

OLD DOMINION UNIVERSITY  
PRESIDENTIAL SEARCH COMMITTEE MEETING  
Friday, August 28, 2020

MINUTES

A meeting of the Old Dominion University Presidential Search Committee was held on Friday, August 20, 2020, at 10:00 a.m. The meeting was held electronically using the Zoom application pursuant to § 4-0.01(g) of Chapter 1289 of the 2020 Acts of Assembly. Present from the Committee were:

R. Bruce Bradley, Chair  
Yvonne Allmond  
Nancy Badger  
Robert Corn  
Jerri Dickeski  
Conrad M. Hall  
Toykea S. Jones  
Rita Meraz  
Ross A. Mugler  
September Sanderlin  
Lisa B. Smith  
John Sokolowski

Also present from the Board: Unwanna B. Dabney

Also present:  
Austin Agho  
Dennis Barden  
Rachel Bieniek  
Greg DuBois  
Christina LiPuma  
Deb Love  
Robin Mamlet  
John McFarland  
Donna Meeks  
Karen Meier

The Chair called the meeting to order at 10:00 a.m.

DISCUSSION WITH SEARCH FIRM

The WittKieffer team members introduced themselves and provided an overview their role in the search and a timeline for the process. Ms. Mamlet emphasized that their focus will be on recruiting candidates and guiding the process, but the decision-making is up to the search committee to select the final candidates to present to the Board of Visitors for ultimate approval. They will provide as

much information as possible about each of the candidates and will never advocate for any individuals.

Dennis Barden reviewed the proposed timeline. September - meetings with university constituents to receive feedback on the qualities and qualifications of, and the agenda for, the next president; draft presidential profile by September 25 for Committee's approval by October 3; October and November – recruitment of candidates, with an update meeting mid-way; week of November 30 – candidate credentials posted on a password-protected website; two-week search committee review; week of December 14 – meeting to narrow candidate pool to 8-10 semi-finalists; week of January 11 – two-day interviews to narrow pool to finalists; early February – finalist interviews. The situation with COVID will determine the methodology for conducting interviews with semi-finalists and finalists. The goal is for the Board to choose the next president prior to spring break. The WittKieffer team will set up the interviews in January and Donna will set up interviews with the finalists.

In response to a question from Ms. Smith, Mr. Bradley said the search committee will be invited to participate in the open forums that will be conducted in September. 30-50 participants are anticipated for forum to be held via Zoom and separate forums will be scheduled for students, faculty, staff and alumni. He will prepare the initial draft of the presidential profile based on the conversations he and the Rector have had with selected individuals. WittKieffer will then finalize the draft based on the feedback received during the forums. Mr. Barden reiterated the importance of search committee participation in the forums. They will also hold meetings with President Broderick, the President's Cabinet and the Deans for their input. Nominations and referrals are encouraged from search committee members as well as the broader university community, and a mechanism will be put in place on the University's search website for this purpose. This is especially important to ensure a strong and diverse candidate pool. In response to a question from Ms. Dickeski, the methodology to be used by the search firm and the committee to choose the semi-finalists was reviewed. In response to a question by Mr. Mugler, Ms. Mamlet said that candidate pool will include sitting presidents as well as emerging leaders and the search committee will be encouraged to include some of each among the semi-finalists. Because of research security clearance requirements, the field may need to be limited to U.S. citizens. Mr. Barden added that the degree to which sitting presidents are interested in becoming candidates depends on the confidentiality of the process.

The chair asked Mr. Barden to explain the role of MINTZ in the process. The Fair Credit Reporting Act specifies the background information that is legal to gather when making employment decisions and, as a result, compliance has become significantly more important during the process as candidates have become more litigious. Having a third-party such as MINTZ conduct the background checks, including previous employment history, degree verification and media checks, protects the search committee and the search firm. Ms. Mamet added that this is all done with the candidates' consent and will occur once candidates become finalists. However, the firm will look at what information is available about candidates in the public domain during the recruitment process and may ask the candidates about what they've found.

