

**OLD DOMINION UNIVERSITY  
BOARD OF VISITORS  
Thursday, 17 June 1999**

**MINUTES**

The Board of Visitors of Old Dominion University held their annual meeting on Thursday, 17 June 1999 at 9:00 AM in the Board Room of Webb University Center on the main campus. Present from the Board were:

Edward L. Hamm, Jr., Rector  
Elizabeth W. Atkinson  
Nancy P. Cheng  
Joan D. Gifford  
Mary C. Haddad  
J. Jack W. Hilgers  
Barry M. Kornblau  
William M. Lechler  
Anthony C. Paige  
Patricia W. Perry  
William E. Russell  
Ronald J. A. Villanueva  
Lois S. Williams

Absent were:

James W. Beamer  
Lawrie Falck Rollison  
Kenneth A. Samet  
Lewis M. Warren, Jr.

Also present were:

James V. Koch, President  
Alonzo Brandon  
John R. Broderick  
Dana D. Burnett  
Tiffany J. Capuano  
Paul J. Champagne  
Nancy P. Coberly  
Stephen P. Daniel  
William A. Drewry  
Jo Ann M. Gora  
David F. Harnage  
Donna W. Meeks  
C. Jay Robbins  
Cecelia T. Tucker

## **CALL TO ORDER**

The Rector called the meeting to order at 9:05 AM and recognized Ms. Gifford, who made the following motion: "Mr. Rector, I move that this meeting be recessed, and that we reconvene in executive session for the purpose of discussing a personnel matter, specifically, to discuss the evaluation and compensation of the President, as permitted by Subsection (A), Paragraph 1, of Section 2.1-344 of the Code of Virginia."

## **RECONVENE IN OPEN SESSION AND FOIA CERTIFICATION**

At the conclusion of executive session, the meeting reconvened in open session, at which time the Rector called for the Freedom of Information Act certification of compliance that (1) only public business matters lawfully exempted from the open meeting requirements under the Freedom of Information Act were discussed and (2) only such public business matters as were identified in the motion by which the executive session was convened were heard, discussed or considered. The certification of compliance vote was thirteen in favor and none opposed.

## **RECESS, RECONVENE, AND EXECUTIVE SESSION**

The meeting recessed at 10:40 AM for the meetings of the standing committees, and was reconvened by the Rector at 1:45 PM. The Rector recognized Ms. Gifford, who made the following motion: "Mr. Rector, I move that this meeting be recessed, and that we reconvene in executive session for the purpose of discussing a personnel matter, specifically, to discuss the evaluation and compensation of the President, as permitted by Subsection (A), Paragraph 1, of Section 2.1-344 of the Code of Virginia."

## **RECONVENE IN OPEN SESSION AND FOIA CERTIFICATION**

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## **RECESS, RECONVENE, AND APPROVAL OF MINUTES**

The meeting recessed at 2:10 PM for the afternoon meetings of the standing committees, and was reconvened by the Rector at 3:03 PM. Upon a motion duly made and seconded, the minutes of the Board meeting of 15 April 1999 were unanimously approved as distributed.

## **RECTOR'S REPORT**

Rector Hamm offered his gratitude for the honor of serving as the Board's Rector for the past nine months. He commented that he is pleased with how board members have come together to enhance the performance and support of the University. June 30th marks the end of the academic year; it is important that board members pledge to continue to work together to support the University and its administration.

The Rector announced President Koch's intention to resign as President at the end of the 1999-2000 academic year, and indicated that the Board is negotiating with President Koch to see if he would be willing to remain as president for a longer period of time. President Koch thanked the Board for the support given him and expressed his appreciation for the confidence shown in him. The position of president is a demanding, but satisfying one. He will continue his discussions with the Rector and his wife over the weekend, and announce his decision on Monday.

## **PRESIDENT'S REPORT**

President Koch announced that the Capital Campaign has met its goal of \$47.8 million. Considering the University's youth, this is a milestone for the University. He congratulated Nancy Coberly and Alonzo Brandon for their leadership in this effort. Despite reaching its goal, the campaign will not end. He thanked board members for their continued support.

Old Dominion University received the first-place award in the Microsoft Windows Open Software Applications Competition through its Virginia Modeling Analysis and Simulation Center. VMASC partnered with the U.S. Atlantic command and the Office of the Undersecretary of Defense for Acquisition and Technology. There were 2,600 entrants in eleven categories. Old Dominion won in the Government and Education category. The University developed the Rosetta Gateway which enables the various segments of the Department of Defense and other agencies to communicate with each other and to exchange large data files. The award itself features the thumb print of Bill Gates.

On October 21-22, Old Dominion University will sponsor, along with USA Com, a conference on Modeling and Simulation. The presidents of British Petroleum and the National Security Agency will participate and a large attendance is expected.

President Koch distributed a reprint of the advertisement from *The Virginian Pilot* featuring the top high school scholars planning to attend Old Dominion University, as well as a reprint from *Business Week* relating to policy questions facing the Commonwealth of Virginia over time and the impact of college on young people. The article points out that in the next fifteen years, 22 million young adults are expected to enter college throughout the United States, which is eight times as many new students enrolled between the years 1984 and 1999. Currently there is an unmet financial need for students approximating \$15 million.

President Koch indicated that yesterday he briefed the Secretary of Education and representatives from the Department of Planning and Budget and the Governor's Office on the University's strategic planning effort and its proposed legislative requests for the next biennium. Rector Hamm, Ms. Perry

and Dr. Williams attended from the Board of Visitors and Provost Gora and Vice President Harnage accompanied him from the administration. The briefing was well received and the University earned praise for having received zero comments on its audit. President Koch indicated that extra copies of the presentation are available to any board members who are interested in reading it.

President Koch indicated that apparently this is the last board meeting for Joan Gifford, Barry Kornblau, Anthony Paige and Ken Samet. He thanked each of them for the time, commitment and service to Old Dominion University.

## **REPORTS OF STANDING COMMITTEES**

### **ACADEMIC AFFAIRS COMMITTEE**

The Rector called on Dr. Williams for the report of the Academic Affairs Committee. Dr. Williams reported that the Committee considered in executive session the award of tenure to one faculty member.

The following resolution, which was brought forth as a recommendation of the Academic Affairs Committee, was unanimously approved:

### **TENURE RECOMMENDATION**

RESOLVED, that upon the recommendation of the Provost, the Academic Affairs Committee of the Board of Visitors recommends that the Board of Visitors approve the award of tenure to the following member of the faculty at Old Dominion University. The tenure would be effective with the Fall 1999 semester.

#### **College of Business and Public Administration**

Dr. William M. Leavitt

Urban Studies and Public Administration

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Provost Gora discussed the General Assembly resolution encouraging Virginia's public colleges and universities to develop accelerated degree programs in the field of information systems for nontraditional students. She described activities and programs at Old Dominion in information technology-related fields as contained in the report the University has prepared in response to the resolution, and she distributed a brochure on the ITPro program.

Provost Gora reported on several other matters. She distributed a new revision to the University's Mission Statement incorporate the University's national leadership role in technology-delivered distance learning as requested by the Committee at the April meeting. The University enrolled 10,000 students in summer 1998 and expects to enroll that many this summer. The Virginia Beach Higher Education Center will open in August, and a formal

ceremony will be held in October. Over 300 courses will be offered at the Center during the fall semester. Nineteen undergraduate and seven graduate degree programs will be available at the Center. The most important feature of the new Center will be the advanced technology available throughout for teaching and learning, and especially in the Information Resource Center, which will be the “hub” of the facility.

