

OLD DOMINION UNIVERSITY

BOARD OF VISITORS  
Thursday, December 8, 2011

MINUTES

The Board of Visitors of Old Dominion University met in regular session on Thursday, December 8, 2011, at 1:15 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.  
Linda L. Forehand  
Dee D. Gilmore  
Luke M. Hillier  
Marc Jacobson  
Andrea M. Kilmer  
Pamela C. Kirk  
Barry M. Kornblau  
Robert J. O'Neill  
Frank Reidy  
Gregory Walsh (*Student Representative*)

Absent were:

Sarita E. Brown  
J. William Cofer  
Harold W. Gehman, Jr.  
Fred J. Whyte

Present from the administration were:

John R. Broderick, President	Richard Massey
Alonzo Brandon	Donna W. Meeks
Jeff Chernitzer	Karen Meier
Jane Dané	Jennifer Mullen
Mike Debowes	Earl Nance
Robert L. Fenning	Ellen Neufeldt
Velvet Grant	September Sanderlin
David Harnage	Wood Selig
Mohammad Karim	Carol Simpson
Elizabeth Kersey	George Votava
Gwen Lee-Thomas	James D. Wright

CALL TO ORDER AND APPROVAL OF MINUTES

The Rector called the meeting to order at 1:20 p.m. and asked for approval of the minutes of the regular meeting held on September 15, 2011. Upon a motion made by Mr. O'Neill and seconded

by Mr. Kornblau, the minutes were approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

## **RECTOR'S REPORT**

The Rector recognized Jeff Chernitzer, who is completing his tenure as Chair of the Old Dominion University Intercollegiate Foundation. He stated that the Board will table approval of the proposed gun and weapon regulation.

## **PRESIDENT'S REPORT**

The Rector called on President Broderick for his report. The President introduced David Harnage, who recently rejoined the University as its new Chief Operating Officer.

The President reviewed the Executive Summary and key findings of the 2011 AGB Survey of Higher Education Governance. The survey addressed with key issues faced by boards and focused on board practices and board engagement for both public and independent institutions. Key findings show distinctions between public and private boards and address issues such as risk management, compliance and self-assessment. Old Dominion is among the 45% of public institutions that have a separate audit committee. The full report will be sent out to each board member.

The NCAA President's Committee (of which President Broderick is a member), has been meeting on a monthly basis to find solutions to significant problems facing intercollegiate athletics. The group unanimously agreed that in order to be successful, a shared commitment to a set of values would guide decisions moving forward. These four values are: (1) student-athlete success academically and athletically is paramount; (2) the collegiate model, in which athletics is embedded in the values of higher education including shared responsibility and accountability, should be protected and sustained; (3) amateurism guides the relationship between students and institutions in the collegiate model of athletics; and (4) competitive equality and fairness among institutions of similar commitment to intercollegiate athletics should guide the administration of the collegiate model. The three umbrella initiatives that constitute the reform effort are focused on: student-athletes and more specifically, their success in graduating; the conduct of college sports (how we and the NCAA membership go about the day-to-day work of college sports); and the process by which we do business (how we are simplifying and clarifying our rules and procedures). Emphasis going forward will be on academic performance rate (APR) and graduation rates; any team that does not meet the APR will no longer be eligible to compete in championships. Dr. Selig shares APR data for each of the teams on a regular basis.

There has also been a great deal focus on the cost of attendance for student-athletes and a proposal to give universities the ability to pay \$2,000 stipends to full-time athletes. The FBS level schools will likely adopt this, immediately institute this, while those schools at ODU's level will need to proceed cautiously. Even conferences are going to have a hard time taking a stand. Dr. Selig stated that he will be participating in a series of conference calls over the next two months in order to develop a conference position on this issue. It would cost ODU \$56,000 to

provide stipends to all student-athletes, so decisions will need to be made as to whether all sports would be included. A lot of questions remain unanswered, so ODU is proceeding slowly before making any big decisions. All teams are in good standing with APR (although Football hasn't be in existence long enough to have an adequate cohort to calculate it). The President said that the he and Dr. Selig will keep the Board apprised as we move forward.

