted and recommendations for improvements thereon. A section of the audit report will include the department's response to the recommendations made by the Internal Audit Department.

This report will be discussed with the chief operational officer (vice president) responsible for the area under review prior to the issuance to the President of the University. All final audit reports will be issued to the President of the University, with copies to the Vice President for Administration and Finance, the Vice President of the area audited and the department head. Executive summaries of all final audit reports will be presented to the members of the **Audit Administration and Finance** Committee. Further distribution will be at the discretion of the Internal Audit Director.

The Internal Audit Department will conduct a follow-up review on audit reports issued to ensure that all recommendations have been considered and acted upon. Distribution of this follow-up report will follow that of the original report.

Detection, Investigation and Reporting of Fraud

The Internal Audit Department shall be notified in all cases where the discovery of circumstances suggests a reasonable possibility that assets have, or are thought to have, been lost through defalcation or other security breaches in the financial, operating or information systems. Upon such notifications, the Internal Audit Director should ensure that the proper authorities within the department and the University have been notified of the potential loss. The Internal Audit Director should work to ensure that the University promptly notifies other state departments as required under Section 30-138 of the Code of Virginia.

The Internal Audit Department will perform sufficient tests to identify the weaknesses in financial and operating procedures, both automated and manual, which permitted the loss and evaluate the impact the weaknesses have with respect to other activities of the institution. In addition, the Internal Audit Department will recommend improvements to correct the weaknesses and incorporate appropriate tests in future audits to disclose the existence of similar weaknesses in other areas of the institution.

Consulting Activities

As part of its mission, the Internal Audit Department will engage in evolving forms of value-added services which are consistent with the broad definition of internal auditing. As such, the Department from time to time may be asked to perform a variety of non-standard audit services, such as advisory activities and consulting engagements, both of which may involve formal or informal advice, analysis or assessment. These services will be provided at the discretion of the Internal Audit Director where they do not represent a conflict of interest or detract from the Department's obligation to the Board of Visitors or the President.

Decisions to adapt or implement recommendations as a result of consulting activities should be made by management. It must be understood that consulting services cannot be rendered in a

manner that masks information that, in the judgment of the Internal Audit Director, should be provided to the Board of Visitors and senior management. In the conduct of consulting activities, the Department will be guided by the IIA Code of Ethics and the Standards for the Professional Practice of Internal Auditing.

Personnel

The ultimate quality of the Internal Audit Department's performance is directly related to the quality of the people employed. The internal audit function should be directed by and staffed with qualified and competent individuals.

Minimum qualifications for each position within the audit function have been established; however, additional experience, training, specialized skills, as well as intelligence, adaptability, promotability, an inquiring mind, analytical ability, good business judgment, and an ability to communicate with individuals should be considered in the employment process.

The Internal Audit Director should report annually to the Administration and Finance Committee and the President and/or a designated representative as to the effectiveness of the present staff in fulfilling the stated objective of the Internal Audit Department.

Training

The university recognizes the need for members of the Internal Audit Department to "stay current" on accounting issues and auditing techniques in the university.

To fulfill this need, the Internal Audit Department will require each representative of the department to obtain at least forty (40) hours (1 week) of continuing education credits annually. (Training is subject to funding availability.)

Quality Assurance Review

Old Dominion University recognizes the benefits to be derived from a quality assurance review of the internal audit functions. ~~The University may solicit assistance from the Auditor of Public Accounts to perform limited scope quality assurance evaluations of the internal audit function in conjunction with their annual examination of the university's financial statements.~~

A full scope quality assurance review of the University's internal audit function will be performed at least once every five years in accordance with the Institute of Internal Auditors standards.

Mr. Hennett reported on a recent state-wide review of internal audit functions by the Auditor of Public Accounts and on-going audit projects. He presented the proposed Audit Plan for the upcoming fiscal year, which was unanimously approved by the Committee.

The Committee went into closed session to hear details of recent departmental audits on Revenue Contracts, Foundation MOUs, and Third-Party IT Issues.

INSTITUTIONAL ADVANCEMENT COMMITTEE

The Rector called on Ms. Kirk for the report of the Institutional Advancement Committee. Ms. Kirk reported that the committee considered a resolution to approve a revised policy on Naming of University Buildings, Building Spaces or Areas. Mr. Alonzo Brandon, Vice President for University Advancement, presented proposed changes to the current Board of Visitors naming policy and discussed the development of a naming committee. He reported that the committee has already had a preliminary meeting and will continue to meet as needed.

Committee members unanimously approved the proposed revisions. The following resolution, which was brought forth as a recommendation of the Institutional Advancement Committee, was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

RESOLUTION TO APPROVE REVISIONS TO BOARD OF VISITORS POLICY 1810, NAMING OF UNIVERSITY BUILDINGS, BUILDING SPACES, OR AREAS

RESOLVED, that upon the recommendation of the Institutional Advancement Committee, the Board of Visitors approves the proposed revisions to Policy 1810, Naming of University Buildings, Building Spaces, or Areas.

NUMBER: 1810

TITLE: Naming of University Buildings, Building Spaces, or Areas

APPROVED: February 15, 1973; Revised June 18, 1992; **Revised June 17, 2010**

1. The naming of campus buildings, building spaces, or areas shall be the responsibility of the Board of Visitors.
2. ~~All buildings on campus shall carry a distinctive name.~~ **The University shall have a campus committee to review prospective naming opportunities from major gifts, as well as recommending the naming of existing facilities to memorialize individuals. The Committee will be chaired by the Vice President for University Advancement. All recommendations will be submitted to the President of the University who will, in turn, make recommendations to the Board of Visitors.**
3. **Naming in Recognition of Gifts to the University** ~~The names of buildings shall be limited to:~~
 - a. **Pledges for naming are acceptable for a period of five years only if matched with an irrevocable deferred instrument.**
 - b. **Once 50% of the pledge amount is received, the University will physically name or rename the facility.**

- c. Gifts of at least 20% of project cost for new buildings will be eligible for naming.
- d. Gifts of at least 20% of the current value or replacement cost of an existing facility will be eligible for naming.
- e. The minimum amount to name a college is \$10 million and ranges upward depending on the size, reputation, and range of gifts for similar projects received from appropriate peer institutions.
- f. Naming rights for donors shall not be changed; however, the Board of Visitors reserves the rights to rename in the event of unusual or compelling circumstances.

4. Terms for memorial naming shall be limited to:

- a. Historical personalities who have made notable contributions to the Commonwealth or to the nation; or

that of an individual(s) who has contributed substantially to the cost of construction or modification of a building;
- b. ~~An~~ Individuals who ~~has~~ **have** made ~~an~~ outstanding contributions to the University; **or**

an individual(s) selected by (A) or (B) above, or
- c. Functionally descriptive names.
- d. Normally, buildings shall not be named for **current** faculty or staff of the University.
- e. Naming rights for memorialized facilities shall be considered for a period of 30 years; however, the Board of Visitors reserves the rights to rename in the event of unusual or compelling circumstances.

~~5. The selection of names of spaces within buildings or areas on campus grounds shall normally be limited to those individuals who have made a substantial contribution to the university, the Commonwealth, or the nation.~~

~~6. Building, building space, and area names memorializing an individual shall be considered permanent for a period of 30 years, or such other period as specifically identified by the Board of Visitors.~~

5. Exceptions to this policy may be made only by the President of the University with final approval from the Board of Visitors.

Vice President Brandon introduced a funding project in conjunction with Dr. Oktay Baysal, Dean of the Frank Batten College of Engineering and Technology. John Whitelaw, ODU environmental engineering student and project manager of Team Tidewater Virginia, along with Jordan Smith, a Hampton University student and project architect for Team Tidewater Virginia, provided an overview of the Solar Decathlon 2011. Team Tidewater Virginia's entry is one of only twenty college and institution

projects worldwide to be chosen for this competition. The team will design and build a solar-powered house to be displayed and judged on the Washington, D.C. National Mall for 10 days. Solar Decathlon 2011 is designed for university students to learn about building with renewable material and energy resources. The team consists of approximately 15 architecture students from Hampton University, 30 engineering and business students from ODU, and 5 faculty advisors.

Jennifer Mullen, Assistant Vice President for Marketing and Communications, discussed the university's tagline, Idea Fusion. A creative team consisting of herself, Vice President Brandon, Associate Vice President Alice McAdory and Business Dean Nancy Bagranoff brainstormed more than 500 ideas, words and phrases with consultants before choosing Idea Fusion. She noted that a tagline is used as a part of the institutional signature to reinforce the brand in a short, but intriguing, way. Idea Fusion speaks to Old Dominion's partnerships, cross-disciplinary efforts, interdisciplinary programs, community engagement and collaboration. It represents the University's multicultural community and the crossroads of Hampton Roads, where different experiences, cultural influences, backgrounds and perspectives fuse together.

Vice President Brandon discussed the merger of the Offices of Development, Alumni Relations and Foundations with the Office of Institutional Advancement. He outlined the benefits of the merger and briefly talked about the future of the new Office of University Advancement. Vice President Brandon completed his report with a review of the upcoming football season and Ainslie Game Day Building suite usage.

STUDENT ADVANCEMENT COMMITTEE

The Rector called on Ms. Brown for the report of the Student Advancement Committee. Ms. Brown reported that the committee considered a resolution to approve a name change of the Recreational Sports Department to Recreation and Wellness.

Committee members unanimously approved the proposed name change. The following resolution, which was brought forth as a recommendation of the Student Advancement Committee, was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

RESOLUTION TO RENAME THE RECREATIONAL SPORTS DEPARTMENT TO RECREATION AND WELLNESS

RESOLVED, that upon the recommendation of the Student Advancement Committee, the Board of Visitors approves renaming of the Recreational Sports Department to Recreation and Wellness, effective June 17, 2010.

Rationale: The request to rename the Recreational Sports Department to Recreation and Wellness serves many purposes. The growth of the University and ever increasing diversity of its constituents has resulted in an expansion of the types of activities and services desired by these individuals. Substituting "recreation and wellness" for "recreational sports" in the name will more accurately reflect the full range of opportunities available to students, faculty and staff.

Wellness is an expanded idea of health and means more than absence from disease. By incorporating “wellness” into the name, we are being pro-active in reducing illness, providing activities that promote fitness and a healthy lifestyle, encouraging positive relationships, and enhancing communication skills.

All over the country, campus recreational programs are investigating and in many cases, changing their names to more accurately reflect the services they offer. In this age of branding and instant information sharing, clear and concise communication is critical to getting messages out to the clientele. The concept of wellness is one that many in the profession have embraced and one that students, faculty and staff relate to. It is proving to be an “identifier” that draws their attention when they are looking for health related activity and educational opportunities. Based upon research of other institutions, we found that the University of Arizona and University of Maryland call the department “Campus Recreation” as they are promoting that they are more than just sports. Boston University calls the department “Fitness and Recreation Center: - again moving away from “sports.” Rutgers University’s department is named Rutgers Recreation – again eliminating sports – as they offer so much more. Virginia Wesleyan calls the department WVC – RecX – Fitness, Aquatics, Rec Sports and Outdoor Activities.

Charles B. Corbin of Arizona State University gives this *definition of wellness*: “Wellness is a multidimensional state of being describing the existence of positive health in an individual as exemplified by quality of life and a sense of well-being.” Wellness is an active process of becoming aware of and making choices toward a more successful existence.

Therefore, to align ourselves with industry best practices, and to more accurately reflect the functions, mission and procedures of our department, it is recommended that Old Dominion University adopt a new name for the Recreational Sports Department: Recreation and Wellness.

Michael DeBowes, Director of Student Conduct & Academic Integrity, presented recommended changes to the Student Disciplinary Policies and Procedures.

Committee members unanimously approved the proposed policy revisions. The following resolution, which was brought forth as a recommendation of the Student Advancement Committee, was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

**RESOLUTION TO APPROVE REVISIONS TO BOARD OF VISITORS
POLICY 1530, STUDENT DISCIPLINARY POLICIES AND PROCEDURES**

RESOLVED, that upon the recommendation of the Student Advancement Committee, the Board of Visitors approves the proposed revisions to Policy 1530, Student Disciplinary Policies and Procedures.

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; Revised April 7, 2006; Revised June 13, 2008; **Revised June 17, 2010**

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-F), 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. 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. Administrative Action: The issuance of an oral or written warning, admonition, reprimand, and/or use of counseling procedures.
- G. Hearing Officer: The University official or officials assigned by the Vice President to conduct disciplinary proceedings and administrative action.
- H. 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.
- I. 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. 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 a violation of one or more of the following standards of academic honesty in any academic activity:
 - 1. Cheating: Intentionally or knowingly using unauthorized 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: Intentionally or knowingly representing the words or ideas of another as one's own without properly acknowledging their source. 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.

Students engaging in the behaviors listed in Section V.A.1-4 above shall be presumed as having done so intentionally or knowingly.

- 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;
- G. Conduct that threatens or endangers the health or safety of any person;
- H. Theft of or damage to University property;

- I. Theft of private property, or causing intentional or reckless damage to private property;
- 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, controlled substances, or drug paraphernalia (except as expressly permitted by law or University regulations);
- N. The sale or distribution of marijuana, narcotics, or dangerous drugs;
- O. Violation of University Residence Hall policies (consult the Residence Hall Handbook);
- P. Lewd, indecent, or obscene displays of conduct;
- Q. Drunken or disorderly behavior;
- R. Intimidating behavior directed toward any student, faculty member, staff member, or administrator;
- S. Failure to comply with the directions of University officials, their authorized agents, and local police agencies acting in the performance of 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.

- 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 Housing and Residence Life 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 Housing and Residence Life.

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 or his/her designee.

VII. Sanctions

A student who violates the Code of Student Conduct may be subject to the following sanctions. **Students found responsible for an Academic Dishonesty violation, which results in suspension or dismissal, will have a suspension or dismissal notation published on the student's academic transcript. Suspension and dismissal notations shall not be subject to removal. Additionally, an "Academic Dishonesty" notation may be applied to the student's transcript as described in Section VIII.B. The "Academic Dishonesty" notation shall remain affixed to the transcript until the student successfully petitions its removal pursuant to the procedures outlined in Section VIII.B.** ~~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 **conduct** ~~discipline~~ file, which will be maintained by the Office of Student **Conduct & Academic Integrity** ~~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 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 Vice President.

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.

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.

~~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.~~

~~H. Minimum Sanctions for Illegal Drug Violations~~

~~First Offense: Dismissal from University housing and disciplinary probation for one year; \$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 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 **sanction** 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 President. 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 - B.7 must be followed. At any time faculty members may choose to consult with the Vice President or the Office of Student **Conduct & Academic Integrity** ~~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 **Conduct & Academic Integrity** ~~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 a grade sanction:

- a. The faculty member will forward a written summary of the incident to the 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 hearing officer will institute formal Disciplinary Proceedings. **The faculty member should be given the opportunity to provide information at a hearing.**
- c. If the 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.
- d. No grade **sanction** ~~penalty~~ should be assigned by the instructor until the case is finally resolved, including the process 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.

