

OLD DOMINION UNIVERSITY

BOARD OF VISITORS
Wednesday, June 14, 2012

MINUTES

The Board of Visitors of Old Dominion University met in regular session on Wednesday, June 14, 2012, at 1:00 p.m. in the Board Room of Webb University Center on the Norfolk campus. Present from the Board were:

David L. Bernd, Rector
Jeffrey W. Ainslie
Kenneth E. Ampy
Frank Batten, Jr.
Sarita E. Brown
J. William Cofer
Linda L. Forehand
Harold W. Gehman, Jr.
Dee D. Gilmore
Marc Jacobson
Andrea M. Kilmer
Pamela C. Kirk
Barry M. Kornblau
Robert J. O’Neill
Fred J. Whyte
Kevin Muchiri (*Student Representative*)

Absent were: Luke M. Hillier
Frank Reidy

Present from the administration were:

John R. Broderick, President	Gwen Lee-Thomas
Rick Berry	Donna W. Meeks
Alonzo Brandon	Jennifer Mullen
Robert L. Fenning	Earl Nance
Velvet Grant	Ellen Neufeldt
David Harnage	September Sanderlin
Scott Harrison	Wood Selig
Mohammad Karim	Carol Simpson
Elizabeth Kersey	James D. Wright

Also present:

Don Finley (Virginia Business Higher Education Council)
Heywood Fralin (Virginia Business Higher Education Council)
Bill Sizemore (*The Virginian-Pilot*)
Students from Gwen Lee-Thomas’s Class

CALL TO ORDER AND INTRODUCTION OF GUEST SPEAKER

The Rector called the meeting to order at 1:05 p.m. and introduced Heywood Fralin, Chairman of the Board of Directors of the Virginia Business Higher Education Council (VBHEC). Mr. Fralin explained that he and Don Finley have been meeting with each of the Boards of Visitors of the Virginia colleges and universities in order to ask members to consider becoming involved with the VBHEC. He provided a brief history of the Council, explaining that it was formed as the result of significant budget reductions in the early 1990s when state universities' budgets were cut by nearly 30%. Members of the business community believed that higher education is one of the, if not the, major driver of economic development, and banded together to take their case to the Governor and General Assembly. Their efforts assisted in restoration of funding to higher education as well as the bond referendum campaign to fund capital projects. The original members are aging and it will take significant new leadership in order for the group to survive. Members of the Boards of Visitors are urged to consider membership in the VBHEC. Don Finley will send letters to each of the members to advise how to become involved. At the conclusion of Mr. Fralin's remarks, the Rector stated that Virginia is recognized as having the best system of higher education in the country and encouraged board members to take up the call to become involved. He thanked Mr. Fralin and Mr. Finley for taking time out of their schedules to meet with the Board.

APPROVAL OF MINUTES

The Rector asked for approval of the minutes of the Board Retreat held on January 12, 2012 and the Board meeting held on April 4, 2012. Upon a motion made by Mr. Kornblau and seconded by Mr. Jacobson, the minutes were approved by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

RECTOR'S REPORT

The Rector thanked the University administration for the thorough analysis that was done in transitioning the athletic program from the Colonial Athletic Association to Conference USA. The Board was very involved in the discussions, is confident that a good plan is in place, and is behind the move 100 percent.

Rector Bernd also stated that at the April meeting the Board announced the conclusion of its evaluation of the President. The Board is very pleased with the President's performance and has given him an additional two-year extension on his contract. The specific terms of the contract will be finalized at a future date and at a future meeting. On behalf of the entire Old Dominion University Board of Visitors, the Rector publicly thanked President Broderick for the excellent job he's done this year.

PRESIDENT'S REPORT

The Rector called on President Broderick for his report. The President noted that the Bond campaign Mr. Fralin discussed generated six new capital projects for Old Dominion.

President Broderick highlighted selected slides from the Board Dashboards. Mr. Ainslie requested that consistent ODU colors be used on each slide of the Dashboard. With the new Dashboards replacing the former “BOVIS” report, the Board needs to rescind Board Policy 1103. Upon a motion made by Mr. Whyte and seconded by Ms. Forehand, the following Resolution to rescind Policy 1103 was approved by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O’Neill, Whyte*)

**RESOLUTION TO RESCIND POLICY 1103,
BOARD OF VISITORS INFORMATION SYSTEM (BOVIS)**

RESOLVED, that upon the recommendation of the President, the Board of Visitors approves the rescission of Policy 1103, Board of Visitors Information System (BOVIS).

NUMBER: 1103

TITLE: Board of Visitors Information System (BOVIS)

APPROVED: June 18, 1998

The Board of Visitors Information System (BOVIS) provides the Board with a set of periodic reports and performance indicators designed to give an overview of the University’s major goals and achievements in academic services, faculty and student body demographics, research, economic development activities, facilities development, institutional advancement, and financial management. BOVIS provides both quantitative measures, such as ratios and financial, and narrative reports on activities that cannot be adequately quantified, such as the President’s annual report. The information is drawn primarily from the University’s own records. However, where available, peer group statistics are included. Also included are indicators of performance requested by the State Council of Higher Education. Presentations of the indicators are designed as much as possible to show trends and comparisons to goals or other benchmarks and standards. In addition to these reports, the President and his staff provide reports on topics of current interest.

BOVIS will be updated as necessary and distributed to the Board of Visitors prior to each of its quarterly meetings.

President Broderick noted that this is the last Board meeting for Admiral Gehman, while David Bernd, Sarita Brown and Linda Forehand are up for reappointment. He thanked Admiral Gehman for his service to the University and the Board and said that he will be appropriately recognized at an event this fall.

The President highlighted the following activities and initiatives at the University:

Academic Affairs

- Professor Mounir Laroussi (BCET) was selected in March to receive the Merit Award of the Nuclear and Plasma Sciences Society for “ongoing exceptional contributions to the biomedical applications of plasmas.”
- ODU ranked 8th in the world for port research by the International Association of Marine Economists.
- Jill Biden highlighted ODU’s TEAMS program (Teaching, Education and Awareness for Military-Connected Students) during an April visit to Lee Hall Elementary School in Newport News. Her visit generated great national visibility for the University.
- Jean-Michel Cousteau presented the spring President’s Lecture in April to a standing-room only crowd.

Research:

- Gene Hou (Engineering) received a Defense University Research Instrumentation Program Award for “A Testing Facility for High-Performance Watercrafts.”
- Robin Lewis (Psychology) received a National Institute of Health R15 Award for her work on “Alcohol Abuse and Partner Violence.”
- VMASC was awarded a \$2 million grant by the U.S. Army’s Telemedicine and Advanced Technology Research Center to develop virtual medical simulation capability for military medical personnel. This is an example of the growing partnership with EVMS in the area of medical modeling and simulation and has paid dividends and bodes well for moving ahead in the future.

Climate and Sea-Level Rise Initiative:

- Kathryn Sullivan, an assistant secretary of commerce and deputy administrator for the National Oceanic Atmospheric Administration, during a recent visit said that she is “tremendously impressed by the fusion of expertise” brought together by the University’s Climate and Sea-Level Rise Initiative.”
- The multidisciplinary initiative, which was launched 18 months ago, has recruited researchers from all six of the University’s academic colleges to explore means to help coastal metropolises build consensus and take action to mitigate economic and social damage expected from sea-level rise.
- Because southeastern Virginia is being hit by the “double whammy” of rising waters and sinking land, the Norfolk area has been identified by the Federal government as especially vulnerable to serious flooding during the century.

Student Engagement and Enrollment Management:

- Through collaboration with the Office of Community Relations and the Office of Student Activities and Leadership’s Center for Service and Civic Engagement, Old Dominion received the 2012 President’s Higher Education Community Service Honor Roll Service Award sponsored by the Corporation for National and Community Service. This reflects the values of community service among our students and honors such as these validate their work.
- As part of an effort to provide opportunities for engagement and learning that promote cultural understanding, Old Dominion University participated in the 2011-2012 White House Interfaith and Community Service Campus Challenge.

- Ten ODU incoming freshmen were recognized as *The Virginian-Pilot* 2012 Scholastic Achievement Award recipients. One student, Josiah Emery, was selected for the second highest award of all 229 honored recipients and will receive \$5,000 as part of the recognition.

Administration and Finance:

- *University Business Magazine* selected Old Dominion University as one of its “Models of Efficiency,” an award given to several institutions annually for the outcomes from the current business process management efforts. The President commended Vice President Fenning and his staff involved in this effort.
- This spring the University hosted several significant economic development events in the Ted Constant Convocation Center including: “Realty Check,” an Urban Land Institute led strategic land-use planning activity that engaged over 300 area participants, and “Start Norfolk 2.0,” a weekend gathering of over 250 aspiring entrepreneurs engaged in business planning for new start-up companies.

Human Resources:

- The Quality of University Life (QUL) Committee launched the “QUL: It’s All Around You” initiative. QUL measures the impact of the University’s academic, administrative, cultural, physical and social environments on students, faculty and staff. The “It’s All Around You” theme aligns with the data that indicate that employees believe that they have the ability to influence the quality of university life for themselves and others.
- *The Chronicle of Higher Education*, in partnership with ModernThink, LLC, is in the final stages of analysis for 2012 winners and ODU is under consideration for the “Great Colleges to Work For” designation. A survey was sent to a random sample of faculty, faculty administrators and exempt professional staff. ODU received this designation in 2011.

Governmental Relations:

- The final approved budget brings almost \$18 million in additional funding to the University over the biennium including: \$7.1 M for base operating support; \$3.2 M for specific university initiatives, such as increasing STEM degrees, modeling and simulation capacity and online degree programs; \$3.4 M for enrollment growth and student retention; \$1.5 M for the Frank Reidy Research Center for Bioelectrics; and \$1.7 M for student financial aid.
- The budget also contains funding for up to a three percent bonus for state employees in December 2012, contingent on the Commonwealth meeting certain revenue projections, as well as a two percent salary increase in July 2013.
- Funds were provided to replace the mechanical systems in the Oceanography and Physics Building and the University was given the authority to move forward with plans for the New Education Building and the Joint Policing Facility. The New Education Building is key because it is the last College that has not had a new building.

University Advancement:

- ODU Foundations received a total of \$28,117,015 in gifts, pledges and expectancies (\$9,836,357 for athletics and \$18,280,658 for academics) from July 1, 2011 to June 12, 2012. It has been a terrific year in fundraising with the announcement of the Goode Theatre, the new Arts Building, and the dedication of Dragas Hall. People are investing in Old Dominion and recognizing our value.

- Eleven graduate students recently participated in the NATO-hosted “Chicago Summit” as a part of a social networking experiment to examine global awareness of the NATO Alliance by the public.

Athletics:

- Sixty-nine student-athletes graduated this past May from ODU.
- ODU women’s sailing team finished the 2011-2012 season last week with a 12th place national finish at the 2012 Intercollegiate Sailing Association (ICSA) Women’s National Semi-Final on Lake Travis in Austin, Texas. The co-ed sailing team concluded their season with a 17th place national finish at the ICSA/Gill Dingy National Championship also in Austin.
- Today the NCAA issued a report citing schools that have perfect APR rates in specific sports. ODU’s women’s golf program is among those cited for having a perfect APR rate over a four-year period.

At the conclusion of his report, the President provided a brief update on the Colonial Athletic Association meetings held earlier in the week.

REPORTS OF STANDING COMMITTEES

AUDIT COMMITTEE

The Rector called on Mr. Kornblau for the report of the Audit Committee. Mr. Kornblau reported that the Committee received an update from Deane Hennett, University Auditor, on compliance and policy committee activities. Mr. Hennett noted that the following internal audits and projects are currently underway: NCAA Eligibility Compliance, Banner Controls, and Parking Services. The Audit Office is also performing a collection agency review and assisting the Office of Finance on a Revitalization Project. He then presented the proposed audit plan for internal audit activities for FY 2012-2013. The proposed plan was approved by the Committee.

The Committee received, in closed session, the details of recent audits and reviews performed in Academic Affairs, Administration and Finance and Athletics. Specifically covered were audits of International Student and Scholar Services, Procurement Cards, an NCAA Compliance Follow-Up and a status report on audit recommendations.

ACADEMIC AND RESEARCH ADVANCEMENT COMMITTEE

The Rector called on Ms. Brown for the report of the Academic and Research Advancement Committee. Ms. Brown reported that the Committee met in closed session to discuss the award of honorary degrees and the appointment of a faculty member with tenure.

Committee members approved by unanimous vote the award of three honorary degrees. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members

present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

HONORARY DEGREES

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the awarding of honorary degrees to the individuals noted below.

1. Dr. Franklin Chang Díaz, founder and President of Ad Astra Rocket Company and former NASA astronaut
Doctor of Science (*honoris causa*)
2. Reverend Joseph N. Green, former rector of Grace Episcopal Church and community leader
Doctor of Humane Letters (*honoris causa*)
3. Dr. Christine M. Darden, Director of the Aero Performing Center Program Management Office and engineer at NASA Langley Research Center
Doctor of Science (*honoris causa*)

Dr. Franklin Ramón Chang Díaz

Franklin Chang Díaz (born in San José, Costa Rica on April 5, 1950 and a dual citizen of the United States and Costa Rica) is the founder and President of [Ad Astra Rocket Company](#), an advanced rocket technology company in North America, with operations in Webster, Texas and Guanacaste, Costa Rica. Ad Astra's efforts have led to the production of a rocket that has the theoretical capability of carrying a manned mission to Mars in just 39 days.

In July of 2005 the scientist concluded a successful 25-year career as a NASA astronaut, achieving a world record of seven space flights. During this time, he continued the development of the [VASIMR™](#), a new space propulsion system he invented and patented and which is now entering its commercial phase. Throughout his career, he has promoted science and space technology in Latin America, aware of the extraordinary potential that exists in the region.

In 1990, Chang Díaz led a group of space scientists in search of a plan for regional integration and collaboration in space technology projects in Latin America that resulted in the organization of the First Space Conference of The Americas, sponsored by The United Nations and held in Costa Rica. Three similar conferences in Chile, Uruguay and Colombia followed this initiative. Two years later he helped to form [The Chaga Space Project](#), a collaboration of 5 countries in the study of potential natural inhibitors to Chagas disease in the microgravity of space. The project resulted in the first multinational flown experiment from Latin America in protein crystallization with medical applications, which he conducted in two of his missions on the Space Shuttle.

More recently, Dr. Chang Díaz has been active in his country of birth, Costa Rica, where he leads the implementation of [The Strategy for the 21st Century](#), a master plan designed to transform Costa Rica into a fully developed country before 2050. He attended the [University of Connecticut](#), where he earned a [Bachelor of Science](#) in [mechanical engineering](#) in 1973. He

graduated in 1977 with a Ph.D. in plasma physics from MIT. He was inducted into the U.S. Astronaut Hall of Fame on Saturday, May 5, 2012 at the Kennedy Space Center.

Reverend Joseph N. Green, Jr.

The Rev. Joseph N. Green Jr., made history in 1965 when he became the first African American to graduate from the University of the South. A native of South Carolina, Green earned a bachelor's degree from St. Augustine's College in Raleigh, N.C., and a master of divinity degree from Philadelphia Divinity School before earning a master of sacred theology degree from Sewanee. He served congregations in the Diocese of Upper South Carolina and as chaplain at St. Augustine's College. In 1963, he was called to Grace Episcopal Church in Norfolk, Va., where he served as rector for 30 years. He was an outstanding and compassionate pastor to his church and his community. Under his leadership, Grace Church sponsored the first Head Start program in the Tidewater region, co-sponsored PlumbLine Ministries to build more than a hundred single-family houses in the Grace Church neighborhood, and collaborated with Covenant Presbyterian Church to build more than 100 townhouses and duplexes in the Bond Heights section. He served on the Norfolk School Board before his election and service for 20 years on the Norfolk City Council, 12 as vice mayor. He advocated for civil rights for African Americans and fair play for all as he worked for the betterment of Norfolk. Highlights of his tenure include the promotion of mass transit, and his efforts to promote affordable and accessible housing in Norfolk led to new housing in many sections of the city. His work to establish a downtown campus of Tidewater Community College was recognized by the naming of the administration building of Tidewater Community College in his honor.

Dr. Christine M. Darden

Raised by parents who emphasized the importance of education, Dr. Darden has become a leader in the field of sonic boom technology. Born in Monroe, North Carolina, Christine Mann Darden came to Virginia to study at the Hampton Institute (now Hampton University), where she received a bachelor of science in mathematics in 1962. She taught mathematics at a series of high schools before deciding to continue her education at Virginia State College (now Virginia State University), earning a master's degree in applied mathematics. In 1967, after spending a year as an instructor at VSU, Dr. Darden began her career at NASA as a data analyst. Five years later, she switched to an engineering position and began taking supporting engineering courses. One of her first independent assignments was working in sonic boom research. Sonic booms, the explosive sound that occurs when airplanes fly beyond the speed of sound over ground, can be powerful enough to shatter windows and damage structures. The problems associated with supersonic travel over land have stymied its expansion in the United States.