The Committee reviewed its consent agenda. The following resolutions, which were brought forth as recommendations of the Academic Affairs Committee, were unanimously approved:

**FACULTY APPOINTMENTS**

RESOLVED, that upon the recommendation of the Academic Affairs 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. Michael G. Bisciglia Instructor of Sociology and Criminal Justice	\$38,000	7/25/99	10 mos

Mr. Bisciglia received an M.A. in Applied Sociology in 1999 from Old Dominion University and a B.A. in History and a B.A. in Sociology and Anthropology (with honors) in 1996 from North Carolina Wesleyan College. Since 1997, he has been employed as a research/teaching assistant and adjunct faculty member in the Department of Sociology and Criminal Justice at Old Dominion.

Dr. Lynn H. Doyle Assistant Professor of Educational Leadership and Counseling (Tenure Track)	\$43,000	7/25/99	10 mos
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Dr. Doyle received a Ph.D. in Urban Education in 1998 from the University of Wisconsin-Milwaukee and an M.S. in Speech Pathology and a B.S. in Speech Therapy, in 1972 and 1968 respectively, from Marquette University. Since 1996, she has been employed as a Research Associate in the Center for Mathematics and Science Education at the University of Wisconsin-Milwaukee. She was also a Program Support Staff Member at the Division of Special Services for Milwaukee Public Schools.

Dr. Melaney Kay Gillaspie Assistant Professor of Educational Curriculum and Instruction (Tenure Track)	\$42,000	7/25/99	10 mos
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Dr. Gillaspie received a Ph.D. in Curriculum and Instruction in 1999 from The University of Texas at Austin and an M.S. in Curriculum and Instruction and a B.A. in Religious Education, in 1993 and 1978 respectively, from Baylor University. Prior to joining Old Dominion University, she was an Assistant Professor of Education at St. Edward’s University and an Adjunct Instructor at The University of Texas at Austin.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Frederic D. McKenzie Assistant Professor of Electrical and Computer Engineering (Tenure Track)	\$60,000	7/25/99	10 mos

Dr. McKenzie received a Ph.D. in Engineering, an M.S. in Computer Engineering and a B.S. in Engineering, in 1994, 1990 and 1988 respectively, from the University of Central Florida. Since April 1996, he has been employed as a senior scientist at the Science Applications International Corporation (SAIC), serving as principal investigator for several research and development projects involving simulation systems and artificial intelligence. He also has two years of teaching experience in artificial intelligence, software languages and data structures as an adjunct faculty member at the University of Central Florida.

Dr. Shelia J. Mingo Visiting Assistant Professor of Early Childhood, Speech Language Pathology and Special Education	\$43,000	7/25/99	10 mos
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Dr. Mingo received a Ph.D. in Special Education Administration in 1987 from Southern Illinois University, an M.A. in Special Education in 1975 from Atlanta University and a B.S. in Early Childhood Education in 1973 from Hampton University. Since 1997, she has been working as a Minority Achievement Supervisor for Arlington County Public Schools. She also held administrative and teaching positions at the Council for Exceptional Children and the Chicago Public School System.

Ms. Ezetta R. Washington Myers Instructor of Educational Curriculum and Instruction (Tenure Track)	\$42,000	7/25/99	10 mos
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Ms. Myers received an M.A. in Teaching - Mathematics in 1991 from the University of South Carolina and a B.A. in Mathematics in 1989 from Spelman College. She is a Ph.D. candidate in Curriculum and Instruction - Mathematics Education at Pennsylvania State University. Her rank will be Assistant Professor if all requirements for the Ph.D. are completed by December 15, 1999. Prior to coming to Old Dominion University, she was a Graduate Assistant in the Department of African and African American Studies, a Supplemental Instruction Supervisor, and a mathematics education instructor at Pennsylvania State University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Linda Stals Assistant Professor of Computer Science (Tenure Track)	\$65,000	7/25/99	10 mos

Dr. Stals received a Ph.D. in Mathematical Sciences and a Bachelor's degree in Mathematics and Computer Science, in 1996 and 1990 respectively, from the Australian National University. Since 1997, she has held a post-doctoral position in the Department of Mathematics at the University of Bath, England, where she is modifying a domain decomposition package to handle 3D domains. She also held a post-doctoral position at Universität Augsburg (Germany).

Dr. Bonnie L. Van Lunen Assistant Professor of Exercise Science, Physical Education and Recreation (Tenure Track)	\$48,000	7/25/99	10 mos
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Dr. Van Lunen received a Ph.D. in Sports Medicine and an M.Ed. in Athletic Training, in 1997 and 1991 respectively, from the University of Virginia and a B.S. in Physical Education in 1990 from Castleton State College. Since 1998, she has been an Assistant Professor at the University of Tennessee at Chattanooga. Prior to that, she was an Instructor at the University of Virginia and an Assistant Professor at Canisius College.

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### **APPOINTMENT OF TELETECHNET SITE DIRECTOR**

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

Ms. Karen Y. Goodwin (Northern Virginia Community College)

Ms. Goodwin received a Master of Public Administration in 1992 from Troy State University and a B.A. in Political Science in 1988 from Clemson University. Prior to coming to Old Dominion University, Ms. Goodwin was the Director of Graduate Admissions at Trinity College. She has extensive management, administrative and leadership experience.

Salary: \$50,000 for 12 months effective May 5, 1999

Rank: Site Director, Northern Virginia Community College (NOVA)

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

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Mr. Hudnall R. Croasdale as the Director of the Northern Virginia Higher Education Center, effective June 7, 1999.

Mr. Croasdale received an M.S. in Systems Management in 1987 from the University of Southern California and a B.S. in Education in 1975 from Virginia Commonwealth University. He served in a variety of executive positions in the telecommunications and information technology industry before joining Virginia's Center for Innovative Technology to manage advanced telecommunication infrastructure development programs and serve as the Director of the Local MultiPoint distribution Services (LMDS) Research Consortium. From 1994 through 1997, Mr. Croasdale was appointed by Governor Allen as the Director of the Council on Information Management and served in this capacity as the Chief Information Officer for the Commonwealth. Mr. Croasdale also served on the Virginia Technology Council and on several technology-related legislative subcommittees.

Salary: \$110,000 for 12 months

Rank: Director, Northern Virginia Higher Education Center, and Instructor

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**APPOINTMENT OF DIRECTOR OF EQUAL**  
**OPPORTUNITY/AFFIRMATIVE ACTION**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Ms. ReNeé Dunman as the Director of Equal Opportunity/Affirmative Action, effective May 1, 1999.

Ms. Dunman received a Juris Doctor in 1993 from the University of Baltimore School of Law, an M.A. in Corporate Communications in 1987 from Norfolk State University and a B.S. in Mass Communications in 1985 from Virginia Commonwealth University. Since March 1998, she has been the Acting Director of Equal Opportunity/Affirmative Action. Previously, she held the positions of Equal Opportunity Coordinator and Equal Opportunity Manager at Old Dominion. She is an attorney and licensed to practice law in Virginia.

Salary: \$70,000 for 12 months

Rank: Director of Equal Opportunity/Affirmative Action and Assistant Professor

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**APPOINTMENT OF COORDINATOR FOR UNDERGRADUATE SERVICES**  
**ELECTRICAL AND COMPUTER ENGINEERING**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Ms. Deborah A. Gardner as the Coordinator for Undergraduate Services in the Department of Electrical and Computer Engineering, effective May 11, 1999.

Ms. Gardner received a B.A. in Economics in 1999 from Old Dominion University. Since 1994 she has been employed as an Enrollment Services Assistant in International Admissions at Old Dominion University.