- e. 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.
5. Students found responsible for knowing or intentional violations of academic dishonesty will normally receive an "academic dishonesty" notation on the student's official University transcript.
- a. A student may petition the Vice President to have the "academic dishonesty" notation removed from his/her transcript if:
 - 1. A minimum of one year has elapsed since the sanction was imposed; and
 - 2. The student has successfully completed the University's "Academic Integrity Matters" seminar or alternate educational activity approved by the Vice President; and
 - 3. The student has not been found in violation of other Academic Dishonesty violations during the student's tenure at the University.
 - b. The Vice President 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.
6. 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.

7. Students may file a grade appeal if a grade **sanction** ~~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 or 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 **respondent** ~~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 **respondent** ~~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 hearing officer for the initial hearing. During the pre-hearing conference, the **respondent** ~~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 **respondent** ~~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 **respondent** ~~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 **Conduct & Academic Integrity** ~~Judicial Affairs~~ stating the precise reason(s) why the student believes the hearing officer assigned

cannot be unbiased. The Director of Student **Conduct & Academic Integrity** ~~Judicial Affairs~~ will decide, in his/her sole discretion, if the hearing officer should be reassigned. If the **respondent** ~~accused student~~ seeks to remove the Director of Student **Conduct & Academic Integrity** ~~Judicial Affairs~~ as the hearing officer, the request will be reviewed by the Vice President. The **respondent** ~~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.

2. Rights of the **Respondent** ~~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.
3. The notice of charges and all other written notices shall be delivered to the **respondent's** ~~accused student's~~ official University e-mail address. 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 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 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 **respondent's** ~~accused student's~~ hearing. The **respondent** ~~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 of the notice.
4. If the notice of charges requests the appearance/participation of the **respondent** accused at a hearing, and if the **respondent** accused fails or refuses to appear/participate, the hearing officer may, after such

investigation that is deemed sufficient: dismiss the charges; take administrative action; or impose a disciplinary **sanction** ~~penalty~~.

5. 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 **respondent** ~~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 **respondent** ~~accused student~~ or organizational representative shall follow the procedures outlined in the disciplinary procedures.
6. When an **respondent** ~~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 **respondent** ~~accused~~ may advise the hearing officer of any witnesses or evidence supporting the **respondent's** ~~accused's~~ position. The hearing officer shall also advise the **respondent** ~~accused~~ that if any new evidence is discovered during an investigation subsequent to the hearing, it will be shared with the **respondent** ~~accused~~. The **respondent** ~~accused~~ will have an opportunity to respond to the evidence. In certain cases an advisor may assist the hearing officer.
7. 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 **respondent** ~~accused student~~ so notified. 2) If the hearing officer is satisfied that 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 a preponderance of evidence supports a finding of responsibility and that (a) disciplinary sanction(s) should be imposed, the hearing officer shall so notify the **respondent** ~~accused student~~ or organizational representative, describing the sanction(s) which the hearing officer will impose.
8. The **respondent** ~~accused~~ may accept the decision and sanction(s) proposed by the hearing officer or the **respondent** ~~accused student~~ may 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.

9. 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 **respondent** ~~accused student~~.

b. The **respondent** ~~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 **respondent's** ~~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 **respondent** ~~accused student~~ elects to be accompanied by a third party adviser, the **respondent** ~~accused student~~ must provide a signed letter designating that person as their 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 **the respondent** ~~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 **respondent's** ~~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 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 **respondent** ~~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 Student **Conduct & Academic Integrity** ~~Judicial Affairs~~.
- h. All hearings shall be closed.
- i. Formal rules of evidence used in courts of law do not apply in student **conduct** ~~judicial~~ hearings.

E. Appeal Procedures

- 1. Only students who have attended and participated in their **student conduct** ~~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 officer is upheld, then sanction(s) will be imposed as of the original date unless the Student Conduct Committee affixes a different sanction date.
- 2. An **respondent** ~~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 Student **Conduct & Academic Integrity** ~~Judicial Affairs~~. Such an appeal must be physically received in the Student **Conduct & Academic Integrity** ~~Judicial Affairs~~ office within five business days from the date of the letter containing the findings in the case. The appeal request 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 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 hearing officer abused his/her discretion;
- d. New evidence, not known to the **respondent** ~~accused student~~ in a previous hearing, which could exonerate the student.

F. The Student Conduct Committee

The Student Conduct Committee (hereafter “the Committee”) is the appellate body within the University **student conduct** ~~disciplinary~~ system. It shall hear all appeals of decisions made by a hearing officer. The Committee shall consist of: faculty members appointed by the Vice 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 Vice 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 Vice 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 **Conduct & Academic Integrity** ~~Judicial Affairs~~ to determine if the **respondent** ~~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 **Conduct & Academic Integrity** ~~Judicial Affairs~~, the Vice President shall initiate a Student Conduct Committee appeal hearing by designating two faculty members and two student members 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 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. This notice shall be delivered by email or 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 at least five working days before the hearing date, unless the 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 appeal and make its findings in the student's absence.

3. A continuance of the hearing date may be requested by the **respondent** ~~accused student~~. Such requests must be timely and made in writing to the 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. If a continuance is granted, the Vice President shall notify both the student and the 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, 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. Only evidence or witnesses that the chair deems relevant to the stated grounds for appeal will be heard. In certain cases the 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 **respondent** ~~accused student~~.

5. At the conclusion of the 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 modified. If the panel recommends that the hearing officer's decision be modified, the panel shall recommend either a different finding and/or sanction to the Vice President. There shall be no findings to modify unless a majority of the hearing panelists agree that a preponderance of the evidence 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.

6. Upon making its decision, the hearing panel shall so advise the Vice President in writing within two working days after the date of the appeal hearing. The Vice President will review the student's appeal and the recommendations of the Student Conduct Committee.

The Vice President shall examine the record of the case and any additional evidence provided. The Vice President may interview witnesses to the case, or engage in whatever investigation he/she deems appropriate to fully hear the student's appeal. The Vice President shall consider the recommendations of the hearing panel and may accept or reject the recommendations of the panel. Nothing herein prohibits the Vice President from consulting with other university officials concerning any appeal.

Within five working days after receiving the recommendation of the hearing panel, the Vice President will advise the **respondent** ~~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 Vice 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 may consolidate the cases for hearing, but the committee shall make separate recommendations for each **respondent** ~~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 **respondent's** ~~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 **respondent** ~~accused student~~ elects to be accompanied by a third party adviser, the **respondent** ~~accused~~ must provide a signed letter designating that person as their 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 **the respondent** ~~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, 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 Student **Conduct & Academic Integrity** ~~Judicial Affairs~~.
 - h. All hearings shall be closed.
 - i. Formal rules of evidence used in courts of law do not apply in appeal hearings.
8. The **respondent** ~~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 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 **complainant** ~~accuser~~ and the **respondent** ~~accused~~ in these cases.
2. Upon notification of an alleged violation, the **respondent** ~~accused~~ shall not initiate any contact, directly or indirectly, with the **complainant** ~~accuser~~. Retaliation against the **complainant** ~~accuser~~ or against any witness involved in the case by the **respondent** ~~accused~~ or others acting on behalf of the **respondent** ~~accused~~ shall be considered **a** 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 **complainant** ~~accuser~~ or of any witness.
4. During a hearing, unrelated past sexual history of the **respondent** ~~accused~~ may not be entered as evidence, nor discussed in the hearing.
5. The **respondent** ~~accused~~ and **complainant** ~~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.~~
- 67.** The **complainant** ~~accuser~~ shall have the right to have an accompanying advisor throughout a hearing.
- 78.** The **complainant** ~~accuser~~ shall be informed of all witnesses to be called, to the extent known, during a hearing.
- 89.** A hearing involving charges of sexual assault shall be closed.
- 910.** 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 hearing officer may assist the student in determining if the concern should be mediated or handled through the student **conduct** ~~judicial~~ system.

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

IX. Record Maintenance

Student conduct ~~Disciplinary~~ files will be maintained and destroyed in accordance with the Commonwealth of Virginia's *Records Retention and Disposition Schedule*. All **student conduct** ~~disciplinary case resolutions will be recorded in the student's discipline file, which~~ **files** will be retained by the Office of Student **Conduct & Academic Integrity** ~~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 **Conduct & Academic Integrity** ~~Judicial Affairs~~.
- B. Records of disciplinary probation (excluding academic dishonesty cases) will be retained for one year after the conclusion of the probationary period.

Mr. Jacobson asked if the policy addresses circumstances similar to what occurred recently at the University of Virginia. Dr. Walker-Johnson stated that these issues are not addressed in the policy but are being discussed by the Threat Assessment Team.

In her report to the Committee, Dr. Walker-Johnson discussed the Division's commitment to the education of the whole student as an individual in both domains of the experience in the curricular and co-curricular lives at the University. She described the LeaderShape program offered through the Office of Student Activities and Leadership. This program is designed to assist students in the exploration of their potential leadership skills and to begin to build a network of potential student leaders on campus. This is the second year the program has been offered on the ODU campus.

The Committee for the Advancement of Standards (CAS) study project focuses on the identification, development and evaluation of the learning outcomes associated with the programs and services offered through Student Affairs. The first phase of the project, which involved the 12 departments within the division looking at their programs and services from a learning outcomes perspective to ensure they are meeting their stated goals and objectives, has been completed. Using the standards will also assist in the

development, implementation and evaluation of goals and objectives, the Division's five-year plans, and support the University's preparation for the upcoming SACs review. Three departments will be identified to participate in a pilot exercise and the final stage of the project will involve external reviewers.

Chief of Police Rudy Burwell provided an update on safety initiatives in place to promote the continued safety of students, faculty, staff and the surrounding community. The Crime Prevention Unit is fully staffed by full-time, trained police officers and three certified specialists in the field. The Patrol Aid Program utilizes student PAs – some paid positions and some student interns - to assist in patrolling the campus and escorting students. The RAD (Rape Aggression Defense) program will be available to students and staff in the fall. This program was requested by students and may be offered as a credit course. A Residence Hall Community Service Officer program has been implemented to monitor the residence halls and students as they come in and out of the buildings.

Judy Luedtke, Director of New Student & Parent Programs, reported on the upcoming freshman and transfer Previews starting next week. A Blackboard (Bb) site has been developed to teach students how to register for classes and prepare for Preview. A parent website is linked to the ODU splash page and includes a direct link for parents to email questions directly to the director. A live chat with panel members from academic areas is also in development. The office sends orientation newsletters and "The Source" to incoming prior to their orientation session. A copy of "The Source" was distributed to committee members at the conclusion of the meeting.

New Athletic Director Wood Selig provided updates and statistics on the academic success of student athletes, noting that of the 400 student athletes: 145 (32%) were on the Dean's list for the 2009-10 academic year; female student athletes' average cumulative GPA was 3.05 and 2.65 for males; all student athletes combined had an average cumulative GPA of 2.81; six teams had a cumulative GPA of 3.0 or better during the spring semester; and ODU's 92% graduation rate for student athletes is the highest in the country. He also noted ODU's return to football this past year after 69 years with a 9-2 record, the best start-up record in football in the country. The sailing, wrestling and tennis team also had a successful year.

Krista Harrell-Blair, the new student representative to the Board, report on her goals for the upcoming year. Among her goals are to communicate with the Board and students on major policy and procedure revisions; create opportunities to develop and enhance student learning and strengthen community engagement; and communicate and interact with the SGA President and SCHEV representative on matters relating to student concerns and development.

ACADEMIC AND RESEARCH ADVANCEMENT COMMITTEE

The Rector called on Ms. Croshaw for the report of the Academic and Research Advancement Committee. Ms. Croshaw reported that the Provost briefed the Committee on the University's tenure policies and procedures and shared data on the tenure and ethnicity proportions of the faculty. The Committee then met in closed session to discuss

the award of an honorary degree, the appointment of three faculty members with tenure, and the award of tenure to 21 faculty members.

The following resolution, which was brought forth as a recommendation of the Academic and Research Advancement Committee, was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

RESOLUTION TO AWARD HONORARY DEGREE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the awarding of an honorary degree to the individual noted below. A summary of the nominee's career is included in the Academic and Research Advancement Agenda, on file in the Board of Visitors Office.

Ms. Soledad O'Brien, award-winning journalist, activist and humanitarian and special correspondent for CNN/U.S.
Doctor of Humane Letters (*honoris causa*)

The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee, and were approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

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. Yaohang Li as Associate Professor with the award of tenure in the Department of Computer Science in the College of Sciences, effective July 25, 2010.

Salary: \$90,000 for 10 months
Rank: Associate Professor of Computer Sciences

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. Emmanuel M. Rudatsikira as Professor with the award of tenure in the School of Community and Environmental Health in the College of Health Sciences, effective July 25, 2010.

Salary: \$120,000 for 12 months
Rank: Professor of Community and Environmental Health and Designated as Chair of the School of Community and Environmental Health

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. Nikos Chrisochoides as Professor and Richard T. Cheng Endowed Chair with the award of tenure in the Department of Computer Science in the College of Sciences, effective July 25, 2010.

Salary: \$150,000 for 10 months
Rank: Professor and Richard T. Cheng Endowed Chair, Department of Computer Science

The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

TENURE RECOMMENDATIONS

RESOLVED, that upon the recommendation of the Provost, the Academic and Research Advancement Committee 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 2010 semester.

College of Arts and Letters

Peter Eudenbach
Department of Art

Yvette Pearson
Department of Philosophy and Religious Studies

Stephen Pullen
Department of Communication and Theatre Arts

Kevin Romberger-Depew
Department of English

College of Business and Public Administration

Mohammed Alkadry*
Department of Urban Studies and Public Administration

Russell Haines
Department of Information Technology and Decision Sciences

Soo-Hoon Lee
Department of Management

Michael Seiler**
Department of Finance

Michael Stein*
Department of Accounting

Darden College of Education

Amy Adcock
Department of STEM Education and Professional Studies

Tami Al-Hazza
Department of Teaching and Learning

Kaavonia Hinton-Johnson
Department of Teaching and Learning

Sueanne McKinney
Department of STEM Education and Professional Studies

College of Engineering and Technology

Shannon Bowling
Department of Engineering Management and Systems Engineering

Abdelmageed Elmustafa
Department of Mechanical Engineering

C. Ariel Pinto
Department of Engineering Management and Systems Engineering

College of Health Sciences

Kimberly Adams-Tufts*
School of Nursing

H. Anna Jeng
Department of Community and Environmental Health

College of Sciences

Alexander Bochdansky
Department of Ocean, Earth and Atmospheric Sciences

Lisa Horth
Department of Biological Sciences

* Already an Associate Professor

**Already a Full Professor

The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

TENURE RECOMMENDATION

RESOLVED, that upon the recommendation of the President, the Academic and Research Advancement Committee recommends that the Board of Visitors approve the award of tenure at the rank of associate professor to the following member of the faculty at Old Dominion University. The tenure and rank of associate professor will be effective with the Fall 2010 semester.

