

OLD DOMINION UNIVERSITY
BOARD OF VISITORS
GOVERNANCE COMMITTEE MEETING
Thursday, September 15, 2022

MINUTES

The Governance Committee of the Board of Visitors of Old Dominion University met at 3:45 PM on Thursday, September 15, 2022, in the Board Room of the Kate and John R. Broderick Dining Commons on the Norfolk campus. Present from the Committee were:

Jerri F. Dickeski, Chair
Peter G. Decker, III, Vice Chair
R. Bruce Bradley, Rector (*ex-officio*)
P. Murry Pitts (*ex-officio*)
Robert S. Corn
Kay A. Kemper
E.G. Middleton
Armistead D. Williams, Jr.

Also present:

Brian O. Hemphill, President	September Sanderlin
Jaime Hunt	Ashley Schumaker
Donna Meeks	Amanda Skaggs
Tom Odom	Don Stansberry
Chad Reed	Allen Wilson

CALL TO ORDER AND APPROVAL OF MINUTES

The Chair called the meeting to order at 3:36 p.m. and welcomed Mr. Middleton to the Committee. She asked for approval of the minutes of the Governance Committee meeting held on June 2, 2022. Upon a motion made by Ms. Kemper and seconded by Mr. Pitts, the minutes were approved by all members present and voting (*Ayes: Bradley, Corn, Decker, Dickeski, Kemper, Middleton, Pitts, Williams; Nays: None*).

BOARD STANDING COMMITTEE CHARTERS

The Chair noted that the Committee requested that each of the standing committees review and approve proposed committee charters to bring to this group for review and recommendation to the Board for approval. The charters were reviewed by the committees in June and referred to the Governance Committee. Since that time, however, three of the committees' names have changed and have incorporated new responsibilities. Those committees are the Audit, Compliance and Human Resources Committee, the Student Enhancement & Engagement and Digital Learning Committee, and the University Advancement and University Communications Committee. She recommended that those charters be referred back to the committees for further review and updates.

The proposed charters for the Academic & Research Advancement, Administration & Finance, and Athletics Committees are ready for approval. Upon a motion by Mr. Pitts and a second by Mr. Bradley, the following charters were approved by all members present and voting (*Ayes: Bradley, Corn, Decker, Dickseski, Kemper, Middleton, Pitts, Williams; Nays: None*).

Academic and Research Advancement Committee Charter

Introduction

The Academic and Research Advancement Committee is an established standing committee of the Board of Visitors of Old Dominion University. This charter broadly defines the Committee's roles with respect to ensuring the quality of the education and research offered by the University, and reviewing and approving academic policies and standards, programs, and faculty personnel appointments and actions.

Membership

The chair and members of the Academic and Research Advancement Committee shall be appointed by the Rector of the Board of Visitors after consultation with the parties involved. A quorum shall consist of three voting Visitors who are committee members. The Rector and Vice Rector are deemed committee members for all purposes, including a quorum. A faculty member recommended by the Faculty Senate Executive Committee shall serve as an ex-officio member.

General Purpose and Scope

The Academic and Research Advancement Committee shall be a standing committee of the Board of Visitors. It is charged with oversight of the quality of the education and research offered by the University, including but not limited to, academic policies, program approvals, and faculty personnel actions.

Committee Responsibilities

Actions that fall under the purview of the committee include but are not limited to:

- a. Review and recommend to the full Board on the academic mission, purpose, strategic plans, important academic and research initiatives, and regular and special programs of the University.
- b. Review and recommend to the full Board on awards, named chairs and professorships, and honorary degrees.
- c. Review and recommend to the full Board on faculty personnel appointments, policies, sanctions, and procedures.
- d. Review and recommend to the full Board on administrative faculty personnel appointments.
- e. Review and recommend to the full Board on emeritus/emerita status for retiring faculty and administrators.
- f. Review and recommend to the full Board faculty to be awarded tenure.

- g. Review and recommend to the full Board on faculty members to serve as non-voting representatives to each of the following standing committees of the Board: Academic and Research Advancement Committee, Administration and Finance Committee, Athletics Committee, Audit & Compliance Committee, Student Enhancement & Engagement Committee, and University Advancement Committee.
- h. Review and recommend to the full Board on the initiation of new degree programs and termination of programs.
- i. Review and recommend to the full Board on approval of new policies or revisions to existing policies governing academic and research matters.
- j. Review and recommend to the full Board on the dual employment of immediate family members at the University.
- k. Review and recommend to the full Board on the establishment of academic departments, schools, and colleges and name changes for these units.
- l. Respond, on behalf of the Board, to requests from faculty for review of negative tenure decisions and appeals of major sanctions. In the case the committee recommends in favor of tenure, this must be approved by the full Board. A negative decision in granting tenure or an appeal thereof is final.

Meetings

The Academic and Research Advancement Committee shall meet as often as deemed necessary by the Committee Chair, normally four times per year. An annual calendar will be established.

Annual Review of Activities

Each year, the committee will receive the Annual Report on Committee Actions.

Staff to Academic and Research Advancement Committee

Chief Academic Officer [Provost]

Vice President for Research

Administration and Finance Committee Charter

Purpose and Authority

The Administration and Finance Committee supports the Board's responsibilities for the budget process, accountability, and fiscal efficiency in general. The Committee is responsible for making recommendations to the Board on matters pertaining to the purchase, lease, sale, construction, and maintenance of University-owned or controlled land and buildings; on fiscal policies; oversight of the fiscal accounts and operations of the University, including budget, investments, and the impact of the foregoing on the University's overall fiscal condition, mission, and purpose.

The Committee has such authority as provided for Board of Visitors By-Laws: § 4.02. Standing Committees.

Composition

The Chairs and members of the committee shall be appointed by the Rector and shall serve until their successors have been duly appointed. Standing Committee chair vacancies (versus temporary absences) may be filled at any time by appointment of the Rector. A quorum of each of the standing committee shall consist of three voting committee members. The Rector and Vice Rector are deemed committee members for all purposes, including a quorum.

Committee Responsibilities

The responsibilities of the Committee include but not limited to the following:

Review and Recommendation of:

- The University Operating and Budget Plan
- Changes to the tuition and mandatory fees and room and board rates of the university
- The Six-Year Operating and Capital Plans
- Capital Improvement Projects and Issuances of Debt Financing
- University Master Plan
- Emergency Management and Campus Security Plans
- The purchase, lease, or sale of university-owned or controlled land and buildings

Receive Reports and Information Pertaining to:

- The Audited Annual Financial Statements
- The Annual Debt Management Report
- Financial Performance Report
- Foundation Investment Performance and Outlook
- Capital Outlay Progress Report
- Small, Woman Owned and Minority (SWaM) Businesses Dashboard
- Commonwealth Performance Measures Dashboard
- Public Safety and Campus Security Dashboard
- Campus Facilities and Beautification
- Enterprise Risk Management Report

Other Responsibilities

- Perform other activities related to this Charter as required by the Board of Visitors.
- Review and assess the adequacy of the Committee Charter annually, requesting board approval for proposed changes, and ensure appropriate disclosure as may be required by law or regulation.
- Chair shall evaluate the Committee's performance and individual member participation on a regular basis.

Meetings

Meetings of the Committee will occur in conjunction with regular meetings of the Board of Visitors, which happen no less frequently than four (4) times each year on such dates and in such

places as may be set by the Rector and the Board of Visitors. The Committee will have the authority to convene additional meetings as circumstances require. All Committee members are expected to attend each meeting. The Committee will invite members of management, or others, to attend meetings to provide pertinent information, as necessary. Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials. Minutes will be prepared and distributed in advance of subsequent meetings.