Salary: \$28,000 for 12 months

Rank: Coordinator for Undergraduate Services, Electrical and Computer Engineering, and Assistant Instructor

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**APPOINTMENT OF ACADEMIC ADVISOR**  
**TEACHER EDUCATION SERVICES**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Ms. Arminda B. Israel as the Academic Advisor for Teacher Education Services in the College of Education, effective May 25, 1999.

Ms. Israel received an M.Ed. in Counseling in 1987 from Boston University and a B.S. in Spanish/Secondary Education in 1983 from East Carolina University. Since 1993, she has been a Counselor in the Student Support Services program at Old Dominion University.

Salary: \$33,000 for 12 months

Rank: Academic Advisor, Office of Teacher Education Services, and Instructor

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**APPOINTMENT OF ASSOCIATE DIRECTOR OF MILITARY PROGRAMS**  
**DISTANCE LEARNING AND EXTENDED EDUCATION**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Mr. Edwin C. Kelley, Jr. as the Associate Director of Military Programs for Distance Learning and Extended Education, effective March 25, 1999.

Mr. Kelley received an M.A. in National Security and Strategic Studies in 1990 from the Naval War College, an M.A. in International Relations in 1989 from Salve Regina College and a B.S. in Economics in 1967 from Albright College. He is currently pursuing an M.S. in Education at Old

Dominion University. As a retired Brigadier General, he brings thirty years of management experience from the U.S. Marine Corps to Old Dominion University.

Salary: \$49,400 for 12 months

Rank: Associate Director of Military Programs, Distance Learning and Extended Education, and Instructor

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**APPOINTMENT OF ASSISTANT TO THE DEAN**  
**COLLEGE OF ENGINEERING AND TECHNOLOGY**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Ms. Kim M. Kindrew as the Assistant to the Dean in the College of Engineering and Technology, effective April 5, 1999.

Ms. Kindrew received a B.A. in Communication Arts in 1997 from Christopher Newport University. Since 1998, she has been employed as a graphic designer and marketing representative for a digital imaging firm and a Computer Science instructor at Tidewater Tech. From 1992-1998, she was the Director of Communications for the Virginia Peninsula Chamber of Commerce.

Salary: \$33,000 for 12 months

Rank: Assistant to the Dean, College of Engineering and Technology, and Assistant Instructor

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**APPOINTMENT OF DIRECTOR OF MULTIMEDIA PRODUCTION**  
**AND TELECONFERENCES**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Mr. Robert McKenzie as the Director of Multimedia Production and Teleconferences in Academic Television Services, effective May 25, 1999.

Mr. McKenzie received a Bachelor of Applied Arts in Communications with specialization in radio/television and multimedia in 1977 from Ryerson Polytechnical University, Toronto. Since 1989, he has been employed the manager of Multimedia Design and Production in the Instructional Technology Centre at York University. He has extensive multimedia operations, management and producing experience.

Salary: \$53,000 for 12 months

Rank: Director of Multimedia Production and Teleconferences, Academic Television Services, and Assistant Instructor

**APPOINTMENT OF ASSISTANT DIRECTOR/OPERATIONS MANAGER**  
**CAREER MANAGEMENT CENTER**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Mr. Nash D. Montgomery as the Assistant Director/Operations Manager in the Career Management Center, effective May 25, 1999.

Mr. Montgomery received a Master's in Public Administration in 1999 from Troy State University and a B.S. in Business and Management (Human Resources) from the University of Maryland. Since 1998, he has been a Personnel Staffing and Recruitment Specialist for the Department of Defense. Prior to that, Mr. Nash worked as an Employment Counselor for the Virginia Employment Commission.

Salary: \$38,000 for 12 months

Rank: Assistant Director/Operations Manager, Career Management Center, and Instructor

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**APPOINTMENT OF ACADEMIC ADVISOR**  
**TEACHER EDUCATION SERVICES**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Ms. Nola H. Nicholson as the Academic Advisor for Teacher Education Services in the College of Education, effective May 18, 1999.

Ms. Nicholson received an M.S. Ed. in Guidance and Counseling and a B.S. in Psychology, in 1990 and 1986 respectively, from Old Dominion University. Since 1995, she has been an Academic Counselor in the Department of Interdisciplinary Studies at Old Dominion.

Salary: \$33,000 for 12 months

Rank: Academic Advisor, Teacher Education Services, and Instructor

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**APPOINTMENT OF ASSISTANT WOMEN'S BASKETBALL COACH**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the appointment of Ms. Juliet Schweiter as the Assistant Women's Basketball Coach, effective May 25, 1999.

Ms. Schweiter received an M.Ed. with an emphasis in Television and Media in 1995 from Fairfield University and a B.A. in Economics in 1993 from Bucknell University. Since 1997, she has served as Recruiting Coordinator and Assistant Basketball Coach at American University. Prior to that, she was an Assistant Coach at Yale University and a Graduate Assistant Coach at Fairfield University.

Salary: \$45,500 for 12 months

Rank: Assistant Women's Basketball Coach, Athletics

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**ADMINISTRATIVE TITLE CHANGE**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the following title change, effective July 1, 1999.

Patrick Pow From Executive Director of Academic Television Services to Assistant Vice President for Instructional Technologies

Salary: \$83,000 for 12 months

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Anne Raymond-Savage, Associate Vice President for Lifelong Learning and Academic Television Services, presented information on the University's TELETECHNET program, continuing the discussion at the last meeting on issues the University must consider in its Strategic Plan as TELETECHNET moves forward. Three questions were posed: where should we focus our efforts geographically, what population of students should we target, and how big should the distance learning initiative become. The Committee was given data related to the advantages and disadvantages of each potential decision to aid in the discussion. This discussion was a lead-in to a more in-depth review of the Strategic Plan by the Committee.

Provost Gora reviewed the Strategic Plan's vision, emphases, initiatives and objectives with the Committee to facilitate the final review of the Plan. She described changes that have been made since the Plan was sent to the Board. Specifically, the terms "learning," "discovery" and "engagement" have been incorporated into the introduction and the Plan where appropriate, and more measurable outcomes have been added to the Plan's action statements.

The following resolution, which was brought forth as a recommendation of the Academic Affairs Committee, was unanimously approved:

**STRATEGIC PLAN 2000-2005: A PLAN FOR LEARNING, DISCOVERY,  
AND ENGAGEMENT IN THE 21<sup>ST</sup> CENTURY**

RESOLVED, that upon the recommendation of the Academic Affairs Committee, the Board of Visitors approves the Strategic Plan for 2000-2005.

The Strategic Plan for 2000-2005 builds on the accomplishments that resulted from the implementation of the 1994-1999 Strategic Plan. The momentum gained from those successes will propel Old Dominion toward even higher levels of excellence in achieving its goals of promoting Learning, Discovery and Engagement. The faculty and staff are dedicated to enhancing learning for students through creative teaching without regard to time or place, promoting the discovery of new knowledge through ground-breaking research, and engagement with the community through high quality professional service. The Strategic Plan for 2000-2005 articulates the University's commitment to these goals and defines the initiatives, objectives, and actions that will be implemented to achieve them. While not every opportunity can be foreseen, this Plan provides a framework that will structure the University's priorities in the 21<sup>st</sup> Century.

Effective Date: Fall 1999

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To follow up on the discussion from the April meeting, Provost Gora shared with the Committee the University's policy on honorary degrees as contained in the *Faculty Handbook*. She noted that she has reviewed the policies on honorary degrees from several other institutions and that these policies are all very similar.