College of Sciences

Declan De Paor
Department of Physics

The Committee approved by unanimous vote the resolutions on 24 faculty appointments, six administrative appointments, and two emeritus 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. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

FACULTY APPOINTMENTS

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

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. John Blake Bailey Visiting Associate Professor of English	\$45,000	7/25/10	10 mos

Mr. Bailey received an M.A. in English in 1998 from the University of New Orleans and a B.A. in English in 1985 from Tulane University. Since 2009, he has been Writer in Residence at the College of William & Mary. He has also been an Adjunct English Instructor at Santa Fe Community College.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. James D. Blando Assistant Professor of Community and Environmental Health (Tenure Track)	\$85,000	7/25/10	10 mos

Dr. Blando received a Ph.D. in 1999 from the Environmental Science, Exposure Measurement and Assessment Division at Rutgers University, a Master of Health Science in Industrial Hygiene and Safety Sciences in 1995 from Johns Hopkins University and a B.S. in Environmental Science in 1992 from Rutgers University. Since 2001, he has been a Research Scientist for the New Jersey Department of Health and Senior Services, Division of Epidemiology, Environmental, and Occupational Health. Prior to that, Dr. Blando was a Post-Doctoral Research Fellow at E.I. DuPont de Nemours and Company, Haskell Laboratory for Toxicology and Industrial Medicine.

Dr. Jonna Linkous Bobzien Assistant Professor of Communication Disorders and Special Education (Tenure Track)	\$53,000	7/25/10	10 mos
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Dr. Bobzien received a Ph.D. in Special Education with emphasis on Severe Disabilities and Autism, an M.S.Ed. with emphasis on Severe Disabilities (K-12), and a B.S. in Biology, in 2009, 2003 and 1996 respectively, from Old Dominion University. Since 2006, she has been a Lecturer and Adjunct Instructor in the Darden College of Education at Old Dominion University.

Dr. Timothy B. Bostic Assistant Professor of English (Tenure Track)	\$56,000	7/25/10	10 mos
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Dr. Bostic received a Ph.D. in Education, Instructional Leadership in 2006 from Virginia Commonwealth University, a Teacher Certification in Secondary Education, English in 1995 from Virginia Wesleyan College, and an M.A. in Humanities and a B.A. in Speech Communication and Theatre Arts, in 1995 and 1993 respectively, from Old Dominion University. Since 2009, he has been a Research Associate in the Program for Research and Evaluation in Public Schools for the Old Dominion University Research Foundation. Prior to that, Dr. Bostic was Director of Composition and Coordinator of Secondary English Teacher preparation at Old Dominion University.

Ms. Megan E. Britt Lecturer of Teaching and Learning	\$42,500	7/25/10	10 mos
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Ms. Britt received a Master of Arts in Teaching with English certifications in 1996 from Union College and a B.A. in Communications in 1992 from Boston College. Since 2008, she has been a Graduate Assistant in a Ph.D. program in the Darden College of Education at Old Dominion University. Prior to that, she was an English Professor at Horry Georgetown Technical College.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Joseph L. DeVitis Visiting Professor of Educational Foundations and Leadership	\$70,000	7/25/10	10 mos

Dr. DeVitis received a Ph.D. in Educational Policy Studies/Social Foundations of Education in 1972 from the University of Illinois at Urbana-Champaign, an M.A. in 1982 in Counseling Psychology from Bowie State University, and an M.Ed. in Foundations of Education and a B.A. in History, in 1969 and 1967 respectively, from Johns Hopkins University. Since 2007, he has been Program Coordinator in the John H. Lounsbury School of Education at Georgia College and State University and Associate Professor. Dr. DeVitis was also Professor of Educational Leadership, Foundations and Human Resource at the University of Louisville and Professor of Education and Human Development at the State University of New York at Binghamton.

Dr. Terri Grant Lecturer of Mathematics and Statistics	\$40,600	7/25/10	10 mos
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Dr. Grant received a Ph.D. and an M.S. in Applied and Computational Mathematics, in 2007 and 2003 respectively, from Old Dominion University and a B.S. in Mathematics in 2001 from Christopher Newport University. Since 2004, she has been a Visiting Assistant Professor, Adjunct Instructor and Graduate Teaching Assistant in the Mathematics and Statistics Department at Old Dominion University.

Dr. Julie Haun-Frank Assistant Professor of STEM Education and Professional Studies (Tenure Track)	\$64,000	7/25/10	10 mos
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Dr. Haun-Frank received a Ph.D. in Teacher Education & Development in 2010 from the University of North Carolina at Greensboro, an M.A. in Curriculum and Instruction in 2003 from Ferris State University and a B.S. in Biology in 1998 from Wayne State University. Since 2008, she has been a Graduate Teaching Assistant and Research Assistant at the University of North Carolina at Greensboro.

Ms. Constance Ann-Delyse Hopkins Lecturer of Mathematics and Statistics	\$40,600	7/25/10	10 mos
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Ms. Ann-Delyse Hopkins received an M.S. in Computational and Applied Mathematics in 2010 from Old Dominion University and a B.S. in Mathematics in 2007 from the University of Virginia's College at Wise. Since 2009, she has been an Adjunct Faculty member in the Department of Mathematics and Statistics at Old Dominion University. Prior to that, she was a Teacher Explorer, Teaching Assistant and Tutor at the University of Virginia's College at Wise.

Dr. Sookyung Joo Assistant Professor of Mathematics and Statistics (Tenure Track)	\$64,000	7/25/10	10 mos
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Dr. Joo received a Ph.D. in Mathematics in 2004 from Purdue University and an M.S. and B.S. in Mathematics, in 1996 and 1994 respectively, from Ewha Womans University, Korea. Since 2006, she has been Ky Fan Professor in the Department of Mathematics at the University of California.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Erin L. Jordan Associate Professor of History (Tenure Track)	\$29,000	12/25/10	5 mos

Dr. Jordan received a Ph.D. and an M.A. in Medieval European History, in 2000 and 1995 respectively, from the University of Iowa and a B.A. in 1993 from Grinnell College. Since 2000, she has been an Assistant and Associate Professor in the Department of History at the University of Northern Colorado.

Ms. Kimberly A. Karnes Instructor of Political Science and Geography (Tenure Track)	\$50,000	7/25/10	10 mos
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Ms. Karnes received an M.A. in Political Science in 2006 from the University of Maryland, College Park, a B.A. in Political Science in 2004 from Christopher Newport University and is expected to receive a Ph.D. in American Politics in 2010 from the University of Maryland, College Park. She has been a Teaching Assistant in the Department of Government and Politics at the University of Maryland, College Park. (Rank will be Assistant Professor if all requirements for the Ph.D. are completed by August 25, 2010)

Dr. Sue Crownfield Kimmel Assistant Professor of Teaching and Learning (Tenure Track)	\$57,500	7/25/10	10 mos
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Dr. Kimmel received a Ph.D. in Curriculum and Instruction in 2010 from the University of North Carolina at Greensboro, an M.S. in Library Science in 1982 from the University of North Carolina at Chapel Hill and a B.S. in Mathematics in 1979 from Guilford College. Since 2003, she has been Library Media Coordinator at Gillespie Park Elementary School, Greensboro, NC.

Dr. Sandeep Kumar Assistant Professor of Civil and Environmental Engineering (Tenure Track)	\$75,000	7/25/10	10 mos
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Dr. Kumar received a Ph.D. in Chemical Engineering in 2010 from Auburn University and a B.S. in Chemical Engineering in 1994 from Bihar Institute of Technology, Sindri, India. Since 2007, he has been a Graduate Research Assistant in the Department of Chemical Engineering at Auburn University.

Dr. Megan M. McInerney Assistant Professor of Accounting (Tenure Track)	\$120,000	7/25/10	10 mos
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Dr. McInerney received a Ph.D. in Accounting and Information Systems in 2010 from Virginia Polytechnic Institute and State University, a Masters of Accounting in 2001 from the College of William and Mary, and a B.S. in Accounting in 2000 from Virginia Polytechnic Institute and State University. Since 2006, she has been a Ph.D. Student in Residence at Virginia Polytechnic Institute and State University. Prior to that, Dr. McInerney was a Tax Manager at Argy, Wiltse & Robinson, P.C., Family Wealth and Management Group.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Brian Nedvin Assistant Professor of Music (Tenure Track)	\$48,000	7/25/10	10 mos

Dr. Nedvin received a Doctor of Musical Arts in Voice Performance in 2005 from the University of North Texas, a Master of Music in Voice Performance in 1990 from Eastman School of Music and a Bachelor of Music in Applied Voice in 1987 from Bucknell University. Since 2009, he has been a Lecturer in the Department of Music at Mississippi State University. Prior to that, he was an Assistant Professor of Voice at Shorter College.

Dr. Timothy J. Orr Assistant Professor of History (Tenure Track)	\$48,000	7/25/10	10 mos
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Dr. Orr received a Ph.D. and an M.A. in History, in 2010 and 2003 respectively, from The Pennsylvania State University and a B.A. in History and a B.S. in Biology in 2001 from Gettysburg College. Since 2005, he has been a Lecturer at Pennsylvania State University.

Dr. Jong Chool Park Assistant Professor of Accounting (Tenure Track)	\$120,000	7/25/10	10 mos
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Dr. Park received a Ph.D. in Accounting in 2006 from Carnegie Mellon University, an M.S. in Statistics in 2001 from the University of Chicago, an M.A. in Economics in 2000 from the State University of New York at Buffalo and a B.A. in International Economics in 1998 from Seoul National University. Since 2006, he has been an Assistant Professor of Accounting at the Lally School of Business, Rensselaer Polytechnic Institute. Prior to that, Dr. Park was a Teaching Assistant and Instructor at Carnegie Mellon University.

Mr. Michael Provance Instructor of Management (Tenure Track)	\$105,000	7/25/10	10 mos
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Mr. Provance received an M.B.A. in 1994 from the Pennsylvania State University, a B.S. in Management Science in 1990 from the Massachusetts Institute of Technology and is expected to receive a Ph.D. in Management of Science, Technology and Innovation in 2010 from The George Washington University School of Business. From 2007-09, he was a Visiting Faculty member at the University of Richmond. (Rank will be Assistant Professor if all requirements for the Ph.D. are completed by August 1, 2010)

Dr. Nial P. Quinlan Lecturer of Counseling and Human Services	\$40,000	7/25/10	10 mos
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Dr. Quinlan received a Ph.D. in Counseling and an M.S.Ed. in Community Agency Counseling, in 2009 and 2004 respectively, from Old Dominion University and a B.S.M. in Management in 1981 from Tulane University. Since 2009, he has been in Private Practice in Norfolk and Yorktown. Dr. Quinlan has also been an Adjunct Instructor and Counselor in the Counseling Center at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Lee Slater Visiting Assistant Professor of Foreign Languages and Literatures	\$21,500	7/25/10	5 mos

Dr. Slater received a Ph.D. in French Studies in 1993 from Brown University, an M.A. in French Language and Civilization in 1988 from New York University in France and University of Paris III, Paris, France and a B.A. in French Studies in 1986 from Dickinson College. Since 1999, he has been an Adjunct Assistant Professor of French and Foreign Language in English Translation at Old Dominion University.

Ms. Stephanie K. Sugioka Lecturer of English	\$40,000	7/25/10	10 mos
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Ms. Sugioka received an M.A. in Chinese Literature in 1982 from the University of Wisconsin at Madison, an M.S. in Writing Seminars in 1975 from Johns Hopkins University and a B.A. in English in 1973 from Goucher College. She expects to receive a Ph.D. in Education Curriculum and Instruction from Old Dominion University in 2010. Since 2007, she has been an Instructor and Graduate Teaching Assistant in the Department of Teaching and Learning at Old Dominion University.

Dr. Jeffrey G. Toussaint Lecturer of Sociology and Criminal Justice	\$45,000	7/25/10	10 mos
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Dr. Toussaint received a Ph.D. in Sociology in 2008 from Virginia Polytechnic Institute and State University, an M.A. in Applied Sociology in 2002 from Old Dominion University and Norfolk State University and a B.S. in Sociology in 1998 from Old Dominion University. Since 2009, he has been an Adjunct Professor in the Department of Sociology and Criminal Justice at Old Dominion University. Prior to that he was a Visiting Lecturer of Sociology at the University of Richmond.

Ms. Elizabeth Jackson Vincelette Lecturer of English	\$40,000	7/25/10	10 mos
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Ms. Vincelette received an M.A. in English in 2006 from Old Dominion University, a B.A. in English in 1992 from the University of Virginia and is expected to receive a Ph.D. in English in 2010 from Old Dominion University. Since 2008, she has been an Instructor in the Department of English at Old Dominion University.

**APPOINTMENT OF MAJOR GIFTS OFFICER
COLLEGE OF BUSINESS AND PUBLIC ADMINISTRATION**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Cinda Cooper Ayers as Major Gifts Officer for the College of Business and Public Administration, Office of Development effective June 10, 2010.

Ms. Ayers received a B.A. in English in 1989 from the College of William and Mary. Since 2006, she has been the Annual Fund Director for the Virginia Arts Festival. Prior to that, Ms. Ayers was Director of Development and Marketing at the Academy of Music in Norfolk.

Salary: \$55,000 for 12 months

Rank: Major Gifts Officer, College of Business and Public Administration, and Assistant Instructor

**APPOINTMENT OF GRANT WRITER
COLLEGE OF HEALTH SCIENCES**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Helen L. Fillmore as Grant Writer for the College of Health Sciences effective July 10, 2010.

Dr. Fillmore received a Ph.D. in 1993 from the Department of Anatomy and Neurobiology, University of Tennessee, Memphis and a B.A. in Psychology in 1984 from California State University, Chico. Since 2006, she has been Associate Professor in the Department of Neurosurgery at Virginia Commonwealth University, MCV campus.

Salary: \$50,000 for 12 months

Rank: Grant Writer, College of Health Sciences, and Instructor

APPOINTMENT OF INSTRUCTIONAL DESIGNER

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Deborah D. Norris as Instructional Designer in the Center for Learning Technologies, Office of Distance Learning, effective May 10, 2010.

Ms. Norris received an M.S. in Business/Industry Training in 2003 from Old Dominion University and a B.S. in Industrial Technology in 1994 from Virginia State University. Since 2006, she has been Senior Instructional Systems Designer (Contractor) for C² Technologies.

Salary: \$54,000 for 12 months

Rank: Instructional Designer and Instructor

APPOINTMENT OF HEAD EQUIPMENT MANAGER

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. Thomas G.

Rapier II as Head Equipment Manager, Department of Intercollegiate Athletics effective May 25, 2010.

Mr. Rapier received a B.S. in Education in 2008 from the Virginia Polytechnic Institute and State University. He is currently Acting Head Equipment Manager at Old Dominion University. From 2005-2007, Mr. Rapier was the Assistant Equipment Manager for the Athletic Department at Virginia Polytechnic Institute and State University.