Administrative Liaison

The Vice President for Administration and Finance will serve as the administrative liaison to the committee and will work with the chair and the president in the development of meeting agendas, preparing meeting minutes, and any other support as needed.

Athletics Committee Charter

General Description of Authority

The Athletics Committee (“Committee”) is a standing committee of the Old Dominion University Board of Visitors (“Board”). The purpose of the Committee is to assist in meeting University goals and priorities by supporting the mission and strategic goals for Old Dominion University Athletics.

Membership

The Committee shall consist of all members of the Board.

Roles and Responsibilities

- a. The Committee shall support the mission of Old Dominion University by reviewing and monitoring Old Dominion University’s mission-driven intercollegiate athletics program with respect to such areas and topics as finances; admissions standards and policies; student-athlete welfare; Title IX, NCAA and Conference compliance; academic advising; graduation rates; facilities; capital expenditures; and effective promotion of Old Dominion’s brand identity.
- b. Periodically review the Committee Charter and recommend revisions as necessary.
- c. Periodically review Committee processes and procedures to make the Committee more effective.

Meetings

The Committee shall meet as needed, but not less than two (2) times a year. The Committee may ask University officers or others to attend meetings, or portions thereof, and provide pertinent information as necessary.

PROPOSED POLICY REVISIONS

The Committee reviewed the following policies for recommendation to the Board for approval: 1107, Board of Visitors Meeting Scheduling and Procedures; 1402, Reappointment/Annual Review or Nonreappointment of Faculty; and 1411, Tenure.

The Chair asked University Counsel Al Wilson to brief the Committee on the proposed revisions to Policy 1107. He explained that the General Assembly revised in its entirety the virtual meeting statutes for public bodies that went into effect on September 1, and those changes are reflected in the proposed revisions to the policy. Additional reasons to meet virtually were added and some of the requirements were removed. One of the added reasons to meet virtually is distance to the meeting location. A member who resides more than 60 miles from the meeting location may meet virtually but are limited to two such virtual meeting per year or 25% of the meetings of the public body, whichever is greater. Permission from the Rector is not required; however, the Rector and Board Executive Secretary should be notified so that appropriate arrangements can be made. The minutes must also reflect, with some degree of specificity, the reason for remote participation and a general description of the remote location.

The Code now also allows all public bodies except for certain local public bodies to hold all-virtual meetings no more than twice per year or 25% of the meetings held per calendar year (whichever is fewer) to up to two all-virtual meetings per year at the discretion of the public body. The revised policy gives the Rector the discretion to make this decision. Mr. Wilson noted that this provision also applies to committee meetings, and the 25% limit is based on the number of meetings of the committee during the calendar year.

The proposed revisions to Policies 1402 and 1411 were reviewed and recommended by the Academic & Research Advancement Committee at their meeting in June. With no further discussion, and upon a motion by Mr. Pitts and seconded by Mr. Bradley, the following policies were approved by all members present and voting (*Ayes: Bradley, Corn, Decker, Dickeski, Kemper, Middleton, Pitts, Williams; Nays: None*).

NUMBER:	1107
TITLE:	Board of Visitors Meeting Scheduling and Procedures
APPROVED:	April 11, 2003; Revised June 12, 2014; Revised September 14, 2021
SCHEDULED REVIEW DATE:	September 2026

All meetings of the Board of Visitors shall be conducted in accordance with the *Code of Virginia*, the Board's Bylaws, Board Policies and Procedures, and *Robert's Rules of Order Newly Revised*, in order of descending precedence. University Counsel shall serve as Board parliamentarian for purposes of interpreting *Robert's Rules of Order Newly Revised*. The University Counsel shall attend all open and closed meetings and committee meetings except those where the President is being evaluated or presenting portions of his/her Annual Report dealing with the evaluation of

university officers, unless otherwise directed by the Attorney General in accordance with [Va. Code §23.1-1303.B.1.iii](#).

The following procedures for regular meetings of the Board of Visitors shall generally be followed consistent with Article III of the Board of Visitors Bylaws.

Meeting Scheduling

Regular and Executive Committee meetings shall be scheduled one year in advance with care being taken to avoid significant events which may preclude the attendance of a large number of Board members (i.e.; national holidays, school openings and closings). The four regular meetings of the Board are scheduled quarterly, usually during the months of September, December, April and June of the academic year. Executive Committee meetings are scheduled during the months in which the full Board does not meet and may be canceled by the Rector if there is no need to meet.

Meeting Notices

In accordance with [Va. Code § 2.2-3707](#), notice of regular meetings of the Board shall be posted at least three working days prior to the meeting. Such notice shall be posted on the University's website and the State's Commonwealth Calendar, and distributed electronically to all members of the Board, the President, President's Cabinet, faculty and student representatives, staff who support the Board and its committees, media, and all others who specifically request such notice in writing to the Executive Secretary to the Board of Visitors. Meeting agendas and all supporting documents except those that are legally exempted are also made available to the public on the University's website. Notice of such meetings shall include the date, time, and location of the meeting.

Notice of special, emergency, or continued meetings, reasonable under the circumstances, shall be posted and distributed as described above at the same time such notice is provided to the members of the Board. Special meetings may be called by the Rector or the Vice Rector in his/her absence or disability, or by any three members. In addition to the date, time and location of the meeting, the purpose of the meeting must also be stated in the notice.

Meeting Agendas

Matters to be placed on the Board's regular and special meeting agenda and requests for public comment shall be brought to the attention of the Rector or the President in writing at least 15 days in advance of the meeting at which the issue is to be addressed or public comment accepted. The purpose of the agenda process is to ensure that only relevant issues requiring Board action are identified; that items brought before the Board have been fully analyzed and briefed; and that issues requiring Board action contain alternative recommended courses of action, if possible, to be considered for approval.

1. As part of this process, the Rector shall consult with his/her active committee chairs, Board representatives, and staff, and consider written requests of interested parties. The President shall consult with his/her principal staff, other appropriate parties, and consider written requests. Based on these consultations, the Rector and President shall then set the agenda.

2. Chairs of standing committees shall set their respective committee agendas with the responsible University administrator.
3. Reports of invited representatives and anticipated issues or resolutions requiring Board decisions under unfinished and new business and the point or points during the meeting where public comment will be accepted will be specified in the published pre-meeting agenda. Such agenda shall be distributed to all Board members at least seven days prior to each regularly scheduled Board meeting.
4. Supplementary agenda items originating after distribution of the pre-meeting agenda shall be provided to all Board members as soon as they are identified.
5. The Rector shall confer with all active committee chairs at least 15 calendar days before an Executive Committee meeting to determine if there are agenda items to be considered at that meeting before canceling such meeting.

Order of Business

The order of business shall be as follows, unless modified by the Rector with the approval of the Board:

- Convene Meeting
- Approval of Minutes of Previous Meeting
- Special Presentations (if any)
- Public Comment (if allowed)
- Rector's Report
- President's Report
- Reports of Standing Committees
- Reports of Special Committees
- Reports of Invited Representatives, if any
- Motion for Closed Session, if any
- Reconvene in Open Session and Freedom of Information Act Certification
- Call for Unfinished Business
- Call for New Business
- Adjournment

Public Comment

Public comment shall be taken upon request of interested parties to an agenda issue. The request must be made in writing via the Executive Secretary to the Board to the Rector and President in accordance with the timeline provided in the meeting notice. The points at which public comment will be accepted shall be specified in the published meeting agenda.