John Nunnery and the Center for Educational Partnerships received a \$25M Federal award for their proposal on teaching math in high-need schools. A delegation from the Chinese Embassy in Washington, D.C. visited Old Dominion and gave a strong positive recommendation for the establishment of a Confucius Institute at ODU.

In the area of Research, we are doing some things that have the ability to reach out to the community. One of the CC/SLR seed projects presented "Tuk in the Attic" at a science outreach program to over 250 children on November 5.

Student Board representative Greg Walsh and his colleagues are doing a great job on the Monarch Citizen Program. The President shared a video that was produced by the students. The Office of Student Conduct and Academic Integrity is in the process of revising the Code of Student Conduct to ensure the focus of safety and citizenship for students.

Old Dominion University won the Governor's 2011 Supplier Diversity Champion award for a second time. Materiel Management exceeded the annual SWaM plan targets in FY 10 and 11, and is well ahead of its FY12 targets through the first quarter of the year.

Innovation Research Park hosted the First START Norfolk competition in November. Such events promote entrepreneurial competition, which is great for the region for job creation and retention. The Urban Land Institute Reality Check for Hampton Roads will be held in May.

Human Resources is involved in the SunGard Business Process Modeling project for "on-boarding", separations, and tracking the 1500-hour limitation for wage employees. This initiative to streamline processes will have a tremendous impact on the business side of the institution.

The Higher Education Advisory Committee recommendations include four potential pools of funds for inclusion in Governor McDonnell's budget: Previous Enrollment Growth, Base Adequacy, Incentives, and Six-Year Plan Initiatives. State agencies were asked to submit 2, 4 and 6% budget reduction plans. Higher education institutions were excluded from that, but were asked to submit reallocation plans. Financial officers from a select group of institutions (which included ODU) created a plan that each institution would reallocate 2% of its base budget towards the Governor's objectives as outlined in the institution's Six-Year Plan. In addition, each institution is prepared to match any institution-specific initiative funding provided by the Governor in his budget on the following basis: 50% in FY13, and 100% in FY14 up to a maximum of 1% of its FY12 general fund E&G appropriation.

The Institutional Advancement Committee heard earlier about a number of potential gifts. In addition, Old Dominion received a \$5 million planned gift and has received verbal commitments for three other million dollar-plus gifts.

U.S. Senator Mark Warner hosted the 2011 Virginia Women's Conference at ODU with more than 800 attendees. Vice Rector Kirk represented the Board and introduced the Governor. Old Dominion's 115<sup>th</sup> Commencement on December 17 will feature speakers General Stephané Abrial, NATO's Supreme Allied Commander Transformation, in the morning and Patricia Williams, James L. Dohr Professor of Law at Columbia University School of Law, in the afternoon. General Abrial and Baron and Ellin Gordon will receive honorary degrees.

ODU's football program enjoyed another record-setting year for the third straight season, becoming the first FCS program to advance to the playoffs in just their third season. Coach Wilder is a finalist for the Liberty Mutual Coach of the Year and is a nominee for the Eddie Robinson Coach of the Year award. Jonathon Plisco earned Academic All-American honors. The women's Field Hockey team captured their 15<sup>th</sup> CAA title and advanced to the NCAA "Final Four". Coach Anders earned CAA Coach of the Year honors and Emma Batten, Kati Nearhouse, Stephanie Kratzer and Kelsey Smither were named All Americans. Men's soccer earned their second straight NCAA at-large bid in the NCAA tournament.

President Broderick concluded his report by noting some of his personal accomplishments since the last meeting.

## **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 a report from the Auditor of Public Accounts on the University's FY11 Audit. The APA issued an unqualified opinion on the University's financial statements and the audit did not identify any material weaknesses or significant deficiencies. There were no instances of non-compliance and no indications of fraudulent transactions. The Report did note that the University was in the process of addressing the one management point identified in the FY10 Audit.