Salary: \$46,000 for 12 months

Rank: Head Equipment Manager and Instructor

APPOINTMENT OF INSTRUCTIONAL DESIGNER

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Mr. David Swift as Instructional Designer in the Center for Learning Technologies, Office of Distance Learning, effective May 25, 2010.

Mr. Swift received an M.S. in Educational Technology in 1995 from Lehigh University, a B.A. in Psychology from the University of Massachusetts in 1984 and is enrolled in the Instructional Design and Technology Ph.D. program at Old Dominion University. Since 2007, he has been an Instructional Designer and Project Manager for the Old Dominion University Research Foundation.

Salary: \$62,000 for 12 months

Rank: Instructional Designer and Instructor

APPOINTMENT OF PROGRAM MANAGER EXECUTIVE DEVELOPMENT CENTER

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Ms. Dalaina Williams as Program Manager for the Executive Development Center, College of Business and Public Administration effective May 10, 2010.

Ms. Williams received a B.A. in English in 2002 from Michigan State University. Since 2007, she was Senior Program Assistant until becoming Acting Program Manager, in 2009, of the Executive Development Center in the College of Business and Public Administration at Old Dominion University.

Salary: \$40,000 for 12 months

Rank: Program Manager, Executive Development Center, and Assistant Instructor

EMERITUS/EMERITA APPOINTMENTS

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

<u>Name and Rank</u>	<u>Effective Date</u>
Cynthia Wright Swaine Instructional Services Librarian Emerita	September 1, 2010
Charlie G. Turner Associate Professor Emeritus of Economics	August 1, 2010

CYNTHIA WRIGHT SWAINE

Cynthia Wright Swaine earned a B.S. in Education from Goshen College, an M.S. in Education from Indiana University, and an M.L.S. from Indiana University. She joined the Old Dominion University faculty in 1975 as the Education Reference Librarian and in 1979 became the Instruction Services Librarian. In 1994, she also became the distance learning coordinator for the library. She was promoted to Librarian IV, the library equivalent to the rank of professor, in 2001.

Swaine's University service includes the Distance Learning Policy and Advisory Committee as well as strategic planning, SACS reaccreditation, evaluation of services, parking appeals, student conduct, and many other committees and teams. She has presented at regional and national conferences and has several publications related to her primary areas of interest, library distance learning and instruction services. She was a co-creator and instructor for the credit course Research in the Information Age and has been active in the University's inclusion of information literacy in the general education curriculum.

Among the honors Swaine has received over her 35-year tenure are Librarian of the Year (1995) and Distance Learning Hero award (2009).

CHARLIE G. TURNER

Charlie G. Turner received a B.A. in Political Science from Simpson College in 1965, an M.A. in Economics from George Mason University in 1976 and a Ph.D. in Economics from Harvard University in 1981. He joined Old Dominion as an Assistant Professor of Economics in 1984 and achieved the rank of Associate Professor in 1988. In the Department of Economics, Turner primarily taught courses in international trade and international finance. He taught extensively in other countries and was a Visiting Research Professor at Kitakyushu University, Japan for the 1994-95 academic year. He also started a student-managed investment fund course for the Department of Finance and was actively involved with Students in Free Enterprise in the College of Business and Public Administration.

During his 26 years at Old Dominion University, Turner has been a creative teacher, employing many real world economic experiments in class. He has also been a mentor and coauthor to many junior faculty in Economics and other departments across the University. Turner was actively engaged in research in the areas of international trade, international finance, and dynamic efficiency, and his work is well respected by his peers. In recent years, he engaged in research concerning issues of pay equity, particularly in Asian economies, and has made contributions to the growing area of the Economics of Happiness.

Committee members approved by unanimous vote the rescission of Board of Visitors Policy 1425, Copyright Ownership and Royalty Rights for Technology-Based Education. The policy is no longer necessary as the new Intellectual Property Policy incorporates the information from this policy. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

**APPROVAL OF PROPOSAL TO RESCIND BOARD OF VISITORS
POLICY 1425, COPYRIGHT OWNERSHIP AND ROYALTY RIGHTS
FOR TECHNOLOGY-BASED EDUCATION**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves rescinding the Board of Visitors Policy 1425, Copyright Ownership and Royalty Rights for Technology-Based Education, effective June 17, 2010.

Rationale: Board of Visitors Policy 1425, Copyright Ownership and Royalty Rights for Technology-Based Education, is no longer necessary as the new Intellectual Property Policy (1424) incorporates information from policy 1425. Thus, it is proposed that policy 1425 be rescinded.

NUMBER: 1425

TITLE: Copyright Ownership and Royalty Rights for Technology-Based Education

APPROVED: June 15, 2000

I. Copyright

Technology Based Materials (TBM) are instructional materials that require the creation of copyright-protected work in a medium provided by the University. The copyright of all TBM shall vest in the University. TBM include all instructional materials produced and stored or reproduced in any form including, in any form of computer storage or in digital format, such as on CD-ROM, digital video disc, and server hard drives for access

on computer workstations and through the Internet. Accordingly, all TBM will be marked with a “© Old Dominion University” indicator in a manner appropriate to the medium. For materials recorded on fixed media, such as videotapes or CD-ROMs, Academic Technology Services (ATS) will place a warning at the beginning of each recording or affixed as a label on the medium that Old Dominion University owns the copyright and that it is against federal copyright laws to duplicate the recording.

II. Intellectual Property

A. Duplication of TBM for Student Use

1. At each site at which a telecourse is offered, a copy will be made and retained for a period of one year. These copies are intended for use at the site to allow students to review a missed class, to make up an incomplete for the course or to study for comprehensive exams. Copies provided to faculty members may not be reproduced or used for personal financial gain.
2. At those locations where facilities and staffing permit, duplicates of the copy may be made for students to check out for use at home but only with the permission of the course’s instructor. Students will be required to return the copy within a reasonable period, normally not more than one week. At the beginning of each term, in order to facilitate such duplicate copies being made in a timely manner in response to student demand, ATS will obtain each instructor’s written permission to do so or denial thereof.

B. Sale of Courses and Royalties

1. After consultation with the faculty member and college dean, the University may sell courses in a variety of media, such as videotape CD-ROM.
2. ATS will consult with the faculty member and college dean to sell a selected course prior to the start of class.
3. ATS will be responsible for producing the copies in appropriate format as well as for any special editing required and packaging for shipment.
4. The faculty member will be afforded the opportunity to review segments of the course prior to its sale and for the duration of the licensing period, usually up to five years. The faculty member may request editing or re-recording from ATS.
5. Net revenues received from the sale of courses (e.g., royalty payments to the University) will be distributed equally among the college, faculty member and ATS, 33⅓% to each.
6. ATS may also market and sell noncredit programs for which it holds licensing and distribution agreements. Royalties for the use of those of

such a program will be paid to individuals, both internal and external to the University, according to the licensing and distribution agreement executed for the specific purpose.

III. Licensing Agreements and Releases

- A. Whenever the University produces a video program, those who appear in the program (i.e., the talent) may be required to sign a release permitting the recording and use of an “image of their person and sound of their voice.” ATS will be responsible for obtaining signed releases during the production of technology-based programs.
- B. ATS is responsible for obtaining all releases for intellectual property used in the production of technology based programs and executing licensing agreements with those holding the copyrights for such intellectual property. The faculty shall not incorporate copyrighted materials in TBM without the permission of ATS.
- C. Students are informed by notices in scheduling books that by enrolling in a video-based course, they waive their rights to any intellectual property.
- D. ATS will be responsible for developing and executing license agreements for programs produced by the University. At a minimum, each agreement will include stipulations that:
 - 1. the licensee will not duplicate the recording, unless expressly provided in the license;
 - 2. the license is provided for a specified period of time, usually one year;
 - 3. the licensee will not retransmit the program, unless expressly provided in the license; and
 - 4. the licensee will not edit or resell the program.

IV. Digital Instructional Materials

- A. Courses produced by faculty in digital format will not be used by the University without consultation with the faculty member.
- B. Instructional materials (e.g., instructional modules) produced by faculty can be archived and cataloged by the Perry Library for use as teaching tools by other ODU faculty with appropriate credit and acknowledgment to the developing faculty member.
- C. The University, after consultation with the faculty member and college dean, may seek to market the produced materials to outside agencies.

- D. Prior to re-use, the faculty member will be afforded the opportunity to review instructional materials yearly. The faculty member may request editing or re-recording from ATS.

V. Approval of Faculty Member or College Dean

Whenever this policy refers to consultation, consultation means that the agreement of the faculty member will be sought on the use of TBM. In the event the faculty member does not agree to such use, the matter will be submitted to the Provost for final determination.

Committee members approved by unanimous vote the proposed revision to the Policy on Administrative and Professional Faculty. The revision eliminates the requirement to issue annual notices of appointment to current administrative and professional faculty. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

**APPROVAL OF PROPOSED REVISIONS TO THE POLICY ON
ADMINISTRATIVE AND PROFESSIONAL FACULTY**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed revisions to the Policy on Administrative and Professional Faculty, effective June 17, 2010.

Rationale: The Policy on Administrative and Professional Faculty governs the terms and conditions of employment for administrative and professional faculty (AP faculty). The proposed revision would eliminate the reference to University practice to issue annual notices of appointment to current AP faculty.

Each appointment year (June 10 through the following June 9), the Office of Academic Affairs sends out approximately 400 notices of appointment. In an effort to simplify the process and create some administrative efficiencies, annual notices of appointment will be eliminated. AP faculty are at-will employees. Notices of appointment are often referred to as a “contract,” yet AP faculty may resign anytime during the appointment period. Likewise, the University may dismiss AP faculty during the appointment period by providing proper notice according to the section of the policy on Notice of Termination of AP Faculty Members.

The decision to eliminate this practice is supported by the Office of Academic Affairs, University Counsel and the Department of Human Resources. Official contracts will continue to be used for coaches and other senior administrators designated by the President or the Board of Visitors. Newly hired AP faculty will receive an initial letter of appointment.

NUMBER: 1490

TITLE: Administrative and Professional Faculty

APPROVED: June 12, 1980; Revised June 22, 1995; Revised September 9, 2005;
Revised June 17, 2010

I. Background

Pursuant to §23-38.88, *Eligibility for Restructured Financial and Administrative Operational Authority*, subdivision A10 states that “public institutions of higher education shall be allowed to establish policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions provided in subsection E of §2.2-2901.” These designations shall be reserved for positions that require a high level of administrative independence, responsibility, and oversight within the organization or specialized expertise within a given field as defined by the Board of Visitors.

II. Definitions for Administrative and Professional Faculty (AP Faculty)

Administrative faculty require the performance of work directly related to the management of the educational and general activities of the institution, department or subdivision. Incumbents in these positions should exercise discretion and independent judgment and generally direct the work of others.

Qualification criteria:

- must perform the duties and responsibilities associated with this category 50 percent or more of the contractual time;
- must have advanced degree; or training and work experience at a level which equates to an advanced degree;
- must regularly exercise discretionary actions;
- the organization reporting relationship normally must not go lower than three (3) levels below the President.

Requests for any exception to these criteria must be made to the President. The ~~Director of~~ **Vice President for** Human Resources may provide assistance as required by the President.

Professional faculty require advanced learning and experience acquired by prolonged formal instruction and/or specialized work experience. This category is normally limited to librarians, counselors, coaches, lawyers, physicians, and other professional positions serving education, research, athletic, medical, student affairs, and development functions or activities. Some information technology positions may also be included in this category.

Qualification criteria:

- must perform the duties and responsibilities associated with this category 50 percent or more of the contractual time;

- must have advanced degree; or training and work experience at a level which equates to an advanced degree;
- must regularly exercise professional discretion and judgment;
- work produced must be intellectual and varied in character and should not be standardized.

Requests for any exception to these criteria must be made to the President. The ~~Director of~~ **Vice President for** Human Resources may provide assistance as required by the President.

~~It is the practice at Old Dominion University for administrative and professional faculty to receive annual notices of appointment from the president.~~ Professional librarians are covered by a separate policy concerning rank and term appointments.

III. Academic Rank

- A. Two types of academic rank are awarded to administrative and professional faculty members at Old Dominion University:
 1. Rank without departmental designation - On initial appointment, an administrative and professional faculty member may be assigned rank without departmental designation upon recommendation of the appropriate vice president or director and approval of the president, the Board of Visitors, and the governor. Normally only holders of the earned doctorate will be awarded ranks above that of instructor, but exceptions may be made on the basis of experience and training.
 2. Rank with departmental designation - Upon initial appointment, an administrative and professional faculty member may be awarded rank in a department upon recommendation of the chair of the department (after consultation with the promotion and tenure committee of the department or with the tenured faculty of the department) and the dean to the provost and vice president for academic affairs. Award of rank in a department usually implies that the faculty member will be performing service in that department in teaching, research, or professional service.
- B. AP faculty members initially appointed to rank without departmental designation may request consideration for granting of rank with departmental designation of the chair of the department. The procedures for the granting of departmental designation are the same as for initial appointment with the departmental designation.

IV. Promotion in Rank

- A. For AP faculty members holding rank without departmental designation the following terms apply:
 1. An AP faculty member without departmental rank may be proposed for promotion by that person's immediate supervisor. The supervisor should clearly indicate criteria being used and reasons for promotion. Normally promotion

should not take place in a shorter time period that would be used for promotion to the same rank for teaching and research faculty.

2. In areas reporting to the provost and vice president for academic affairs, the initial recommendation is made through the normal administrative line to the provost and vice president for academic affairs, who approves or disapproves the recommendation. The AP faculty member has the right to request that the president review the decision of the provost and vice president for academic affairs. The decision of the president is final.
 3. In areas not reporting to the provost and vice president for academic affairs, the recommendation is considered through the normal administrative line and a final recommendation made by the appropriate vice president, or director, to the president. The president, after consultation with the provost and vice president for academic affairs concerning the appropriateness of the rank within university practices, takes final action on the recommendation.
- B. For persons holding rank with departmental designation the following apply:
1. Persons who have held rank with departmental designation for the normal length of time before consideration for the next higher rank may request that the chair of the department evaluate their performance. In this evaluation, it is appropriate that the departmental chair take into consideration the fact that the faculty member cannot have performed the quantity of teaching, research, and departmental service that would be expected of a full-time member of the teaching faculty of the department. On the other hand, it should be expected that the AP faculty member would hold credentials such that, if the person were being appointed initially to an administrative or professional post, the faculty and chair of the department would be willing to grant the rank to which promotion is proposed.
 2. Consideration of the promotion should begin with the departmental promotion committee and proceed in exactly the same manner as for full-time teaching faculty members¹.

V. Tenure for AP Faculty Members

- A. No administrative or professional faculty member holds tenure or other right of continuance in their appointment.
- B. Time spent at Old Dominion University in an AP faculty appointment does not count toward the probationary period for tenure. If a nontenured faculty member accepts a full-time AP faculty post, the time spent in that position is not counted toward the probationary period for tenure.
- C. Tenured faculty members who accept administrative posts retain tenure in their academic departments.