Closed Meetings

While convened in closed meetings, board members must be confident that they may engage in full and open discussion of legitimate closed meeting topics without fear or concern that comments or statements made therein will be revealed or disclosed outside the presence of the convened

body. All board members and invited guests present during closed meetings should be mindful that the confidentiality of discussions is dependent on informed recognition of the confidential and potentially sensitive nature of such dialogue. Disclosure of information or documents including “working papers,” revealed or discussed in closed meetings represents a breach of the confidentiality on which board members are legitimately entitled to rely. Additionally, unauthorized disclosures of closed meeting information could have the effect of inhibiting subsequent closed meetings.

The following requirements apply to closed meetings:

1. The Board must take a recorded vote in an open meeting approving a motion that identifies the subject matter and purpose of the closed meeting and cites the applicable exemption from open meeting requirements as authorized in [Virginia Code §2.2-3711.A](#). The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the authorized exemptions or the subject matter of the closed meeting is not sufficient to satisfy the requirement for holding a closed meeting.

This provision does not apply to closed meetings of the Board held solely for the purpose of interviewing candidates for the position of president. Prior to any such closed meeting, the Board shall announce in an open meeting that such closed meeting will be held at a disclosed or undisclosed location within 15 days thereafter.

2. The Board must restrict its discussion during the closed meeting only to those matters specifically exempted and as identified in the motion.
3. At the conclusion of the closed meeting, the board must immediately reconvene in an open meeting and take a vote certifying that to the best of their knowledge, only public business matters lawfully exempted and as were identified in the motion were heard, discussed, or considered. If a board member believes that there was a departure from these requirements, prior to the vote he or she must state what he or she believes the substance of the departure was, which still be recorded in the meeting minutes.
4. The Board may permit nonmembers to attend a closed meeting if such person is deemed necessary or their presence will reasonably aid the Board in its consideration of a topic to be discussed. The nonmembers permitted to remain in the closed meeting will be noted in the meeting minutes.
5. University Counsel shall attend all closed meetings except those where the President is being evaluated or presenting portions of his/her annual report dealing with evaluation of university officers. In these cases, a representative from the Attorney General’s office will be asked to participate.
6. No resolution or motion adopted, passed, or agreed to in a closed meeting will become effective unless the Board reconvenes in an open meeting to take a vote of the membership on such resolution.

Voting

1. The authority of the Board rests in its majority, therefore, Board voting on issues or candidates for a position shall require a majority of votes cast, versus a plurality, to pass a motion or elect an officer or representative, except where otherwise specified.
2. In cases where there are more than two choices, the following shall apply. If on the first ballot, no choice receives a majority, the one receiving the smallest number of votes shall not be considered on the next ballot, provided that at least two choices remain on the ballot. This shall continue until a choice has received a majority of the required vote. Should two or more choices receive the same number of low votes and the total of these two choices when combined with any one other member's vote not constitute a majority, then the choices receiving the same number of low votes shall be eliminated. Should the total of the same number of low votes received by two or more choices when combined with any one other member's vote constitute a majority, then no member shall be eliminated, and the balloting shall continue. Should more than one ballot be required, the proponent of each choice shall be allowed one minute to address the membership before the next ballot.
3. Except when a roll-call vote is specifically requested by any member of the Board or as otherwise required by law, motions shall be carried or defeated by voice vote, with the Secretary noting members supporting, opposing, or abstaining from the matter. However, all votes taken during electronic communication meetings shall be by roll-call and so recorded in the meeting minutes ([Va. Code §2.2-3708.2.D](#)). No proxies, secret, or written ballots are authorized in any Board meeting ([Va. Code §2.2-3710](#)). The roll-call vote shall be recorded in the minutes by the Secretary calling the roll. Should members attending the meeting be absent for the vote, their absence shall be noted in the minutes. The Student Representative to the Board of Visitors is a non-voting member, but his/her comment regarding an issue may be recorded in the minutes. Any action taken in a closed meeting must be approved in an open meeting before it can have any force or effect.
4. In accordance with *Robert's Rules of Order Newly Revised*, the Rector shall not vote on any issue except in the case of a tie. Committee chairs, however, are allowed to vote on all issues.

Meeting Minutes

Minutes should record action taken, policies adopted, resolutions passed, and discussions by the Board. Minutes shall be taken at all open regular, special, working session, retreat, and committee meetings as prescribed by the Freedom of Information Act ([Title 2.2, Chapter 37 of the Code of Virginia](#)). Minutes shall include the date, time, and location of the meeting, the members of the public body recorded as present or absent, a summary on the discussion of the matters proposed, deliberated, or decided, and a record of any votes taken.

These minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records are public records and subject to the provisions of the Freedom of Information Act. Audio recordings shall be retained for three years and shall be available to the public. Minutes or audio recordings of closed meetings may be taken at the discretion of the Board by an approved motion to do so. Minutes of closed meetings, including drafts and audio or audio/visual records,

are not public records and are protected by the Freedom of Information Act. Minutes requirements for electronic communication meetings are described in the next section.

Draft minutes are considered public documents under the Freedom of Information Act. Since they are papers designed to produce a finished document and may be incomplete or incorrect, they shall be clearly marked as drafts, handled with care, and destroyed when the minutes are approved. Draft minutes shall be posted as soon as possible but no later than 10 working days after the conclusion of the meeting. The Executive Secretary to the Board shall notify the Board when draft minutes have been posted. If there are substantive errors, the draft minutes may be corrected by members by making a motion to correct the minutes on the agenda for the next regular meeting of the Board. Typographical errors can be forwarded to the Secretary for correction. Final approved minutes shall be posted within three working days of approval by the Board.

Participation in Board of Visitors Meetings by Electronic Means of Communication ~~in the Event of Emergency or Personal Matter or Certain Disabilities~~

The general policy of the Board is that unless a state of emergency has been declared by the Governor, the Board will meet in person with a quorum of Board members ~~must be~~ physically assembled to conduct ~~the a~~ meeting of the Board or its committees. Individual board members may participate electronically only under specific conditions as provided in accordance with Va. Code § 2.2-3708.3 and this policy~~Va. Code § 2.2-3708.2.~~

1. A member of the Board of Visitors may participate in a meeting through electronic means of communication from a remote location that is not open to the public only as follows:
 - A. On or before the day of a meeting, a member notifies the Rector that he or she is unable to attend the meeting due to ~~an emergency or a~~ personal matter and identifies with specificity the nature of the ~~emergency or~~ personal matter, and the Rector approves the request to participate in the meeting from a remote location.
 - i. ~~The specific nature of the emergency or personal matter and the remote location from which the member participated is to be recorded in the meeting minutes.~~ If a member's participation from a remote location is disapproved by the Rector because such participation would violate the conditions noted in item 2 below, disapproval shall be recorded in the minutes with specificity.
 - ii. Such remote participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the ~~public body~~Board, whichever is fewer.
 - B. On or before the day of the meeting, a member notifies the Rector that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition of the member or the member's family that prevents the member's physical attendance.
 - C. If a member's principal residence is more than 60 miles from the meeting location, the member may notify the Rector on or before the day of the meeting that he or she will participate in the meeting remotely.