Through her research and the redesign of supersonic airplanes to minimize destructive sound, Dr. Darden has become a leader in sonic boom technology. In 1983, she earned a Doctor of Science in Mechanical Engineering from George Washington University in Washington, D.C. Darden also holds a certificate of advanced study in management from Simmons College Graduate School of Management in Boston, Massachusetts. During her career at NASA, Dr. Darden has served as a Senior Program Manager in the High Speed Research Program Office - working to develop the technology for building a supersonic airplane by the year 2015. As the current Director of the Aero Performing Center Program Management Office at the NASA Langley

Research Center in Hampton, Virginia, she oversees the work of Rotorcraft, Air Space Capacity, Information Technology, and High Performance Computing at NASA Langley. Dr. Darden has authored over 54 technical papers and articles, primarily in the areas of sonic boom prediction, sonic boom minimization, and supersonic wing design.

As an African-American woman engineer, Dr. Darden has overcome the twin barriers of gender and racial discrimination. She uses her success to advocate increasing the number of women and minorities in the sciences by speaking on issues of gender and racial equality. Dr. Darden has been recognized with dozens of awards and honors including two NASA medals, several NASA Outstanding Performance and Achievement Awards, the Black Engineer of the Year Outstanding Achievement in Government Award.

During her 40-year career at the NASA Langley Research Center in Hampton, Virginia, Dr. Darden's contributions ranged from research in supersonic aerodynamics where she was recognized as an international expert in the area of sonic boom minimization, to national program leadership of the environmental aspects of supersonic operations, to Agency strategic planning, project and program management, and finally to the area of communications and education. She has written and published in excess of 60 technical papers.

Committee members approved by unanimous vote the appointment of one faculty member with tenure. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

APPOINTMENT OF FACULTY MEMBER WITH TENURE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the appointment of Dr. Steven Pascal as Professor with the award of tenure in the Department of Chemistry and Biochemistry in the College of Sciences, effective July 25, 2012. A copy of his curriculum vitae is attached.

Salary: \$90,000 for 10 months
Rank: Professor of Chemistry and Biochemistry

The Committee approved by unanimous vote the resolutions on 18 faculty appointments and 15 administrative appointments. The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee and were approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

FACULTY APPOINTMENTS

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

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. Peter B. Baker Lecturer of Teaching and Learning	\$45,500	7/25/12	10 mos

Mr. Baker received an M.S. in General Secondary Education in 2007 from Old Dominion University, a B.A. in English Literature and Composition in 2005 from the College of William and Mary and is expected to receive a Ph.D. in Curriculum and Instruction from Old Dominion University. Since 2009, he has been an Adjunct Professor and Graduate Teaching Assistant in the Department of Teaching and Learning at Old Dominion University.

Dr. Brett M. Bebber Assistant Professor of History (Tenure Track)	\$51,000	7/25/12	10 mos
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Dr. Bebber received a Ph.D. and an M.A. in Modern European History, in 2008 and 2004 respectively, from the University of Arizona and a B.A. in History and Religion in 2000 from Hope College. Since 2008, he has been an Assistant Professor in the Department of History at Presbyterian College.

Dr. Onur Bilgen Assistant Professor of Mechanical and Aerospace Engineering (Tenure Track)	\$75,000	7/25/12	10 mos
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Dr. Bilgen received a Ph.D., M.S. and B.S. in Mechanical Engineering, in 2010, 2007 and 2005 respectively, from Virginia Tech. Since 2010, he has been a Post-Doctoral Research Officer in the College of Engineering at Swansea University, UK.

Ms. Angela L. Brown Instructor of Accounting	\$55,000	7/25/12	10 mos
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Ms. Brown received an M.B.A. in 1998 from Northern Illinois University, a B.S.B.A. in Accounting in 1986 from the University of Missouri-St. Louis and is expected to receive a Ph.D. in Human Science from Saybrook University. Since 2010, she has been Assistant Professor in Finance and Accounting at Regis University.

Ms. Heather Bryant Lecturer of Art	\$40,000	7/25/12	10 mos
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Ms. Bryant received an M.F.A. in Visual Studies in 2006 from Norfolk State and Old Dominion University (joint program) and a B.F.A. in 2003 from Old Dominion University. Since 2010, she has been a Lecturer of Art in the Department of Art at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. Stephen Burgin Instructor of STEM Education and Professional Studies (Tenure Track)	\$64,000	7/25/12	10 mos

Mr. Burgin received an Ed.S. in Curriculum and Instruction, an M.Ed. in Science Education, and a B.S. in Chemistry, in 2009, 2003, and 2002 respectively, from the University of Florida and is expected to receive a Ph.D. in Curriculum and Instruction. Since 2009, he has been a Graduate School Fellow in Science Education in the School of Teaching and Learning at the University of Florida. (rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by August 31, 2012)

Ms. Jamie R. Colwell Instructor of Teaching and Learning (Tenure Track)	\$59,000	7/25/12	10 mos
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Ms. Colwell received an M.A. and B.A. in English, in 2007 and 2004 respectively, from Clemson University and is expected to receive a Ph.D. in Curriculum and Instruction. Since 2008, she has been a Graduate Research Assistant in the School of Education at Clemson University. (rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by August 31, 2012)

Dr. Elena Craig Lecturer of Mathematics and Statistics	\$42,000	7/25/12	10 mos
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Dr. Craig received a Ph.D. and an M.S. in Computational and Applied Mathematics and a B.S. in Mathematics, in 2011, 2007 and 2005 respectively, from Old Dominion University. Since 2008, she has been a Research Assistant in the Department of Mathematics and Statistics at Old Dominion University.

Dr. Dayle A. Daines Assistant Professor of Biological Sciences (Tenure Track)	\$77,000	7/25/12	10 mos
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Dr. Daines received a Ph.D. and an M.S., in 1999 and 1998 respectively, from the Department of Microbiology and Immunology at the University of Rochester and a B.Sc. in Cellular, Molecular and Microbial Biology in 1995 from the University of Calgary. Since 2008, he has been an Assistant Professor of Microbiology at Mercer University School of Medicine.

Dr. Bruce I. Davidson Assistant Professor of Accounting (Tenure Track)	\$125,000	7/25/12	10 mos
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Dr. Davidson received a Ph.D. in Accounting in 2010 from Florida State University and a Master of Accountancy and a B.S. in Accounting, in 1996 and 1994 respectively, from the University of South Florida. Since 2010, he has been an Assistant Professor of Accounting at Eastern Washington University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Mary C. Enderson Associate Professor of STEM Education and Professional Studies (Tenure Track)	\$74,000	7/25/12	10 mos

Dr. Enderson received a Ph.D. in Mathematics Education in 1995 from the University of Georgia and an M.S. and B.S. in Secondary Education Mathematics, in 1990 and 1985 respectively, from Old Dominion University. Since 2011, she has been a Visiting Assistant Professor of STEM Education and Professional Studies at Old Dominion University. Prior to that, she was a Professor and Associate Professor in the Department of Mathematical Sciences at Middle Tennessee State University.

Ms. Xiaoxiao Hu Instructor of Psychology (Tenure Track)	\$70,000	7/25/12	10 mos
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Ms. Hu received an M.A. in Industrial/Organizational Psychology in 2009 from George Mason University, a B.S. in Psychology in 2007 from Peking University, China, and is expected to receive a Ph.D. in Industrial/Organizational Psychology from George Mason University. Since 2011, she has been an Instructor for Statistics in Psychology at George Mason University. (rank will be Assistant Professor if all requirements for the Ph.D. degree are completed by August 31, 2012)

Mr. James Lant Instructor of Management	\$50,000	7/25/12	10 mos
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Mr. Lant received an M.P.A., an M.B.A. in Finance and a B.S. in Economics from Old Dominion University. He is currently Principal of Turtle Bay Management Co., Inc., a management consulting company, and has 25 years experience in private sector enterprises. While operating as an independent consultant, he taught as an Adjunct Faculty member at several colleges including: University of Virginia, Old Dominion University, Christopher Newport University, Strayer University, Saint Leo College, and Tidewater Community College.

Dr. Yoshie Saito Lord Assistant Professor of Accounting (Tenure Track)	\$125,000	7/25/12	10 mos
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Dr. Lord received a Ph.D. in 2006 from Temple University, an M.S. in Agricultural and Applied Economics in 1999 from the University of Georgia, an M.B.A. in 1993 from Georgia College and a B.A. in 1989 from Nihon University, Tokyo, Japan. Since 2010, she has been an Assistant Professor at Eastern Illinois University. Prior to that, Dr. Lord was an Assistant Professor at Georgia College and State University.

Dr. Manveer Kaur Mann Assistant Professor of STEM Education and Professional Studies (Tenure Track)	\$64,000	7/25/12	10 mos
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Dr. Mann received a Ph.D. in 2012 from Auburn University, an M.S. in Merchandising and International Trade in 2009 from the University of Georgia and a B.Tech. in Computer Science in 2006 from Punjab Technical University. Since 2009, she has been a Graduate Teaching Assistant at Auburn University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Dr. Lee Slater Lecturer of Foreign Languages and Literatures	\$43,000	7/25/12	10 mos

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

Dr. Masha Sosonkina Professor of Modeling, Simulation and Visualization Engineering	\$105,000	7/25/12	10 mos
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Dr. Sosonkina received a Ph.D. in Computer Science and Applications in 1997 from Virginia Tech and an M.S. and B.S. in Applied Mathematics from Kiev National University, Ukraine. Since 2008, she has been a Scientist II in the Ames Laboratory, U. S. Department of Energy and an Adjunct Associate Professor at Iowa State University.

Dr. Jing Zhang Assistant Professor of Management (Tenure Track)	\$106,000	7/25/12	10 mos
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Dr. Zhang received a Ph.D. in 2004 from the Business Policy Department, National University of Singapore and an M.A. and B.A., in 1999 and 1996 respectively, from Renmin University of China. Since 2007, she has been Assistant Professor in the Department of Management at Iowa State University.

ADMINISTRATIVE FACULTY APPOINTMENTS

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

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Amaka Agugua Assistant Women's Basketball Coach and Recruiting Coordinator and Instructor	\$85,000	6/10/12	12 mos

Ms. Agugua received an M.S. in Sports Leadership and Administration in 2007 from Virginia Commonwealth University and a Bachelor of Business Administration in Business Management in 2005 from Hofstra University. Since 2011, she has been Assistant Women's Basketball Coach at Old Dominion University. Prior to that, she was Assistant Coach/Recruiting Coordinator at Indiana University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. Michael W. Clark Coordinator of Facility Operations, Recreation and Wellness and Instructor	\$36,500	5/10/12	12 mos

Mr. Clark received an M.S.Ed. in Sport Management in 2012 from Old Dominion University and a B.S. in Sports Management in 2010 from East Stroudsburg University. Since 2010, he has been Graduate Assistant and Acting Coordinator of Facility Operations for Recreation and Wellness at Old Dominion University.

Ms. Lindsay Carlton Davis Academic Program Advisor and Instructor, Darden College of Education	\$43,500	6/10/12	12 mos
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Ms. Davis received an M.Ed. in College Student Affairs and a B.S. in Recreation, Parks, and Tourism, in 2008 and 2003 respectively, from the University of Florida. Since 2008, she has been the Military Enrollment Services Coordinator at the University of North Carolina Wilmington.

Ms. Giovanna Genard Director of Marketing and Communications and Instructor	\$64,000	6/25/12	12 mos
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Ms. Genard received an M.Ed. in Higher Education Administration in 2010 from The Pennsylvania State University and a B.A. in Communication and Information Arts in 1994 from Seton Hill University. Since 2006, she has been a Senior Marketing Associate in the Office of University Marketing and Advertising and Director of Student Aid, Enrollment Management and Administration at The Pennsylvania State University.

Ms. Marissa A. Jimenez Instructional Resources Specialist for the Learning Commons and Academic Enhancement and Instructor	\$40,000	5/25/12	12 mos
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Ms. Jimenez received an M.A. and B.A. in English, in 2008 and 1999 respectively, from Old Dominion University. Since 2011, she has been a Reference Information and Training Specialist in the Perry Library at Old Dominion University.

Ms. Angela M. Luettel Senior Associate Director of Admissions and Instructor	\$55,000	3/25/12	12 mos
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Ms. Luettel received an M.S. in Higher Education Administration in 2005 from Old Dominion University and a B.S. in Sport Management in 2002 from Guilford College. Since 2007, she has been Interim Senior Associate Director of Admissions and Senior Admissions Counselor at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Meredith E. McCall Athletic Academic Advisor and Instructor	\$40,000	6/10/12	12 mos

Ms. McCall received an M.S. in Kinesiology in 2005 from Texas A&M University-Kingsville and a B.A. in Management in 2003 from the College of Saint Scholastica. Since 2009, she has been a Student Athlete Academic Advisor at Western Carolina University.

Mr. Thomas J. McConnell Assistant Women's Basketball Coach and Academic Progress Coordinator, and Assistant Instructor	\$85,000	6/10/12	12 mos
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Mr. McConnell received a Bachelor's Degree in Sociology in 1984 from Point Park College. Since 2011, he has been Assistant Women's Basketball Coach at Old Dominion University. From 2006-2010, Mr. McConnell was Assistant Women's Basketball Coach at the University of Colorado, and he also served as Head Men's Basketball Coach at Saint Francis University.

Ms. Helen P. Miller Instructional Technology Specialist and Instructor	\$45,000	5/10/12	12 mos
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Ms. Miller received a Master of Education Technology Degree in 2011 from Boise State University Graduate College and a B.S. in Sociology in 2001 from Northland College. Since 2011, she has been Digital Design Manager for WAVY TV 10/FOX TV 43.

Ms. S. Lanay Newsom Director of Institutional Equity and Equal Opportunity/Affirmative Action, and Assistant Professor	\$80,000	6/10/12	12 mos
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Ms. Newsom received a Juris Doctor from the University of Illinois College of Law, Urbana-Champaign and a B.A. from the University of North Carolina at Chapel Hill. Since 2011, she has been a Sr. Equal Opportunity Officer in the Office of Institutional Equity and Diversity at Old Dominion University.

Dr. Terrell Perry Assistant Director for Communication and Learning Technology, and Assistant Professor, Center for Educational Partnerships	\$67,000	5/25/12	12 mos
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Dr. Perry received an Ed.D. in Adult Education in 1985 from Nova Southeastern University and an M.S.Ed. in Counseling and a B.S. in Psychology, in 1978 and 1975 respectively, from Old Dominion University. Since 2005, he has been Senior Research Associate/Assessment Coordinator for Education in the Office of Institutional Research and Assessment and an Instructional Designer in the Center for Learning Technologies at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. John W. Richardson, III Assistant Men's Basketball Coach and Instructor	\$120,000	4/25/12	12 mos

Mr. Richardson received an M.S. in Sports Management in 2003 from Old Dominion University and a B.S. in Health and Physical Education in 1995 from Elizabeth City State University. Since 2010, he has been Assistant Men's Basketball Coach at Virginia Tech. From 2005-10, he was an Assistant Coach and Director of Basketball Operations at Old Dominion University.

Mr. Joseph Ritchie Director of First Year Academic Enhancement and Instructor	\$54,106	6/25/12	12 mos
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Mr. Ritchie received an M.A. in Student Affairs in Higher Education and a B.A. in Music Performance, in 1992 and 1990 respectively, from Indiana University of Pennsylvania. Since 2008, he has been Executive Director of First Year Experience at the University of Central Florida.

Mr. Duane O. Sharpe Associate Director of Military and Veteran's Education and Instructor	\$46,336	6/10/12	12 mos
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Mr. Sharpe received an M.B.A. in Information Technology and a B.A. in Business Management, in 2009 and 2007 respectively, from Saint Leo University. Since 2009, he has been Senior Admissions Advisor for ECPI, Advanced Technology Institute.

Dr. Johnny W. Young Associate Vice President for Student Engagement and Enrollment Services, and Assistant Professor	\$135,000	7/25/12	12 mos
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Dr. Young received an Ed.D. in Curriculum and Instruction in 1999 from Wayne State University, an M.P.A. in 1990 from the University of Michigan and a B.A. in Public Administration in 1983 from the University of Michigan-Flint. Since 2000, he has been Assistant Vice Chancellor for Student Affairs and Director of Academic Advising and the Career Center at the University of Michigan-Flint.