Deane Hennett, University Auditor, provided an update on audits and other projects currently in progress. In closed session, Mr. Hennett reported on details of recent audits of Telework Management, Recreation and Wellness and the President's Office and a status report on past audit recommendations.

### **INSTITUTIONAL ADVANCEMENT COMMITTEE**

The Rector called on Ms. Kirk for the report of the Institutional Advancement Committee. Ms. Kirk reported that the Committee approved a revision to Board of Visitors Policy 1810, Naming of University Buildings, Building Spaces, or Areas. The following resolution was brought as a recommendation of the Committee and was approved unanimously by all members present and voting. (*Ainslie, Ampy, Batten, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

**PROPOSED REVISION TO BOARD OF VISITORS POLICY 1810, NAMING OF  
UNIVERSITY BUILDINGS, BUILDING SPACES, OR AREAS**

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

**NUMBER:** 1810

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

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

1. The naming of campus buildings, building spaces, or areas **for gifts to the University above \$1,000,000** shall be the responsibility of the Board of Visitors. **All naming recommendations in this tier will be submitted to the President of the University who will, in turn, make recommendations to the Board of Visitors.**
2. **The Board of Visitors authorizes the President to approve the naming of building spaces, rooms and areas for gifts to the University under \$1,000,000. The President shall report the naming of such building spaces, rooms and areas to the Board of Visitors at the next regular meeting.**
3. The University shall have a campus committee to review prospective naming opportunities from major gifts, as well as recommending the naming of existing facilities to memorialize individuals. The Committee will be chaired by the Vice President for University Advancement **and will follow the reporting guidelines set in 1. And 2. above.** ~~All recommendations will be submitted to the President of the University who will, in turn, make recommendations to the Board of Visitors.~~
4. Naming in Recognition of Gifts to the University
  - a. Pledges for naming are acceptable for a period of five years only if matched with an irrevocable deferred instrument.
  - b. Once 50% of the pledge amount is received, the University will physically name or rename the facility.
  - c. Gifts of at least 20% of project cost for new buildings will be eligible for naming.
  - d. Gifts of at least 20% of the current value or replacement cost of an existing facility will be eligible for naming.
  - e. The minimum amount to name a college is \$10 million and ranges upward depending on the size, reputation, and range of gifts for similar projects received from appropriate peer institutions.
  - f. Naming rights for donors shall not be changed; however, the Board of Visitors reserves the rights to rename in the event of unusual or compelling circumstances.

5. Terms for memorial naming shall be limited to:
  - a. Historical personalities who have made notable contributions to the Commonwealth or to the nation; or
  - b. Individuals who have made outstanding contributions to the University; or
  - c. Functionally descriptive names.
  - d. Normally, buildings shall not be named for current faculty or staff of the University.
  - e. Naming rights for memorialized facilities shall be considered for a period of 30 years; however, the Board of Visitors reserves the rights to rename in the event of unusual or compelling circumstances.
  
6. Exceptions to this policy may be made only by the President of the University with final approval from the Board of Visitors.

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Vice President Alonzo Brandon reviewed dashboard slides and Ann Grandy, Executive Director of the Community Development Corporation, provided an update on the programs and activities of the CDC.

The Committee discussed personnel matters and matters related to gifts during closed session. No subsequent action was taken.

### **STUDENT ADVANCEMENT COMMITTEE**

The Rector called on Mr. Jacobson for the report of the Student Advancement Committee. Mr. Jacobson reported that Dr. Ellen Neufeldt, Vice President for Student Engagement and Enrollment Services, provided an update on the new division's strategic planning process. Enrollment dashboards were also reviewed by the Committee.

Gregory Walsh, Student Representative to the Board of Visitors, updated the committee on the status of the Monarch Citizen campaign. This student-led initiative designed to promote the ideals of being a member of the Monarch Community. Luis Ferreira, SGA President, elaborated on key aspects and progress of the Monarch Citizen initiative, focusing on "Responsibility, Engagement and Pride."

Debbie White, Senior Associate Athletic Director, presented athletic updates for fall 2011 in the areas of football, field hockey, men's soccer, basketball and other athletic accomplishments.