¹ See the "Policy and Procedures Concerning Academic Rank and Promotion in Rank," section II.

- D. An AP faculty member may request tenure consideration by an appropriate academic department. Such consideration begins with an evaluation by the departmental chair of the training, experience, and performance of the faculty member. Thereafter, beginning with consideration by the departmental tenure committee or the total tenured faculty of the department, the policy and procedure for the award of tenure to AP faculty members is identical with the policy and procedure for teaching and research faculty members.
- E. An AP faculty member initially appointed to the rank of full professor with departmental designation may be considered for award of tenure without probationary period in accordance with the policy and procedures governing full-time faculty members initially appointed to the rank of full professor.

VI. Notice of Termination of AP Faculty Members

- A. No person has a right of continuance in a specific administrative assignment, and any administrative or professional faculty member may be reassigned to different responsibilities at any time. The following policies and procedures, therefore, refer to continuance of salary and of appointment to the university.
- B. Administrators or professionals holding rank without departmental designation:
 - 1. Faculty in this category shall be given the following notice of termination:
 - a. At least ninety (90) days for faculty in their first twenty-four months of service.
 - b. At least one hundred and eighty (180) days for faculty with more than twenty-four months of service.
 - 2. Initial notification of termination is by the faculty member's immediate supervisor. The faculty member has a right to request a review up the chain of command to the president. The decision of the president concerning termination is final.
 - 3. Effective July 1, 1995, in the event an administrative or professional faculty member is involuntarily separated from employment by the University for reasons that are not performance or behavior related, the notice of termination period (provided in paragraph V.B.1 and 2 above) will be reduced by the number of weeks of severance pay benefits provided by the Workforce Transition Act of 1995. The net benefit for the dismissed employee shall not be less than that which is provided by this policy. This paragraph shall be in force and effect only so long as the Workforce Transition Act of 1995, or successor legislation, is effective. Involuntary separation is defined as position elimination due to budget reductions, work force downsizing, university or departmental reorganization or other causes not related to performance or employee conduct, but shall not include voluntary resignations. Notice of termination of ~~contract~~ **appointment** is not an involuntary separation that qualifies for severance benefits.

4. A shortening of the termination notice for cause can take place under the following conditions:
 - a. Inability, unwillingness or failure to perform assigned duties and professional responsibilities at a satisfactory level.
 - b. Violation(s) of University policies and/or procedures.
 - c. Violation(s) of applicable administrative or professional ethics or responsibilities.
 - d. Criminal convictions for acts of conduct occurring on or off the job which are related to job performance or are of such a nature that to continue the administrative faculty member in the assigned position could constitute negligence in regard to the University's responsibilities to the public or to its students or other employees.
 - e. In the event the appointing official or other appropriate supervisory administrative officer determines that termination of an AP faculty member's contract is warranted, the faculty member shall be advised, in writing, of the intended action and the reason(s) therefore, and shall be afforded the opportunity to respond, in writing and in person, to the intended action and the reasons upon which the intended action is based.
 - f. Termination by reason of inability, unwillingness or failure to perform one's duties and professional responsibilities at an acceptable level, may not be undertaken until the faculty member has been advised, in writing, of the deficiencies in his/her performance and afforded a reasonable opportunity (at least 30 days) to correct such identified deficiencies.
 - g. If the faculty member elects to respond to the notice of intended termination, and the response is deemed unsatisfactory, the appointing official should proceed to implement the termination action by notifying the faculty member, in writing, of the termination action and the effective date thereof. The written notification shall state specifically the reasons for the termination and shall inform the individual of the right to appeal the termination decision.
 - h. AP faculty members may appeal a dismissal for cause through the Grievance Policy for Faculty Administrators if they believe the dismissal resulted from an improper application of policy or is arbitrary and capricious.

C. AP Faculty holding rank with departmental designation:

1. Faculty in this category who do not hold tenure are entitled to the same notice as that given to nontenured faculty members. During all or a portion of the time under which the faculty member is on terminal notice, reassignment to the academic department as a teaching faculty member may be made.

2. Faculty holding rank with departmental designation but not having tenure may request a review of the termination decision through the president. The decision of the president is final.
3. Faculty holding rank with departmental designation and tenure return to the tenured teaching faculty of the department if they leave their administrative post for any reason. Dismissal from the university can only occur under the policies and procedures for dismissal of tenured faculty members.

Committee members approved by unanimous vote the proposed revisions to the Policy and Procedures for Responding to Allegations of Misconduct in Scientific Research or Other Scholarly Activity. The revisions eliminate redundancy in the two existing policies and streamline them by combining them into one policy. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

**APPROVAL OF PROPOSED REVISIONS TO THE POLICY AND PROCEDURES
FOR RESPONDING TO ALLEGATIONS OF MISCONDUCT IN
SCIENTIFIC RESEARCH OR OTHER SCHOLARLY ACTIVITY**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed revisions to the Policy and Procedures for Responding to Allegations of Misconduct in Scientific Research or Other Scholarly Activity, effective June 17, 2010. (This proposed policy combines current Board of Visitors policies 1426 and 1427 into new policy 1426.)

Rationale: The University currently has two policies dealing with misconduct in research or other scholarly activity, one that includes the policy and another on procedures. At the request of the Provost, a small working group was formed to eliminate redundancy in the two policies and streamline them by combining them into one policy, which is the proposed Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity.

The substance of the previous policy and procedures has not been changed. However, the policy and procedures have been streamlined, surplus language has been removed, and the timeline has been shortened. The proposed policy is clearer and should be easier to implement when instances of alleged misconduct occur.

A case recently handled under the existing policy took well over a year to process, which was unfair to all involved, especially the accused researcher and the Research Integrity Officer. With the new Policy and Procedures combined into one document, all conflicting and redundant passages have been removed and the process reduced to 120 days from start to finish. The Committee that worked on repairing this policy was made up of a faculty member and Chair of the Faculty Senate, the Research Integrity Officer, the Vice Provost for Graduate Studies, and the University Counsel.

NUMBER: 1426

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

APPROVED: December 13, 2002; Revised September 22, 2006; **Revised June 17, 2010**

I. Introduction

A. General Policy

It is the responsibility of every member of the Old Dominion University community to ensure integrity in scientific research and scholarly activity. Research misconduct injures the reputation of the university and restricts its ability to compete for external research support. Old Dominion University is dedicated to intellectual integrity and requires the same commitment from all of its faculty, staff, students, and research contributors. Hereafter, “research” connotes any type of scientific research or other scholarly activity and “misconduct” connotes misconduct in scientific research or in other scholarly activity.

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

B. Scope

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

The policy and associated procedures will normally be followed when an allegation of possible misconduct is received by an institutional official. A summary of the procedures and associated timelines for completion is found in the Appendix.

II. Definitions

A. Allegation means any written statement of possible misconduct made to an institutional official, either to the dean of the affected college or to the Research Integrity Officer (“RIO”).

- B. Complainant means a person who makes an allegation of misconduct in scientific research or other scholarly activity.
- C. Confidentiality means a state or quality of being confidential. It connotes the entrustment with secret affairs or purpose and a shared intent to operate secretly. In many cases of research misconduct, confidentiality is a legal requirement. Each member involved in the process bears the duty of protecting the privacy of both the Complainant and the Respondent; a member who breaches this duty may be subject to discipline.
- D. Conflict of Interest means the real or apparent interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.
- E. Day means calendar day.
- F. Deciding Official "DO" means the university official who makes final determinations on allegations of misconduct and any responsive institutional actions. The DO will normally be the Provost and Vice President for Academic Affairs. For this reason, he or she cannot serve as the RIO. If the provost and vice president for academic affairs has had direct, prior involvement in the research, inquiry, investigation, or allegation assessment, he or she will be required to recuse him or herself and the president will appoint an alternate DO.
- G. Good Faith Allegation means an allegation made with the honest belief that misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.
- H. Inquiry means gathering information and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- I. Investigation means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred and, if so, to determine the responsible person and the seriousness of the misconduct.
- J. Old Dominion University defines Misconduct in Scientific Research and Other Scholarly Activity as:
1. Fabrication, Falsification, Plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations of results or judgments in the collection of data.
 2. The Retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith. (In such cases, agency notification is limited to the NSF.)

3. Any form of Attribution of another's work as the Respondent's own work.

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

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

human and animal subject protocols; consent forms; medical charts; and patient research files.

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

III. Rights and Responsibilities

A. Research Integrity Officer

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

The RIO will appoint the investigation committee and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an investigation. The RIO will ensure that confidentiality is maintained.

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

The RIO, through the vice president for research², will report to ORI or NSF, as required by regulation, keep the appropriate agency apprised of any developments during the course of the investigation that may affect current or potential funding

² As a general rule, whether or not specifically stated, Agency contact by the RIO should be through the Vice President for Research/Office of Research.

for the individual(s) under investigation or that the agency needs to know to ensure appropriate use Federal funds, and otherwise protect the public interest.

B. Complainant

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

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

C. Respondent

The Respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The Respondent will also have the opportunity to be interviewed by and present evidence to the RIO during his/her inquiry, an opportunity to be interviewed by and present evidence to the investigation committee, to review the draft inquiry and investigation reports, and to have the advice of counsel. Counsel (licensed Attorney or lay advisor) may not address the Investigation Committee in place of the Respondent, or question other witnesses in place of the Respondent. Counsel's role shall be restricted to acting only as advisor to the Respondent.

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

D. Deciding Official "DO"

The DO will receive the inquiry and investigation reports and any written comments made by the Respondent or the Complainant on the draft report. The DO will decide whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions.

IV. General Policies and Principles

A. Responsibility to Report Misconduct

All employees or individuals associated with Old Dominion University should report observed, suspected, or apparent misconduct to the RIO directly or through the dean of the affected college. If an individual is unsure whether a suspected incident falls within the definition of misconduct, he or she may informally and confidentially discuss the suspected misconduct with the RIO. If the

circumstances described by the individual do not meet the definition of misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

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

B. Protecting the Complainant

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

Employees should immediately report any alleged or apparent retaliation to the RIO.

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

C. Protecting the Respondent

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

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

D. Cooperation with Inquiries and Investigations

All individuals involved will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. This affirmative duty includes the obligation to provide relevant evidence to the RIO or other officials on misconduct allegations.

E. Preliminary Assessment of Allegations

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

V. Conducting the Inquiry

A. Initiation and Purpose of the Inquiry

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

B. Inquiry Process

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

The RIO, in consultation with other university officials as appropriate, will normally interview the Complainant, the Respondent, and key witnesses as well as examine relevant research records and materials. The RIO will evaluate the evidence and testimony and decide whether there is sufficient evidence of possible misconduct to recommend further investigation.

The RIO will submit a draft report to the DO, Complainant and Respondent that describes his/her conclusion regarding sufficient evidence of possible misconduct that would justify further investigation. The RIO will establish reasonable conditions for review to protect the confidentiality of the draft report.

Within 10 days of their receipt of the draft report, the Complainant and Respondent will provide their comments, if any, to the RIO. Any comments that the Complainant or Respondent submits on the draft report will become part of the final inquiry report and record. Based on the comments, the RIO may revise the draft report as appropriate.

The RIO will transmit the final report and any comments to the DO who will have 10 days in which to make the determination of whether findings from the inquiry provide sufficient evidence of possible misconduct to justify conducting an

investigation. The inquiry is completed when the DO makes this determination, which will be made within 60 days of the RIO's commencement of the Inquiry. Any extension of this period will be based on good cause and recorded in the inquiry file.

The RIO will notify both the Respondent and the Complainant in writing of the DO's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The RIO will also notify the president, the general counsel, the vice president for research, and the dean of the affected college or other university unit.

VI. The Investigation

A. Purpose of the Investigation

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

B. Sequestration of the Research Records

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

C. The Investigation Committee & Process

The RIO, in consultation with the president and general counsel, will appoint an Investigation Committee and the Committee chair within 5 days of the notification to the Respondent that an investigation is planned or as soon thereafter as practicable. These individuals may be scientists, colleagues, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution.

The RIO will notify the Respondent of the proposed committee membership within 5 days of appointing members of the investigative committee. If the Respondent submits a written objection for cause to any appointed member of the

Investigation Committee, The RIO will immediately replace the first challenged member and determine whether to replace the other challenged members with qualified substitutes.

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

D. Charge to the Committee and the First Meeting

The RIO will define the subject matter of the investigation in a written charge to the Committee that: (i) describes the allegations and related issues identified during the inquiry; (ii) defines misconduct; and, (iii) identifies the name of the Respondent. The charge will state that the Committee is to evaluate the evidence and testimony of the Respondent, Complainant, and key witnesses to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, to what extent, who was responsible, and its seriousness.

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

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

The RIO, with the assistance of the General Counsel, will convene the first meeting of the Investigation Committee to review the charge, the Inquiry Report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The Investigation Committee will be provided with a copy of these instructions and, where federal funding is involved, the PHS or NSF, or other granting agency regulations, if any.

VII. The Investigation and Report

An investigation should ordinarily be completed within 60 days of its initiation. This includes conducting the investigation, preparing the report of findings, making the draft

report available to the subject of the investigation for comment, submitting the report to the DO for approval, and submitting the report to the appropriate agency, if relevant.

A. Draft Report

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

B. Comments on the Draft Report

1. Respondent

The RIO will provide the Respondent with a copy of the draft Investigation Report for comment and rebuttal. The Respondent will be allowed 10 days to review and comment on the draft report. The Respondent's comments will be attached to the final report. The findings of the final report should take into account the Respondent's comments in addition to all the other evidence.

2. Complainant

The RIO will provide the Complainant, if he or she is identifiable, with those portions of the draft Investigation Report that address the Complainant's role and opinions in the investigation. The Complainant will be allowed 10 days to review and comment on that part of the draft report provided by the RIO. The report should be modified, as appropriate, based on the Complainant's comments.

3. General Counsel

The draft investigation report will be transmitted to the General Counsel for a review of its legal sufficiency. The General Counsel's comments should be incorporated into the report as appropriate.

4. Confidentiality

In distributing the draft report, or portions thereof, to the Respondent and Complainant, the RIO will inform the recipient of the confidentiality under which the draft report is made available and will establish reasonable conditions to ensure such confidentiality. For example, the RIO may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

C. Final Report

After comments have been received and the necessary changes have been made to the draft report, the Investigation Committee should transmit the final report with attachments, including the Respondent's and Complainant's comments, to the DO,

through the RIO. The final report, if applicable, will be submitted through the Office of Research to ORI and/or NSF.