## **FREEDOM OF INFORMATION ACT PRESENTATION**

Deb Love, Senior Assistant Attorney General, reiterated the importance of confidentiality during the search process. She then reviewed the Committee's responsibilities under Virginia's Freedom of Information Act. As a Committee of the Board of Visitors, it is under the same requirements as the Board, including meeting notices, closed session requirements, records, responses to FOIA requests, and penalties for failure to comply. She said that it is critical that the process be done in a manner that leads to the highest possible confidence.

The committee will generally be allowed to go into closed sessions for three reasons: specific discussions about candidates, contract discussions and legal advice on specific legal matters. By law, counsel must be allowed in closed session. An exception to FOIA provisions is when candidates are being interviewed, in which case it permits notice that states that at some time, in the next 15 days, the search committee will be interviewing candidates at an undisclosed location. Non-voting members of the committee should be included on the roll-call vote for going in and out of closed session. Non-members of the Committee (for example, search consultants) may also attend closed session at the Chair's request. Non-committee Board members are also allowed to attend, but they cannot participate or ask any questions. Search committee alternates may attend meetings and can ask questions but cannot vote.

Ms. Love noted the requirements, under normal times, for some members to meet electronically if necessary, and the enhanced requirements under the temporary state of emergency, where it is impractical or unsafe to meet in person and necessary to conduct required business. Once the state of emergency has ended, fully electronic meetings will no longer be allowed.

She cautioned committee members against using the "reply all" feature in email, as this would constitute a "meeting" under the law, and to exercise care in what is texted to other members of the committee, as these may be considered public records. She explained the requirements of responding to requests for records under FOIA, noting that only existing records need to be released, not information such as answers to questions.

At the conclusion of her report, she said that she would send the updated FOIA Guide to Donna to distribute to committee members.

## **PROPOSED SEARCH BUDGET**

Mr. Bradley said that the Board of Visitors must approve the proposed presidential search committee budget and asked Greg DuBois, Vice President for Administration & Finance, to present the proposed budget. Mr. DuBois reviewed the presidential search budget from the last search conducted in 2008-2009 as well as a proposed budget for the current search. The 2008-2009 search was budgeted at \$251,650; actual expenses totaled \$232,029. The proposed budget of \$311,000 includes the search firm's contracted fee, recruitment and travel expenses, travel and meal costs for candidates and search committee members, and miscellaneous expenses. This amount can be increased if necessary. In response to a question from Mr. Mugler, Mr. DuBois said University funds will be used for this purpose. Mr. Hall asked about some language that may need some clarification. Mr. Bradley will discuss the contract with Vice President DuBois and will

provide an update. Mr. DuBois confirmed that the proposed budget includes the \$9,000 noted in the contract for assessment of candidates.

The Chair asked for a motion to approve the budget as presented to take to the Board for final approval. A motion was made by Mr. Mugler, seconded by Ms. Dickseski, and approved by roll-call vote (*Allmond, Bradley, Corn, Dickseski, Jones, Mugler, Smith*)

### **CODE OF ETHICS/CONFIDENTIALITY AGREEMENT REVIEW**

The Chair emphasized that breach of confidentiality can result in a failed search. He asked all committee members to review the Code of Ethics distributed with the meeting materials (paying close attention to paragraphs 3, 6 and 9), sign it, and return it to Donna Meeks. Ms. Smith asked about conflicts of interest as noted in paragraph 5. Mr. Bradley asked that if any committee member knows of any such conflict, to please note that in pen to the signed agreement. Ms. Love reminded committee members that these agreements are public records.

### **RECOMMENDATION FOR A CLOSED PROCESS**

As previously noted, having an open process would limit the amount of interested candidates. He recommended that the search be a closed process for this reason. A motion was made by Mr. Mugler that the committee move forward with a closed process. The motion was seconded by Ms. Smith and approved by roll-call vote (*Allmond, Badger, Bradley, Corn, Dickseski, Hall, Jones, Meraz, Mugler, Sanderlin, Smith, Sokolowski*). (Note: prior to taking the vote, the chair asked that non-Board members vote on this issue related to the search process.)

The chair stated that next steps include the open forums and preparation of a presidential profile. The next meeting will be held the last week in September and will be for the purpose of approving a presidential profile and advertising proposal.

With no further business to discuss, the meeting adjourned at 12:03 p.m.