Committee members approved by unanimous vote the proposed revision to the Policy on Tenure. The revision changes the date designated for the Board of Visitors to approve candidates for tenure from April 15 to April 30. This will allow the April Board of Visitors meeting to be moved to later in the month if needed. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

APPROVAL OF PROPOSED REVISION TO THE POLICY ON TENURE

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the proposed revision to the Policy on Tenure, effective June 14, 2012.

Rationale: The proposed revision to the Policy on Tenure would change the date designated for the Board of Visitors to approve candidates for tenure from April 15 to April 30. The change is proposed so that the April Board of Visitors meeting could be moved to later in the month. In addition to tenure, a main focus of the April meeting is approval of tuition and fees. This can be difficult to accomplish in time to meet the April 15 deadline for tenure in years when the General Assembly has not yet approved a budget for the Commonwealth.

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

- I. Purpose of Tenure - The main purposes of tenure are to recognize the performance of faculty members who have given years of dedicated service to the university, to protect academic freedom, and to enable the university to retain a permanent faculty of distinction in order to accomplish its mission. For these reasons, tenure is 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. 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.

- C. 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, 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 Child Study Center or as a teacher of exclusively noncredit course work.
 - 4. Time spent on leave of absence.
 - 5. Time spent on faculty exchanges if the faculty member so chooses.
- C. A period of time, not to exceed one year, may be excluded from the probationary period, upon the approval of the provost and vice president for academic affairs subject to the following conditions.
 - 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 more than eight hours 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 including parent, stepparent, child, or spouse.
 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 length of the probationary period is seven academic years. The faculty member is informed of the decision of the provost and vice president for academic affairs on tenure by April 15 of the sixth year of probationary service. The faculty member will receive either a tenure contract or a terminal contract in the seventh year.
- E. The length of the probationary period may be reduced in any of the following instances:
1. A faculty member who has full-time teaching experience at the rank of instructor or above at another collegiate institution, or at Old Dominion University prior to a break in service, may have the probationary period reduced by either one or two years. If the probationary period is to be reduced, the reduction must be recommended by the chair and dean and approved by the provost and vice president for academic affairs at the time of the initial appointment. Unless such a reduction has been approved and the faculty member has been so notified in writing at the time of initial appointment, reduction for prior service will not be granted. The changes

in the provisions of this paragraph as compared to the *Faculty Handbook* of 1978-79 will not apply to faculty members whose initial contract was offered prior to June 15, 1980.

2. A faculty member initially appointed to the rank of full professor may be notified of a tenure decision by April 15 of the second year of service; 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.
3. A faculty member initially appointed to the rank of associate professor may be notified of a tenure decision by April 15 of the fourth year of service. 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.
4. The probationary period for tenure may be shortened in the case of exceptional merit and performance. It is the sense of the Board of Visitors that this procedure be followed only in the case of demonstrably exceptional faculty.

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. (For definition of teaching, research, and service and a discussion of methods of evaluation, see policies and procedures concerning evaluation of faculty members.) 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. The evidence should address the quality of the journals and the reputation of book and other such publishers.

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 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. In case of material developments, additional documentation may be added to the portfolio with the concurrence of the department chair and dean.

- 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. 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.)
- 3. No person can be awarded tenure unless convincing evidence is provided of effective teaching.
 - 4. In departments offering graduate work, no faculty member can normally be awarded tenure unless convincing evidence is provided of successful performance in research. (Exceptions can be made only if the department can demonstrate a long-term need for an additional tenured faculty member who will not be teaching graduate students.)

V. Procedures for Tenure Consideration

- 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. 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.
 - 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. The chair will select three reviewers from the candidate's list and three reviewers from the department tenure and promotion committee's list. The chair will consult with the dean on the list of reviewers chosen prior to initiating the review process. As a general rule,

external reviewers should not be co-authors or former mentors of the candidate. 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 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.

C. 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. 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, will appoint enough additional tenured faculty members to form a committee of at least three members.
3. No dean, associate dean, assistant dean, or other full-time administrator or department chair 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.
4. 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. There should be at least three 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.

5. 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. 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.

D. The committee or group of tenured faculty makes its recommendations to the chair. All committee members should vote yes or no. Considering this recommendation, the chair makes an additional evaluation and recommendation concerning tenure.

E. If either the tenured faculty (or their committee), or the chair, or both recommend tenure, the credentials of the faculty member together with the recommendations of the tenured faculty (or their committee) and the chair are forwarded to the tenure committee of the college, which examines the facts and the recommendations and makes a recommendation to the dean. All committee members should vote yes or no.

F. If neither the departmental committee nor the chair recommends tenure for the faculty member, tenure is not granted in the ensuing year. If the faculty member is being considered in the year preceding the limit of his or her probationary period, as defined by the Board of Visitors policy on tenure, that 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. 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 a further review by the provost and vice president for academic affairs, who makes a final determination concerning further consideration of tenure.

G. 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.

- H. 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, including minority reasons, if any) concerning tenure, which is forwarded to the provost and vice president for academic affairs.
- I. 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 and dean concerned.
- J. 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 by April ~~15~~ 30 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.
- K. If the determination of the provost and vice president for academic affairs is against tenure and the decision is made in the year preceding the end of the limit of the probationary period, the faculty member is notified by April ~~15~~ 30 that a terminal contract will be offered for the ensuing year. A faculty member who has not reached the limit of the probationary period may be offered either one subsequent annual contract or a terminal contract for the ensuing year.
- L. The faculty member may request by May ~~4~~ 15 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 by June ~~4~~ 15. 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 by June ~~7~~ 30. (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. The Board of Visitors will make its decision by July 25.
- M. 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 May 1 to the Provost (February 1 for faculty hired mid-year).
- N. 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.

Committee members approved by unanimous vote the proposal to change the Psy.D. degree program in clinical psychology to a Ph.D. in clinical psychology. The program has developed over time so that it is now more similar to Ph.D. programs that offer a curriculum that equally emphasizes clinical and research training. The following resolution was brought forth as a recommendation of the Academic and Research Advancement Committee and was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

**PROPOSAL TO CHANGE THE PSY.D. DEGREE PROGRAM IN CLINICAL
PSYCHOLOGY TO PH.D. IN CLINICAL PSYCHOLOGY
COLLEGE OF SCIENCES**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves changing the Psy.D. Degree Program in Clinical Psychology to a Ph.D. in Clinical Psychology

Rationale: When the doctoral program in clinical psychology was first proposed in the 1970's, the Virginia Consortium requested a degree designation that was relatively new at the time, a Psy.D. or Doctor of Psychology, because the degree was intended to represent the program's focus on training practitioners. Over time, changes have occurred, outside of the Consortium, in the nature and function of the Psy.D. degree. Although early Psy.D. programs had generally small to moderate class sizes (like Ph.D. programs) and were based at universities, currently many Psy.D. programs are housed at professional schools, which lack the broader and richer academic environment provided by a university. As a clinical doctoral program that is small, university-based, and has a significant research component, Old Dominion's program has become increasingly different from most other Psy.D. programs and more similar to Ph.D. programs in clinical psychology that offer a curriculum that equally emphasizes clinical and research training.

Committee members received information on three requests for leave of absence without compensation and the annual report of the Committee's activities in 2011-12. In the report from the Provost, Carol Simpson reported that the University passed the SACS on-site visit and received commendations on distance learning and the Quality Enhancement Plan for Improving Disciplinary Writing. She also provided information on faculty retention and progress toward meeting strategic plan goals.

In the report from the Vice President for Research, Mohammad Karim updated the committee on recent research awards including a DOD Telemedicine & Advanced Technology Center \$2M grant to VMASC and an \$85M 15-year proposal entitled "Atmospheric Profile Experiment (APEX)" was submitted to the NASA Earth Venture

Instrument competition. Three licenses for bioelectrics intellectual property have been finalized by the ODU Research Foundation. A joint partnership between the Research Foundation, Nutrients Plus of Virginia Beach, and United Fertilizer is in progress. ODU now has in place over 200 approved non-exempt human subject research protocols and 50 approved animal research protocols. The Association for Assessment and Accreditation of Laboratory Animal Care (AAALAC) accreditation site visit is expected to take place in late Fall 2012.

ADMINISTRATION AND FINANCE COMMITTEE

The Rector called on Mr. Whyte for the report of the Administration and Finance Committee. Mr. Whyte reported that the Committee held the first part of its meeting in joint session with the Academic and Research Advancement Committee in order for the Board to hear a briefing from Chief Operating Officer David Harnage and Vice President Robert Fenning on the proposed FY2012-2013 Tuition and Fees and the FY2012-2013 Operating Budget and Plan.

Mr. Harnage reviewed the University's revised operating budget development process, which placed much greater emphasis upon collaboration among the senior officers in first determining the critical success factors and then specific allocations to best address them. Following Mr. Harnage's overview, Vice President Fenning presented the proposed FY2012-2013 Tuition and Fees. The proposed tuition increase for full-time in-state undergraduate students would be 3.3%, equivalent to the rate of inflation for the Hampton Roads region and the lowest increase in the last ten years. The total increase for tuition and fees for full-time, in-state undergraduates would be \$306 per year.

Vice President Fenning then reviewed the proposed FY2012-2013 Operating Budget and Plan and discussed the financial circumstances and the impact on the University.

At the conclusion of the joint session, the Administration and Finance Committee reconvened and, without further discussion, approved the proposed FY2012-2013 comprehensive fees. The following resolution, which was brought forth as a recommendation of the Administration and Finance Committee, was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

COMPREHENSIVE FEE RESOLUTION 2012-2013

RESOLVED, that upon the recommendation of the President, the Board of Visitors approves the following comprehensive tuition cost per credit hour for the 2012-2013 academic year and thereafter until otherwise adjusted by the Board of Visitors. Under unusual circumstances, the President may establish tuition rates different from these approved rates. The President must notify the Board of such changes at its next meeting.

Comprehensive Fee Per Credit Hour for the 2012-2013 Academic Year

	IN-STATE		OUT-OF-STATE	
	<u>TUITION AND FEES</u>		<u>TUITION AND FEES</u>	
	<u>FROM</u>	<u>TO</u>	<u>FROM</u>	<u>TO</u>
<u>REGULAR SESSION</u>				
Undergraduate (Per Cr Hr)	\$263	\$273	\$741	\$769
Graduate (Per Cr Hr)	\$379	\$393	\$961	\$997
Teaching Assistant	\$379	\$393	\$379	\$393
Research Assistant	\$379	\$393	\$379	\$393
<u>SUMMER SESSION</u>				
Undergraduate (Per Cr Hr)	\$263	\$273	\$741	\$769
Graduate (Per Cr Hr)	\$379	\$393	\$961	\$997
Teaching Assistant	\$379	\$393	\$379	\$393
Research Assistant	\$379	\$393	\$379	\$393
<u>Higher Education Centers & Off-Campus Offerings Within Hampton Roads</u>				
Undergraduate (Per Cr Hr)	\$263	\$273	\$741	\$769
Graduate (Per Cr Hr)	\$379	\$393	\$961	\$997
<u>TELETECHNET & Off-Campus Courses Outside Hampton Roads</u>				
Undergraduate (Per Cr Hr)	\$263	\$273	\$741	\$769
Graduate (Per Cr Hr)	\$379	\$393	\$961	\$997
<u>TELETECHNET USA (Distance Learning Students Living Outside Virginia and the United States):</u>				
Undergraduate (Per Cr Hr)	\$263	\$273	\$263	\$273
Graduate (Per Cr Hr)	\$379	\$393	\$379	\$393

The Committee also approved the proposed FY2012-2013 Operating Budget and Plan. The following resolution, which was brought forth as a recommendation of the Administration and Finance Committee, was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

RESOLUTION APPROVING 2012-2013 OPERATING BUDGET AND PLAN

RESOLVED, that upon the recommendation of the President and the Administration and Finance Committee, the Board of Visitors approves the proposed expenditure plan as displayed below and as contained in TABLE 2 of the University's 2012-2013 Operating Budget and Plan.

TABLE 2
UNIVERSITY EXPENDITURE SUMMARY
(in thousands)

<i>EXPENDITURES</i>	2011-12 Proposed Budget Plan	2012-13 Proposed Budget Plan
<i>E&G</i>		
Instruction	\$107,305	\$111,732
Research & Sponsored Programs	\$3,624	\$5,365
Public Service	\$255	\$305
Academic Support	\$44,488	\$43,827
Student Services	\$11,665	\$13,250
Institutional Support	\$32,661	\$31,617
Operations & Maintenance of Plant	\$23,721	\$26,184
Scholarships & Fellowships	\$2,800	\$1,800
Subtotal	\$226,519	\$234,080
Auxiliary Services	\$89,973	\$93,616
Grants & Contracts	\$28,889	\$32,609
Gifts & Discretionary	\$10,456	\$9,984
Scholarships & Fellowships	\$44,532	\$45,959
Student Loan Funds	\$118,000	\$120,000
Total University Expenditures	\$517,477	\$536,249
Summary of University Revenues & Expenditures		
Revenues	\$526,162	\$543,065
Expenditures	\$517,477	\$536,249
Contributions to/(Use of) Fund Balance	\$8,685	\$6,816

Rick Berry, Executive Director of Construction and Procurement Services, briefed the Committee on the chronology of increasing delegated, decentralized authority from the Commonwealth's central agencies which led to the University receiving Level II Authority for Information Technology and Procurement in 2008 and its renewal in 2012. His report also identified the various policies, procedures, standards and controls that have been put in place in order to assure compliance and effective operations as a result of the additional decentralized authority.

Following the briefing, the Committee approved the resolution approving revisions to Policy 1623, Administration of Capital Outlay Construction Under the Non-General Fund Decentralization Program. The following resolution, which was brought forth as a recommendation of the Administration and Finance Committee, was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

**RESOLUTION APPROVING REVISIONS TO POLICY 1623,
ADMINISTRATION OF CAPITAL OUTLAY CONSTRUCTION UNDER THE
NONGENERAL FUND DECENTRALIZATION PROGRAM**

RESOLVED, that upon the recommendation of the Administration and Finance Committee, the Board of Visitors approves revisions to Policy 1623, Administration of Capital Outlay Construction under the Nongeneral Fund Decentralization Program, adopted September 9, 2005.

NUMBER: 1623

TITLE: Administration of Capital Outlay Non-General Fund Construction Projects Under Level II Delegated Authority~~the Nongeneral Fund Decentralization Program~~

APPROVED: September 9, 2005; Revised June 14, 2012

I. Background

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

Pursuant to §23-38.88, *Eligibility for Restructured Financial and Administrative Operational Authority*, subdivision A3 states that "public institutions of higher education that have in effect a signed memorandum of understanding with the Secretary of Administration regarding participation in the non-general fund decentralization program as set forth in the appropriation act...to enter into contracts for specific construction projects without the preliminary review and approval of the Division of Engineering and Buildings of the Department of General Services, provided such institutions are in compliance with the requirements of the Virginia Public Procurement Act and utilize the general terms and

conditions for those forms of procurement approved by the Division and the Office of the Attorney General.”

The 2008 General Assembly session enacted, and the Governor approved, Chapters 824 and 829 of the Acts of Assembly of Virginia. These are two identical Acts that amended and re-enacted §23-38.90 of the Code of Virginia providing that:

“Effective July 1, 2008, any public institution of higher education may enter into a memorandum of understanding with the appropriate Cabinet Secretary or Secretaries, as designed by the Governor, for additional operational authority in any operational area adopted by the General Assembly in accordance with law provided that the authority granted in the memorandum of understanding is consistent with the institution’s ability to manage its operations in the particular areas or areas.”

To promulgate expanded operational authority in the area of procurement, Old Dominion University entered into a memorandum of understanding (MOU) with the Secretary of Administration in July, 2009, which was renewed in April, 2012, for a term of five years, with automatic renewals of five-year terms thereafter. Among other powers, this MOU grants the University additional operational authority in the area of procurement as authorized by Chapters 824 and 829. The legislation required that the University adopt the “Rules Governing Procurement of Goods, Services, Insurance and Construction by a Public Institution of Higher Education of the Commonwealth of Virginia” (the “Rules”) contained in Attachment I of §3.0 in lieu of the Virginia Public Procurement Act (VPPA).

Pursuant to §23-38.90, specifically under §3.0 IV.5.E., Implementation, the University is exempt from use and oversight of many Commonwealth policies and agencies, including specific sections of the Virginia Public Procurement Act (VPPA), Department of Blind and Vision Impaired (VIB), and the Division of Purchases and Supplies of the Virginia Department of General Services (DPS/DGS). Additionally, and more specifically related to this policy, pursuant to the same section of §3.0 IV.5.E., Implementation, the University is also exempt from the oversight of the Division of Engineering and Buildings of the Virginia Department of General Services, as follows:

any other state statutes, rules, regulations, or requirements relating to the procurement of goods, services, insurance and construction, including but not limited to Article 3 (§2.2-1109, et seq.) of Chapter 11 of Title 2.2, regarding the duties, responsibilities, and authority of the Division of Purchases and Supply of the Virginia Department of General Services, and Article 4 (§2.2-1129 et seq.) of Chapter 11 of Title 2.2, regarding the review and the oversight by the Division of Engineering and Buildings of the Virginia Department of General Services of contracts for the construction of the Institution’s capital projects and construction-related professional services.”