#### **ADMINISTRATION AND FINANCE COMMITTEE**

Rector Hamm called on Mr. Lechler for the report of the Administration and Finance Committee. Mr. Lechler reported that the Committee reviewed the 1999-2000 Operating Budget and Plan. The proposed expenditure budget for 1999-2000 for the total University is \$231.9 million, an increase of 2.9 percent over the 1998-99 operating budget. The budget consists of two major components: the Educational and General Programs budgets and the Auxiliary Services budget. The Educational and General Programs budget, which includes both general and non-general funding sources, is composed primarily of expenditures and revenues in the Instructional Programs as well as Student Financial Assistance and Grants and Contracts, and represents 88.5 percent of the total budget, or \$205.3 million, an increase of 2.5 percent over 1998-99. The Auxiliary Services portion of the total budget is 11.5 percent or 26.6 million, an increase of 6.3 percent from 1998-99. This budget is possible as a direct result of the University efforts to gain new financial support in the Commonwealth's last budget process. The Committee congratulates President Koch and the administration for their success. The recommended budget continues to focus the University's resources on the academic mission with 62 percent of the budget used to fund instruction and academic support. Administrative costs continue to representative a small portion of the budget. In 1999-2000, only 9.9 percent of the budget will be used for institutional support expenses.

The following resolution, which was brought forth as a recommendation of the Administration and Finance Committee, was unanimously approved:

**RESOLUTION APPROVING 1999-2000 OPERATING PLAN**

RESOLVED, that upon the recommendation of the President and the Administration and Finance Committee, the Board of Visitors approves the proposed expenditure plan as displayed below and as contained in TABLE 2 of the University's 1999-2000 Operating Budget and Plan.

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

Expenditure Categories	Budget 1998-99	Proposed 1999-2000
<u>Expenditures and Transfers</u>		
Educational Programs		
Instruction	\$74,600	\$75,984
Research & Sponsored Programs	1,864	1,867
Public Service	893	694
Academic Support	20,863	22,833
Student Services	6,618	6,839
Institutional Support	21,691	20,370
Operations & Maintenance of Plant	8,744	9,150
Scholarships & Fellowships	67,246	70,266
Transfer		
Debt Service (Mandatory)	0	0
Non-Mandatory	-2244	<u>(2,689)</u>
Total Educational Programs	\$200,275	\$205,314
<u>Auxiliary Enterprises</u>		
Expenditure	17,377	18,206
Transfers		
Debt Service (Mandatory)	4,302	4,929
Non-Mandatory	<u>3,351</u>	<u>3,469</u>
Total Auxiliary Enterprises	<u>\$25,030</u>	<u>\$26,604</u>
Total Expenditures and Transfers	<u>\$225,305</u>	<u>\$231,918</u>
Summary of University Revenues, Expenditures and Transfers		
Revenues	\$229,238	\$236,683
Expenditures and Transfers	<u>\$225,305</u>	<u>\$231,918</u>
Contribution to/(Use of) Fund Balance	\$3,933	\$4,765

The Committee also considered a resolution to authorize the University to participate in the Commonwealth's Pooled Bond Program. For Old Dominion University, approval of the resolution will enable the bond issuance to finance or refinance all or a portion of the remaining costs associated with the Virginia Beach Higher Education Center project, the Convocation Center project, the parking decks project and the Lot 30 parking deck.

The following resolution, which was brought forth as a recommendation of the Administration and Finance Committee, was unanimously approved:

### **RESOLUTION REGARDING POOLED BOND PROGRAM**

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

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

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

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

WHEREAS, in 1997, the Institution issued a Note (the "1997A Note") in the principal amount of \$17,915,000, \$10,490,000 of which is allocable to the Virginia Beach Campus Center project, \$5,470,000 of which is allocable to the Convocation Center project and \$1,955,000 of which is allocable to the Parking Decks project. The Institution now proposes to sell to the Authority its note (the "1999A Note") to be issued under a Loan Agreement (the "1999A Loan Agreement") to

finance or refinance all or a portion of the remaining costs of the Virginia Beach Campus Center project, the Convocation Center project and the Parking Decks project and all or a portion of the costs of the Parking Deck on Lot 30 project (together, the “1999A Project”);

WHEREAS, there has been presented to the Board the proposed forms of the 1999A Note and the 1999A Loan Agreement;

WHEREAS, it is the desire of the Board to approve the execution and delivery of the 1999A Loan Agreement and the execution and issuance of the 1999A Note on terms and conditions substantially in accordance with the forms presented to the Board and, similarly, to authorize officers of the Institution to execute, deliver and issue in the name of and on behalf of the Institution, the 1999A Loan Agreement, the 1999A Note and any and all documents necessary to effectuate the financing of all or a portion of the remaining costs of the 1999A Project through the program with the Authority and to facilitate the purchase of the 1999A Note by the Authority; and

WHEREAS, it is the desire of the Board to approve the further participation by the Institution in the Program and to authorize the execution, delivery and issuance of such other Loan Agreements and Notes on terms and conditions substantially similar to the 1999A Loan Agreement and the 1999A Note and to similarly authorize certain officers of the Institution to execute, deliver and issue in the name of and on behalf of the Institution, all Loan Agreements, all Notes and any and all future documents necessary to effectuate the Program with the Authority and to facilitate the purchase of the Notes by the Authority.

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

Section 1. The 1999A Loan Agreement and the 1999A Note are approved in substantially the forms presented to the Board and the pledge of Pledged General Revenues to the payment of the 1999A Note, as provided in the 1999A Loan Agreement, is hereby authorized.

Section 2. The President of the Institution and the Vice President for Administration and Finance of the Institution (the “Authorized Officers”), or either of them, are hereby delegated and invested with full power and authority to execute and deliver, on behalf of the Board, (a) the 1999A Loan Agreement in substantially the form submitted to the Board with such changes, insertions or omissions as may be approved by the Authorized Officers, whose approval shall be evidenced conclusively by the execution and delivery of the 1999A Loan Agreement, (b) the 1999A Note in substantially the form submitted to the Board with such changes, insertions or omissions as may be approved by the Authorized Officers, whose approval shall be evidenced conclusively by the execution and issuance of the 1999A Note, and (c) any and all other documents, instruments or certificates as may be deemed necessary to consummate the financing or refinancing of all or a portion of the remaining costs of the 1999A Project through the Program, the construction of the 1999A Project and the Institution’s participation in the Program, and to further carry out the purposes and intent of this Resolution. The Authorized Officers are directed to take such steps and deliver such certificates prior to the delivery of the 1999A Note as may be required under existing obligations of the Institution.

Section 3. The Authorized Officers, or either of them, are hereby delegated and invested with full power and authority to execute and deliver, on behalf of the Board, (a) such future Loan Agreements in substantially the form of the 1999A Loan Agreement with such changes, insertions or omissions as may be approved by the Authorized Officers, whose approval shall be evidenced exclusively by the execution and delivery of the future Loan Agreement, (b) such future Notes in substantially the form of the 1999A Note with such changes, insertions or omissions as may be approved by the Authorized Officers, whose approval shall be evidenced exclusively by the execution and delivery of the future Note, and (c) any and all other documents, instruments, or certificates as may be deemed necessary in the future to consummate the Program, the construction of the Projects and the Institution's participation in the Program, and to further carry out the purposes and intent of this Resolution in the future, it being the intent of the Board that no further action on behalf of the Board shall be necessary to empower the Authorized Officers, or either of them, to execute, deliver and issue such future Loan Agreements, future Notes and other documents as may be deemed necessary in order for the Institution to participate in the Program in the future.