George Votava, Interim Chief of Police, updated the Committee on select crimes occurring on and off campus during the fall semester, noting that there were no reported robberies for November and December. ODUPD has added additional police officers who are fully trained and on patrol.

## **ACADEMIC AND RESEARCH ADVANCEMENT COMMITTEE**

The Rector called on Mr. Ampy for the report of the Academic and Research Advancement Committee. Mr. Ampy reported that the Committee met in closed session to discuss recommendations for honorary degrees, one mid-year tenure recommendation, the appointment of one faculty member with tenure, dual employment, and an update on the Rolling Road.

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, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

### **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. A summary of each nominee's career is included in the Academic and Research Advancement Committee agenda.

1. General Stephane Abrial, French Air Force, Supreme Allied Commander Transformation, NATO  
Doctor of Science (*honoris causa*)
2. Baron and Ellin Gordon, major folk art collectors  
Doctor of Humane Letters (*honoris causa*)

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Committee members approved by unanimous vote the mid-year award of tenure to Harry Zhang, assistant professor of community and environmental health. 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, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

### **MID-YEAR TENURE RECOMMENDATION**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, Board of Visitors approves the award of tenure and promotion to associate professor to the following faculty member at Old Dominion University. The tenure and promotion will be effective with the Spring 2012 semester.

College of Health Sciences

Qi (Harry) Zhang

School of Community and Environmental Health

The following contains my recommendation for the tenure application of Dr. Qi (Harry) Zhang, currently Assistant Professor, School of Community and Environmental Health in the College of Health Sciences

The ODU Faculty Handbook states that “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.” [*Faculty Handbook*, p. 50]. The promotion to the rank of Associate Professor “is based on established high quality of performance in teaching, research, and service and pre-eminence in at least one of these areas.” [*Faculty Handbook*, p. 25]

Recommendations were received from the school, college, and university promotion and tenure committees, as well as from the school’s chair and the college dean. These different levels of review are important in providing a thorough and fair analysis of a faculty member’s contributions in the three areas of evaluation and allow for a uniform evaluation of faculty across departments and colleges.

All five levels of recommendations described above were unanimous in their support for Dr. Zhang’s tenure and promotion to the rank of Associate Professor at Old Dominion University. Based on my own independent evaluation of the materials submitted and the above recommendations, it is my judgment that Dr. Zhang has easily met the standards for tenure at the rank of Associate Professor.

Dr. Zhang received his Ph.D. in Economics (2001) and a M.A. in Economics (1999) from the University of Alabama. Prior to joining the ODU faculty in Spring 2005 as Assistant Professor, Dr. Zhang held the position of Senior Health Outcomes Researcher at the University of Chicago (2001-2005).

Dr. Zhang has taught 7 different courses in health economics, data interpretation and medical decision making at the Master’s and doctoral level (his department offers only graduate level programs). His students give very positive comments regarding his enthusiasm for the materials, energy, and willingness to explain complex concepts in a clear way. Their comments include: “Dr. Zhang is one of the best professors I’ve ever had” and “[he] obviously enjoys teaching very much.” His school review committee considers that his teaching has improved over time such that his student survey scores are now consistently at, or well above, the departmental average. He has been an active member of 9 PhD dissertation committees.

Since joining ODU, Dr. Zhang has published 13 refereed articles in top-tier journals, on 5 of which he is the first author and on 7 the second author. He received a Best Paper Award for one of his research papers from the Society of General Internal Medicine. He has also published 6 non-refereed publications and has made 11 national or international conference presentations. Dr. Zhang has been very active in seeking external grants in support of his research and has received over \$355,000 in federal awards as Principal Investigator and is a Co-Investigator on other awards totaling over \$2.2 million, one of which is a \$1.6M NIH RO1 award on childhood obesity. These collaborative awards include faculty from Johns Hopkins University, EVMS, and the University of Chicago, among other institutions.