D. Institutional Review and Decision

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

The DO will also notify both the Respondent and the Complainant in writing. In addition, the DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the Respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

VIII. Requirements for Reporting to ORI or NSF Inspector

- A. The decision to initiate an investigation of PHS- or NSF-funded research must be reported in writing, through the Office of Research, to the director of ORI (at DHHS) or the Inspector General of NSF before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of misconduct, and the agency applications or grant number(s) involved. ORI or NSF must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. Any significant variations from the provisions of these policies and procedures should be explained in any reports.
- B. Prior to any decision to terminate an inquiry or investigation without completing all relevant requirements of the PHS or NSF regulations, the RIO, through the Office of Research, will submit a report of the planned termination to ORI or the NSF Inspector General, including a description of the reasons for the proposed termination.
- C. If the university determines that it will not be able to complete an Inquiry and Investigation of federally funded research in 120 days, the RIO will submit to the respective agency a written request for an extension that explains the delay,

reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. The request will be submitted through the Office of Research. If either NSF or the PHS is the funding agency, the Office of Research may authorize an extension of the investigation such that the investigation and all administrative actions will be completed within an additional 60 days. If the request is granted, the RIO will file periodic progress reports as requested.

- D. When PHS or NSF funding or applications for funding are involved and an admission of misconduct is made, the RIO, through the Office of Research, will contact the agency for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. An admission of misconduct does not constitute sufficient basis for closing a case involving PHS or NSF funds without prior approval from the agency.
- E. When PHS or NSF funding is involved, the RIO, through the Office of Research, will notify the agency at any stage of the inquiry or investigation if:
1. there is an immediate health hazard involved;
 2. there is an immediate need to protect federal funds or equipment;
 3. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
 4. it is probable that the alleged incident is going to be reported publicly;
 5. the allegation involves a sensitive public health issue, e.g., a clinical trial;
 6. there is a reasonable indication of possible criminal violation. In this instance, the institution must inform the agency within 24 hours, excluding weekend days, of obtaining that information;
 7. for any other reason, the scientific community or the public should be informed.

IX. Administrative Actions

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

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

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

X. Other Considerations

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

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

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

B. Restoration of the Respondent's Reputation

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

C. Protection of the Complainant and Others

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

D. Allegations Not Made in Good Faith

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

E. Interim Administrative Actions

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

XI. Record Retention

After completion of a case and all ensuing related actions, the RIO will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the RIO or committees. The RIO will transfer the file to the Provost and Vice President for Academic Affairs, for safekeeping, who will maintain the file for three years after completion of the case to permit later assessment of the case. ORI, NSF, or other authorized personnel will be given access to the records upon request.

APPENDIX

This appendix summarizes the responsibilities assigned to the DO and the RIO. The appendix is a review of the duties assigned to these two officials.

Responsibilities of the DO

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

Responsibilities of the RIO

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

Assessment of Allegations

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

Conduct of Inquiry

- Initiates inquiry process
- Notifies appropriate institutional officials, the Respondent, and, if necessary, the appropriate agency that an inquiry is underway

- Sequesters research or other relevant records
- Conducts the inquiry
- Determines whether additional expertise is needed
- Establishes conditions of confidentiality
- Protects against bias or conflicts-of-interest
- Develops the charge
- Meets ORI or NSF notification requirements
- Takes appropriate interim administrative actions
- Seeks advice from federal agencies when an admission of misconduct is made
- Determines whether a time extension will be allowed
- Provides a draft report to the Respondent
- Provides appropriate portions of the draft report to Complainant
- Transmits the final report and comments to the DO
- Communicates the decision of the DO to the Complainant, and Respondent.
- Notifies ORI or NSF if an investigation will be conducted
- Provides the final report and inquiry file to ORI or NSF upon request, if relevant
- Retains all inquiry records
- Reports "bad faith" allegations to the DO
- Undertakes reasonable efforts to restore the reputation of cleared Respondents
- Undertakes reasonable efforts to protect "good faith" Complainants and others who cooperated with the inquiry

Conduct of Investigation

- Notifies the Respondent that an investigation will be conducted
- Sequesters additional research records when necessary
- May conduct the investigation in appropriate cases
- Appoints the investigation official or committee
- Replaces the first challenged person and determines whether to replace persons challenged later
- Determines whether additional expertise is needed
- Establishes conditions of confidentiality
- Protects against bias or conflicts-of-interest
- Develops the charge
- Convenes the first meeting of the investigation committee
- Provides the investigation official or committee with advice on appropriate procedures
- Meets ORI or NSF notification requirements, if relevant
- Takes appropriate interim administrative actions
- Seeks advice from federal agencies when an admission of misconduct is made
- Requests time extensions if necessary from ORI or NSF and submits progress reports
- Submits plan to terminate an investigation to ORI or NSF
- Provides a draft report to the Respondent
- Provides appropriate portions of the draft report to the Complainant
- Transmits the final report and comments to the DO
- Notifies the Respondent and Complainant of the institution's findings and actions
- Retains all records of investigation
- Reports "bad faith" allegations to the DO
- Undertakes reasonable efforts to restore the reputation of cleared Respondents
- Undertakes reasonable efforts to protect "good faith" Complainants and others who cooperated with the inquiry

Post-Investigation

- Responds to requests from federal agencies for additional information or assistance during the review process
- Responds to requests from ORI for additional information or assistance during a Departmental Appeals Board (“DAB”) appeal

INQUIRY & INVESTIGATION PROCEDURES

TIMELINE	STEPS
Day 1 Inquiry Begins	<p>RIO determines sufficient evidence of possible misconduct in scientific research or scholarly activities.</p> <p>RIO immediately secures all original research records and materials relevant to the allegation. RIO may consult with federal agencies through Office of Research</p>
Days 2-29	RIO interviews Complainant, Respondent, key witnesses and examines relevant research records & materials.
Day 30	RIO completes evaluation of evidence and testimony and submits a draft report of his/her conclusion to DO, Complainant, and Respondents.
Day 40	Deadline for Complainant and Respondent to submit to RIO their comments on draft Inquiry report.
Day 50	RIO submits to DO the final inquiry report and any comments from Complainant and Respondent.
Day 60 Inquiry Ends	DO makes final determination of whether findings from the inquiry provide sufficient evidence of possible misconduct to justify conducting an investigation.
Day 61 Investigation Begins (if applicable)	<p>The RIO notifies both the Respondent and the Complainant in writing of the DO's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The RIO will also notify the president, the general counsel, the vice president for research, and the dean of the affected college or other university unit.</p> <p>RIO immediately sequesters any additional pertinent research records.</p>

Day 65	RIO in consultation with the president and General Counsel completes appointment of an Investigating Committee.
Day 65	RIO notifies Respondent of the proposed members of the Investigative Committee.
Day 70	Deadline for Respondent to submit in writing any objection for cause to any appointed member of the Investigation Committee. The RIO will immediately replace the first challenged member and determine whether to replace the other challenged members or experts with qualified substitutes.
Day 75	First meeting of the Investigation Committee.
Days 76-100	Investigation Committee conducts its examination of evidence and submits a draft report of its findings to the RIO.
Day 101	RIO provides Respondent with copy of draft Investigating Committee report for comment and rebuttal. RIO provides Complainant with those portions of the draft report that address the Complainant's role and evidence/testimony.
Day 110	Deadline for Respondent and Complainant to submit to the Investigating Committee comments and rebuttal on the draft report.
Day 113	Investigating Committee transmits its final report with attachments, including the Respondent's and Complainant's comments, to the DO, through the RIO.
Day 120 Investigation Ends	<p>Based on the preponderance of the evidence, the DO will make the final determination. If this determination varies from that rendered by the Investigating Committee, the DO will provide a full explanation.</p> <p>Deadline for completion of the Investigation if PHS or NSF funded activities. If has not been completed by this day, the RIO must submit to ORI and/or NSF a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. The request will be submitted through the Office of Research. DO will also notify the Respondent and Complainant in writing of the final determination.</p>

Committee members approved by unanimous vote the proposed Master of Arts Degree Program in Lifespan and Digital Communication. The purpose of the program is to prepare students with an advanced course of study in theory and research to be highly competent communicators throughout their personal and professional lives as well as in rapidly changing work environments. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

**APPROVAL OF MASTER OF ARTS
IN LIFESPAN AND DIGITAL COMMUNICATION
COLLEGE OF ARTS AND LETTERS**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the Master of Arts in Lifespan and Digital Communication in the College of Arts and Letters.

Rationale: The purpose of the proposed Master of Arts in Lifespan and Digital Communication degree program is to prepare students with an advanced course of study in theory and research to be highly competent communicators in their personal and professional lives as well as in a rapidly changing work environment where 50 percent of the U.S. labor force is now engaged in the creation, processing and distribution of information. Lifespan communication acknowledges that individuals from successive generational cohorts have differing communication styles, abilities and needs. The program is unique in that it is based on the assumption that relational communication, information gathering, conflict management, entertainment consumption, and social media use differ among, within, and between people at various stages of life (i.e., childhood, adolescence, young adulthood, middle age, and elder adulthood).

This master's degree will be the only graduate program in Lifespan and Digital Communication within the Commonwealth of Virginia as well as the region covered by the Southern Association of Colleges and Schools (SACS). The program will equip the current generation of college students for employment, offer educational opportunities to early- and mid-career professionals, provide advanced students with the background and training to continue their studies in a doctoral program in communication, and strengthen ODU's service and research commitment by contributing to the economy and workforce of the Hampton Roads region and the Commonwealth of Virginia.

Committee members approved by unanimous vote the proposal to combine the Department of Mechanical Engineering and the Department of Aerospace Engineering into the Department of Mechanical and Aerospace Engineering. National best practices combine the two departments and programs. In addition, administration of the two programs under one department will result in both short- and long-term efficiencies. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

**APPROVAL TO COMBINE THE DEPARTMENT OF MECHANICAL ENGINEERING
AND THE DEPARTMENT OF AEROSPACE ENGINEERING INTO THE
DEPARTMENT OF MECHANICAL AND AEROSPACE ENGINEERING**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the combination of the Department of Mechanical Engineering and the Department of Aerospace Engineering of the Batten College of Engineering and Technology into a single Department of Mechanical and Aerospace Engineering, effective July 1, 2010.

Rationale: The proposal to combine the Department of Mechanical Engineering and the Department of Aerospace Engineering into a single Department of Mechanical and Aerospace Engineering is recommended for several reasons.

- National Best Practices combine the two departments and programs.
- Administration of the two programs under one department will result in both short- and long-term efficiencies. As fewer faculty and staff will be involved in the department administration and committee service, more faculty time will be available for teaching and research.
- Sharing of resources such as laboratories, equipment and assets will improve the overall efficiency at less cost.
- Students will have access to more faculty for teaching, research, and mentoring. They will be exposed to a larger variety of ideas, different teaching styles and more creative approaches to research. They will also have more role models.
- The new Department will be better able to compete for students in the national market with the increased offerings of courses, a similar organization to the top departments in other top schools, and the increased efficiency and quality provided in a combined setting.
- The new Department will have improved national recognition that will enhance its competitiveness for more funded research.

During 2009-10, discussions about the combination of the two departments were held with various groups, including the current chair of the Mechanical Engineering and Aerospace Engineering Departments, individual faculty and small groups of faculty, and the Dean's Council and other members of the Batten College of Engineering and Technology management team. In addition, the Dean and the Provost attended faculty meetings in both departments to discuss the formation of a single department. An inter-departmental faculty group was formed, and they developed a transition plan for the combination of the two departments.

Committee members received information on two requests for leaves of absence without compensation, the designation of four eminent scholars, the report on promotions in rank effective 2010-11, and the annual report on committee actions. In the report from the Provost, Carol Simpson provided a brief update on the implementation of the strategic plan and presented information on the University's retention and graduation rates, which is an area the University will focus on in the next year.

In the report from the Vice President for Research, Mohammad Karim reported on the following: (1) Three major multidisciplinary and multi-institutional proposals were submitted recently to NSF. Major proposals have also been submitted to the Department of Education and the Center of Excellence in Commercial Space Transportation. (2) Several new major grants have been awarded to faculty including an NSF CAREER award, ODU's fifth. (3) The House Defense Authorization bill includes ODU's full requests for both bioelectrics and modeling and simulation. The Senate process is still to come. (4) The new Vivarium (Animal Facility) opened June 1 and is operational.

ADMINISTRATION AND FINANCE COMMITTEE

The Rector called on Mr. Hixon for the report of the Administration and Finance Committee. Mr. Hixon reported that the Committee met in joint session with the Academic and Research Advancement Committee in order for the Board to hear a briefing from Vice President Fenning on the proposed 2010-2011 Operating Budget and Plan. Mr. Fenning discussed the financial circumstances and the impact of the Commonwealth's biennial budget upon the University's revenues and the need to carefully manage the E&G expenditure base through the Four-Year Financial Plan. He then reviewed the principal strategic investments and proposed allocations for FY2011 within the FY2011 Operating Budget Proposal, including the Auxiliary Services Budget.

At the conclusion of the joint session, the Administration and Finance Committee unanimously approved the 2010-2011 Operating Budget and Plan. The following resolution was brought forth as a recommendation of the Administration and Finance Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

RESOLUTION APPROVING 2010-2011 OPERATING BUDGET AND 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 2010-2011 Operating Budget and Plan.

TABLE 2
UNIVERSITY EXPENDITURE SUMMARY
(in thousands)

EXPENDITURES	2009-10 Original Budget Plan	2010-11 Proposed Budget Plan
E&G		
Instruction	\$104,153	\$106,355
Research & Sponsored Programs	\$3,726	\$4,029
Public Service	\$316	\$317
Academic Support	\$39,841	\$42,681
Student Services	\$12,282	\$12,455
Institutional Support	\$27,079	\$26,736
Operations & Maintenance of Plant	\$21,958	\$23,609
Scholarships & Fellowships	\$1,800	\$3,905
Subtotal	\$211,155	\$220,087
Auxiliary Services	\$78,358	\$86,888
Grants & Contracts	\$24,372	\$23,113
Gifts & Discretionary	\$9,401	\$10,134
Scholarships & Fellowships	\$34,221	\$41,991
Student Loan Funds	\$83,750	\$110,000
Total University Expenditures	\$441,257	\$492,213
Summary of University Revenues & Expenditures		
Revenues	\$445,477	\$494,631
Expenditures	\$441,257	\$492,213
Contributions to/(Use of) Fund Balance	\$4,220	\$2,418

Rick Berry, Executive Director of Procurement and Construction Services briefed the Committee on the University's new e-Receiving initiative and the proposed changes to the University's Small Purchase Credit Card (SPCC) Program. The purpose of the recommended changes is to improve administrative efficiency, flexibility and effectiveness of the University's eVA, Small Purchase Credit Card and SWAM

programs. The goal is to maintain or improve small, woman-owned, and minority-owned (SWAM) expenditures, provide more flexibility with the Small Purchase Credit Card and eVA programs to University departments, and increase administrative efficiency and revenue for the Small Purchase Credit Card program. The efforts between the University and the Bank of America to automate the Small Purchase Credit Card Program was also briefly discussed.