~~The Board of Visitors is to record this fact and the remote location from which the member participated in its minutes.~~

2. Participation by a member of the Board of Visitors under Item 1 above shall be authorized only under the following conditions:

A. A quorum of the Board of Visitors is physically assembled at the primary or central meeting location.

B. The meeting notice identifies the primary or central meeting location and any remote location open to the public, as well as the electronic communication means by which to be utilized by the member participates participating virtually in the ~~meeting and includes a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting.~~

~~C. Any interruption in the telephonic or video broadcast of the meeting will result in the suspension of action at the meeting until repairs are made and public access is restored.~~

D.C. Public access to the remote locations from which additional members of the public body participate through electronic communication means is encouraged but not required. ~~However, if three or more members are gathered at the same location, then such remote location must be open to the public.~~

E.D. ~~The meeting minutes must note which Board members were in attendance in person and which members participated electronically. The minutes must include with specificity the given reasons for remote participation as well as a general description of the remote location from which each member participated virtually. If access to remote locations is allowed, all persons attending the meeting at any of the remote locations shall be given the same opportunity to address the public body as persons attending at the primary or central location and a copy of the proposed agenda and supporting materials provided to the board shall be available at the remote location.~~

~~F. A public comment form prepared by the Virginia Freedom of Information Advisory Council will be made available to the public.~~

~~G. Meeting minutes must note which Board members were in attendance in person and which members participated electronically.~~

H.E. Votes taken during the meeting must be recorded by name in roll-call fashion.

3. At the Rector's discretion, but no more than twice per year or 25 percent of the meetings held per calendar year, whichever is fewer, the Board may hold an all-virtual public meeting, pursuant to the conditions set forth in Va. Code § 2.2-3708.3.

In ~~the event accordance with Virginia Code § 2.2-3708.2, when~~ the Governor has declared a state of emergency, the Board may meet by electronic communication means without a quorum of the ~~public body or any member of the governing~~ Board physically assembled at one location, provided that (i) the ~~catastrophic~~ nature of the declared emergency makes it impracticable or unsafe for the ~~public body or governing~~ Board to assemble in a single location; ~~and~~ (ii) the purpose of meeting is to ~~discuss or transact the business statutorily required or necessary to continue provide for the~~ continuity of operations of the institution ~~and or~~ the discharge of ~~its the Board's~~ lawful purposes, duties, and responsibilities; ~~(iii) a public body makes available a recording or transcript of the meeting on its website; and (iv) the board distributes minutes of meeting by the same method used to provide notice of the meeting~~ki.

Requirements for electronic meetings under an emergency declaration include the following:

1. Public notice must be given using the best available method given the nature of the emergency and must be given at the same time notice is provided to the members of the Board.
2. Arrangements for public access to the meeting through electronic means including, to the extent practicable, videoconferencing technology must be made. ~~If the means of communication allows, opportunity for comment must also be provided to the public.~~
3. Provide the public with the opportunity to comment at the meeting if public comment is to be received.

~~3.4.~~The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held must be stated in the meeting minutes.

NUMBER: 1402

TITLE: Reappointment/Annual Review or Nonreappointment of Faculty

APPROVED: June 12, 1980; Revised June 20, 1985; Revised June 16, 2011; Revised April 26, 2013 (eff. 6/1/13); Revised June 14, 2018 (eff. 7/1/18); Revised June 13, 2019 (eff. 7/1/19); Revised June 18, 2020 (eff. 7/1/20)

SCHEDULED REVIEW DATE: June 2025

I. Board of Visitors Policy

A. Nature of Appointment

1. Unless tenure has been awarded by the university, all appointments of full-time faculty are on an annual, temporary, or probationary basis, renewable one year at a time at the discretion of the university.

2. In some cases, appointments for a period of less than one academic year may be made, for example, initial appointments at mid-year or emergency one-semester appointments.

II. Guidelines

- A. Consideration of reappointment or nonreappointment will be according to a timetable distributed by the Office of the Provost and Vice President for Academic Affairs.¹ Consideration takes place early in the second semester for faculty members in their first year of service and early in the first semester for faculty members in the second or subsequent year of service.
- B. For instructors, assistant professors, lecturers, clinical assistant professors, research assistant professors, and untenured associate professors and professors, the initial consideration will be by the departmental tenure and promotion committee unless they are in the first year and have been appointed mid-year. For senior lecturers, master lecturers, research associate professors, research professors, clinical associate professors, and clinical professors, initial consideration will be by the department chair, except for those years when the faculty member is undergoing their sixth year review (see III.B. below).
- C. In the case of financial constraints or demonstrable overstaffing of departments, the dean or the provost and vice president for academic affairs may require that the number of probationary tenurable and nontenable faculty members in the department be reduced.
- D. Faculty members who were appointed as instructors with the expectation that the terminal degrees would be completed may not be reappointed before the award of the degree unless prior approval has been obtained from the provost and vice president for academic affairs. (See the Board of Visitors Policy on Academic Rank and Criteria for Ranks.)
- E. If the critical requirements of the position of a probationary tenurable faculty member are changed so as to affect the primary duties expected of the faculty member, and hence his or her consideration for tenure, the faculty member shall be fully and promptly informed of the changes in writing at least one semester before the changes are implemented.

III. Procedures

- A. Reappointment or Nonreappointment of Probationary Tenure-Track Faculty²
 1. The departmental promotion and tenure committee and all subsequent persons considering the case will take into consideration the formal evaluations of the faculty member's performance by the chair (unless the faculty member evaluated is

¹ See the Schedules for Faculty Personnel Actions in the appendix for specific dates and actions.

² For a definition of the academic ranks, types of appointment, and specific procedure variations, see the Policy on Academic Rank and Criteria for Ranks.

the chair) and the dean, faculty information sheets, and any other relevant data, as well as the needs of the department.

2. These procedures will be suitably adapted for faculty members who hold interdisciplinary, interdepartmental or joint appointments or who hold appointments in a department with two or fewer tenured faculty members. The adapted procedures should be recommended by the promotion and tenure committee of the college or colleges involved and approved by the dean or deans concerned and the provost and vice president for academic affairs.
3. Each department conducts an annual review of the probationary tenure-track faculty in that department (including the chair if untenured). This review is based on the performance of the individual faculty member and the needs of the department and is initially conducted by a committee consisting of tenured members of the department.
4. The departmental promotion and tenure committee recommends to the chair (or the dean in case the faculty member being evaluated is the chair) one of the following actions:
 - a. That the faculty member be considered for tenure through normal channels, if a sufficient probationary period has elapsed. (In this case, the faculty member is considered for tenure through the normal tenure procedures, and the remainder of this section does not apply.)
 - b. That the faculty member be offered an additional annual contract without tenure.
 - c. That the faculty member not be reappointed, that is, not be offered an additional contract if in the first or second year of service or offered a terminal contract for the succeeding year if in the third or subsequent year of service.
 - d. A copy of the committee's recommendation shall be supplied to the faculty member with reasons for the recommendation for appointment or nonreappointment.
5. Considering the written recommendation of this committee, the performance of the faculty member and the needs of the department, the chair (unless she or he is the faculty member being evaluated) makes a recommendation to the dean concerning reappointment or nonreappointment of each individual probationary tenure-track faculty member and provides the faculty member with a copy of the recommendation.
6. Considering the recommendation of the departmental promotion and tenure committee and of the chair (unless she or he is the faculty member being evaluated) as well as the needs of the college, the dean makes a decision concerning reappointment or nonreappointment of each individual probationary tenure-track faculty member, notifies that faculty member in writing of this decision, and

provides the faculty member and the provost and vice president for academic affairs with a copy of the decision letter.