Dr. Zhang’s research in health services is multidisciplinary in nature, as noted by reviewers who describe his work as “innovative” and “excellent.” One reviewer writes that while “his interests

are clearly in social epidemiology... he has a social scientist's eye for good data and good instruments" and that he "brings an economist's knowledge of distributional measures to the study of health disparities." Another reviewer comments that Dr. Zhang is applying his theory to "some of the critical problems faced by our society and our health care system." Another notes that "his research is carefully designed and implemented. Most importantly, the results are highly policy-relevant" a view echoed by another reviewer who says "His areas of interest are two of the most important facing our country."

Dr. Zhang has been active in service to the university, having served on several search committees and on the college's Human Subjects Committee and Research Council, among others. He is a member of the Executive Board for the China Center in the College of Arts and Letters. As service to his profession, he is a regular reviewer for professional journals and has served as a proposal reviewer for the Agency for Healthcare Research and Quality and the US Department of Agriculture. He has also been a Session Chair at international conferences, including the International Health Economics Association World Congress.

In accord with the reviewer comments and in concurrence with the recommendations of each of the promotion and tenure committees, I am pleased to recommend Dr. Qi (Harry) Zhang for tenure in the School of Community and Environmental Health and promotion to the rank of Associate Professor.

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Committee members approved by unanimous vote the appointment, with tenure, of Gary A. Wagner in the Department of Economics. 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, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

#### **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. Gary A. Wagner as Professor with the award of tenure in the Department of Economics in the College of Business and Public Administration, effective December 25, 2011.

Salary: \$141,370 for 10 months (includes a \$26,370 stipend for producing the Old Dominion University Economic Forecasting Project and State of the Region Report)

Rank: Professor of Economics

The following contains my recommendation for the tenure application of Dr. Gary A. Wagner, currently Professor of Economics at the University of Arkansas, Little Rock.

The ODU Faculty Handbook states that "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.” [*Faculty Handbook*, p. 50]. The *Faculty Handbook* also records that “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.”

Recommendations were received from the departmental, college, and university promotion and tenure committees, as well as from the department’s chair and the college dean. These different levels of review are important in providing a thorough and fair analysis of a faculty member’s contributions in the three areas of evaluation and allow for a uniform evaluation of faculty across departments and colleges.

Each of the five recommendations described above was unanimous in support for Dr. Wagner’s tenure at Old Dominion University. Based on my own independent evaluation of the materials submitted and the above recommendations, it is my judgment that Dr. Wagner has easily met the standards for tenure at the rank of Professor.

Dr. Wagner received his Ph.D. in Economics (1999) and an M.A. in Economics (1998) from the University of West Virginia. Prior to joining the ODU faculty in Fall 2011, Dr. Wagner held the position of Professor of Economics at the University of Arkansas, Little Rock (2008-2011) and was Associate Professor at the same institution (2006-2008) before which he served as Associate Professor of Public Finance and Government at University of North Carolina, Chapel Hill (2005-2006) and as Assistant Professor of Economics at Duquesne University (2001-2005).

Dr. Wagner has taught courses at the University of Arkansas, Little Rock and Duquesne University on public finance, public choice, and applied econometrics. Qualitative and quantitative student evaluations from those institutions show that he is an effective teacher. The Department of Economics at ODU considers Dr. Wagner to be an excellent fit for their teaching needs in managerial economics and principles of economics on-line courses.

Dr. Wagner is considered a nationally recognized scholar in state and local public finance; 9 of his 20 refereed published articles appear in the top 7% of all journals in his professional discipline. Three new papers are forthcoming. He won the 2005 Outstanding Paper Award from *Public Finance Review* and was runner-up for the 2004 Musgrave Prize at the *National Tax Journal*. His research interests and analytical skills are well matched to maintain and advance the College of Business and Public Administration’s Economic Forecasting Project and the annual State of the Region Report. External referees note that he is “an especially skilled empirical economist” who is “highly sought-after” for his knowledge of applied macroeconomic public finance, especially in the areas of major state and local public budgeting and financial issues.