The Committee approved the proposed policy revisions, which would raise the delegated authority from \$2,000 to \$5,000 for the Small Purchase Card Program, eVA and SWAM. The following resolution was brought forth as a recommendation of the Administration and Finance Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

**RESOLUTION TO APPROVE REVISIONS TO BOARD OF VISITORS
POLICY 1627, PROCUREMENT REPORTING EXEMPTION**

RESOLVED, that upon the recommendation of the Administration and Finance Committee, the Board of Visitors approves the proposed revisions to Policy 1627, Procurement Reporting Exemption, originally approved by the Board on September 9, 2005, and the University's FY11 SWaM Procurement Plan.

NUMBER: 1627
TITLE: Procurement Reporting Exemption
APPROVED: September 9, 2005; **Revised June 17, 2010**

I. Background

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

Pursuant to §23-38.88, *Eligibility for Restructured Financial and Administrative Operational Authority*, subdivision A12 states that for a public institution of higher education to be exempt from reporting its purchases to the Secretary of Education, the Board of Visitors shall establish policies and procedures that provide for compliance with the Commonwealth's Purchasing Program Standards for Electronic Procurement.

II. Board of Visitors Policy

It is the policy of the Board of Visitors for Old Dominion University to utilize eVA as its **primary** sole procurement tool, supplemented by the small purchase charge card, including receipt of requisitions, source for quotes via Quick Quote, Invitation for Bids and Request

for Proposals when available, and shall award all contracts in eVA in compliance with the Commonwealth of Virginia objectives.

III. Authority

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

IV. Procedures

A. Business Rules

1. All procurement transactions ~~in excess of \$1,000~~ **\$5,000 or greater** shall be entered into eVA.
2. Transactions under ~~\$1,000~~ **\$5,000** may be processed via petty cash (up to \$200), small purchase charge card (SPCC), LPOs (for non-contract items), or eVA.
3. LPO authorization may be granted by Materiel Management for remote users, or users with a limited number of transactions per month.
- 4. SPCC authorization in excess of \$5,000 may be granted by Materiel Management for special needs as petitioned by University departments after approval from the Department of Accounts (DOA).**
- ~~54.~~ eVA users are authorized to utilize SPCC up to \$5,000 per procurement, ~~but shall enter all purchases over \$1,000 into eVA as a confirming order with the exception of eVA exempt and over the counter transactions.~~
- ~~65.~~ QuickQuote shall be utilized for all procurements in excess of \$5,000 and shall be encouraged below \$5,000 to increase competition and potential SWAM spend.
- 7. Materiel Management shall have authority to award contracts to SWAM vendors up to \$10,000 if prices/fees are fair and reasonable.**
- ~~86.~~ eVA eProcurement tools (~~e-Solicitation for bids and proposals and Reverse Auctions~~) shall be utilized for all procurements in excess of ~~\$30,000~~ **\$50,000**.
- ~~97.~~ Materiel Management shall use new eProcurement tools as they are made available and shall cooperate with the Department of General Services (DGS) in development, enhancement and/or pilot programs to support improvement of eVA.
- 108.** Quarterly spend reports shall be generated by the **Executive** Director of **Construction and Procurement Services** ~~Materiel Management~~ and submitted to the Department of Minority Business Enterprise (DMBE).

B. Exemptions

Old Dominion University recognizes the exempt categories as defined by Department of General Services in the Agency Procurement and Surplus Property Manual, Section 14.9.b.

C. Procurement Procedures for Materiel Management (Centralized Purchasing Officers) are as follows:

1. Contract Purchases (ODU, VASCUPP and VaPP/State Contracts)

a. Orders may be issued using:

- (1) SPCC up to cardholder's transaction limit.
- (2) eVA Requisition (*contract number must be referenced in contract number field*). Orders for more than \$100,000 will automatically **be forwarded** come to Materiel Management **via eVA** for **review/approval**.

~~(2) SPCC up to cardholder's transaction limit~~

~~SPCC for more than \$1,000 must be entered into eVA and identified as a confirming order.~~

b. Links to available contracts

- (1) <http://www.odu.edu/webroot/orgs/AF/MM/materielmanagement.nsf/pages/departmentsmain>
<http://www.odu.edu/af/materiel/contracts/> select (ODU Contracts)
Listing for printable pdf file.
- (2) <http://www.vcu.edu/procurement/coopcon.htm>
<https://vascupp.cs.odu.edu/contracts.php> (VASCUPP)
- (3) <http://www.eva.state.va.us/Contracts/contracts.htm> (State Contracts)

2. Non-Contract Purchases – only to be used when a contract is not available

a. SPCC - \$0 to ~~\$1,000~~ **\$5,000** (*not required to be entered in eVA*)

- ~~(1) Obtain one quote, utilizing SWAM vendors to the maximum extent practicable. (SWAM means small, woman and minority owned businesses as adopted by Executive Order 29 **and certified by the Department of Minority Business Enterprises.**)~~

~~(2) Documentation requirements: None~~

b. ~~Non-SPCC eVA~~- \$0 to \$1,000 **\$5,000**

Obtain one quote from an eVA registered vendor, utilizing SWAM vendors to the maximum extent practicable. **Link to DGS commodity codes website –**
<http://www.eva.state.va.us/NIGPCodes/NIGPCodes.htm>

~~e. SPCC – \$1,000 up to cardholder’s transaction limit must be entered in eVA as a confirming order~~

~~Utilize eVA Quick Quote to solicit quotes, one of which shall be a woman or minority owned business (SWAM) vendor, as certified by the Department of Minority Business Enterprise, when available.~~

~~(1) Link to DMBE website–~~

~~<http://www.dmb.state.va.us/vendors.html>~~

~~(2) Link to DGS commodity codes website–~~

~~<http://www.eva.state.va.us/NIGPCodes/NIGPCodes.htm>~~

cd. eVA Quick Quote - \$1,000 **\$5,000** to \$50,000 (~~Except orders for professional services greater than \$30,000 which must be sent to Materiel Management for processing.~~)

(1) Orders for more than \$5,000 will automatically **be forwarded** come to Materiel Management **via eVA** for **review**/approval.

(2) **Purchasing Officers** may not de-select a small, minority or woman-owned business from the bidder list **generated by** eVA will generate.

~~(3) After award:~~

~~a) Download summary responses into an Excel spreadsheet.~~

~~b) Post this spreadsheet (bid tabulation) on VBO under “Other Postings”.~~

~~c) Remember to add any responses not received via eVA.
(No further documentation required.)~~

de. Sole Source - Sole source procurements shall be purchases for which only one source is practicably available.

(1) Orders may be issued using:

a) eVA Requisition - Orders for more than \$5,000 will automatically **be forwarded** come to Materiel Management **via eVA** for approval and shall have sole source justification form electronically attached. Link to sole source form on Materiel Management webpage under Forms or http://www.odu.edu/webroot/orgs/af/mm/materielmanagement.nsf/files/SOLE_SOURCE_REQUEST_FORM_12-

[04.pdf/\\$FILE/SOLE_SOURCE_REQUEST_FORM_12-04.pdf](#)

- b) SPCC up to cardholder's transaction limit. **Justification shall be attached to the cardholder's copy of the monthly log.**
- e) ~~SPCC for more than \$1,000 must be entered into eVA as confirming delivery orders~~

~~(2) Documentation requirements:~~

- a) ~~eVA Requisition
 - i. ~~Change PO category to S01.~~
 - ii. ~~Up to \$5,000 sole source justification shall be entered into comment section.~~
 - iii. ~~Orders for more than \$5,000 shall have Materiel Management sole source justification form electronically attached~~~~
- b) ~~SPCC Justification shall be attached to the cardholder's copy of the monthly log.~~

ef. Emergency - Emergency purchases occur when an immediate purchase is required to protect life, safety or property, to prevent substantial economic loss or prevent interruption of services. ~~Departments shall utilize woman or minority owned business vendors in so far as possible.~~

1. Orders may be issued using

- a) eVA Requisition - Orders for more than \$5,000 will automatically **be forwarded** come to Materiel Management **via eVA** for **review/approval and shall have emergency justification form electronically attached. Link to emergency form on Materiel Management webpage under Forms or <http://www.odu.edu/af/materiel/forms/EmergencyProcurementForm.pdf>.**
- b) SPCC up to cardholder's transaction limit. **Justification shall be attached to the cardholder's copy of the monthly log.**
- e) ~~SPCC for more than \$1,000 must be entered into eVA as confirming delivery orders~~

~~2. Documentation requirements:~~

- a) ~~eVA Requisition
 - i. ~~Change PO category to E01~~
 - ii. ~~Up to \$5,000 sole source justification shall be entered into comment section.~~~~

~~iii. Orders for more than \$5,000 shall have detailed emergency purchase justification form electronically attached~~

~~b) SPCC Justification shall be attached to the cardholder's copy of the monthly log.~~

Revising the delegated authority also requires a modification of the University's FY2011 SWaM Procurement Plan. Committee members unanimously approved the FY2011 SWaM Plan, as modified. The following resolution was brought forth as a recommendation of the Administration and Finance Committee and was approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

SWaM Procurement Plan
Fiscal Year 2011

PURPOSE: The purpose of the Old Dominion University Small, Women-Owned, and Minority-Owned (SWaM) owned program is to increase opportunities, participation and contract awards for Department of Minority Business Enterprise (DMBE) certified SWaM businesses in order to achieve the Commonwealth of Virginia's SWaM Aspirational Targets.

I. The University's FY 2010, 2011 and 2012 SWaM aspirational target expenditures for Small, Women-Owned and Minority-Owned businesses as a percentage of projected discretionary expenditures are listed below. These targets include expenditures with both prime contractors and subcontractors.

	MBE	WBE	SBE	TOTAL
FY2010 Projected Spending Aspirational Targets	6.50%	4%	33%	43.5%
FY2010 Projected Expenditures*	8.19%	11.85%	35.62%	55.65%
FY2011 Projected Spending Aspirational Targets	8%	5%	33.50%	46.5%
FY2012 Projected Spending Aspirational Targets	10%	6%	34%	50%

*FY10 4th Quarter has been projected based on expenditures reported for the first half of the 4th Quarter.

University SWaM reporting for fiscal year 2009 was as follows:

FY2009 Quarterly Expenditure History - DMBE Certified Vendors								
Quarter	Total Quarterly Expenditures	MBE Expenditures		WBE Expenditures		SBE Expenditures		Total SWaM
	<i>Amount</i>	<i>Amount</i>	<i>%</i>	<i>Amount</i>	<i>%</i>	<i>Amount</i>	<i>%</i>	<i>%</i>
1 st	\$31,484,317.62	\$3,454,961.96	10.97%	\$1,026,961.71	3.26%	\$7,897,616.19	25.08%	39.32%
2 nd	\$33,049,876.43	\$1,118,833.02	3.39%	\$885,201.71	2.68%	\$11,727,567.35	35.48%	41.55%
3 rd	\$24,882,320.16	\$1,053,331.92	4.23%	\$716,717.87	2.88%	\$10,976,150.81	44.11%	51.23%
4 th	\$23,844,652.14	\$1,594,312.62	6.69%	\$539,036.79	2.26%	\$6,257,653.77	26.24%	35.19%
FY09 TOTAL	\$113,261,166.35	\$7,221,439.52	6.38%	\$3,167,918	2.80%	\$36,858,988	32.54%	41.72%
FY09 ASPIRATIONAL TARGET								35.00%
FY2010 Quarterly Expenditure History - DMBE Certified Vendors								
Quarter	Total Quarterly Expenditures	MBE Expenditures		WBE Expenditures		SBE Expenditures		Total SWaM
	<i>Amount</i>	<i>Amount</i>	<i>%</i>	<i>Amount</i>	<i>%</i>	<i>Amount</i>	<i>%</i>	<i>%</i>
1 st	\$19,396,237.90	\$1,673,656.30	8.63%	\$2,405,775.92	12.40%	\$7,809,357.87	40.26%	61.29%
2 nd	\$8,308,634.31	\$849,981.08	10.23%	\$897,176.04	10.80%	\$2,320,257.93	27.93%	48.95%
3 rd	\$6,537,055.69	\$457,363.49	7.00%	\$845,371.61	12.93%	\$2,435,656.14	37.26%	57.19%
4 ^{th*}	\$7,190,761.59	\$411,626.70	5.72%	\$760,834.45	10.58%	\$2,192,090.41	30.48%	46.79%
FY10 TOTAL*	\$41,432,689.49	\$3,392,627.57	8.19%	\$4,909,158.02	11.85%	\$14,757,362.35	35.62%	55.65%
FY10 ASPIRATIONAL TARGETS			6.50%		4.00%		33.00%	43.50%

*FY10 4th Quarter has been projected based on expenditures reported for the first half of the 4th Quarter.

Designation of Procurement Champion

Rick Berry, CPPO
Executive Director of Construction & Procurement Services
Old Dominion University
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Phone: (757) 683-3109
E-mail: rberry@odu.edu

III. SWaM Procurement Processes and Strategies

A. Summary of the Purchasing Process

Old Dominion University has implemented a combination of centralized and decentralized purchasing processes. The University utilizes the Commonwealth of Virginia's e-Procurement system, eVA, as its primary procurement tool, supplemented by the small purchase charge card. Therefore, eVA is the University's primary mechanism to; (1) solicit competition from DMBE certified small businesses, and (2) identify SWaM contract award information.

Note: Small businesses shall include businesses that have received the DMBE small business certification, which shall not exclude women-owned and minority-owned businesses when they have received DMBE small business certification.

All decentralized departments authorized to use eVA shall have \$5,000 delegated purchasing authority. Non-eVA decentralized users may be granted authority to use Limited Purchase Orders (LPOs) for goods and services not to exceed \$1,000.

B. Procurement Process

Mandatory Sources

The University recognizes and will use those mandatory sources defined in the *Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and their Vendors*.

Contract Procurements

The University will utilize Old Dominion University, Commonwealth VaPP, VASCUPP and other cooperative contracts when deemed advantageous.

All Departmental Users:

\$0 - \$5,000

Transactions under \$5,000 may be processed via petty cash (up to \$200), small purchase charge card (SPCC) up to the cardholder's transaction limit, not to exceed \$4,999.99, or eVA.

Materiel Management may grant University departments authority to use LPOs not to exceed \$1,000.

All departments shall utilize a Department of Minority Business Enterprise (DMBE) certified small business up to their delegated limit where available and when prices are fair and reasonable.

>\$5,000-\$50,000 All procurement transactions that exceed \$5,000 shall be submitted to Materiel Management via eVA (eVA users) or paper requisitions (non-eVA users) for appropriate processing.

Materiel Management's Procurement Officers are authorized to use independent judgment, analysis and eVA procurement tools available, and may award to a DMBE certified small business up to \$10,000 where available and when prices are fair and reasonable.

All purchase transaction requests between \$5,000 - \$50,000 shall be processed via eVA QuickQuote, unless award can be made to a DMBE certified business up to \$10,000, as described above. eVA has proven to be the most efficient and effective tool to increase SWaM vendor participation in procurement processes.