- a. If the dean decides not to reappoint a faculty member, the faculty member may request a review by the provost and vice president for academic affairs. The decision of the provost and vice president for academic affairs is final.
- b. Notice of the dean's decision concerning reappointment or nonreappointment of probationary tenure-track faculty members shall be according to the following schedule:
 1. Not later than March 1 of the first academic year of service.
 2. Not later than December 15 of the second academic year of service.
 3. Terminating appointment of one year, with notice by December 15, after two or more academic years of service.

B. Reappointment or Nonreappointment of Nontenure-track Faculty

1. Each department conducts an annual review of all nontenure-track faculty members in that department. This review is based on the performance of the individual faculty member and the needs of the department.
 - a. For lecturers and clinical assistant professors, this review is conducted by a committee consisting of tenured members of the department and master lecturers and clinical professors followed by the department chair and dean.
 - b. For senior lecturers and master lecturers, the annual review is conducted by the chair followed by the dean. In lieu of this annual review, and if not applying for promotion, every six years senior lecturers and master lecturers will instead undergo an in-depth evaluation that is initially conducted by a committee consisting of tenured members of the department followed by the chair and dean.
 - c. For clinical associate professors and clinical professors, the annual review is conducted by the chair followed by the dean. In lieu of this annual review, and if not applying for promotion, every six years clinical associate professors and clinical professors will instead undergo an in-depth evaluation that is initially conducted by a committee consisting of tenured members of the department followed by the chair and dean.
 - d. For faculty of practice (any rank) the annual review is conducted by a committee consisting of tenured members of the department followed by the department chair and dean.

2. For lecturers, faculty of practice, and clinical assistant professors and for all nontenure-track faculty undergoing an in-depth sixth-year evaluation, the departmental committee recommends to the chair one of the following actions:
 - a. That the faculty member be offered an additional annual contract.
 - b. That the faculty member not be reappointed, that is, not be offered an additional annual contract.
3. A copy of the committee's recommendation shall be supplied to the faculty member with reasons for the recommendation for appointment or nonreappointment.
4. Considering the written recommendation of this committee (in case section 2.b. above applies), the performance of the faculty member, and the needs of the department, the chair makes a recommendation to the dean concerning reappointment or nonreappointment of each individual nontenure-track faculty member and provides the faculty member with a copy of the recommendation.
5. Considering the recommendations of the departmental committee (in case section 2.b. above applies) and of the chair, as well as the needs of the college, the dean makes a decision concerning reappointment or nonreappointment of each individual nontenure-track faculty member and notifies each faculty member of this decision. If the decision is not to reappoint the faculty members, the dean provides the faculty member and the provost and vice president for academic affairs with a copy of the decision letter.
 - a. If the dean decides not to reappoint a faculty member, the faculty member may request a review by the provost and vice president for academic affairs. The decision of the provost and vice president for academic affairs is final.
 - b. Notice of the dean's decision concerning reappointment or nonreappointment of nontenure-track faculty members shall be according to the following schedule:
 1. Not later than March 1 of the first academic year of service.
 2. Not later than December 15 of the second or subsequent academic year of service.

NUMBER: 1411

TITLE: Tenure

APPROVED: June 12, 1980; Revised February 24, 1984; Revised November 19, 1987; Revised December 13, 1988; Revised September 27, 1990; Revised April 9, 1998; Revised December 10, 1998; Revised April 12, 2002; Revised April 11, 2003; Revised June 14, 2005; Revised September 9, 2005; Revised September 22, 2006; Revised June 15, 2007; Revised December 7, 2007; Revised September 17, 2009; Revised April 8, 2010; Revised April 4, 2012 (eff. 5/1/12); Revised June 14, 2012; Revised September 26, 2013; Revised April 24, 2014 (eff. 7/1/14); Revised September 18, 2014; Revised April 23, 2015 (eff. 6/1/15); Revised June 9, 2016 (eff. 7/1/16); Revised June 14, 2018 (eff. 7/1/18); Revised June 13, 2019 (eff. 7/1/19); Revised June 18, 2020 (eff. 7/1/20); Revised June 17, 2021 (eff. 7/1/21)

SCHEDULED REVIEW DATE: June 2026

I. Purpose of Tenure

The main purposes of tenure are to protect academic freedom and to enable the University to attract and retain a permanent faculty of distinction in order to accomplish its mission. For these reasons, tenure is usually awarded only after a suitable probationary period, and the decision to award tenure is based both on the merit of the individual faculty member and on the long-term needs and mission of the department, the college, and the University.

II. Eligibility for Tenure

- A. Only faculty members who hold the ranks of assistant professor, associate professor, or full professor are eligible to be considered for tenure. Assistant professors will be awarded tenure only if they are simultaneously being promoted to the rank of associate professor.
- B. Faculty members may be considered for tenure only once.
- C. Under certain circumstances administrative faculty holding rank in a department at the assistant professor (if promotion to the rank of associate professor is being simultaneously considered), associate professor, or full professor level may be considered for tenure, as specified by the Board of Visitors policy concerning administrative faculty.
- D. Since tenure is granted as a faculty member in an academic department or program, the award of tenure does not imply continuance in any full-time or part-time administrative

position, nor does it imply continuance of any specific work assignment within or outside the department in which tenure is granted.

III. Probationary Period

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

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

- B. The following do not count as part of the probationary period:

1. Time in the rank of assistant instructor, lecturer, master or senior lecturer, faculty of practice, clinical faculty, artist-in-residence, performer-in-residence, writer-in-residence, research professor, research associate professor, research assistant professor, research associate, or any part-time position.
2. Time in appointment as an administrator, that is, in a position designated as a teaching/research administrative position or as a classified position in the state personnel system. (Time spent in a teaching and research faculty position as defined in the state personnel system will count as part of the probationary period, even if administrative responsibilities are assigned as part of that position; normally, departmental administrative positions such as chair or assistant chair will thus count as part of the probationary period.)
3. Time in a position that involves no teaching of credit courses, for example as a teacher of children or a therapist in the Children's Learning and Research Center or as a teacher of exclusively noncredit course work.
4. Time spent on leave of absence.
5. Time spent on faculty exchanges (including nationally competitive fellowships) if the faculty member so chooses.

- C. A period of time, not to exceed one year³, may be excluded from the probationary period, upon the approval of the provost and vice president for academic affairs subject to the following conditions.

³ In case of a national, state or local emergency that prevents or seriously hinders the normal activities of faculty members for a period of several months, the University may provide the option for all tenure-track faculty members to extend their tenure clock by a specified period of time equivalent to that lost to the emergency, irrespective of any other exclusion granted to a faculty member.