II. Board of Visitors Policy

Having ~~a~~-signed ~~Memoranda~~Memorandum of Understanding (MOU) with the Secretary of Administration concerning the administration of capital outlay construction contracts under the Non-general Fund Decentralization Program, and an additional MOU for Level II delegated authority, it is the policy of the Board of Visitors that the University ~~to~~ administers such contracts in ~~accordance~~consonance with ~~those~~that MOUs and any

properly approved amendments thereto. ~~In particular, it~~ is also the Board's policy that ~~the such~~ administration of non-general fund capital outlay projects adheres to the requirements of the "Rules", the Purchasing Manual for Institutions of Higher Education and Their Vendors (the Higher Ed Manual) and Virginia Public Procurement Act, and incorporates the procurement forms and terms and conditions approved by the ~~Commonwealth's Division of Engineering and Buildings and the~~ Commonwealth's Attorney General.

The Vice President for Administration and Finance shall have the authority to approve the use of alternative delivery methods for non-general fund projects.

III. Authority

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

IV. Definitions

- A. Alternate Project Delivery Methods - Design-Build and Construction Management services as defined herein and ~~Chapter 11 in §4~~ of the "Rules" CPSM.
- B. BCOM - The Commonwealth's Bureau of Capital Outlay Management, an entity of the DGS reporting to DEB.
- ~~C. Capital Projects - Construction projects in excess of \$500,000 that have been approved by the General Assembly.~~
- D. Construction - Building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.
- E. Construction Management - Services provided under a contract with the Owner, which generally include coordinating and administering construction contracts for the benefit of the Owner, but may also include, if provided in the contract, furnishing construction services to the Owner.
- F. CPSM - The Commonwealth's Construction and Personal Services Manual issued by BCOM
- G. DEB - The Commonwealth's Division of Engineering and Buildings which reports to DGS.
- H. DGS - The Commonwealth's Department of General Services which reports to the Secretary of Administration.
- I. Design-Build - Services under a contract with the Owner in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.

~~J. MOU - Memorandum of Understanding under the Non General Fund Pilot Decentralization Program executed between the University and the Secretary of Administration in October 2003.~~

~~JK. Professional Services - As used in these procedures, the services of licensed architects, engineers and other professionals as defined in the "Rules"VPPA.~~

~~L. VPPA - The Virginia Public Procurement Act~~

~~V. Procedures~~

~~Old Dominion University intends to manage Non General Fund capital projects in accordance with the processes and procedures laid out in the most recent edition of the CPSM, as modified by the MOU and procedures outlined herein.~~

~~A. Project Development~~

- ~~1. The University Architect/Director of Design and Construction will initiate approved projects with the standard BCOM form CO-2.~~
- ~~2. CO 2 approvals will be coordinated with BCOM consistent with the procedures laid out in the CPSM for General Fund projects.~~
- ~~3. Standard BCOM CO-6 forms will be used for approval of Working Drawings and completion of any structural and special inspections.~~

~~B. Procurement of Professional Services~~

- ~~1. The University will follow the procedures laid out in the CPSM for procurement of professional services.~~
- ~~2. Working with the University Architect/Director of Design and Construction the Director of Material Management will manage the initial procurement (that is solicitation, evaluation and award) of these contracts and assist the University Architect/Director of Design and Construction in contract administration.~~
- ~~3. The Director of Material Management will maintain record files of the procurement solicitation, evaluation and award.~~
- ~~4. The University Architect/Director of Design and Construction will maintain record copies of professional services contract administration documents.~~

~~C. Proprietary and Sole Source Specifications~~

- ~~1. Generally, the University will seek to avoid proprietary or sole source specifications.~~

- ~~2. The University Architect/Director of Design and Construction, working with the Director of Material Management and the Director of Facilities Management will develop sole source or proprietary specifications, and justification supporting their use, as circumstances require.~~
- ~~3. The Vice President of Administration and Finance will review and approve the use of such specifications in those cases where warranted.~~

~~D. Design Reviews and Approvals~~

- ~~1. The University will seek BCOM review of all design work.~~
- ~~2. The University Architect/Director of Design and Construction will submit schematic and preliminary drawings to BCOM for informal review, while continuing the design process.~~
- ~~3. The University Architect/Director of Design and Construction will submit Construction Documents and a completed Application for Building Permit to BCOM for review. This review will be for conformance with
 - ~~a. The Uniform Statewide Building Code~~
 - ~~b. Accessibility standards in accordance with the current requirements of the CPSM~~
 - ~~c. Technical standards in accordance with the current requirements of the CPSM~~~~
- ~~4. The University Architect/Director of Design and Construction will obtain written approval of other State and Federal agencies as may be required for a particular project.~~

~~E. Construction Bids and Proposals~~

- ~~1. Construction procurement and administration will be governed by the current procedures of the CPSM.~~
- ~~2. Working with the University Architect/Director of Design and Construction the Director of Material Management will manage the initial procurement (that is solicitation, evaluation and award) of these contracts and assist the University Architect/Director of Design and Construction in contract administration.~~
- ~~3. Should bid or proposal prices exceed construction budgets, the Vice President of Administration and Finance may grant authority to negotiate with apparent low bidder/highest ranked offeror.~~
- ~~4. The Vice President of Administration and Finance will approve the BCOM CO-8, Approval to Award a Construction Contract.~~

~~F. Change Orders~~

- ~~1. The provisions of the VPPA will govern the creation of change orders.~~
- ~~2. The University will observe the current requirements of the CPSM in approval and administration of change orders.~~
- ~~3. The University Architect/Director of Construction and Design, assisted by the Director of Material Management will negotiate change orders, whether for professional services or constructions services, as may be required.~~
- ~~4. The Vice President of Finance and Administration, or his designee will review and approve change orders, except that~~
 - ~~a. Change orders which involve changes to systems regulated by the Building Code or the life safety elements related to the Building Code will sent to BCOM for review.~~
 - ~~b. Change orders which change the scope of work authorized by the Appropriations Act will be submitted to the Director of DEB for review and approval.~~

~~G. Alternate Project Delivery Methods~~

- ~~1. The Vice President of Administration and Finance will approve the use of Design-Build or Construction Management for projects within the scope of this policy and these procedures.~~
- ~~2. Procedures for the use of Design-Build or Construction Management services which follow the current requirements of the CPSM.~~
- ~~3. The procedures set out above will apply when procuring and administering Design-Build and Construction Management services.~~

The Committee also approved the proposed revisions to Policy 1628, Utilization of Fixed Price Design-Build or Construction Management Contracts as Methods of Procurement. The following resolution, which was brought forth as a recommendation of the Administration and Finance Committee, was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

**RESOLUTION APPROVING REVISIONS TO POLICY 1628,
UTILIZATION OF FIXED PRICE DESIGN-BUILD OR CONSTRUCTION
MANAGEMENT CONTRACTS AS METHODS OF PROCUREMENT**

RESOLVED, that upon the recommendation of the Administration and Finance Committee, the Board of Visitors approves revisions to Policy 1628, Utilization of Fixed Price Design-Build or Construction Management Contracts as Methods of Procurement, adopted September 9, 2005.

NUMBER: 1628

TITLE: Utilization of Fixed Price Design-Build or Construction Management Contracts as Methods of ~~Delivery~~Procurement

APPROVED: September 9, 2005; Revised June 14, 2012

I. Background

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

Pursuant to §23-38.88, *Eligibility for Restructured Financial and Administrative Operational Authority*, subdivision A13 states public institutions of higher education may utilize as methods of procurement a fixed price, design-build or construction management contract provided that the Board of Visitors adopts policies and procedures which are consistent with the requirements of the Virginia Public Procurement Act and the procedures adopted by the Secretary of Administration for such methods of procurement.

The 2008 General Assembly session enacted, and the Governor approved, Chapters 824 and 829 of the Acts of Assembly of Virginia. These are two identical Acts that amended and re-enacted §23-38.90 of the Code of Virginia providing that:

“Effective July 1, 2008, any public institution of higher education may enter into a memorandum of understanding with the appropriate Cabinet Secretary or Secretaries, as designed by the Governor, for additional operational authority in any operational area adopted by the General Assembly in accordance with law provided that the authority granted in the memorandum of understanding is consistent with the institution’s ability to manage its operations in the particular areas or areas.”

To promulgate expanded operational authority in the area of procurement, Old Dominion University entered into a memorandum of understanding (MOU) with the Secretary of Administration in July, 2009, which was renewed in April, 2012, for a term of five years, with automatic renewals of five-year terms thereafter. Among other powers, this MOU grants the University additional operational authority in the area of construction authorized by §3.0 of Chapters 824 and 829. The legislation required that the University adopt the “Rules Governing Procurement of Goods, Services, Insurance and Construction

by a Public Institution of Higher Education of the Commonwealth of Virginia” (the “Rules”) contained in Attachment I of §3.0 in lieu of the Virginia Public Procurement Act (VPPA).

Pursuant to §23-38.90, specifically under §3.0 IV.5.E., Implementation, the University is exempt from use and oversight of many Commonwealth policies and agencies, including specific sections of the Virginia Public Procurement Act (VPPA), Department of Blind and Vision Impaired (VIB), and the Division of Purchases and Supplies of the Virginia Department of General Services (DPS/DGS). Additionally, and more specifically related to this policy, pursuant to the same section of §3.0 IV.5.E., Implementation, the University is also exempt from the oversight of the Division of Engineering and Buildings of the Virginia Department of General Services, as follows:

any other state statutes, rules, regulations, or requirements relating to the procurement of goods, services, insurance and construction, including but not limited to Article 3 (§2.2-1109, et seq.) of Chapter 11 of Title 2.2, regarding the duties, responsibilities, and authority of the Division of Purchases and Supply of the Virginia Department of General Services, and Article 4 (§2.2-1129 et seq.) of Chapter 11 of Title 2.2, regarding the review and the oversight by the Division of Engineering and Buildings of the Virginia Department of General Services of contracts for the construction of the Institution’s capital projects and construction-related professional services.”

II. Board of Visitors Policy

It is the policy of the Board of Visitors to use fixed-price design build and construction management contracts for general fund projects only as allowed under the ~~Virginia Public Procurement Act~~ “Rules”, the Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors (the “Higher Ed Manual”), any MOUs between the University and the Secretary of Administration, and other policies adopted by the University. The Board of Visitors shall approve the use of these processes in advance of solicitation on a case-by-case basis. ~~In the case of General Fund projects, their use shall be consistent with the procedures adopted by the Secretary of Administration and published in the Commonwealth’s Construction and Professional Services Manual (CPSM).~~

In the case of Non-General Fund projects, the Vice President for Administration and Finance shall have the authority to approve the use of alternate delivery methods under the Pilot Decentralization Program as updated by Level II delegated authority and Board of Visitors Policy 1623.~~†~~The use of these alternate delivery methods ~~of procurement~~ will be consistent with the provisions of the Memorandum of Understanding (MOU) Concerning Capital Outlay Projects executed by the University with the Secretary of Administration, ~~as laid out in the Commonwealth’s Bureau of Capital Outlay Management’s (BCOM) Construction and Professional Services Manual (CPSM)~~ and any properly approved amendments or additional MOUs~~to that MOU.~~

III. Authority

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

IV. Definitions

A. BCOM - The Commonwealth's Bureau of Capital Outlay Management, an entity of the DGS reporting to DEB.

~~B. Capital Projects - Construction projects in excess of \$500,000 that have been approved by the General Assembly.~~

BC. Construction - Building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.

~~CD. Construction Management - Services provided under a contract with the Owner, which generally include coordinating and administering construction contracts for the benefit of the Owner, but may also include, if provided in the contract, furnishing construction services to the Owner.~~

~~DE. CPSM - The Commonwealth's Construction and Personal Services Manual issued by BCOM~~

~~EF. DEB - The Commonwealth's Division of Engineering and Buildings which reports to DGS.~~

~~FG. DGS - The Commonwealth's Department of General Services which reports to the Secretary of Administration.~~

~~GH. Design-Build - Services in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.~~

~~V. Procedures~~

~~A. Solicitation~~

~~1. Determine and document the basis for this determination that use of the Fixed-Price Design-Build or Construction Management method of procurement is more advantageous to the University than use of formal sealed bidding that is the traditional design-bid-build process.~~

~~2. Determine whether or not the project meets the criteria set out for use of Fixed-Price Design-Build or Construction Management in the CPSM.~~

~~a) For Non-General Fund projects document the file with the finding.~~

- ~~b) For General Fund projects request permission to use (or if appropriate request a waiver to use) the Design-Build or CM method of procurement from the Director of DEB.~~
- ~~3. Issue a Request for Qualification (RFQ), and after short listing 3 to 5 submitters, issue a Request for Proposals (RFP), or~~
- ~~4. Request authority from the Director of DEB to combine the Request for Qualifications and Request for Proposals in one document.~~
- ~~5. Issue the Solicitation Document(s)
 - ~~a) The Design-Build RFP will contain facility requirements, building and site criteria, site and survey and other relevant technical information. It will also contain the evaluation criteria to be used in awarding the contract. For General Fund projects, proposal cost must be at least 55% of the evaluation weight.~~
 - ~~b) The CM RFP will contain the scope of services, including pre-construction and CM At Risk services, and the evaluation criteria to be used in awarding the contract. For General Fund projects, proposal cost must be at least 55% of the evaluation weight.~~~~
- ~~6. Post notice of the RFQ and RFP on eVA and advertise in newspapers as required by the VPPA and CPSM.~~

~~B. Evaluation of Proposals~~

- ~~1. Establish an evaluation committee with membership as required by the CPSM.~~
- ~~2. Evaluate the proposals in accordance with the criteria set out in the RFP.
 - ~~a) If separate RFQ and RFP solicitations were used, the evaluation committee will evaluate the proposals short listed under the RFQ.~~
 - ~~b) If the RFQ and RFP are combined in one solicitation document, the evaluation committee will short list the most qualified proposers for the next step in the process.~~~~
- ~~3. Conduct interviews and negotiations in accordance with the process set out in the RFP.~~
- ~~4. Based on the evaluation criteria scoring system laid out in the RFP, determine the highest ranked offeror.~~
- ~~5. Ensure that the highest ranked offeror is or is partnered with:~~

~~a) An engineer or architect licensed in Virginia by the Department of Professional and Occupational Regulation.~~

~~b) A construction contractor licensed in Virginia as a Class A Contractor by the Department of Professional and Occupational Regulation.~~

~~C. Recommendations for Award~~

~~1. Upon determination of the highest ranked offeror, recommend contract to the Vice President of Administration and Finance that the contract be awarded to that offeror.~~

~~2. The recommendation or contract award shall including the following information:~~

~~a) A cover letter supporting the award to the selected bidder.~~

~~b) Scoring results from the evaluation committee.~~

~~c) Additional attachments and applicable information supporting the recommendation.~~

~~d) Any necessary information explaining irregularities or informalities.~~

~~3. Upon acceptance and approval of the recommendation to award the contract, the Vice President of Administration will recommend award to the President or the President's designee.~~

~~D. Award~~

~~1. The President or designee shall be authorized to execute the contract.~~

~~2. Utilize the procurement forms and standard terms and conditions approved by DEB and the Commonwealth's Attorney General in the contract document.~~

~~E. Notification/Posting~~

~~1. Upon execution of contracts, the Department of Materiel Management shall:~~

~~a) Post a Notice of Award on the Department of Materiel Management bulletin board and on eVA.~~

~~b) Provide copies of awarded contract documents to the contractor, the University Architect, and appropriate University departments.~~

~~F. Contract Administration~~

~~1. For Non General Fund projects, administer the construction project in accordance with the Memorandum of Understanding with the Secretary of Administration~~

~~a) Provide for one formal BCOM review of project drawings, but make as many informal submissions as necessary to assure BCOM's final approval.~~

- ~~b) — Ensure the State Fire Marshall conducts required project inspections.~~
- ~~2. — For General Fund projects administer the contract in accordance with the CPSM, ensuring that the State Fire Marshall conducts required project inspections.~~
- ~~G. — Confidentiality — All correspondence related to the evaluation, negotiation and award of contracts shall remain confidential until after the contract has been awarded. At this time, information regarding the formal RFQ/RFP processes shall be deemed public information.~~

Mr. Berry provided information on the University’s FY2011-2012 SWAM performance and proposed the FY2012-2013 SWAM Plan, which was approved by the Committee. The recommended aspirational targets for the SWAM Plan are based on past and current expenditure trends. The Plan also incorporates the Secretary of Administration’s Supplier Diversity memo dated April 20, 2012. The following resolution, which was brought forth as a recommendation of the Administration and Finance Committee, was approved unanimously by all members present and voting. *(Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O’Neill, Whyte)*

**RESOLUTION TO APPROVE THE UNIVERSITY’S
SWAM PROCUREMENT PLAN FOR FISCAL YEAR 2013**

RESOLVED, that upon the recommendation of the Administration and Finance Committee, the Board of Visitors approves the University’s proposed SWaM Procurement Plan for Fiscal Year 2013.