Section 4. The authorizations given above as to the execution, delivery and issuance of the 1999A Loan Agreement and the 1999A Note are subject to the following parameters: (a) that the principal amount to be paid under the 1999A Note shall not be greater than the aggregate amount authorized for the components of the 1999A Project by the General Assembly of Virginia, including any adjustments required or permitted by law, such as a subtraction of the \$17,915,000 principal amount of the 1997A Note, (b) that the interest rate payable under the 1999A Note shall not exceed a "true" or "Canadian" interest cost more than fifty basis points higher than the interest rate for "AA" rated securities with comparable maturities, as reported by Delphis-Hanover, or another comparable service or index, taking into account original issue discount or premium, if any, (c) that the weighted average maturity of the principal payments due under the 1999A Note shall not be in excess of twenty (20) years, (d) that the last principal payment date under the 1999A Note shall not extend beyond the period of the reasonably expected economic life of the 1999A Project, (e) that the financing of the 1998A Project and the terms and provisions of the 1999A Loan Agreement and the 1999A Note will comply with the Alternative Construction and Financing Guidelines issued by the Commonwealth's Secretary of Finance, and (f) that the actual interest rates, maturities, and date of the 1999A Note shall be approved by an Authorized Officer, which approval will be evidenced by the execution of the 1999A Note. The 1999A Note shall be sold to the Authority at the price of par.

Section 5. The authorizations given above as to the execution, delivery and issuance of any future Loan Agreements and future Notes are subject to the following parameters: (a) that the principal amount to be paid under such Notes shall not be greater than the amount authorized for the Projects by the General Assembly of Virginia, including any adjustments required or permitted by law, (b) that the interest rate payable under such Notes shall not exceed a "true" or "Canadian" interest cost more than fifty basis points higher than the interest rate for "AA" rated securities with comparable maturities, as reported by Delphis-Hanover, or another comparable service or index, taking into account original issue discount or premium, if any, (c) that the weighted average maturity of the principal payments due under such Notes shall not be in excess of twenty (20) years, (d) that the last principal payment date under such Notes shall not extend beyond the period of the reasonably expected economic life of the Projects being financed, and (e) that the financing of the Projects and the terms and provisions of the such Loan Agreements and Notes will comply with the Alternative Construction and Financing Guidelines issued by the Commonwealth's Secretary of Finance.

Section 6. The Board acknowledges, on behalf of the Institution, that if the Institution fails to make any payments of debt service due under any Loan Agreement or Note, including the 1999A Loan Agreement and the 1999A Note, the Program authorizes the State comptroller to charge against the appropriations available to the Institution all future payments of debt service on that Loan Agreement and Note when due and payable and to make such payments to the Authority or its designee, so as to ensure that no future default will occur on such Loan Agreement or Note.

Section 7. The Board agrees that if the Authority determines that the Institution is an “Obligated Person” under Rule 15c2-12 of the Securities and Exchange Commission with respect to any issue of Bonds, the Institution will enter into a continuing disclosure undertaking in form and substance satisfactory to the Authority and the Institution and will comply with the provisions and disclosure obligations contained therein.

Section 8. The Board hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the Institution intends to reimburse itself with the proceeds of the 1999A Note or other indebtedness of the Institution for expenditures made with respect to the Parking Deck on Lot 30 project on, after or within sixty (60) days prior to the date of the adoption of this Resolution. Further, expenditures made more than sixty (60) days prior to the date of the adoption of this Resolution may be reimbursed as to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations. The maximum principal amount of the 1999A Note or other indebtedness of the Institution expected to be issued for the Parking Deck on Lot 30 project is \$6,025,000.

The Board hereby confirms the corresponding declaration of official intent under Treasury Regulations Section 1.150-2 that it made with respect to the Convocation Center project (\$40,000,000) and the Parking Decks project (\$16,000,000) in June of 1997.

The Board hereby confirms that it adopted a resolution in September of 1997 authorizing the issuance of obligations for the Virginia Beach Campus Center project in a principal amount not to exceed \$14,900,000. The Board intended for that resolution to serve as a declaration of official intent under Treasury Regulations Section 1.150-2 as to that project and hereby confirms that intent.

Section 9. This resolution shall take effect immediately upon its adoption.

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In his Vice President’s Report to the Committee, David Harnage, informed the Committee of two administrative matters. First, Vice President Harnage reported on the status of the land acquisition process for the Convocation Center. The University, working through the Norfolk Redevelopment and Housing Authority, is actively acquiring property. Currently, twenty nine parcels have been acquired with an additional fifteen properties awaiting closing. Twelve parcels are being processed through the Commonwealth’s administrative process and 15 properties are scheduled for condemnation through NRHA. Mr. Harnage expects the land acquisition process to continue through the calendar year as previously projected.

Mr. Harnage also announced the arrival of the supercomputer. The supercomputer is currently being installed and will be available for use by summer's end. The system is a landmark for Old Dominion University and represents a partnership with SUN Microsystems. The machine is the most powerful computer in the Virginia higher education system and processes approximately 22 billion instructions per second.

Cathy Austin, Assistant Vice President for Administrative Services and University Controller, provided a status report on the Banner 2000 System Implementation. She reported that, as of today, all systems are "live" and all tasks are on schedule. Approximately \$105.4 million in payments have been processed locally on Banner; the first Banner paychecks were issued locally on February 16 to all university employees; Financial Aid processed over 3,500 award notifications on March 5<sup>th</sup>, one month ahead of last year's schedule; registration for fall and summer begin in April and approximately 7,600 students have registered for Fall, with 57 percent registering either by telephone or through the Web. The University is well prepared for the Year 2000. All systems have been tested for Year 2000 compliance and all mission critical functions are live and fully Y2K compliant. Ms. Austin explained the review which will be conducted by the Century Date Change Initiative Office later this month which involves an exchange of internal auditors with Christopher Newport University in order to review each agencies' efforts and progress in dealing with the Y2K issue. Upon completion of the review process, the President is required to certify by July 30<sup>th</sup> that Old Dominion is Y2K compliant for all mission critical functions.

The Committee next heard a report from Mr. Robert Fenning, Associate Vice President for Administration and Finance, and representatives from the MMM Design Group on the design of the new sailing center addition.

The Committee concluded its regular agenda with a review of the standing reports, including the annual report. It then reconvened in Executive Session for the purpose of reviewing certain departments of the University. Following Executive Session, the Committee reconvened in Open Session and approved the 1999-2000 Audit Plan.

### **INSTITUTIONAL ADVANCEMENT COMMITTEE**

Mr. Hamm called on Ms. Perry for the report of the Institutional Advancement Committee. Ms. Perry reported that Thomas M. Sweeney, President of the Alumni Association, informed the group about the Association's success in mobilizing alumni support of key University legislative initiatives. He distributed copies of the Alumni Association's recent *Virginian-Pilot* ad congratulating 1999 Scholastic Achievers. He announced that the Association has completed its year-long work on a five-year strategic plan. Jean M. Tolley of Hampton, the incoming president of the Alumni Association effective July 1, was introduced to the Committee.

John Broderick, Vice President for Institutional Advancement, reviewed challenges for his area that he first outlined during the fall 1998 Institutional Advancement Committee meeting.

Mr. Broderick presented a “scorecard” which indicated which tasks are completed and which are still in progress. Among the more significant accomplishments were:

In Admissions, growth was achieved in total applications, the number of admitted students and the number of students admitted with distinction. In addition, 19 Virginian-Pilot Scholastic Achievers will be entering Old Dominion this fall. Only one Virginia school attracted more.

In Alumni Relations, more than 200 graduates were involved in the recruitment of students. In addition, the alumni office nearly doubled the number of volunteer hours University graduates gave to their alma mater.