1. That the faculty member submits a request in writing to the department chair. The department chair and the dean shall forward the request with a recommendation to the provost and vice president for academic affairs.
 2. The request must be the result of the occurrence of a serious event. A “serious event” is defined as a life-altering situation which requires the faculty member to devote a significant fraction of each day to alleviate the impact of the event for a period greater than six weeks and less than one year. These events may include the birth of a child, adoption of a child under the age of six years, serious personal illness or care of an immediate family member, such as a parent, stepparent, child, spouse, or domestic partner.
 3. The faculty member shall provide documentation to justify the time requested and the seriousness of the event.
 4. The request shall be made no later than one year from the first day of the serious event.
 5. The faculty member must have been adequately performing the duties assigned prior to the first day of the serious event.
 6. Faculty who are awarded this exclusion shall have no requirements or expectations beyond those of any probationary faculty member.
 7. Work accomplished during the excluded period may be cited in the tenure case.
 8. Requests for exclusion may be made at any time during each academic year. No request shall be made after the application for tenure has been submitted.
 9. Decisions will be made within 60 days of the receipt of the faculty member’s request by the department chair.
 10. The decision of the provost and vice president for academic affairs is final.
- D. The maximum total period for full-time probationary appointments (excluding periods not counted, see section III.B.) is six years, unless an approved extension is granted (see section III.C.). If the tenure decision is negative, a one-year terminal appointment is offered.
- E. The length of the probationary period may be reduced in any of the following instances:
1. A faculty member initially appointed to the rank of full professor may be considered for tenure in the second year of service and would be notified of a tenure decision according to the schedule in the Teaching and Research Faculty Handbook; if tenure is awarded, a tenure contract will be offered for a third year of service. In addition, the probationary period for a full professor may be eliminated, and an initial tenure appointment may be recommended to the Board if such an appointment has been requested by the chair, voted on by the departmental tenure

committee, the college promotion and tenure committee, the University Promotion and Tenure Committee and approved in writing by the dean, the provost and vice president for academic affairs, and the president. It is the sense of the Board of Visitors that the procedure of eliminating the probationary period for tenure should be rarely used. (Please refer to the policy on Initial Appointment of Teaching and Research Faculty for additional information on an initial appointment with tenure.)

2. A faculty member initially appointed to the rank of associate professor may be considered for tenure in the fourth year of service and would be notified of a tenure decision according to the schedule in the Teaching and Research Faculty Handbook. If tenure is approved, a tenure contract will be offered for the fifth year. In addition, the probationary period for an associate professor may be eliminated, and an initial tenure appointment may be recommended to the board if such an appointment has been requested by the chair, voted on by the departmental tenure committee, the college promotion and tenure committee, the University Promotion and Tenure Committee and approved in writing by the dean, the provost and vice president for academic affairs, and the president. It is the sense of the Board of Visitors that the procedure of eliminating the probationary period for tenure should be rarely used.
3. A faculty member may apply for early consideration for tenure, if the faculty member believes that he or she has met or exceeded the expectations of quantity and quality of achievements for teaching, scholarship, research, and service needed to qualify for tenure before the end of the normal probationary time period. The criteria for the award of tenure for such faculty will be the same as those who apply after the normal probationary time period, i.e., the total body of work must be equivalent to that expected after a normal probationary period. A faculty member who applies for early consideration for tenure and is denied tenure will be offered a terminal contract for the ensuing year. It is the sense of the Board of Visitors that only demonstrably exceptional faculty or faculty with equivalent experience at a commensurate rank at another accredited institution of higher education or national institutions will be awarded tenure under this clause. Demonstrably exceptional is defined as meeting or exceeding expectations for quantity and quality of achievements for teaching, scholarship, research, and service needed to qualify for tenure prior to the conclusion of the normal probationary period. Any faculty member considering an application for early consideration for tenure should first elicit feedback on this plan from the department chair, the dean, the provost and vice president for academic affairs, and the chair of the departmental Tenure Committee, in particular, in a case where no pre-tenure review has occurred yet.
4. A faculty member who applies for tenure before the end of the standard probationary period cannot withdraw from the tenure process after the provost and vice president for academic affairs has approved the final list of external reviewers (Section V.C.2.).

IV. Criteria for the Award of Tenure

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

B. Criteria to be used are as follows:

1. Since tenure may be awarded only to faculty members who hold the rank of associate or full professor or who are being simultaneously appointed to one of those ranks, any faculty member awarded tenure must meet the minimum requirements for the rank of associate professor.
2. Merit - Merit of the faculty member in teaching, research and service over the entire probationary period and the contributions made by the faculty member in these areas to the University. Scholarly and teaching activity up to six years before the tenure decision should be considered, which can include activity at another accredited institution of higher education or national research institutions. (For definition of teaching, research, and service and a discussion of methods of evaluation, see policies and procedures concerning evaluation of faculty members, evaluation of teaching, evaluation of scholarly activity and research, and evaluation of service.) In addition to information supplied by faculty information sheets, the chair's evaluation and other material presented by the department, an opportunity shall be made available for the faculty member to provide in writing any other material in support of the tenure candidacy. It is the responsibility of the department chair and the departmental promotion and tenure committee to provide an assessment of the quality of the publications for the faculty being considered for tenure. It is the responsibility of the faculty member to ensure that all information submitted by him or her in support of tenure is factually accurate and valid, and to provide corroborating evidence (e.g., web links, complete citations, grant numbers, etc.) for all claimed accomplishments. The evidence should address the quality of the journals and the reputation of book and other such publishers. Fraudulent or non-valid claims can lead to faculty sanctions, including denial of tenure. The department chair should work with tenure candidates to ensure the completeness and accuracy of their portfolios. The department chair and the department promotion and tenure committee as a part of the regular review process should verify the accuracy of portfolio elements that are central to the tenure case. Should concerns be raised about the validity of a candidates' claims by external or internal reviewers, it is the chair's responsibility to verify those claims. The tenure process will be paused while the chair verifies those claims. In case of material developments, additional documentation may be added to the portfolio before the conclusion of the evaluation process with the concurrence of the department chair and dean.

External evaluation of the quality of the faculty member's research performance will be required from nationally recognized experts in the faculty member's field. Candidates for tenure are responsible for the preparation of the research portfolio and curriculum vitae to be sent to external reviewers. Candidates for tenure should provide a statement of potential external and/or internal reviewers with whom there is a conflict of interest, e.g., co-authors, co-investigators, etc.

- a. A curriculum vita will be required of each external reviewer. Each reviewer will be asked to describe any personal or professional relationship with the candidate. It is the responsibility of the chair to include a curriculum vitae of each reviewer. For tenure of department chairs, the responsibility belongs to the dean.
 - b. External reviewers will be asked to evaluate all submitted material mailed to them based on the department's approved criteria for the evaluation of scholarly activity and research. In the case of the arts, reviewers may be asked to consider works of art or performances. External reviewers will be asked to evaluate: a) the quality of the scholarship or creative work under review; and b) the scholarly reputation (regional, national, international) of the candidate.
 - c. All candidates for tenure and promotion will be required to have their scholarship evaluated by no fewer than four external reviewers. If fewer than four reviews are received, the chair will choose additional reviewers alternately from the lists of the department promotion and tenure committee and of the candidates.
3. The determined long-term needs of the department, college, and University, including at least the following:
 - a. The long-term enrollment of the department.
 - b. The need for an additional specialist in the faculty member's area of specialization as a permanent member of the department in terms of the mission of the department, the college, and the university.
 - c. The tenure structure of the department. (Although no maximum percentage of faculty members on tenure is established, all committees and administrators considering tenure must take into account the need for flexibility in course offerings and the desirability of a tenure structure that will allow openings for new tenured faculty members in the ensuing decades so that new areas of specialization and new needs can be met. The position of other nontenured faculty members in the department, anticipated retirements, or other known departures, and projected new programs or changes in directions must be considered.)
 4. No person can be awarded tenure unless convincing evidence is provided of effective teaching.

5. No faculty member can be awarded tenure unless convincing evidence is provided of successful performance in scholarly activity and research, as judged by the department's approved criteria for the evaluation of scholarly activity and research. It is the faculty member's responsibility to include these criteria in the research portfolio submitted to external reviewers and in the data file submitted internally. If these criteria changed during the faculty member's probationary period, he or she can choose which version to submit. All evaluations of the faculty member's research and scholarly activity, at every stage of the tenure process, should be guided by these criteria.