**Department of Construction and
Procurement Services**

SWaM Procurement Plan
Fiscal Year 2013

PURPOSE: The purpose of the Old Dominion University Small, Women-Owned, and Minority-Owned (SWaM) owned program is to increase opportunities, participation and contract awards for Department of Minority Business Enterprise (DMBE) certified SWaM businesses in order to achieve the Commonwealth of Virginia’s SWaM Aspirational Targets. Further, the FY13 SWaM Plan incorporates the Secretary of Administration’s supplier diversity memo dated April 20, 2012 as a goal statement for the University.

- I.** The University’s FY 2011, 2012 and 2013 SWaM aspirational target expenditures for Small, Women-Owned and Minority-Owned businesses as a percentage of projected

discretionary expenditures are listed below. These targets include expenditures with both prime contractors and subcontractors.

	MBE	WBE	SBE	TOTAL
FY2011 Aspirational Targets	8%	5%	33.5%	46.5%
FY2011 Actual Expenditures	8.10%	10.98%	39.83%	58.91%
FY2012 Aspirational Targets	8%	6.5%	33 %	47.50%
FY2012 Projected Expenditures*	8.97%	8.91%	35.49%	53.37%
FY2013 Aspirational Targets	8%	6.50%	33%	47.50%

*FY12 4th Quarter has been projected based on expenditures reported for the first half of the 4th Quarter.

University SWaM reporting for fiscal year 2011 was as follows:

FY2011 Quarterly Expenditure History - DMBE Certified Vendors								
Qtr	Total Quarterly Expenditures	MBE Expenditures		WBE Expenditures		SBE Expenditures		Total SWaM
		Amount	%	Amount	%	Amount	%	
1 st	\$14,629,567	\$552,711	3.78%	\$1,704,014	11.65%	\$7,123,033	48.69%	64.12%
2 nd	\$13,493,565	\$1,586,937	11.76%	\$940,186	6.97%	\$4,721,883	34.99%	53.72%
3 rd	\$10,909,270	\$1,226,098	11.24%	\$745,166	6.83%	\$4,788,311	43.89%	61.96%
4 th	\$13,482,133	\$890,137	6.60%	\$2,376,455	17.63%	\$4,282,568	31.76%	55.99%
FY11	\$52,514,534	\$4,255,883	8.10%	\$5,765,821	10.98%	\$20,915,795	39.83%	58.91%
FY11 ASPIRATIONAL TARGETS		8.00%		5.00%		33.50%		46.50%

University SWaM reporting for fiscal year 2012 was as follows:

FY2012 Quarterly Expenditure History - DMBE Certified Vendors								
Qtr	Total Quarterly Expenditures	MBE Expenditures		WBE Expenditures		SBE Expenditures		Total SWaM
		Amount	%	Amount	%	Amount	%	
1 st	\$14,048,747	\$1,346,363	9.58%	\$1,154,746	8.22%	\$5,505,968	39.19%	56.99%
2 nd	\$6,870,363	\$892,150	12.99%	\$743,885	10.83%	\$2,537,873	36.94%	60.75%
3 rd	\$7,184,191	\$450,836	6.28%	\$773,371	10.76%	\$2,594,647	36.12%	53.16%

4 th *	\$9,367,767	\$672,337	7.18%	\$668,001	7.13%	\$2,659,622	28.39%	42.70%
FY12 YTD	\$37,471,068	\$3,361,686	8.97%	\$3,340,004	8.91%	\$13,298,110	35.49%	53.37%
FY12 ASPIRATIONAL TARGETS			8.00%	6.50%	33.00%	47.50%		

*FY12 4th Quarter has been projected based on expenditures reported for the first half of the 4th Quarter.

II. Designation of Procurement Champion

Rick Berry, CPPO
 Executive Director of Construction & Procurement Services
 Old Dominion University
 4401 Powhatan Avenue, Suite 111
 Norfolk, VA 23529-0308
 Phone: (757) 683-3109
 E-mail: rberry@odu.edu

III. SWaM Procurement Processes and Strategies

A. Summary of the Purchasing Process

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

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

All decentralized departments authorized to use eVA shall have \$5,000 delegated purchasing authority.

B. Procurement Process

Mandatory Sources

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

Contract Procurements

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

All Departmental Users:

\$0 - \$5,000 Transactions under \$5,000 may be processed via petty cash (up to \$200), small purchase procedure (up to \$500), purchasing charge card (PCard) up to the cardholder’s transaction limit, generally not to exceed \$4,999.99, or eVA.

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

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

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

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

\$50,001+ Procurement Services shall utilize eVA’s “Virginia Business Opportunities” (VBO) to post all formal solicitations.

Sole Source

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

Emergency

Emergency purchases exist when an immediate purchase is required to protect life, safety or property, to prevent substantial economic loss or prevent interruption of services. Emergency requests are generated by University departments, reviewed/approved by the appropriate Procurement Officer,

and the Executive Director of Construction & Procurement Services. Emergency procurements over \$500,000 require additional approval by the Vice President of Administration and Finance. All emergency procurements that exceed \$50,000 shall be posted on eVA's VBO website. The Procurement Services staff shall make every effort to encourage SWaM participation whenever available.

Subcontractors

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

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

IV. SWaM Business Outreach

The University will:

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

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

V. Internal Monitoring Mechanisms

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

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

The University will:

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

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

VI. Compliance

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

Signature: _____ Date _____
 John Broderick
 President

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

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

1. Old Dominion University is committed to the establishment, preservation, strengthening of small businesses, small businesses owned by women and minorities and to encouraging their participation in State procurement activities. The University’s 2013 SWaM aspirational target for firms certified by DMBE is:

- i. Minority Business Enterprises 8%
- ii. Women Business Enterprises 6.5%
- iii. Small Business Enterprises 33%

Please tailor your firm's SWaM plan response to assist the University in meeting its aspirational target(s).

2. The University also encourages Bidder's/Offeror's to provide for participation of small businesses, and businesses owned by women and minorities through partnerships, joint ventures, subcontracts, or other contractual opportunities. Submission of a report of past efforts to utilize the goods and services of such businesses, and plans for involvement on any resulting contract are required. By submitting a response, Bidder/Offeror certifies that all information provided in response to this solicitation is true and accurate. Failure to provide the information required by this solicitation may ultimately result in response being deemed non-responsive, and ultimately rejected.
3. While it is the University's intent to enter into an exclusive agreement with one Bidder/Offeror, whenever possible, all potential Bidders/Offerors are encouraged to subcontract any applicable services by partnering with qualified vendors that have also been certified as small, small woman-owned, small minority-owned, businesses through the Commonwealth of Virginia's Department of Minority Business Enterprise (DMBE).
4. In order for Bidders/Offerors to be given consideration for award of a contract, each Bidder/Offeror shall provide with their response (and/or no later than ten (10) business days after request, but prior to award, such statement(s)) setting forth:
 - a. The good faith SWaM owned business participation efforts which the Bidder/Offeror has undertaken in the past: and
 - b. The good faith SWaM owned businesses participation efforts which the Bidder/Offeror intends to undertake in connection with the performance of this contract; including name of firm, contact name and phone number, total dollar amount to be subcontracted, category type (small, women, or minority owned), type of product/services.
5. If, in the statement submitted in the response to above sections 4.a and 4.b, the Bidder/Offeror indicates that it has not undertaken any good faith SWaM business participation efforts in the past and/or does not intend to undertake any such efforts in connection with the performance of any resulting contract, the Bidder/Offeror must **also** submit a statement setting forth the reason why it has not undertaken such efforts in the past and/or does not intend to undertake them in connection with the performance of this contract.
6. Any Bidder/Offeror that can qualify for certification through DMBE must do so prior to the award of any contract. The qualification information shall be evidenced by that information specified in the Bidder's/Offeror's completed and submitted W-9 form.
7. Bidder/Offeror shall agree that when proposing subcontractors that **are not** certified through DMBE, it shall become the responsibility of the Bidder/Offeror to ensure those proposed subcontractors become certified through DMBE, when applicable.

Failure on the part of the Bidder/Offeror to agree to this responsibility will result in the response being deemed non-responsive and rejected. Prior to the issuance of any contract and/or purchase order, the successful Bidder/Offeror shall provide support documentation to the University validating the efforts of the Bidder/Offeror to get the proposed subcontractors certified. Should the Bidder/Offeror fail to get certified through DMBE those proposed subcontractors that qualify, Bidder/Offeror may be deemed in “breach”, and the contract and/or purchase order may be cancelled.

8. Regardless of whether or not the Bidder/Offeror is able to qualify for DMBE certification, selected Bidder/Offeror shall also agree to provide reports to the University’s Department of Procurement Services, identifying the subcontractors used during the performance of any subsequent contract, as follows:

A. Goods and Services – Quarterly Reports:

i. DMBE Certified subcontractors:

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

ii. Non-DMBE Certified subcontractors – Contracts >\$200,000:

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

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

i. DMBE Certified subcontractors:

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

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

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

a. Good faith SWaM owned business participation efforts:

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

i. For past efforts, this sum total shall be comprised of the record of minority participation over the past two (2) years through employment, retention and promotion: subcontracting or joint ventures in the private sector; or a combination thereof.

ii. In connection with the performance of this contract, good faith efforts shall mean those measures which are proposed to allow equitable participation of SWaM subcontractors.

b. Minority Owned Business Enterprise: a business concern which is at least 51 percent owned by one or more minorities or in the case of a corporation, partnership or limited liability company or other entity, at least 51 percent of the equity ownership interest in which is owned by one or more minorities and whose management and daily business operations are controlled by one or more of such individuals.

c. Minority Individual: "Minority" means a person who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

i. **Asian Americans:** means all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Marinas, the Philippines, U. S. territory of the Pacific, India, Pakistan, Bangladesh and Sri Lanka and who are regarded as such by the community of which these persons claim to be a part.

ii. **African Americans:** means all persons having origins in any of the original peoples of Africa and who are regarded as such by the community of which these persons claim to be a part.

iii. **Hispanic Americans:** means all persons having origins in any of the Spanish speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who are regarded as such by the community of which these persons claim to be a part.

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

Vice President Fenning briefed the Committee on the on-going progress of the Banner Revitalization/Business Management effort. He also provided information on the current status of land assembly efforts for the last phases of the Hampton Boulevard Redevelopment Area (University Village).

The Committee received the standing reports on Capital Outlay Projects and Investments.

INSTITUTIONAL ADVANCEMENT COMMITTEE

The Rector called on Ms. Forehand for the report of the Institutional Advancement Committee. Ms. Forehand reported that the Committee considered two action items. The Committee approved a resolution to rename the Rectors’ Room as the President’s Dining Room. The following resolution was brought forth as a recommendation of the Institutional Advancement Committee and was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O’Neill, Whyte*)

**RESOLUTION TO NAME THE RECTORS’ ROOM IN WEBB UNIVERSITY CENTER
THE PRESIDENTS’ DINING ROOM**

WHEREAS, Old Dominion University has a tradition of honoring its presidents and rectors with formal portraits hung in the heart of campus, the Webb University Center; and

WHEREAS, the portraits in the Rectors’ Room are of Old Dominion University Presidents’ and the portraits in the Board Room are of Board of Visitors Rectors’; and

WHEREAS, by naming the Presidents' Dining Room we will honor Old Dominion University Presidents' with a room showcasing their portraits.

THEREFORE, BE IT RESOLVED, that the Board of Visitors of Old Dominion University approve the naming of the Rectors' Room in Webb University Center as the Presidents' Dining Room.

BE IT FURTHER RESOLVED, that this Resolution be spread across the minutes of the Board of Visitors and portraits of each Old Dominion University president continue to be displayed in the Presidents' Dining Room.

The Committee also approved a resolution to revise Board of Visitors Policy 1003, The University's Name and Identification. The following resolution was brought forth as a recommendation of the Institutional Advancement Committee and was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Whyte*)

**RESOLUTION APPROVING REVISIONS TO POLICY 1003,
THE UNIVERSITY'S NAME AND IDENTIFICATION**

RESOLVED, that upon the recommendation of the Institutional Advancement Committee, the Board of Visitors approves the following revisions to Policy 1003, The University's Name and Identification, adopted June 19, 1986 and revised on October 16, 1986.

NUMBER: 1003

TITLE: The University's Name and Identification

APPROVED: June 19, 1986; Revised October 16, 1986

1. Name

As provided by statute, the name of the university is Old Dominion University.

The name of the university shall not be used in the name of any other corporation, association, organization or other entity or used in any other way so as to identify the university with the aims, policies, programs, products, or opinions of any other entity or its members, without the express authority of the president.

The name of the university shall not be used to align the university with any political, economic, social, or cultural cause or for any private commercial or promotional advertising purposes whatsoever without express authority from the president.

2. Seal

The seal of the university shall be as follows:

The central portion of the seal is a modified and simplified version of the Stuart arms, royal arms of the Stuart rulers of England at the time Virginia became known as the Old Dominion. Included therein are the shields of the kingdoms of England, Scotland, Ireland, and France, the last of which England still claimed at the time. Over this is placed the coat of arms of The College of William and Mary, granted by the Herald's College in 1694, to indicate the origin of the university. Within concentric circles around the shields are the name of the institution and the date of its founding as follows: "Old Dominion University 1930."

The university seal will be used for official university business where traditional imagery is appropriate or as otherwise deemed appropriate by the president.

3. Flag

The flag of the university has a royal blue background, with the seal of the university in color in the center. The proportion of the length of the flag to the width is 3 to 2, and the proportion of the width of the flag to the diameter of the seal is 2 to 1. If a fringe is used, it shall be gold and shall be 1/20th of the length of the flag.

The president shall be responsible for establishing policies governing the display of the flag.

4. Colors

The university colors are blue (PMS 540) and silver and were selected to be highly distinctive and unique to Old Dominion University. In applications where silver may not be used, grey (PMS ~~430429~~) should be substituted.

Color Palette

In addition to Old Dominion University's blue and silver school colors, the ODU brand employs six additional colors. These vibrant tones were chosen for their youthful feel and because they retain a sense of energy at lower opacities. They are: PMS Orange 021, PMS 369, PMS 283, PMS 110, PMS 7427 and PMS Violet.

The president shall be responsible for establishing policies governing the use and application of the university colors.

5. Visual Identification Program~~Logo and Signature~~

Two components make up the ODU signature: the word mark and the logo. The word mark is rendered in the Beaufort Bold font (caps and small caps). The crown is a fresh expression of the qualities of prestige and leadership.

The ODU signature can be used with or without the tagline. When presented in full color, the signature employs the school colors PMS 540 (blue) and PMS 430 (gray). The tagline is PM 540. When presented in a single color, 10% black or 100% PMS 540 is used to maintain the dimension of the signature. When reversed, the background must be a dark value so that the signature is clearly read – 100% black or PMS 540 is preferred.

~~The University tagline, ‘Idea Fusion,’ is rendered in two weights of the fond Geometric 415: “Idea” in medium, all caps, and “Fusion” in black, all, caps. In full color “Idea Fusion” is PMS 540.~~

~~The visual image adopted by Old Dominion University communicates the quality, strength, and integrity of the institution through the equity in the Old Dominion name and its ties with the heritage and historical tradition of the region.~~

~~The symbol is a stylized contemporary rendering of a heraldic lion and crown. These visual elements achieve a very strong historical tie to the origin of the Old Dominion name which was given to the entire Mid-Atlantic colony by King Charles II of England in 1660. In the heraldic imagery of that period, the lion and crown were representative of quality, tradition, strength, and integrity. This distinctive and memorable symbol represents a direct derivation of the institution’s name and the region it serves.~~

~~The typestyle chosen for the university logotype is a hand modified contemporary version of the Bodoni type family.~~

The president shall be responsible for establishing policies governing the use and application of the university's logo and signature ~~visual identification program.~~

Vice President Brandon presented and discussed Dashboard items and reviewed University Advancement’s 2011-2012 accomplishments and goals for the upcoming year.