In Governmental Relations, the University, under the direction of President James V. Koch, had another successful year and concluded the decade with the largest percentage increase of any Virginia public doctoral institution.

In Media Relations, the University gained national visibility through coverage in *The Wall Street Journal*, *USA Today*, and *Business Week*, as well as ABC, NBC and Fox news.

The offices of University Relations and University Publications combined their efforts to develop the new alumni magazine and produce a second year of *Quest*, the University’s research magazine.

A completely of the Institutional Advancement annual report of accomplishments was provided for every board member.

Ms. Nancy Coberly, Capital Campaign Director, reported on the activities of the Capital Campaign. The campaign has exceeded its goal and stands at \$47.9 million. The Steering Committee of the Campaign met on June 15, and recommended continuing the campaign for another year. A celebration is planned for June 24 in Webb Center followed by a Virginia Symphony Concert on Kaufman Mall.

The Rector commented that exceeding the Capital Campaign goal is a major accomplishment, and recognized President Koch and Ms. Coberly for making this happen.

## **STUDENT AFFAIRS COMMITTEE**

The Rector called on Rev. Paige for the report of the Student Affairs Committee. Rev. Paige reported that the Student Affairs Committee received a proposal from the Vice President for Student Services that would modify the current policy for managing student discipline. The proposed changes are listed as follows: (1) provide minimum sanctions for alcohol violations; (2) add the option of pleading “in violation” (guilty) by the accused student; and introduce the use of email for notification ( in addition to the current letter notification). Each of these measures are designed to provide for more timely hearings.; (3) require that only those students who have participated in the disciplinary process may appeal the decision

of the Hearing Officer. This is designed to address the occasional occurrence of an accused student who ignores all communication about their alleged violation in an effort to delay the student judicial process; and (4) define the sanctions of a reprimand or probation as being not subject to appeal, but only when these sanctions are awarded as a warning not to continue the egregious behavior.

The following resolution, which was brought forth as a recommendation of the Student Affairs Committee, was unanimously approved:

**REVISION TO BOARD OF VISITORS POLICY 1530:**  
**STUDENT DISCIPLINARY POLICIES AND PROCEDURES**

RESOLVED, that upon the recommendation of the Student Affairs Committee, the Board of Visitors approves revisions to the Student Disciplinary Policies and Procedures as shown below.

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

I. Preamble

Students are expected and required to assume the responsibility for their own behavior and to abide by the laws of the Commonwealth of Virginia and the rules and regulations of Old Dominion University. A student who violates the following general standards of conduct may be subject to administrative actions (as defined in Section III-G), or to one or more disciplinary sanctions (as defined in section VI), 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 Services: The University official who has primary responsibility for the administration of all student discipline. He/she serves as the appeals officer for cases which have been heard by the Student Conduct Committee. The vice president may delegate all or part of this responsibility to such other persons as he/she deems appropriate.
- 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 IV herein.
- C. Chair: The head of the Student Conduct Committee and presiding officer at Student Conduct Committee hearings. ~~The~~ **A** Vice Chair shall assume the duties of the 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.
- E. The Student Conduct Committee: A faculty/student judicial body authorized to hear and adjudicate alleged violations of the Code of Student Conduct.
- F. Plagiarism: A student will have committed plagiarism if he or she reproduces someone else's work without acknowledging its source; or if a source is cited which the student has not cited or used. Examples of plagiarism include: submitting a research paper obtained from a commercial research service, the Internet, or from another student as if it were original work; making simple changes to borrowed materials while leaving the organization, content, or phraseology intact; or copying material from a source, supplying proper documentation, but leaving out quotation marks. Plagiarism also occurs in a group project if one or more of the members of the group does none of the group's work and participates in none of the group's activities, but attempts to take credit for the work of the group.
- G. Administrative Action: The issuance of an oral or written warning, admonition, reprimand, and/or use of counseling procedures.
- H. University Hearing Officer: The University official or officials assigned by the Vice President for Student Services to conduct disciplinary proceedings and administrative action.
- I. Disciplinary Proceedings: Those proceedings initiated by a notice of charges and governed by the provisions of Section VII. The term Disciplinary Proceedings does not include Administrative Action.
- J. 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. 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. **Any student who conspires to commit, or who participates in an action that results in a violation of the Code of Student Conduct, shall be bound by the acts of every person participating in such an action and shall be disciplined.** Specifically, students are subject to disciplinary action for the following:

- A. Academic dishonesty, including but not limited to plagiarism and all forms of academic cheating, and failure to report known violations of the honor pledge;
- B. Forgery, alteration, or misuse of University or other official documents, records, or identification;
- C. Knowingly furnishing false information to the University;
- D. Obstruction or disruption of University operations;
- E. Obstruction or disruption of University-authorized activities;
- F. Physical or violent verbal abuse of any person on property owned or controlled by the University, or at functions sponsored or supervised by the University;
- G. Conduct that threatens or endangers the health or safety of any person, including oneself, on property owned or controlled by the University or at functions sponsored or supervised by the University;
- H. Theft of or damage to University property;
- I. Theft of or intentional damage to private property on premises owned or controlled by the University;
- J. Unauthorized entry of University facilities or property;
- K. Unauthorized access, use or misuse of University property including, but not limited to: attempting to leave the library with library materials which have not been properly borrowed; unauthorized use or misuse of computer equipment, computer accounts, computer software and hardware; or misuse of University telephones;
- L. Violation of University regulations or campus policies approved by either the Board of Visitors or the president and described in official University publications;

- M. Use or possession of **alcohol**, marijuana, narcotics, or illicit drugs, or **drug paraphernalia** (except as expressly permitted by law or University regulations) on property owned or controlled by the University;
- N. The sale or distribution of marijuana, narcotics, or dangerous drugs (except as expressly permitted by law) on property owned or controlled by the University or at functions sponsored or supervised by the University;
- O. Violation of University housing policies;
- P. Lewd, indecent, or obscene **displays or** conduct on property owned or controlled by the University or at functions sponsored or supervised by the University or University-related organizations;
- Q. Drunken or disorderly behavior on property owned or controlled by the University or at functions sponsored or supervised by the University or University-related organizations;
- R. Intimidating behavior directed toward any student, faculty member, staff member, or administrator;
- S. Failure to comply with the directions of a University official acting in the performance of his or her 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 the criminal statutes of the Commonwealth of Virginia or the United States of America and conduct that endangers or threatens the security of the University community;
- Y. Violations of the conditions of a sanction imposed through University disciplinary procedures;
- Z. Violation of the University's sexual assault policy;

AA. The unreasonable use of complimentary materials and/or supplies provided for the benefit or consumption of the University community;

AB. Retaliation.

V. 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 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 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 for student services or his/her designee.

VI. Sanctions

A student who violates the Code of Student Conduct may be subject to the following sanctions:

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 for a period of fixed duration during 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. Disciplinary probation may include mandatory conditions such as the following by way of illustration:

- \* Exclusion from privileged or extracurricular activities at the University;
- \* Suspension of residence privileges in property owned or controlled by the University;

- \* 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 for Student Services.

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.

D. Disciplinary Dismissal

Disciplinary dismissal is the permanent separation of a student from the University.

E. 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 section VII below. Such hearing shall be held without undue delay and the student shall remain dismissed until the hearing determines the student's status.

F. 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, \$00.00 fine, additional workshop and/or counseling, parental notification.

Third Offense: Suspense for one semester, parental notification.

Sanctions of suspension, dismissal and any sanction resulting from an act of academic dishonesty will be recorded on the student's official University transcript. Other sanctions will be recorded in the student's discipline file, which will be retained by the hearing officer for a period of five years. With the exception of cases of academic dishonesty, records of disciplinary probation will be retained for one year after the conclusion of the probationary period.