V. Procedures for Tenure Consideration⁴

- A. The provost and vice president for academic affairs, fifteen months prior to the date for giving notification of the tenure decision, shall formally advise the professor that the limit of the probationary period is approaching, and explain what procedures should be followed by those wishing to be considered for tenure.
- B. The initial steps of the review process are normally conducted by the chair of the department or unit with which the candidate for tenure is affiliated, assuming the chair has tenure. If the chair is not tenured, he or she may not be involved in any aspect of the tenure decision. In that case, the dean of the college housing the department should appoint a tenured member of the department in question to act in the chair's stead. This faculty member shall not take part in any deliberations or votes of the departmental, college or University tenure committee. If the candidate for tenure is the chair of a department, the dean shall conduct the initial steps of the review process but will not write a separate recommendation at the departmental level.
- C. External review process
 1. The responsibility for initiating the external review, securing the reviewers, and forwarding complete review files to the dean, provost and vice president for academic affairs, and the University Promotion and Tenure Committee belongs to the department chair or his/her replacement if the chair is not tenured (see section V.B.).
 2. External reviewers with academic positions will hold the same rank or higher than the promotion rank for which the faculty member is being considered; exceptions should be justified by the dean. The department tenure and promotion committee and the candidate will prepare separate lists of potential reviewers. The candidate will review both lists and will document personal and professional relationships with all potential reviewers, including potential conflicts of interest. This documentation will become part of the tenure file. The chair (or replacement, see section V.B.) will select three reviewers from the candidate's list and three reviewers from the department tenure and promotion committee's list; the chair (or replacement, see section V.B.) will provide this list of reviewers to the dean. The dean will submit an agreed upon list to the provost and vice president for academic

⁴ See the Schedules for Faculty Personnel Actions in the appendix for specific dates and actions.

affairs for final approval prior to initiating the review process. The final list of external reviewers, together with the documentation of personal and professional relationships by the candidate (as outlined above), should be included as part of the application package for all internal reviewers. External reviewers should not be close collaborators or (former) mentors of the candidate. In general, co-authors on publications should be excluded as external reviewers, except as permissible under the departmental statement on evaluation of research (see the Policy on the Evaluation of Scholarly Activity and Research). The selection of potential external reviewers must be completed before the end of the semester prior to the submission of credentials for tenure.

3. External reviews will be confidential; reviewers will be so advised. Requests for exception to the confidentiality of external reviews should be made directly to the provost and vice president for academic affairs before the reviewers are asked to submit evaluations. If an exception is approved, candidates for tenure will be allowed access to the substance of external reviews, but the authorship of specific external reviews and other identifying information contained therein will remain confidential. All external reviewers will receive a standard letter sent by the chair (or replacement, see section V.B.) but prepared by the provost and vice president for academic affairs in consultation with the deans and a copy of the policy on external reviews so their responsibilities will be clear.
 4. The University and college administration will assist departments where reasonable expenses are necessary to obtain appropriate external reviews.
- D. Initial consideration of tenure cases is conducted by the tenured faculty of the department.
1. The tenured faculty of a department may determine that a tenure committee of a specified size will be selected from their membership to conduct the tenure deliberations and make recommendations to the chair (or replacement, see section V.B.). In this case, the entire full-time department faculty will elect the committee. It is the responsibility of this committee to determine the opinions of tenured members of the department not serving on the committee.
 2. In departments where fewer than three members are tenured, the dean, in consultation with the chair (or replacement, see section V.B.), will appoint enough additional tenured faculty members to form a committee of at least three members.
 3. Candidates for tenure should provide a statement of potential external and/or internal reviewers with whom there is a conflict of interest, e.g., co-authors, co-investigators, etc.
 4. The tenured faculty of the department, or the members of the tenure committee, elect a chair of the committee among their members. It is the responsibility of that chair to direct the committee members to consider and apply the relevant sections in the Teaching and Research Faculty Handbook and the departmental statement on research evaluation in their comments and votes.

5. No dean, associate dean, assistant dean, or other full-time administrator or department chair (or replacement, see section V.B.) shall attend or participate in the deliberation of the departmental, college, University Promotion and Tenure Committee, or the tenured faculty of the department serving as a group to consider tenure, except in those cases when such committees or groups may, at their discretion, request administrators or chairs to answer specific questions concerning tenure cases. The deliberations of all three committees are confidential and must not be shared with anyone outside of the committee.
6. The college committee shall consist of one tenured faculty member from each department in the college. All members of college promotion and tenure committees shall be elected directly by the faculties they represent for a one-year term renewable twice for a total of three years. This member shall be chosen by majority vote of all full-time, tenure-track teaching and research faculty members of the department, present and voting, by secret ballot before April 15 of each year for the ensuing year. Every reasonable effort should be made to ensure that there are at least three full professors on the college committee. No person shall serve on a college promotion and tenure committee for more than three years consecutively but is eligible for reelection after an absence of at least one year. The representative from a tenure candidate's department will participate in deliberations in the candidate's case but will not cast a vote.
7. The University Promotion and Tenure Committee shall consist of one tenured full professor from each of the major degree-granting academic colleges. This member shall be elected by his/her college's promotion and tenure committee(s) by September 15. The University Promotion and Tenure Committee shall elect one of its members as chair.⁵ No person shall serve on the University Promotion and Tenure Committee for more than three years consecutively but is eligible for reelection after an absence of at least one year. The representative from a tenure candidate's college will participate in deliberations in the candidate's case but will not cast a vote.
8. Any committee member who participates in the tenure process votes at most only once or any particular case.
9. In order to ensure transparency, fairness, and equity in the internal review process, a faculty member or administrator who participates in the tenure process must disclose any potential conflict of interest that might undermine the credibility of the process. The chair of the department (or replacement, see section V.B.) will work in consultation with the dean of the college to decide whether the person should be excluded from serving on the review committee.
10. The faculty member under consideration is informed whenever a committee is considering tenure and is given an opportunity to submit a statement (in electronic

⁵ The members of the faculty who are elected to serve on the University Promotion and Tenure Committee shall serve for the subsequent academic year. The promotion and tenure committees elected by each individual degree-granting college serve for an entire academic year, not for the spring semester of one year and the fall semester of the following year.

form) to the Provost's Office in support of their tenure case, or to correct any factual misinformation in previous recommendations. The Provost's Office will add such statements to the candidate's file.