STUDENT ADVANCEMENT COMMITTEE

The Rector called on Mr. Jacobson for the report of the Student Advancement Committee. Mr. Jacobson reported that Mike Debowes, Director of Student Conduct and Academic Integrity, presented a proposed revised version of Board of Visitors Policy 1530, Student Disciplinary Policies and Procedures. He discussed the process followed in revising the policy and answered questions from Committee members. The following resolution was brought forth as a recommendation of the Student Committee and was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Brown, Cofer, Forehand, Gehman, Gilmore, Jacobson, Kilmer, Kirk, Kornblau, O’Neill, Whyte*)

PROPOSED REVISIONS TO BOARD OF VISITORS POLICY 1530, STUDENT DISCIPLINARY POLICIES AND PROCEDURES

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

NUMBER: 1530

TITLE: Code of Student Conduct

APPROVED: August 27, 1970; Revised April 5, 1979; Revised April 6, 1984; Revised February 14, 1985; Revised February 12, 1987; Revised December 8, 1994; Revised June 20, 1996, Revised June 18, 1998; Revised June 17, 1999; Revised September 14, 2000; Revised June 16, 2001; Revised December 10, 2004; Revised April 7, 2006; Revised June 13, 2008; Revised June 17, 2010; Revised September 15, 2011; [Revised June 14, 2012](#)

I. BASIS AND RATIONALE FOR A CODE OF STUDENT CONDUCT

Old Dominion University (“the University”) is committed to fostering an environment that is: safe and secure; inclusive; and conducive to academic inquiry, student engagement and student success. A community exists on the basis of shared values and principles. At Old Dominion University, student members of the community are expected to uphold and abide by standards of conduct that form the basis of the Code of Student Conduct (“the Code”). These standards are embodied within a set of core values that include *integrity, fairness, respect, community, and responsibility*. When student members of the community fail to exemplify these values, student conduct proceedings are used to assert and uphold the Code. All students are expected to assume responsibility for their conduct, and to assume reasonable responsibility for the behavior of others. The student conduct process exists to protect the interests of the community, and to educate and respond to those students whose behavior is not in accordance with our standards.

II. OBJECTIVES OF THE STUDENT CONDUCT SYSTEM

1. Create an environment that provides the best opportunity for academic inquiry and learning;
2. Assure students a fundamentally fair opportunity to resolve allegations when they have been accused of violating the Code;
3. To protect members of the University community from harm resulting from the misconduct of the few students who fail to respect the rights of others; and
4. To help ensure order in the University community.

III. AUTHORITY

Old Dominion University is governed by its Board of Visitors and supported by the Commonwealth of Virginia. The Board is specifically authorized to establish rules and regulations for the conduct of students in accordance with [Code of Virginia Section 23-9.2:3](#), as amended.

IV. DEFINITIONS

When used in this Code:

- A. *Director of Student Conduct & Academic Integrity* (hereafter “Director”) means the University Official with primary responsibility for the administration of the student conduct system as outlined in this document. This official may delegate all or part of this responsibility to such other persons as she/he deems appropriate, and may take any action deemed necessary to ensure fundamental fairness consistent with this Code. In the event there is no Director, the Vice President for Student Engagement & Enrollment Services will designate a University Official to oversee this responsibility.
- B. *University Official* means any person given authority by the University to perform administrative or professional responsibilities, including, but not limited to: University police officers, resident/community assistants, graduate/teaching assistants, administrative support staff, and custodial and groundskeeping staff. For the purposes of this Code, the term “University Official” is inclusive of “Faculty Member” as defined in IV.D.
- C. *Student* means a person who (1) has been admitted to the University and (2) has not completed a program of study for which she/he was enrolled. Student status continues whether or not the University’s academic programs are in session. For the purposes of pursuing alleged violations of this Code, each student will be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end (even if the student’s conduct is not discovered until after a degree is awarded).
- D. *Faculty Member* means any person employed by the University to conduct classroom, lab, or teaching activities, including practica/internships.
- E. *Academic Exercise* means all forms of work (oral, written, electronic, or otherwise) submitted for credit, grading, continuance, graduation, honors, awards, scholarships, or recognition at the University as well as materials submitted to other institutions, associations, or organizations for evaluation (including evaluation for awards or scholarships) or for publication. The term “Academic Exercise” does not include “Misconduct in Scientific Research and Other Scholarly Activity” as defined in [BOV 1426: Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity](#). Students found to be responsible for violating BOV 1426 may be referred to the Office of Student Conduct & Academic Integrity for application of sanctions under this Code.
- F. *Respondent* means any student or student organization accused of violating the Code.
- G. *Complainant* means any person alleging a violation of the Code (or a proxy for that person).

- H. *Student Organization* means an identifiable group of students who have complied with requirements for registration as set forth by the Office of Student Activities & Leadership. Included are groups that seek, but have not yet been granted, recognized status.
- I. *Conduct Officer* means the University Official or Officials assigned by the Director to facilitate conduct conferences or hearings as described in this Code.
- J. *Academic Integrity Council* means a panel authorized to hear alleged academic integrity violations contained in this Code.
- K. *University premises* means all land, buildings, facilities, and other property in the possession of or owned, used, rented or controlled by the University.
- L. *University activity* means any activity on or off University premises that is initiated, aided, authorized, sponsored or supervised by the University.
- M. *University community* includes any person who is a student, faculty member, staff member, University Official, or any other person employed by the University.
- N. *Possession* is determined by control over an object with or without regard to ownership. For the purposes of this Code, an object is determined to be possessed by a student when it is located in a place where the student has a reasonable degree of control, such as an assigned space or common area of a suite-style apartment in which the student resides.
- O. *Amnesty* means granting an exemption from resolution via a conduct conference or hearing as described in XII.C, or any sanctions that may result, in cases involving underage drinking or drug use reported in accordance with Sections VIII. F and/or G. Amnesty will only be available for violations related to the use of alcohol or drugs in violation of the Code and will not normally be applied for other Code violations. Students granted amnesty may be required to participate in educational activities or meet other conditions in order to bypass application of sanctions and creation of a student conduct record. Amnesty granted in accordance with this Code does not prevent any independent action that may be taken by any law enforcement agency, including University police.
- P. *Business day* means any weekday the University is open, regardless of whether classes are in session.

V. STANDARDS OF CLASSROOM BEHAVIOR

The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited acts that result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer separations from a class must be preceded by a conduct conference or hearing as outlined in Section XII.C. Faculty who encounter disruptive classroom behavior are encouraged to follow the procedures outlined in the [Guidelines and Policy for Dealing with Classroom Disruption](#) published in the Faculty Handbook. A student dismissed from class may be required to meet with a Department Chair, Program Director, the faculty member or the Director of Student Conduct & Academic Integrity, or designee, before the student is permitted to return to the class from which the student was directed to leave.

VI. APPLICABILITY OF THE CODE OF STUDENT CONDUCT

The Code may be applied to conduct that takes place whenever a person has a continuing relationship with the University as a student. Students who withdraw from the University after allegedly violating the Code will still be considered “students” for the purposes of pursuing alleged violations. A student-initiated withdrawal from the University may delay resolution of a referral only when felony criminal charges are pending as described in Section VII.A.

- A. Visitors and Guests:** the Code applies to all guests and visitors of students, meaning a student may be held accountable for the misconduct of their guest(s)/visitor(s). Visitors to and guests of the University are also protected by the Code and may initiate referrals for violations of the Code allegedly committed by students against them.
- B. Time Limitations:** the University reserves the right to extend its jurisdiction to misconduct that occurs prior to, but is not reported until after, the graduation of a student as long as the misconduct is reported within 6 months of its discovery. Otherwise, there is no time limit on reporting of violations, as long as the student has a continuing relationship with the University. However, the longer someone waits to report a suspected violation, the harder it becomes for the University to obtain information and witness statements, and to make a determination regarding alleged violations. Those who are aware of misconduct are encouraged to report it promptly to the Office of Student Conduct & Academic Integrity and/or University Police.
- C. Location of Violation:** Because the Code is based on shared values, it sets a range of expectations for University students and student organizations no matter where or when their conduct may take place. Therefore, the Code will apply to behaviors that take place on University premises and at University-activities. The Code may also apply to conduct occurring off University premises when the Director, or designee, determines that the conduct affects a substantial University interest.

A substantial University interest is any factor that adversely affects the University’s mission and may include, but is not limited to, the following:

1. Any action that could constitute a criminal offense. This includes violations of any local, state or federal law, or ordinance committed in the City of Norfolk. Most felony offenses, especially those relating to any form of violence; burglary; robbery; or drug possession, use, or distribution will be considered to affect a substantial University interest.
 2. Any situation where it appears that the student or student organization may present a danger or threat to the health or safety of the University community.
 3. Any situation that significantly infringes upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- D. Student Organizations:** The Code applies both to the conduct of individual students as well as recognized student organizations. The following criteria will be utilized when determining whether conduct might reasonably be associated with a student organization. Specifically, the conduct (which may be an act of commission or an act of omission) must involve one or more members of a student organization. Members may be general members, officers, or new/associate members. Additionally, the conduct must meet one or more of the following criteria:

1. The conduct is sanctioned by the student organization and/or any of its officers (“sanctioned by” may include, but is not limited to, the following: active or passive consent or encouragement; having prior knowledge that the conduct was likely to occur; or helping to plan, advertise, or promote the conduct); or
2. The conduct is committed during the course of an activity financed by the organization, or financed as a result of one or more members of the student organization contributing personal funds in support of the activity or conduct in question; or
3. The conduct occurred on property owned, controlled, rented, leased, or used by the organization or any of its members; or
4. The purpose of the activity was related to initiation, admission into, affiliation with, or as a condition for continued membership in the student organization; or
5. Non-members of the student organization learned of the activity through members, advertisements, or communications associated with the student organization, or otherwise formed a reasonable belief that the conduct or activity was affiliated with or sanctioned by the student organization; or
6. Members of the student organization attempted to conceal the activity or protect other members who were involved; or
7. One or more officer(s) of the organization had prior knowledge or reasonably should have known that the incident would take place.

At the discretion of the Director, student organization violations may be processed by the appropriate self-governing bodies provided they have received adequate training from the Office of Student Conduct & Academic Integrity. Any such bodies will follow the same procedures and guidelines outlined in this Code and will convene with a Chairperson appointed by the Director.

- E. Decisions of the Faculty:** The Code does not cover decisions made by the faculty in any academic program, department, or professional school as to the character or professional disposition required of a student for the purposes of awarding a degree or certificate, for continuation as a candidate for such degree or certificate, for eligibility to maintain an assistantship, or any other activity typically within the purview of the faculty. Therefore, such decisions are not subject to review within the procedures established in the Code unless specifically stated within the Code.

VII. VIOLATIONS OF LAW

The student conduct process is different from criminal proceedings. Therefore, when a student is arrested, charged, indicted for, or found guilty of a crime, the University may take action against that student when the conduct occurs on University premises, at University-activities, or off University premises when the conduct affects a substantial University interest. Proceedings under this Code may be carried out prior to, concurrently with, or following criminal proceedings. Determinations made or sanctions imposed under this Code will not be subject to change because criminal charges arising out of the same set of facts were dismissed, reduced, or resolved in favor of or against the criminal law defendant. When criminal charges are pending, the University may not be able to conduct its own investigation, and/or hold a student conduct hearing. In such cases, the

University may delay its hearing until it can obtain sufficient information upon which to proceed. Nothing in this paragraph should be regarded as limiting the authority of the University to impose an interim suspension, or determine what level of information is sufficient to proceed with a complaint.

A. Withdrawal Due to Pending Felony. It may be in the best interests of students accused of a felony to withdraw from the University until the criminal charges are resolved. The University has an existing procedure for voluntary administrative withdrawals that may be applied, with the following conditions:

1. During the withdrawal, the student may not be present on University premises or attend University-activities.
2. The student may not register for or attend any classes, including course offerings through Distance Learning.
3. A hold will be placed on the student's registration, graduation, and/or transcripts.

The student must agree that in order to be eligible to reenroll at the University, they must first be subject to and fully cooperative with a campus investigation (if conducted) and hearing, and must comply first with sanctions, if assigned, that are administered arising from a hearing. Readmission to a specific college or academic degree program is subject to that college or program's approval.

Students prepared to meet these conditions may submit a written request to the Director seeking a voluntary withdrawal due to a pending felony. If the request is approved, the Director will forward the request for a withdrawal to the Director of Student Ombudsperson Services who will notify faculty of the withdrawal. A student who is granted a voluntary administrative withdrawal while felony criminal charges are pending will follow the same procedures and will be subject to the same conditions as outlined in the Administrative Withdrawal from the University policy as published in the Undergraduate and Graduate Catalogs, except as outlined in this section.

VIII. GENERAL PROVISIONS

A. Attempted Violations: The University will treat attempts to commit any of the violations listed in this Code as if those attempts had been completed.

B. University as Complainant: As necessary, the University reserves the right to initiate a complaint, to serve as complainant, appoint a proxy complainant, and/or to initiate conduct proceedings without a formal complaint by the alleged victim of misconduct.

C. Placement of Holds: A hold may be applied to a prevent course registration and/or graduation when: the student has failed to complete sanctions by assigned deadlines; the student is suspended or expelled from the University; the student is not presently enrolled and a conduct conference or hearing is pending; or the student has a pending conduct case that must be resolved prior to graduation.

D. False Reports: The University will not tolerate intentional false reporting of incidents. It is a violation of the Code to make an intentionally false report of any policy violation.

- E. Being In the Presence of Code Violations:** A student in the presence of others where a violation of this Code occurs may risk being referred through the student conduct process. However, being in the presence of others violating the Code is not in and of itself a violation, absent other factors that may support a violation.
- F. Amnesty for Victims/Complainants:** The University encourages the reporting of Code violations and crimes by victims. Sometimes, victims are hesitant to report to University Officials because they fear that they may personally face sanctions due to policy violations involving underage drinking or drug use at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to University Officials. To encourage reporting, the University has a policy of giving such victims amnesty from policy violations involving underage drinking or drug use at the time of the incident.
- G. Amnesty for Help-Seeking:** The University encourages students to seek medical assistance for those in need, including oneself. Sometimes, students are hesitant to seek medical assistance for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to seek help for another student who is incapacitated due to alcohol or drug use, or who has been the victim of sexual misconduct). The University has a policy of giving amnesty from policy violations involving underage drinking or drug use at the time of help-seeking for students who actively seek medical help for themselves or others, or for students who provide help-seeking assistance to victims.
- H. Notification of Outcomes:** The outcome of a student conduct proceeding is considered part of a respondent's education record and is protected from unauthorized disclosure under the Family Educational Rights and Privacy Act (FERPA). However, the University may release the final results¹ of any conduct conference or hearing, without a respondent's prior consent, in the following circumstances where permitted, or required, by law:
1. Complainants in sexual misconduct, sexual harassment, stalking, intimate partner violence, and other incidents that are gender-based (and therefore governed by Title IX) will be informed of the final results of any complaint, in writing, without condition or limitation, regardless of the outcome of the complaint.
 2. The University will release the final results of any student conduct proceeding to an alleged victim of any crime of violence² or non-forcible sex offense³. All disclosures will occur regardless of the outcome of the complaint and will be made only when requested, in writing, by the alleged victim (or the alleged victim's next of kin if the alleged victim is deceased). Disclosures authorized under this paragraph will occur on the condition that the party to whom information is disclosed will not disclose the information to any other party without the prior consent of the respondent.
 3. University Officials will be notified of any final resolution that requires their action. In all academic integrity cases, the faculty member will be notified of the final outcome so that an appropriate grade may be assigned.

¹Limited to the name of the student, the violation(s) committed, and any sanction(s) imposed.

² A "crime of violence" includes: arson, assault offenses, burglary, robbery, criminal homicide, sex offenses, destruction/damage/vandalism of property and kidnapping/abduction.

³ A "non-forcible sex offense" includes incest and statutory rape.

- I. **Parental Notification:** Old Dominion University reserves the right to notify parents or guardians when a student is found responsible for serious or repeated violations of University policy related to the use or possession of alcohol or a controlled substance as permitted by FERPA. Notification may occur when the student is under the age of 21 at the time of the disclosure to the parents or guardians.
- J. **Defenses:** Students accused of policy violations may try to defend their actions with mitigating explanations, such as prescription drug interactions, self-defense, disabilities, etc. The University’s policy on defenses is clear. Defending actions is admitting to a policy violation. “Yes, we fought, but s/he started it.” This still means there was a fight, and that violates University standards of behavior. While a defense will not excuse violations of the Code, the legitimacy of a defense will be taken into consideration in assigning sanctions.
- K. **Online Misconduct:** Students are cautioned that they can be subject to the student conduct system for behavior occurring online, such as harassment delivered by email, or acts of bullying or discrimination posted in video form or on gossip sites accessed through University computing resources. Students must also be aware that information posted to blogs, webpages, social networking sites such as Twitter and Facebook, or other online postings are in the public sphere, and are not private. These postings can subject a student to allegations of Code violations, if information supporting the existence of a Code violation is posted online. The University does not regularly monitor online activities, but may take action if and when such information is discovered.