## VII. Disciplinary Procedures

### A. Administrative Action Proceedings

Administrative action proceedings are informal investigations conducted by a University Hearing Officer for alleged violations of University regulations by a student or a student organization. Administrative action may be taken by the hearing officer without instituting disciplinary proceedings, and such action shall be final and not subject to further hearing or appeal. A disciplinary penalty may not be imposed without first instituting disciplinary proceedings pursuant to Section VII-C.

### 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 will arrange to meet with the student(s) suspected of the alleged infraction as soon as possible. Prior to this meeting the faculty member may choose to consult with the Vice President for Student Services or the University Hearing Officer.
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; and
  - b. A written summary of the incident will be forwarded by the faculty member to the University Hearing Officer.
  - 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 ~~in good disciplinary standing~~ **not on disciplinary probation**, the student will be placed on disciplinary probation for one calendar year.
  - e. If the student is ~~not in good disciplinary standing~~ **not 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 in accordance with section

VII C to determine the appropriate disciplinary sanction. Such sanction may include suspension or dismissal from the University.

- f. All official disciplinary sanctions, including grade sanctions, which are assigned to a student as a result of an act of academic dishonesty, will be recorded on the student's official University transcript.
4. If the student denies the allegation of academic dishonesty, or if the faculty member believes the severity of the incident may warrant a sanction more severe than disciplinary probation:
    - a. The faculty member will forward a written summary of the incident to the University Hearing Officer. The summary must contain copies of all evidence including the names of any known witnesses to the alleged act of academic dishonesty.
    - b. The University Hearing Officer will institute Disciplinary Proceedings in accordance with section VII C.
    - c. No grade penalty should be assigned by the instructor until the case is finally resolved, including the processes of hearing the student's appeal, if any. If the charges cannot be resolved prior to the end of semester, a grade of "I" should be assigned by the instructor.
    - d. The faculty member will be notified of the final outcome in order that the appropriate grade may be assigned.
  5. Students may file a grade appeal if a grade penalty for alleged academic dishonesty violation occurs without proper adherence to the above procedures.

#### C. Institution of Disciplinary Proceedings

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

1. Upon written notice of an alleged violation of the Code of Student Conduct disciplinary proceedings shall be instituted by a University hearing officer by the issuance of notice of charges. The written notice of complaint may be initiated by faculty, staff, students or through a campus police summons.
2. The accused student will be informed of the alleged violation(s) in writing and will be required to meet with a hearing officer for a pre-hearing conference. During the pre-hearing conference, the accused student will have the opportunity to discuss and review all evidence as well as ask questions

about the charges and the options available for resolution. During this conference the student will be presented with the following options:

- a. To plead in violation to the charges, waive all rights to a formal hearing and appeal and accept a sanction imposed by the hearing officer; or
  - b. To request a formal hearing with the right to appeal.
3. Students who fail to attend the pre-hearing conference will be considered in violation of the charges and an appropriate sanction will be imposed. Students who fail to attend a formal hearing will forfeit their right to appeal.
  4. The notice of charges and all other written notices shall be delivered by the method deemed most effective by the hearing officer to the student's or organization's address or e-mail address as it then appears on the official records of the University. If the address is not current, other reasonable attempts will be made to deliver the notice. The notice shall include the portion of the Code of Student Conduct allegedly violated; the reported circumstances of the alleged violation; and request the student or organizational representative to appear at a specified time, date and place for a hearing. **Failure to have a current address on record with the University shall not invalidate the notice.** A copy of these regulations shall accompany each notice of charges. A copy of the notice of charges may be sent to the parent or guardian of a student if the student is dependent as defined in Section 152 of the Internal Revenue Code of 1954.
  5. If the notice of charges requests an appearance at a hearing, and if a student fails or refuses to appear, the University hearing officer may, after such investigation that is deemed sufficient: dismiss the charges; take administrative action; or impose a disciplinary penalty. Requests for continuance must be timely and made by the student in writing to the hearing officer, who may reschedule the hearing if the request is timely and for good cause. If the hearing officer takes administrative action, the accused student or organization shall be notified in writing of such action and such action shall not be subject to further hearing or appeal. If the hearing officer imposes a disciplinary sanction, the student or organization representative shall be notified in writing of such action. Appeals to disciplinary sanctions imposed at a hearing held in the absence of the accused student or organizational representative shall follow the procedures outlined in Section VII.C.6. of these regulations.
  6. When an accused student or organizational representative appears in response to the notice of charges, the hearing officer shall review the facts of the alleged violations, and of the names of witnesses then known to the hearing officer. The student or organizational representative shall be advised that no

response is required and that any statement made shall become a part of the official evidence of the case. The accused may advise the hearing officer of any witnesses or evidence supporting the **accused's student's** position. The hearing officer shall also advise the accused that if any new evidence is discovered during an investigation subsequent to the hearing, it will be shared with the accused. The accused will have an opportunity to respond to the evidence.

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 the evidence, the charges shall be dismissed and the accused student so notified. 2) If the hearing officer is satisfied that the violation occurred as alleged, but that no disciplinary sanction should be imposed, the hearing officer may levy administrative action and notify the student accordingly. 3) If the hearing officer is satisfied that the violation occurred as alleged and that a disciplinary penalty should be imposed, the hearing officer shall so notify the accused student or organizational representative, describing the sanction which the hearing officer will impose.
8. The accused may accept the decision and sanction(s) proposed by the hearing officer and waive her/his right to any further hearing or appeal. Or, the accused may reject the decision of the hearing officer and request an appeal hearing before the Student Conduct Committee as provided for in VII-D.

9. **Appeal Procedure**

**Only students who have attended and participated in their disciplinary hearing have the right to appeal the decision of the hearing officer. The appealing student may remain in class pending the outcome of an appeal. However, if the decision of the hearing officer is upheld, then sanction will be imposed as of the original date unless the panel affixes a different sanction date.**

10. An accused student or organization appealing the decision of the Hearing Officer should file a notice of appeal to the Student Conduct Committee via the Office of the Vice President for Student Services. Such an appeal must be physically received in the Vice President's office within seven business days from the date of the letter containing the findings in the case. The appeal must include the specific grounds for the appeal, **and the names of witnesses that the accused student intends to call for the hearing**; and it must be personally signed by the student or an organizational officer. The notice of appeal shall contain, at a minimum, a statement of grounds for appeal and a summary statement of the facts supporting such grounds. Grounds for appealing ~~may~~ include:

- a. A claim that the decision was not made in accordance with prescribed procedures and identifying the procedures which were not followed;
- b. A claim that the sanction(s) imposed was (were) inappropriate or overly harsh; (sanctions of reprimand and disciplinary probation, except in cases involving restitution, fines or academic dishonesty, are not subject to appeal.)
- c. A claim that the decision was clearly erroneous;
- d. New evidence, not available in a previous hearing, which could exonerate the accused student.

7. Rules of Procedure ~~in Hearings~~:

- a. In cases involving more than one student, the Hearing Officer may consolidate the cases for hearing, but shall make separate findings recommendations for each accused student.
- b. The accused student may have an adviser of the student's choice present during the hearing. Generally, the adviser shall be present for consultation purposes only and shall not be permitted to speak on the student's behalf. However, an adviser may be permitted to address the committee at the discretion of the Hearing Officer. If an accused student elects to be represented by a third party adviser, the accused must provide a signed letter designating that person as their official representative 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.

g. A taped or stenographic record of a hearing shall be maintained. The notice, exhibits, taped or stenographic record shall become the record of the case and shall be filed in the Office of the Vice President for Student Services. This hearing record shall be retained for a period of no more than five years.

h. All hearings shall be closed.