11. In case of material new accomplishments before the conclusion of the evaluation process, additional documentation may be added to the portfolio with the concurrence of the dean. Such additional material must be clearly marked as such and dated at the time of addition to the tenure file by the Provost's Office. If such additional documentation is considered, this must be clearly documented in the recommendation letters by the committee or individual (e.g., dean) who first see this new material.
- E. The committee or group of tenured faculty makes its recommendations to the chair (or replacement, see section V.B.) together with reasons for the recommendation (including a minority statement in the case of a non-unanimous vote). All committee members shall vote yes or no through a secret ballot, after participating (either in person or remotely) in the deliberation of the committee. Proxy votes or votes submitted by non-secure means (e.g., email or communication accessible to a third party) are not permitted. The chair of the committee shall record the names of all members participating in the discussion and voting in the recommendation letter, as well as the total number of votes in favor and against. Only those faculty present as the candidate is being interviewed during the deliberations can participate in drafting or approving the letter. In instances of a non-unanimous vote, the minority opinion must be included in the committee recommendation and the minority must be given the option to write a minority opinion. A copy of the recommendation letter will be sent to the faculty member by the chair of the committee. Considering this recommendation, the department chair (or replacement, unless the dean is acting in the chair's stead, see section V.B.) makes an additional evaluation and recommendation concerning tenure. A copy of that review and recommendation letter will be sent to the faculty member and the dean by the chair of the department.
 - F. If either the tenured faculty (or their committee), or the chair (or replacement, see section V.B.), or both recommend tenure, the credentials of the faculty member together with the recommendations of the tenured faculty (or their committee) and the chair (or replacement, see section V.B.) are forwarded to the tenure committee of the college, which examines the facts and the recommendations and makes a recommendation to the dean. All eligible committee members shall vote yes or no through a secret ballot, after participating (either in person or remotely) in the deliberation of the committee. Proxy votes or votes submitted by non-secure means (e.g., email or communication accessible to a third party) are not permitted. Members who are eligible to vote on a specific candidate's tenure application are defined in section V.D.4. In instances of a non-unanimous vote of all eligible voting members, the minority opinion must be included in the committee recommendation and the minority must be given the option to write the minority opinion. A copy of the recommendation letter will be sent to the faculty member by the chair of the committee.
 - G. If neither the departmental committee nor the chair (or replacement, see section V.B.) recommends tenure for the faculty member, tenure is not granted in the ensuing year.

The faculty member is given a terminal contract for the ensuing year unless a further review is requested.

If the faculty member requests further review, all materials, including departmental and chair evaluations and recommendations are forwarded to the college tenure committee, which makes a separate recommendation to the dean. All committee members should vote yes or no through a secret ballot. In instances of a non-unanimous vote, the minority opinion must be included in the committee recommendation and the minority must be given the option to write the minority opinion. The dean then makes a decision concerning tenure and informs the faculty member.

If either the decision of the college committee or that of the dean is positive, the faculty member's case is considered in accordance with the procedures in the following paragraphs. If both decisions are negative, the faculty member may request, within two weeks, a further review by the provost and vice president for academic affairs, who makes a final determination concerning further consideration of tenure.

- H. The dean of the college examines the facts and all previous recommendations and makes a recommendation concerning tenure, which is forwarded to the provost and vice president for academic affairs, with a copy to the faculty member.
- I. The University Promotion and Tenure Committee, consisting of one tenured full professor from each of the major degree-granting academic colleges, examines the facts and all previous recommendations and documentation and makes a recommendation (with reasons) concerning tenure, which is forwarded to the provost and vice president for academic affairs. All eligible committee members shall vote yes or no through a secret ballot, after participating (either in person or remotely) in the deliberation of the committee. Proxy votes or votes submitted by non-secure means (e.g., email or communication accessible to a third party) are not permitted. Members who are eligible to vote on a specific candidate's tenure application are defined in section V.D.5. In instances of a non-unanimous vote of all eligible voting members, the minority opinion must be included in the committee recommendation and the minority must be given the option to write the minority opinion. The Office of the Provost will provide a copy of the recommendation letter to the dean of the college, the department chair and the faculty member.
- J. The provost and vice president for academic affairs, after examining all submitted documents and consulting with appropriate staff members, makes a determination concerning tenure for the faculty member. If the recommendations from all committees and administrators previously acting on the case have not all been the same, or if the provost and vice president for academic affairs disagrees with the recommendations that have been the same, then the provost and vice president for academic affairs shall consult with the University Promotion and Tenure Committee and with the chair (if tenured) and dean concerned.
- K. If the determination of the provost and vice president for academic affairs is in favor of tenure, the provost and vice president for academic affairs forwards the faculty member's name to the president for presentation to the Board of Visitors as a candidate

for tenure. The Board of Visitors will act on the case according to the schedule in the Teaching and Research Faculty Handbook of the year in which it is being taken up. Upon approval of the Board of Visitors, the faculty member is offered a tenure contract for the coming year.

- L. If the determination of the provost and vice president for academic affairs is against tenure, the faculty member is notified according to the schedule in the Teaching and Research Faculty Handbook that a terminal contract will be offered for the ensuing year.
- M. The faculty member may request, within two weeks, that the president review a negative decision of the provost and vice president for academic affairs. The president should make a decision on the review within one month. If the president upholds the decision of the provost and vice president for academic affairs, the faculty member may request a further review by the Board of Visitors or its designated committee within two weeks. (Refer to the policy on Communications with the Board of Visitors for procedural information.) The decision of the Board of Visitors or its designated committee is final.
- N. Copies of the recommendation by all committees, chairs, deans, and the provost shall be provided to the faculty member being considered for tenure. The faculty member will be provided opportunity to correct any factual misinformation in such recommendations by placing a letter in his or her tenure file at any stage, or up until March 1 to the Provost (November 22 for faculty hired mid-year).
- O. The above procedures at the departmental and college level may be suitably adapted for faculty members who hold interdisciplinary or interdepartmental appointments. The adapted procedures should be recommended by the promotion and tenure committee of the college or colleges involved and approved by the dean or deans and the provost and vice president for academic affairs. Procedures above the college level will be the same as designated above in all cases.

VI. Pre-Tenure Review

- A. The concept of a major review of faculty performance is intended to serve the purpose of giving the faculty member a clear indication of progress toward tenure and to offer constructive suggestions for self-improvement.
- B. Non-tenured faculty members, without prior teaching experience, who are in their third year of probationary service at Old Dominion University will receive a major faculty review. This review will be conducted by the dean and will begin in the spring of the third year of faculty service (fall of the third calendar year of service for faculty hired mid-year).⁶ The review will include a meeting with the faculty member and chair. The

⁶ In the case of a national, state or local emergency that prevents or seriously hinders the normal activities of faculty members for a period of several months, the University may provide the option for all tenure-track faculty members to extend their tenure clock by a specified period of time equivalent to that lost to the emergency, irrespective of any other exclusion granted to a faculty member. In the event a faculty member opts in to such a tenure-clock extension, then that faculty member's pre-tenure (i.e., third-year) review will be extended for that same period.

review process, conducted by the department promotion and tenure committee, department chair, college promotion and tenure committee, and dean, will include an in-depth evaluation of teaching effectiveness, scholarly works, grant and contract efforts, and other professional activities. An evaluation report emphasizing the long-range impact of the faculty member on the University should be submitted to the provost and vice president for academic affairs by May 1 (December 1 for faculty hired mid-year) following the completion of the review at the college level with a copy provided to the faculty member at all evaluation levels. It is important that the review extend beyond certifying adequate teaching performance and focus on creative ability, productivity, and potential to excel.

- C. If a faculty member applies for tenure in or before their third year of probationary service at Old Dominion University, the pre-tenure review will not be conducted.

PROPOSED BYLAWS REVISIONS

Ms. Dickeski stated that the change in name of three of the Board standing committees will require revisions to Sections 4.02.d., 4.02.f. and 4.02g. of the Board's Bylaws. She suggested, and the Committee concurred, that these be referred back to the respective committee chairs and administrative liaisons for suggested revisions for consideration at the next meeting in December.

NEXT STEPS

The Chair proposed a process for the review of the remaining 11 Board policies that are older than five years. She suggested that President Hemphill assign the policies to appropriate Vice President for review and inclusion on the Governance Committee agenda in December. The Committee concurred with her proposal.

With no further business to discuss, the meeting was adjourned at 3:56 p.m.