IX. PROHIBITED CONDUCT

- A. Academic Integrity violations, including:
 - 1. *Cheating:* Using unauthorized assistance, materials, study aids, or other information in any academic exercise (Examples of cheating include, but are not limited to, the following: using unapproved resources or assistance to complete an assignment, paper, project, quiz or exam; collaborating in violation of a faculty member’s instructions; and submitting the same, or substantially the same, paper to more than one course for academic credit without first obtaining the approval of faculty).
 - 2. *Plagiarism:* Using someone else’s language, ideas, or other original material without acknowledging its source in any academic exercise.⁴ Examples of plagiarism include, but are not limited to, the following: submitting a research paper obtained from a commercial research service, the Internet, or from another student as if it were original work; or making simple changes to borrowed materials while leaving the organization, content, or phraseology intact. 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.

⁴ In formulating this definition of plagiarism, Old Dominion University has adopted the position of the Council of Writing Program Administrators (WPA) as expressed in *Defining and Avoiding Plagiarism: The WPA Statement on Best Practices*. This statement provides “Ethical writers make every effort to acknowledge sources fully and appropriately in accordance with the contexts and genres of their writing. A student who attempts (even if clumsily) to identify and credit his or her source, but who misuses a specific citation format or incorrectly uses quotation marks or other forms of identifying material taken from other sources, has not plagiarized. Instead, such a student should be considered to have failed to cite and document sources appropriately.” Faculty members may consider this misuse of sources when evaluating the student’s academic performance.

3. *Fabrication*: Inventing, altering or falsifying any data, citation or information in any academic exercise. Examples of fabrication include, but are not limited to, the following: citation of a primary source which the student actually obtained from a secondary source; or invention or alteration of experimental data without appropriate documentation (such as statistical outliers).
 4. *Facilitation*: Helping another student commit, or attempt to commit, any Academic Integrity violation, or failure to report suspected Academic Integrity violations to a faculty member. An example of facilitation may include circulating course materials when the faculty member has not explicitly authorized their use.
- B. Making, possessing, or using any forged, altered, or falsified document, record, or identification.
 - C. Knowingly furnishing, or causing to be furnished, false information to the University or to a University Official.
 - D. Impersonating any University Official.
 - E. Engaging in conduct that interferes with the legitimate activities of any person or University activity.
 - F. Classroom disruption, defined as any behavior that substantially interferes with the conduct of a class. Examples may include, but are not limited to, the following: persistent late arrivals or leaving early in a manner that disrupts the regular flow of the class; talking while the instructor is talking; speaking in class without first obtaining recognition and permission to speak; use of electronic equipment such as cell phones, computers, MP3 players, etc. in a manner that disrupts the class; or becoming belligerent or verbally abusive when confronted as a result of his/her inappropriate behavior.
 - G. Intentionally or recklessly causing physical harm to any person.
 - H. Intimidation, defined as implied or articulated threats or acts that cause a reasonable person to fear harm.
 - I. Holding or transporting another person against their will, or otherwise unreasonably impeding a person's ability to exit any property.
 - J. Conduct that threatens or endangers the health or safety of any person.
 - K. Unauthorized creation, use, maintenance, display or transfer of any recording (audio, video, digital, pictorial, etc.) taken without another person's knowledge and effective consent and used, maintained, displayed or transferred without the person's express permission.
 - L. Indecent exposure, defined as the exposure of the private or intimate parts of the body, in a lewd manner when the student may be readily observed.
 - M. Improper use or possession of alcohol or other controlled substances, including:
 1. The unlawful use or possession of alcohol;
 2. The unlawful furnishing, distribution, or manufacturing of alcohol;
 3. The use or possession of marijuana;

4. The possession of drug paraphernalia;
 5. The unlawful use or possession of narcotics, controlled substances, or other illegal drugs; and
 6. Cultivating, growing, manufacturing, distributing, selling, or possessing with the intent to distribute any illegal or controlled substance.
- N. Destroying, damaging, possessing, or taking the property of the University or the personal property of another without permission (including the knowing possession of stolen property).
- O. Unauthorized access, use, or misuse of University facility, property, or service.
- P. Violation of any University policy approved by the Board of Visitors or the President.
- Q. Violation of any conduct policy published in the *Housing & Residence Life Policies and Procedures Manual*.
- R. Unauthorized download, creation, sale, transfer, access, reproduction or distribution of: copyrighted material or patented inventions, including but not limited to audio materials, video materials, or research materials; or of any course materials, whether copyrighted or not, distributed by the faculty member (such as the faculty member's notes or PowerPoint presentations, handouts, tests, outlines, and similar materials).
- S. Unauthorized or inappropriate usage of information technology resources as prohibited by [University Policy 3500: Policy on the Use of Computing Resources](#).
- T. Failure to comply with directions of University officials or other law enforcement officers during the performance of their duties and/or failure to accurately identify oneself to these persons when requested to do so.
- U. Carrying or maintaining firearms, weapons, or related devices in violation of [BOV 1013: Firearms, Weapons, and Certain Related Devices](#).
- V. Initiating, or causing to be initiated, any report or warning of fire, explosion, or other emergency known to be false.
- W. Violation of state, local, or campus fire policies, including:
 1. Failure to evacuate a University-owned building during a fire alarm;
 2. Improper use or possession of University fire safety equipment;
 3. Tampering with or improperly engaging a fire alarm, smoke detector or sprinkler head in a University building;
 4. Intentionally or recklessly causing a fire which damages University or personal property, or which causes injury to any member of the University community.
- X. Alleged violations of federal, state or local laws or ordinances which affect a substantial University interest.
- Y. Smoking inside any University facility, or within 20 feet of the entrance to any University facility, as prohibited in [University Policy 3220: Smoking Policy](#).

- Z. Sexual misconduct, including non-consensual sexual activity and/or sexual exploitation as defined in [University Policy 4600: Sexual Misconduct Policy](#).
- AA. Stalking, as defined in [University Policy 4601: Stalking Policy](#).
- BB. Abuse of the student conduct system, including:
 1. Falsifying, distorting, or misrepresenting information presented to any Conduct Officer or panel;
 2. Failure to provide, destroying or hiding information during any investigation of an alleged policy violation, or otherwise impeding or obstructing an investigation of suspected Code violations;
 3. Attempting to discourage or impede an individual's proper participation in, or use of, the student conduct system;
 4. Harassment (verbal or physical) and/or intimidation of a Conduct Officer or panel member prior to, during, and/or after any conduct conference or hearing;
 5. Disrupting or otherwise interfering with any conduct conference or hearing;
 6. Failure to comply with instructions provided during any conduct meeting or hearing;
 7. Failure to comply with the terms of any facilitated conflict resolution process, including a mediated agreement;
 8. Failure to complete any sanction by an assigned deadline;
 9. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
- CC. Helping any student violate, or attempt to violate, the Code.
- DD. Retaliation.
- EE. The unreasonable use or taking of complimentary materials and/or supplies provided for the benefit or consumption of the University community.

X. VIOLATIONS OF HOUSING & RESIDENCE LIFE CONDUCT POLICIES

This Code applies to all students, including those students who live in or visit residence halls and apartment communities that are owned or controlled by the University. Misconduct occurring in University owned or controlled residence halls or apartment communities will typically be addressed by Conduct Officers in Housing and Residential Life regardless of where individual respondents live unless the nature of the offense or the cumulative conduct record of the respondent will result in a review for suspension or dismissal. In suspension and expulsion-level cases, the Director, or designee, will assign a Conduct Officer.

XI. SANCTIONS

The following sanctions may be applied to any student or, where applicable, student organization:

A. Reprimand

A reprimand is an official written notice that the respondent is in violation of the Code. Subsequent violations of the Code will normally be met with more severe sanctions, including conduct probation.

B. Conduct Probation

Conduct probation is a period of fixed duration during which the fitness of a respondent to continue at the University is evaluated. A student or student organization placed on probation is not considered to be in good conduct standing with the University. Subsequent violations which occur during the probationary period will normally result in a review for suspension or expulsion from the University.

C. Educational or Restorative Measures

Educational or restorative measures may include, but are not limited to, the following:

- Active or passive sanctions, such as research or reflection papers, projects, meetings, or attending or organizing appropriate educational activities;
- A specified number of community restitution hours in which a student or student organization must perform service to a designated community;
- Participation in classes, assessments, counseling, programs, modules, or workshops.

D. Loss of Privileges

Loss of privileges includes denial or restriction of privileges for a designated period of time. Loss of privileges may include, but are not limited to, the following:

- Restriction or exclusion from University premises or University activities, or from hosting visitors or guests on University premises.
- Withdrawal or transfer from a course in which the student is currently enrolled (tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog).

E. Restitution to the University

Restitution may include reasonable compensation for loss or damage to University property, funds or premises.

F. Termination of the Housing Agreement

Termination of the Housing Agreement occurs when the student's current (and/or future) Housing Agreement is cancelled or revoked for violating this Code. When a Housing Agreement is terminated, the student will remain financially responsible for the entire cost of the agreement period for the assigned building.

G. Suspension of Student Organization Status

Student organizations may have their status as a student organization suspended on a temporary or permanent basis. An organization whose status is suspended is no longer eligible to receive benefits normally afforded to student organizations including, but not limited to, the ability to utilize University facilities or funds to support any student organization related activity. A deferment of suspension may be granted if the organization complies with certain conditions. A suspended organization must comply with any conditions imposed as well as any reactivation or recognition privileges in effect at the time the suspension is set to expire.

H. Conduct Suspension

Conduct suspension is the separation of a student from the University for a pre-determined period of time, normally no less than 1 semester and not more than 2 years. Suspension may include satisfaction of conditions for re-enrollment in the University as established by a Conduct Officer or panel. Reenrollment in a specific College or academic degree program is subject to

that College or program's approval. During a suspension, the suspended student is not permitted on University premises or at University activities without express permission from the Director. A registration hold is placed on the student during the suspension. In cases of suspension, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog. A deferment of suspension may be appropriate if the student complies with certain conditions set forth by the Conduct Officer.

I. Conduct Expulsion

Conduct expulsion is the permanent separation of a student from the University with no opportunity for re-enrollment. The expelled student is not permitted on University premises or at University activities, and may also be subject to trespass orders. In cases of expulsion, tuition refunds will be evaluated in accordance with the Tuition Refund Policy as outlined in the Old Dominion University Catalog.

J. Revocation of Admission and/or Degree

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

XII. PROCEDURES

A. Reporting Suspected Violations

1. The Office of Student Conduct & Academic Integrity will accept a referral of a suspected Code violation from any person. All referrals must be submitted in writing. Anonymous referrals will not be accepted.
 - a) Any referral alleging an Academic Integrity violation that originates from a person other than the faculty member overseeing the academic exercise in question will be forwarded to the faculty member for action consistent with the procedures outlined in Section XII.D.
2. After reviewing the referral, the Director, or designee, will determine whether sufficient information exists to allege that a respondent engaged in any prohibited conduct listed in this Code and, if so, will determine which violations apply.

B. Preliminary Measures

1. A respondent will be advised of the allegations via a written Notice of Alleged Violation (hereafter "the Notice"). The Notice will cite relevant portions of the Code allegedly violated and will invite the respondent to meet with a Conduct Officer at a specified date, time and place for either a conduct conference or hearing as outlined in XII.C.

The Notice will be sent to the respondent's official University-supplied email address.⁵ Notices for student organizations will be emailed to the organization's representative (normally the president on file with the Office of Student Activities & Leadership). Students who fail to appear as requested by a Notice will forfeit their opportunity to appeal any

⁵ Email is the official communication method used for all Code proceedings, including when classes are not in session and during academic break periods.

outcome reached in their absence. Failure to read and comply with any instructions contained in the Notice will not be suitable grounds for appeal.

2. Prior to issuing a Notice, the Director, or designee, may request the appearance of any student at a mandatory administrative meeting to discuss the referral and/or gather additional information. If the Director, or designee, subsequently determines the referral lacks merit, it will be dismissed and there will be no further proceedings.

C. Resolution Options

Any of the following resolution options may be offered to a respondent at the discretion of the Director, or designee. When more than one respondent is involved in the same incident, conduct conferences and/or hearings may be combined, though separate findings will be made for each respondent.

1. **Conduct Conference.** Respondents whose referral will not result in a review for suspension or expulsion from the University may be provided with a conduct conference (hereafter “conference”). Referrals involving Academic Integrity violations or other complex referrals (especially those depending upon the participation of witnesses) will proceed directly to a hearing.

Conferences are closed meetings that permit respondents to discuss the referral informally with a Conduct Officer. After considering all relevant information, the Conduct Officer will determine whether it is more likely than not that the respondent violated any policies contained in the Notice and will provide a written outcome via the respondent’s official University-supplied email address. A Conduct Officer has the discretion to convert a conference into a hearing at a later date once proper notice is given. Respondents scheduled to participate in a conference will be provided:

- a) Written notice of an alleged violation no less than 3 business days prior to the occurrence of the conference;
 - b) Reasonable access to any referrals, reports other supporting documentation or media that is relevant to the pending allegations;
 - c) An opportunity to request a new Conduct Officer in advance of the conference as outlined in Section XII.E.1;
 - d) An opportunity to present relevant information on one’s own behalf during the conference;
 - e) An opportunity to be accompanied by an advisor as described in Section XIII.E.11;
2. **Hearing.** If no conduct conference is offered to a respondent, or the conference does not result in a final resolution, the respondent will be afforded an opportunity for a hearing with either a Conduct Officer or appropriate panel (such as an Academic Integrity Council). All hearings will observe the criteria and procedures outlined in section XII.E. in addition to any special procedures noted elsewhere in this Code. Respondents will normally be sent a Notice for a hearing no less than 5 business days prior to the occurrence of any hearing. The Director may develop subsidiary conduct boards to hear select cases of non-academic misconduct. Any such boards must receive adequate training from the Office of Student Conduct & Academic Integrity. Subsidiary conduct boards will follow the same procedures and guidelines outlined in this Code and will convene with a Chairperson appointed by the Director.

3. **Facilitated Conflict Resolution.** Referrals may be resolved via mediation or other facilitated conflict resolution (FCR) processes within or outside of the University when relevant parties agree to such a diversion and the Director, or designee, agrees that the proposed FCR is an acceptable way to resolve the referral. The Office of Student Conduct & Academic Integrity will maintain written descriptions of FCR processes offered by the University (such as mediation, shuttle diplomacy, facilitated dialogue, restorative conferences, etc.). Any voluntary resolutions resulting from FCR processes will be binding on all students involved.

D. Academic Integrity Procedures

1. Faculty members who believe that a student may have engaged in an academic integrity violation are encouraged to consult with the Office of Student Conduct & Academic Integrity regarding the applicability of this Code, potential courses of action, and guidance on imposing appropriate sanctions.
 - a) Faculty who suspect a graduate student may have violated one or more standards of Academic Integrity should consult with the Office of Student Conduct & Academic Integrity, as graduate students are normally reviewed for suspension or expulsion, even for a first Academic integrity violation.
2. Faculty should submit a written referral to the Office of Student Conduct & Academic Integrity within 10 business days of the alleged violation's discovery. The referral should include, when available: a description of the information giving rise to the allegation; the names of any witnesses; a copy of the course syllabus; the student's accumulated grade for the course (notwithstanding the academic exercise in question); and any other relevant information, documents or correspondences concerning the allegation. The referral should indicate whether the student and faculty have reached a voluntary resolution in accordance with XII.D.a), or if the matter is being referred for a hearing. Faculty are encouraged to meet with the student prior to submitting a referral in order to discuss the allegation and/or seek a voluntary resolution.
 - a) **Voluntary Resolution.** If the faculty member meets with the student, the student acknowledges the violation, and the faculty member is satisfied that the incident can be effectively resolved with a grade sanction:
 - i. The faculty member will assign an appropriate grade sanction, usually an F in the course or an F for the assignment or exam during which the Academic integrity violation occurred. Faculty may also assign a transcript notation in accordance with Section XIII.D.4.
 - ii. The faculty member will submit a written referral to the Office of Student Conduct & Academic Integrity after meeting with the student. The referral should include the information described in Section XIII.D.3 in addition to student's written acknowledgement of the Academic integrity violation and acceptance of the proposed resolution. Submitting written referrals is essential to the University's ability to address patterns of academic integrity violations, and to developmentally determine appropriate sanctions based on the totality of the student's record.