D. The Student Conduct Committee

The Student Conduct Committee is the appellate body within the University disciplinary system. It shall hear all appeals of disciplinary sanctions imposed by a hearing officer. It shall consist of: ~~twelve~~ 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; ~~twelve~~ students appointed by the Vice President from a list of nominees submitted by the Student Senate 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. The Vice President shall initiate a Student Conduct Committee **appeal** hearing by notifying the chair of the need for a hearing and advising him or her of a proposed hearing date. Upon receiving such notice, the chair shall designate ~~three~~ **one** faculty members plus one alternate and ~~three~~ **one** student members plus one alternate of the Student Conduct Committee to serve with the chair on a hearing panel. ~~Five of the six appointed panel members constitute a quorum for a hearing.~~ The chair will preside, but will not vote, except in the event of a tie. ~~Notwithstanding the foregoing, the Committee shall not consist of more than three faculty and three students plus the Chair.~~
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, the names of witnesses the hearing officer will call to the hearing, and a statement of procedural protection afforded the student as described in section VII.D.8. This notice shall be delivered, by the most effective means available as determined by the Vice President, to the student's address currently on record with the University. If the student's address is not current, other reasonable attempts will be made to deliver the notice. Failure of the student to have a current address on record with the University shall not invalidate the notice. The notice shall be given (e.g. mailed or delivered) at least seven consecutive days before the hearing date,

unless the hearing officer, for good cause, shall fix a shorter time. If a student who has been properly notified fails to appear for the hearing at the scheduled date, time, and place, the hearing panel may hear the evidence and make its findings in the student's absence.

3. A continuance of the hearing date may be requested by either the accused student or the hearing officer. Such requests must be timely and made in writing to the chair, who shall have the authority to reschedule the hearing if the request is timely and for good cause. Usually, only one such continuance is granted to each of the parties. If a continuance is granted, the chair shall notify both the student and the Student Conduct Committee of the new date for the hearing.
4. The format for the hearing shall be as follows: The chair shall call the hearing to order, call the roll of the panel in attendance, note the presence or absence of the student appealing the decision, read the notice of hearing, verify the notice of charges given to the student, report any continuances granted, establish the presence of any adviser for the student, call to the attention of the student any special or unusual procedures to be used during the hearing, and permit the student to state the grounds for the appeal. Only evidence or witnesses that the Chair deems relevant to the stated grounds for appeal will be heard.

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

5. At the conclusion of the summary statements, the hearing panel shall recess the hearing and meet in executive session (out of the presence of all parties to the hearing) to determine its findings. The panel shall either recommend upholding the findings of the Hearing Officer or recommend that the decision of the Hearing Officer be overturned. If the panel recommends that the Hearing Officer's decision be overturned, the panel shall recommend either a different finding and/or sanction to the Vice President. There shall be no findings to uphold unless a majority of the hearing panel agree that a preponderance of the evidence presented supports the decision of the Hearing

Officer. All hearing panel members are expected to cast a vote. The Chair shall not be entitled to vote, except in the case of a tie vote.

6. Upon making its decision, the Student Conduct Committee shall so advise the Vice President of Student Services in writing within 5 business 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 Student Conduct Committee and may accept or reverse the finding by reducing or increasing the sanctions imposed by the Hearing Officer.

Within seven working days after receiving the recommendation of the Student Conduct Committee, the Vice President will advise the accused student of his/her recommendation concerning the final disposition of the case.

The decision of the Vice President is final.

7. Rules of Procedure in Appeal Hearings:
  - a. In cases involving more than one student, the Vice President for Student Services may consolidate the cases for hearing, but the committee shall make separate recommendations for each accused student.
  - b. The appealing student may have an adviser of the student's choice present during the hearing. Generally, the adviser shall be present for consultation purposes only and shall not be permitted to speak on the student's behalf. However, an adviser may be permitted to address the committee at the discretion of the chair. If an accused student elects to be represented by a third party adviser, the accused must provide a signed letter designating that person as their official representative 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 Hearing Officer (at a hearing before the Hearing Officer) or the chair (at Student Conduct Committee hearings) shall have the right to call additional witnesses, require the presentation of additional evidence, and require additional investigation.
  - g. A taped or stenographic record of a hearing shall be maintained. The notice, exhibits, taped or stenographic record, and vote of the panel shall become the record of the case and shall be filed in the Office of the Vice President for Student Services. This hearing record shall be retained for a period of ten years.
  - h. **All hearings shall be closed.**
8. The accused is entitled:
- a. To be present at the hearing and hear all testimony presented. If a student, who has been properly notified, fails to appear at the scheduled date, time, and place for the hearing, the panel may hear the case and make its findings in the student's absence;
  - b. To examine, prior to the hearing, evidence to be presented at the hearing, to the extent that it is available;
  - c. To be provided, prior to the hearing, with the names of witnesses whom the university hearing officer has asked to appear at the hearing;
  - d. To question witnesses in accordance with the rules;
  - e. To present evidence in accordance with the rules;
  - f. To remain silent during the hearing;
  - ~~g. To a closed hearing, unless an open hearing is requested by the student and such request is made in writing to the Vice President within forty-eight hours of the hearing time.~~

E. Additional Procedures in Cases of Sexual Assault

- 1. The vice president for student services shall schedule special training for the Student Conduct Committee and the hearing officer(s) once each semester

covering the University's policies governing sexual assault, and the special needs of the accuser and the accused in these cases.

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

#### F. Mediation Options

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

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

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

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Rev. Paige reported that the Committee received an athletic report from Dr. Jim Jarrett, Director of Athletics. The University had a very busy and successful athletic year, both in the intercollegiate athletics area and in the less visible, but equally active, intramural and recreational sports areas.

The Alcohol Task Force completed its first year of operation and each of the eleven recommendations of the Task Force and endorsed by the Student Affairs Committee were addressed. Highlights include: the appointment of a Student Alcohol Task Force, which will begin its work next year; a review of University alcohol policies; a series of alcohol education initiatives; and some intervention with local bars resulting in three of the bar owners joining the University Alcohol Task Force.

### **OLD BUSINESS**

The Rector distributed the forms to be used in the presidential evaluation and requested input from the board members by next week so that the Committee can conclude summarizing the data by July 1. The President's performance is to be evaluated for the period July 1, 1998 through June 30, 1999. Mr. Hamm noted that some of the categories used on the form are those that are used by SCHEV.

Mr. Lechler asked President Koch his opinion about the future of university libraries. President Koch commented that books will always be important, but larger portions of the library's budget will be devoted to electronic access.

### **NEW BUSINESS, MOTION EXECUTIVE SESSION**

The Rector called for new business. Hearing none, he recognized Ms. Gifford, who made the following motion: "Mr. Rector, I move that this meeting be recessed, and that we reconvene in executive session for the purpose of discussing a personnel matter, specifically, to discuss the evaluation and compensation of the President, as permitted by Subsection (A), Paragraph 1, of Section 2.1-344 of the Code of Virginia."

### **RECONVENE IN OPEN SESSION AND FOIA CERTIFICATION**

At the conclusion of executive session, the meeting reconvened in open session, at which time the Rector called for the Freedom of Information Act certification of compliance that (1) only public business matters lawfully exempted from the open meeting requirements under the Freedom of Information Act were discussed and (2) only such public business matters as were identified in the motion

by which the executive session was convened were heard, discussed or considered. The certification of compliance vote was thirteen in favor and none opposed.

With no further business to be discussed, the meeting adjourned at 4:05 PM.