\$50,001+ Materiel Management shall utilize eVA's "Virginia Business Opportunities" (VBO) to post all formal solicitations.

Sole Source Sole source procurements shall be reviewed to ensure that only one source is practicably available. Sole source documentation is requested from University Departments, reviewed/approved by the appropriate Buyer, and the Executive Director of Construction & Procurement Services. Sole source procurements over \$500,000 require additional approval by the Vice President of Administration and Finance. All sole source procurements that exceed \$50,000 shall be posted on eVA's VBO website. The Materiel Management staff shall make every effort to encourage SWaM participation whenever available.

Emergency Emergency purchases exist when an immediate purchase is required to protect life, safety or property, to prevent substantial economic loss or prevent interruption of services. Emergency requests are generated by University departments, reviewed/approved by the appropriate Procurement Officer, and the Executive Director of Construction & Procurement Services. Emergency procurements over \$500,000 require additional approval by the Vice President of Administration and Finance. All emergency procurements that exceed \$50,000 shall be posted on eVA's VBO website. The Materiel

Management staff shall make every effort to encourage SWaM participation whenever available.

Subcontractors

The University has strengthened and revised previous language that requires bidders and offerors to provide their proposed plan of intent to utilize SWaM businesses during the performance of the contract. (See Attachment A) This information is required with bid/proposal submittals. No contract will be awarded unless this information is provided.

The University requires reports from all vendors that have been awarded contracts indicating intent to utilize SWaM businesses as subcontractors during the performance of the contract. These reports indicate the amount of spend to SWaM vendors by the appropriate category. Reports are collected by the Department of Materiel Management. The University may deem the vendor to be in breach of contract and may withhold final payment or a part of the retainage should the vendor fail to provide required reports.

IV. SWaM Business Outreach

The University will:

- Actively participate in SWaM Vendor Fair opportunities which may include but is not limited to the following:
 - annual SWaMFest sponsored by the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP)
 - Virginia Business Opportunities Fair sponsored by the Virginia Minority Supplier Development Council (VMSDC)
 - Black Expo sponsored by Black Pages USA
 - City of Virginia Beach Minority Business Council Expo
 - Power Breakfast and Profits in Partnerships Luncheons sponsored by VMSDC
- Identify and encourage, SWaM vendors to:
 - register in eVA
 - register as a SWaM vendor with DMBE
 - meet centralized and decentralized purchasing staff
 - participate in vendor fair opportunities
 - better understand University and Commonwealth procurement laws, policies and procedures
- conduct a SWaM/Procurement training program for all major decentralized buyers to better achieve SWaM aspirational targets.
- work with the University's prime contractors to encourage subcontracting opportunities, partnerships and joint ventures with certified SWaM firms.

- expand efforts with major University contractors to capture Tier III SWaM expenditures.
- communicate and identify supplier diversity opportunities, mentor new vendors, make referrals, capture, and monitor utilization results.
- reach out to alumni business owners to provide information regarding DMBE certification and future business opportunities.
- compare the University's self-certified vendor database with the Commonwealth of Virginia Department of Minority Business Enterprise (DMBE) database and identify self-certified vendors who are not DMBE certified. Mail information to these vendors encouraging them to complete the DMBE certification process in an effort to more accurately report the University's spend to DMBE SWaM certified vendors.
- mail information regarding SWaM certification to the University's term contractors who identified their business as small, woman-owned or minority-owned but are not currently certified through DMBE.
- contact local Chamber of Commerce offices and obtain new business registration information. Provide DMBE certification and eVA registration information to these new businesses.

V. Internal Monitoring Mechanisms

The University utilizes the Commonwealth of Virginia e-Procurement system, *eVA*, as its primary procurement tool, supplemented by the Small Purchase Charge Card. *eVA*, therefore, is the University's primary mechanism to:

- solicit competition from DMBE certified small businesses
- identify SWaM contract award information.

The University will:

- include terms and conditions in all formal solicitations that will state the University's SWaM aspirational targets, require prime contractors to state their intent to assist in achieving these efforts, and include a mechanism to monitor actual spend to SWaM sub-contractors. (See Attachment A)
- coordinate with other agencies and organizations in an effort to enhance the University's SWaM program.
- collect and analyze prime contractor reports that will capture SWaM sub-contractor information in order to supplement BANNER SWaM spend reports.

- evaluate the size and content of blanket and term contracts prior to solicitation to ensure they are appropriately bundled and that any negative impact on SWaM vendors is considered.
- research alternate sources (U.S. Communities, various municipal contracts, etc.) to identify additional contracts that have been awarded to SWaM vendors which the University is authorized to use.
- utilize BANNER as its primary source of information for SWaM spend reporting. SWaM sub-contractor reports have been developed to capture appropriate data for construction, services, and major goods contracts.
- capture data and report based on
 - Department of Minority Business Enterprise’s certified SWaM vendor list
 - vendor’s W-9 self certification
 - Small purchase charge card transactions with DMBE certified SWaM vendors
- The University will collect SWaM vendor spend data and compare to the University’s SWaM aspirational targets and monitor progress quarterly. Major decentralized departments will be made aware of their progress in achieving SWaM aspirational targets and will be counseled in areas where SWaM participation and awards may be increased.

VI. Compliance

The University certifies that its policies and procedures comply with the SWaM purchasing regulations and/or guidelines set forth in the Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and their Vendors.

Signature: _____

Date_____

John Broderick
President

ATTACHMENT A
BID/PROPOSAL CONTRACT LANGUAGE FOR GOODS, SERVICES AND
CONSTRUCTION

Small, Woman, and Minority (SWaM) Owned Business Participation:

1. Old Dominion University is committed to the establishment, preservation, strengthening of small businesses, small businesses owned by women and minorities and to encouraging their participation in State procurement activities. The University's 2011 SWaM aspirational target for firms certified by DMBE is:
 - i. Minority Business Enterprises 8.0%
 - ii. Women Business Enterprises 5.0%
 - iii. Small Business Enterprises 33.5%Please tailor your firm's SWaM plan response to assist the University in meeting its aspirational target(s).
2. The University also encourages Bidder's/Offeror's to provide for participation of small businesses, and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, or other contractual opportunities. Submission of a report of past efforts to utilize the goods and services of such businesses, and plans for involvement on any resulting contract are required. By submitting a response, Bidder/Offeror certifies that all information provided in response to this solicitation is true and accurate. Failure to provide the information required by this solicitation may ultimately result in response being deemed non-responsive, and ultimately rejected.
3. While it is the University's intent to enter into an exclusive agreement with one Bidder/Offeror, whenever possible, all potential Bidders/Offerors are encouraged to subcontract any applicable services by partnering with qualified vendors that have also been certified as small, small woman-owned, small minority-owned, businesses through the Commonwealth of Virginia's Department of Minority Business Enterprise (DMBE).
4. In order for Bidders/Offerors to be given consideration for award of a contract, each Bidder/Offeror shall provide with their response (and/or no later than ten (10) business days after request, but prior to award, such statement(s) setting forth:
 - a. The good faith SWaM owned business participation efforts which the Bidder/Offeror has undertaken in the past: and
 - b. The good faith SWaM owned businesses participation efforts which the Bidder/Offeror intends to undertake in connection with the performance of this contract; including name of firm, contact name and phone number, total dollar amount to be subcontracted, category type (small, women, or minority owned), type of product/services.
5. If, in the statement submitted in the response to above sections 3.a and 3., the Bidder/Offeror indicates that it has not undertaken any good faith SWaM business participation efforts in the past and/or does not intend to undertake any such efforts in connection with the performance of any resulting contract, the Bidder/Offeror must **also** submit a statement setting forth the reason why it has not undertaken such efforts

in the past and/or does not intend to undertake them in connection with the performance of this contract.

6. Any Bidder/Offeror that can qualify for certification through DMBE must do so prior to the award of any contract. The qualification information shall be evidenced by that information specified in the Bidder's/Offeror's completed and submitted W-9 form.
7. Bidder shall agree that when proposing subcontractors that *are not* certified through DMBE, it shall become the responsibility of the Bidder to ensure those proposed subcontractors become certified through DMBE, when applicable. Failure on the part of the Bidder to agree to this responsibility will result in the response being deemed non-responsive and rejected. Prior to the issuance of any contract and/or purchase order, the successful Bidder shall provide support documentation to the University validating the efforts of the Bidder to get the proposed subcontractors certified. Should the Bidder fail to get certified through DMBE those proposed subcontractors that qualify, Bidder may be deemed in "breach", and the contract and/or purchase order may be cancelled.
8. Regardless of whether or not *the* Bidder/Offeror is able to qualify for DMBE certification, selected Bidder/Offeror shall also agree to provide reports to the University's Department of Materiel Management, identifying the subcontractors used during the performance of any subsequent contract, as follows:

A. Goods and Services – Quarterly Reports:

- i. DMBE Certified subcontractors:
 - (a) Firm name;
 - (b) DMBE certification number;
 - (c) DMBE Designation (Small, Woman, Minority);
 - (d) Value of subcontractor's contract;
 - (e) Value as a percentage (%) of total contract;
 - (f) Amount paid current quarter;
 - (g) Amount paid to Date;
 - (h) Percent (%) of contract paid current quarter; and
 - (i) Percent (%) of contract paid to date.
- ii. Non-DMBE Certified subcontractors – Contracts >\$200,000:
 - (a) Firm name;
 - (b) DMBE certification number;
 - (c) DMBE Designation (Small, Woman, Minority);
 - (d) Value of subcontractor's contract;
 - (e) Value as a percentage (%) of total contract;
 - (f) Amount paid current quarter;
 - (g) Amount paid to Date;
 - (h) Percent (%) of contract paid current quarter; and
 - (i) Percent (%) of contract paid to date.

B. Construction – Monthly in Conjunction w/Pay Requests:

- i. ***DMBE Certified*** subcontractors:
 - (a) Firm name;
 - (b) DMBE certification number;
 - (c) DMBE Designation (Small, Woman, Minority);
 - (d) Value of subcontractor's contract;
 - (e) Value as a percentage (%) of total contract;
 - (f) Amount paid current invoice;
 - (g) Amount paid current quarter;
 - (h) Amount paid to Date;
 - (i) Percent (%) of contract paid current invoice;
 - (j) Percent (%) of contract paid current quarter; and
 - (k) Percent (%) of contract paid to date.

Note: Contractor(s) may be deemed in "breach of contract" for failure to provide the required subcontractor data and reports as specified above, and the contract and/or purchase order may be cancelled. Additionally, the University will withhold payment(s) for any and all services provided and invoiced during the period, and those same services will remain unpaid until such data and reports are provided.

9. For the purposes of this section, the following definitions shall apply:

- a. **Good faith SWaM owned business participation efforts:**

The sum total of efforts by a particular business to provide for equitable participation of SWaM subcontractors in the operations and contracts of such businesses.

 - i. For past efforts, this sum total shall be comprised of the record of minority participation over the past two (2) years through employment, retention and promotion: subcontracting or joint ventures in the private sector; or a combination thereof.
 - ii. In connection with the performance of this contract, good faith efforts shall mean those measures which are proposed to allow equitable participation of SWaM subcontractors.
- b. **Minority Owned Business Enterprise:** a business concern which is at least 51percent owned by one or more minorities or in the case of a corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more minorities and whose management and daily business operations are controlled by one or more of such individuals.
- c. **Minority Individual:** "Minority" means a person who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:
 - i. **Asian Americans:** means all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Marinas, the Philippines, U. S. territory of the Pacific, India,

Pakistan, Bangladesh and Sri Lanka and who are regarded as such by the community of which these persons claim to be a part.

- ii. African Americans: means all persons having origins in any of the original peoples of Africa and who are regarded as such by the community of which these persons claim to be a part.
 - iii. Hispanic Americans: means all persons having origins in any of the Spanish speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who are regarded as such by the community of which these persons claim to be a part.
 - iv. Native Americans: means all persons having origins in any of the original peoples of North America and who are regarded as such by the community of which these persons claim to be a part or who are recognized by a tribal organization.
 - v. Eskimos and Aleuts: means all persons having origins in any of the peoples of Northern Canada, Greenland, Alaska, and Eastern Siberia and who are regarded as such in the community of which these persons claim to be a part.
- d. Small Business Enterprise: an independently owned and operated business which, together with affiliates, has 250 or fewer employees, or average annual gross receipts of \$10 million or less averaged over the previous three years.
- e. Woman Owned Business Enterprise: a business concern which is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more women, and whose management and daily business operations are controlled by one or more of such individuals.

Deb Swiecinski, Associate Vice President for Administration and Finance, and Rusty Waterfield, Assistant Vice President for Computing & Communication Services discussed the strategy and approach for working with SunGard to improve business and administrative processes for efficiency and effectiveness. Phase I will involve Finance, Accounts Receivable and Human Resources. Phase II will include other administrative services such as Student Registration and Records, Admissions, Financial Aid and Alumni. The project plan will prioritize the processes needing improvement, develop business process models, implement the process improvements/best practices, identify process-based key performance indicators, and conduct staff functional training. It is estimated that both phases should be completed within one year of initiation.

In his report to the Committee, Vice President Fenning provided an update on the University Village and the land assembly efforts of the Real Estate Foundation.

Dale Feltes, Director of Design and Construction, briefed the Committee on the status of capital projects in design and under construction. He noted that all projects are currently within budget and on schedule.

Rick Massey, Associate Vice President for Foundations, provided the Investment Report to the Committee.

REPORT OF NOMINATING COMMITTEE

The Rector called on Frank Batten for the report of the Nominating Committee. Mr. Batten reported that the Nominating Committee, comprised of himself, Mr. Hixon, Mr. Jacobson and Mr. Mugler, recommends the following slate of officers of the Board of Visitors for the 2010-2012 term:

Rector – David Bernd
Vice Rector – Pam Kirk
Secretary – Ken Ampy

The Rector asked for nominations from the floor. Hearing none, a motion was made to close the nominations and elect the slate of officers as presented. The motion was seconded and approved unanimously by all members present and voting. (*Batten, Bernd, Brown, Croshaw, Gehman, Hixon, Jacobson, Kirk, Kornblau.*)

OLD/UNFINISHED BUSINESS

There was no old or unfinished business to come before the Board.

NEW BUSINESS

Rector Mugler noted that this was his last meeting. He thanked Donna Meeks for her support during his term as Rector, and asked the other retiring members to comment. Ms. Croshaw stated that it has been an honor and privilege to serve on ODU's Board and with the continuing leadership of the administration and future Boards, the University will continue to thrive. Mr. Jacobson thanked everyone for their support and said that he was extremely proud of what the University has and will accomplish. Mr. Hixon acknowledged the work of the administration under the leadership of President Broderick.

The Rector commented that Old Dominion University would not have football without Sonny Stallings. He stated that this was the Board that brought football back to Old Dominion University and who took faith in a non-traditional university president, and commented that the administrative staff is second to none.

With no further business to be discussed, the meeting was adjourned at 2:35 p.m.