- iii. Upon receipt of the referral, the Office of Student Conduct & Academic Integrity will contact the student to review the resolution and the standards of behavior related to academic integrity.
 - iv. The Office of Student Conduct & Academic Integrity will place the student on conduct probation for one calendar year from the date of the resolution. If the student is currently on conduct probation, or if the student has previously acknowledged an academic integrity violation, a hearing will be instituted to determine if additional sanctions are appropriate. Such sanctions may include suspension or expulsion from the University.
- b) **Hearing Resolution.** If the faculty member meets with the student, and the student does not accept the proposed resolution, or if the faculty member chooses not to meet with the student:
- i. The faculty member will forward a written referral to the Office of Student Conduct & Academic Integrity. The referral should include the information described in Section XII.D.2 as well as what grade sanction, if any, the faculty member intends to impose if the student is found responsible.
 - ii. The Director, or designee, will refer the case to an Academic Integrity Council (hereafter “Council”) unless a referral to a Conduct Officer is necessary to provide a more timely resolution.
 - a. **Academic Integrity Council.** The Council will be drawn primarily from a pool of students and faculty nominated by the Student Government Association and the Faculty Senate. The Office of Student Conduct & Academic Integrity may also nominate students or University Officials to serve on the Council. Nominees who complete initial and ongoing training provided by the Office of Student Conduct & Academic Integrity will be recognized as Council members and eligible to serve as a panelist for any given Council hearing. Appointments to the Council will be valid for one year and are renewable. Council members will not be eligible to serve more than 3 consecutive years.
 - 1. Two University Officials and two students will normally serve as panelists for a Council hearing. A Council hearing may proceed with as few as three members, including a Council Chairperson appointed by the Director to oversee Council hearings, one faculty member, and one student.
 - 2. The Council Chairperson will not normally vote, except in cases of a tie.
 - iii. The reporting faculty member and any relevant witnesses will be given the opportunity to provide information at any hearing that occurs on the basis of the faculty member’s report. The faculty member is strongly encouraged to participate in the hearing.
 - iv. No grade sanction should be assigned by the faculty member until the referral is finally resolved, including the process of considering the student’s appeal, if any.

Should the referral not be resolved prior to the end of the semester, a grade of "I" should be assigned by the faculty member.

- v. If a student withdraws from a course in which the alleged violation occurs prior to the final resolution of the allegations, and the student is found responsible for the violation and a grade sanction is assigned, the grade sanction will appear on the student's transcript even when the student has previously withdrawn with a grade of "W."
 - vi. Students may not utilize the grade forgiveness policy to retake the class in which the academic integrity violation occurred. Nothing about this provision is intended to prevent a student from retaking a course required for advancement within the student's intended course of study.
 - vii. In all academic integrity cases, the faculty member will be notified of the final outcome so that an appropriate grade may be assigned.
 - viii. If a student accused of an academic integrity violation is not found responsible for the allegation(s), the student will have the option to withdraw from the course without notation on the student's academic transcript, even if the deadline to withdraw without a grade of "W" has passed.
3. Students found responsible for an academic integrity violation will normally have a notation placed on the student's academic transcript.
- a) A student may petition the Director to have the notation removed from the student's academic transcript if:
 - i. The student's period of conduct probation has expired; and
 - ii. The student has successfully completed the University's "Academic Integrity Matters" seminar, or alternate educational activity approved by the Director, and any other outstanding sanctions; and
 - iii. The student has not been found to have engaged in other Academic Integrity violations during the student's tenure at the University.
 - b) The Director will normally notify the student of the decision whether to remove the notation within 15 business days of receiving the petition.
 - c) The notation will not be removed from the student's transcript when the violation involved substantial premeditation of deliberate conduct.
 - d) A student may only petition to have one notation removed from the student's transcript. Any subsequent violations that result in a transcript notation will not be eligible for removal.
4. Students may file a grade appeal utilizing the Grade Appeal procedures outlined in the appropriate University Catalog if a grade sanction for an alleged academic integrity violation occurs without substantial adherence to the above procedures. Grade recommendations made by Conduct Officers or the Council are not subject to appeal using the Appeal Procedures outlined in Section XIII.F.

E. Hearing Procedures

Hearing participants are advised that hearings are not comparable to civil or criminal trials. Formal rules of evidence and procedure used in courts of law do not apply in student conduct hearings. Hearings should, whenever feasible, promote an informal give-and-take between participants rather than a confrontational exchange. It is expected that any participant in a hearing will contribute to an atmosphere of dignity, civility, respect, and candor among all involved.

These guidelines will apply to all hearings conducted by individual Conduct Officers or panels. The Director, or designee, may develop additional policies or procedures for hearings that are consistent with this Code. Unless otherwise stated, the term "Chairperson" will be used in this section to refer to the leader of any panel authorized to conduct a hearing in accordance with this Code.

1. **Removal of Conduct Officer or Panel Member.** Conduct Officers and panel members should remove themselves from a hearing if they believe they cannot be impartial. A respondent may also request the removal of a Conduct Officer or panel member due to perceived partiality. A Conduct Officer or panel member's prior contact with the respondent or mere familiarity with relevant facts of a case is not normally a valid reason for granting a request for removal. Requests for a new Conduct Officer or Chairperson should be submitted via email to the Director at least 2 business days prior to the scheduled hearing. Requests should state the precise reasons why the respondent believes an adjudicator cannot be impartial. The Director will decide if the Conduct Officer or Chairperson should be reassigned and notify the respondent accordingly. Removal of panel members other than the Chairperson should be directed to the Chairperson immediately prior to the start of the scheduled hearing. The Chairperson will determine whether the challenged Council member may participate in the hearing.
2. **Closed Hearings.** All hearings will be closed. Only individuals with a legitimate role in the hearing will be permitted to attend or participate for the duration appropriate to their role.
3. **Availability of Information.** Respondents may contact the assigned Conduct Officer in advance of the hearing to make arrangements to review and/or receive a copy of any referrals, reports, other supporting documentation or media that is relevant to the pending allegations. Respondents scheduled to appear before a panel should contact the Office of Student Conduct & Academic Integrity to obtain access to this information in advance of the hearing.
4. **Rights of the Respondent.** Respondents called to a hearing will have the right:
 - a) To be present at the hearing and hear all statements made;
 - b) To present relevant information on one's own behalf;
 - c) To be accompanied by an advisor as described in Section XII.E.11;
 - d) To question available witnesses as described in Section XII.E.12; and
 - e) To choose not to attend the hearing, or refuse to answer any questions at the hearing. Students exercising this right are cautioned that a decision will be made based on the information available at the time of the hearing and previously withheld information will not be considered in subsequent appeal requests.

5. **Standard for Decision-Making.** If the Conduct Officer (or a majority of panelists) determines it is more likely than not that the respondent violated the policies as alleged, the student will be found responsible.
6. **Maintaining Order.** The Conduct Officer or Chairperson has the responsibility and authority to maintain order and determine the proper sequence of events during a hearing. Any person who fails to comply with instructions provided by the Conduct Officer or Chairperson, or who otherwise disrupts or obstructs a hearing, may be directed to leave the hearing, which will proceed in the dismissed participant's absence.
7. **Credibility and Relevance.** Conduct Officers (or Chairpersons) will determine the relevance and admissibility of any information presented. Conduct Officers and panelists will determine the credibility of participants. Reasonable deference will be made to these discretionary determinations on any appeal.
8. **Postponement of a Hearing.** A respondent's request to postpone a hearing must be emailed to the Conduct Officer or, in cases of a panel hearing, the Director, no later than 2 business days prior to the respondent's scheduled hearing. Requests to postpone a panel hearing should be emailed to the Director. A hearing may be rescheduled if the request is for reasonable cause. Hearings are not normally postponed because a respondent's work schedule conflicts with the scheduled hearing, a preferred advisor is unavailable, or because related criminal charges are filed and pending in court. Any postponement granted should not adversely impact a faculty member's ability to attend the hearing as a witness. Nothing about this paragraph should limit the Director's ability to postpone a hearing without a student's request.
9. **Request for Accommodations.** Students with a documented disability may request the provision of auxiliary aids or services, or other reasonable accommodations, to ensure an equitable opportunity to participate fully in any hearing. Specific modifications or accommodations are determined by the Director, or designee, on a case-by-case basis after consulting with the Office of Educational Accessibility. Any student with a disability who wishes to request an accommodation should adhere to the procedures and documentation guidelines established by the Office of Educational Accessibility. Students should advise the Director, in writing, of the student's intention to request accommodations no later than 2 business days prior to the respondent's scheduled hearing in order to permit sufficient time to consider the student's request and make any necessary arrangements.
10. **Obtaining Additional Information.** The Conduct Officer or Chairperson will have the ability to reconvene the hearing at a later time or date; to call additional witnesses; request additional information or documents; or conduct additional investigation before making a final determination regarding the outcome of any hearing.
11. **Advisors.** The respondent may choose an advisor from the University community and have that advisor present during the hearing. An advisor may have no other role in the hearing (such as a witness), and may not be a lawyer unless related criminal charges are filed and pending. In cases where a lawyer serves as a respondent's advisor, the student is responsible for any lawyer's fees incurred. An advisor's role is limited to providing unobtrusive assistance and support to the respondent before, during, and/or after the hearing. In concert with this role, advisors will not be permitted to speak or otherwise participate directly in any hearing, or make requests on behalf of the student. Respondents are strongly encouraged to meet with an advisor prior to participating in their hearing.

Respondents must provide the Conduct Officer, or in the case of a panel hearing, the Director, with notice of their intent to be accompanied by an advisor no later than 2 business days prior to the respondent's scheduled hearing. The respondent will be expected to provide a signed consent designating that person as the advisor and permitting the University to communicate otherwise private information. A Conduct Officer or Chairperson may also be assisted by an advisor.

12. **Witnesses.** A witness is regarded as someone who has personal knowledge of the incident at issue. Witnesses may have no other role in the hearing, such as an advisor, and should be present only during their opportunity to provide information and answer questions. The Conduct Officer or Chairperson will decide whether the respondent or complainant may question witnesses directly, or if questions must be submitted to the Conduct Officer or Chairperson, who will decide which of the questions to ask. Character witnesses are not relevant and therefore not permitted. Should a respondent seek to invite any witnesses not identified in the Notice, it will be the student's responsibility to email a list of witnesses and a summary of each witness's expected statements to the Conduct Officer no later than 2 business days prior to the respondent's scheduled hearing. Witness lists for panel hearings should be emailed to the Director no later than 2 business days prior to the respondent's scheduled hearing.
13. **Remote Participation.** Any party, including the respondent, complainant or any witness, may participate in a hearing remotely by way of telephone, videoconferencing, or other appropriate means provided the identity of the person participating remotely is known to all parties and all other guidelines and procedures described in this Code are followed.
14. **Recordings.** The Conduct Officer or Chairperson may create a single, verbatim audio recording of the hearing (not to include any deliberations in cases heard by a panel). Hearing recordings will become the property of Old Dominion University. Students may be given reasonable access to the recording for the purposes of preparing an appeal. Any request to review a recording should be made via email to the Director.
15. **Hearing Outcome.** The Conduct Officer or Chairperson will provide a written outcome via the respondent's email account after the Conduct Officer or panel has determined whether the respondent is responsible or not responsible for the alleged policy violations. A rationale for the decision will be provided and, if the respondent is found responsible, the correspondence will describe any sanctions imposed.

F. Appeal Procedures

1. Only respondents who attend and participate in a hearing have the opportunity to appeal a decision of a Conduct Officer or panel. Complainants who attend and participate in a hearing involving allegations of sexual misconduct, sexual harassment, stalking, intimate partner violence, and other incidents that are gender-based (and therefore governed by Title IX) will also have the opportunity to appeal a decision of a Conduct Officer.
2. Not all sanctions may be appealed. Only outcomes that include sanctions involving separation (termination of the housing agreement, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct expulsion) are eligible to be appealed on the basis of XII.F.4.a.

3. Requests for appeal should be emailed to the Director, or designee, within 5 business days from the date on which the hearing decision letter was sent. Requests received after this date will only be accepted for good cause. Any request for an appeal should describe, as thoroughly and precisely as possible, the basis for the request, as an appeal will normally be limited to a review of applicable records. When the Director, or designee, requests to speak with any party regarding the appeal, the purpose will be to gather information related to the appeal request, not to rehear a case.
4. A student may request an appeal for the following reasons only:
 - a) To determine whether sanctions involving separation (termination of the housing agreement, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct expulsion) were appropriate in light of all relevant factors (other sanctions are not eligible for appeal).
 - b) To determine whether a significant departure from any provision of this Code unfairly and materially impacted the outcome of the hearing (deviations from procedures outlined in the Code will only be instructive when significant prejudice to the appealing student occurs);
 - c) To determine whether a finding of responsibility was reasonable based on the information available to the Conduct Officer or panel; and
 - d) To consider new information, not known or reasonably available to the appealing student at the time of the hearing, that could be sufficient to substantively modify the outcome of the hearing.
5. The original decision may be upheld, modified, overturned, or sent back to a Conduct Officer or panel to remedy any prior errors or to consider new information. The decision of the Director is final and not subject to further appeal.

G. Additional Considerations in Cases of Alleged Sexual Misconduct

1. Upon receipt of a referral, the Director, or designee, may order the respondent not to have any contact, directly or indirectly, with the complainant.
2. Both the complainant and respondent will have the same opportunities to:
 - a) Meet with a professional staff member in the Office of Student Conduct & Academic Integrity to review the student conduct process and its application to sexual misconduct cases;
 - b) Review and/or receive a copy of any referrals, reports or other supporting documentation or media that is relevant to the pending allegations, in advance of the hearing as described in Section XII.E.5;
 - c) Seek removal of a Conduct Officer as described in Section XII.E.1;
 - d) Be present at the hearing, in person or remotely as described in Section XII.E.13, and hear all statements made;
 - e) Request a postponement of the hearing as described in Section XII.E.8, and be advised when the other party makes a request for postponement, and the outcome of that request;

- f) Request the provision of auxiliary aids or services, or other reasonable accommodations as described in Section XII.E.9;
 - g) Be accompanied to the hearing, or any other related meeting, by an advisor as described in Section XII.E.11;
 - h) Invite and/or question relevant witnesses as described in Section XII.12;
 - i) Present relevant information at a hearing as described in this Code. The past sexual history of the complainant or respondent will not generally be discussed or considered;
 - j) Be informed of the final results of a hearing, in writing, without condition or limitation, at the same time;
 - k) Be provided with reasonable access to any hearing recording for the purpose of preparing an appeal request;
 - l) Appeal the final results of a hearing in accordance with the criteria and procedures set forth in Section XII.F.
 - m) Be notified of a receipt of an appeal request submitted by the other party, any changes to the party's status pending review of the appeal, and the final results of the appeal.
3. Retaliation against the complainant or against any witness involved by the respondent or others acting on the respondent's behalf will be considered a violation of the Code.
4. Mediation will not be used to resolve any sexual misconduct allegation.

XIII. RECORD MAINTENANCE

The Director is the official custodian of records maintained in accordance with this Code and has final decision-making authority on all requested disclosures. All records maintained in accordance with this Code will be retained by the Office of Student Conduct & Academic Integrity for a period of no less than 7 years to facilitate compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Records associated with cases resulting in suspension or expulsion will be retained permanently. In cases where an FCR process or amnesty resolves a referral in lieu of a conduct conference or hearing, related records will not be classified as student conduct records, though they will be similarly maintained for a period of no less than 7 years. Amnesty and FCR records are generally considered both private and confidential among the parties, and will therefore not generally be disclosed to third parties making inquiries about past misconduct of students, except as permitted by the student or as required by law.

Kevin Muchiri, Student Representative to the Board of Visitors, provided an update on the Monarch Citizenship Campaign, noting that students continually embrace responsibility, engagement and pride in their lives as Monarch Citizens, drawing support of the program from faculty and staff. Students are taking more ownership of their campus as witnessed by events organized by the Student Government Association.

Police Chief Rhonda Harris reported that ODU is on target with no spikes in reported statistics in accordance with the Clery Act.

OLD/UNFINISHED BUSINESS

Mr. Jacobson remarked on the outstanding performance of Old Dominion University Drum Corps at the International Tattoo. Mr. Ainslie stated that he participated in Realty Check, noting that it was an exciting exercise and was well attended. The Rector complimented the administration on the Commencement ceremonies. Ms. Forehand said that she attended the sea-level rise conference, which was well represented by members of the military and Homeland Security, as well as the Goode Theatre opening.

NEW BUSINESS

Mr. Bernd said that he thoroughly enjoyed his two years as Rector and noted that he has a lot of respect for the University.

With no further business to be discussed, the meeting was adjourned at 2:15 p.m.