Dr. Wagner has been very active in service, having served since 2008 as a member of the Arkansas Governor’s Council of Economic Advisors. He has given numerous media interviews for TV and radio as well as the print media, and has contacts with the Wall Street Journal, Fox Business, and New York Times, among other media outlets. He has also served as a guest journal editor as well as a reviewer for the top journals in economics.

In accord with the reviewer comments and in concurrence with the recommendations of each of the promotion and tenure committees, I am pleased to recommend Dr. Gary A. Wagner for tenure at the rank of Professor in the Department of Economics.

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Committee members approved by unanimous vote the dual employment of those named, finding each employment in the best interests of the University, effective retroactively to the date of their respective hire. 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, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

### **RESOLUTION APPROVING DUAL EMPLOYMENT**

WHEREAS, pursuant to Virginia Code §2.2-3106(C)(2) immediate family members may both work at Old Dominion University if (i) they are engaged in teaching, research, or administrative support positions, (ii) this Board finds it is in the best interests of Old Dominion University to allow the dual employment, and (iii) that the immediate family member does not have sole authority to supervise, evaluate or make personnel decisions regarding the other; and

WHEREAS, Danica Hays and Chris Wood, wife and husband, both work in the Department of Counseling and Human Services and special care has been taken that neither has authority to evaluate, supervise or make personnel decisions regarding the other; and

WHEREAS, Elizabeth Black and Nathan Owens, wife and husband, both work in the Department of Foreign Languages and Literatures and neither has authority to evaluate, supervise or make personnel decisions regarding the other; and

WHEREAS, Elliot Goodman and Carol Goodman, husband and wife, work in separate departments in the Division of Administration and Finance and neither has authority to evaluate, supervise or make personnel decisions regarding the other.

BE IT RESOLVED, that the Board of Visitors of Old Dominion University finds that it is in the best interests of the University and the Commonwealth for the dual employment of the above named to exist.

BE IT FURTHER RESOLVED, that the dual employment of those listed above is recognized and approved effective retroactively to the date of their respective hire.

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The Committee approved by unanimous vote the resolutions on four faculty appointments and 22 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, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

## 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>
Dr. Michael Dulick Research Associate Professor of Chemistry and Biochemistry	\$50,000	12/10/11	12 mos

Dr. Dulick received a Ph.D. in Physical Chemistry in 1982 from Massachusetts Institute of Technology and a B.Sc. in Chemistry in 1976 from Carnegie-Mellon University. Since 1996, he has been FTS Instrument Scientist at the National Solar Observatory, AURA, Inc. Prior to that, he was a Visiting Scientist at the University of Waterloo.

Dr. Wu He Assistant Professor of Information Technology and Decision Sciences (Tenure Track)	\$95,100	8/25/11	10 mos
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Dr. He received a Ph.D. in Information Science and Learning Technologies in 2006 from the University of Missouri and a Bachelor of Computer Science in 1998 from DongHua University, Shanghai, China. Since 2005, he has been an Instructional Technologist and Assistant Professor in the Center for Learning and Teaching at Old Dominion University. He has also been an Adjunct Professor in the Department of Information Technology and Decision Sciences.

Dr. Jose Javier Padilla Research Assistant Professor, Virginia Modeling, Analysis & Simulation Center	\$100,000	10/25/11	12 mos
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Dr. Padilla received a Ph.D. in Engineering Management in 2010 from Old Dominion University, a Master of Business Administration in 2003 from Lynn University and a B.S. in Industrial Engineering in 1997 from Universidad Nacional de Colombia. Since 2010, he has been a Research Scientist and Post-Doctoral Research Associate for the Virginia Modeling, Analysis and Simulation Center at Old Dominion University.

Dr. Lynn L. Wiles Assistant Professor of Nursing (Tenure Track)	\$72,000	12/25/11	10 mos
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Dr. Wiles received a Ph.D. in Nursing in 2010 from Duquesne University School of Nursing, an M.S. in Nursing in 1994 from Marymount University and a B.S. in Nursing in 1988 from Radford University. Since 1996, she has been a Lecturer/Senior Lecturer in the School of Nursing at Old Dominion University.

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## 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>
Mr. Bruce G. Aird Associate Budget Officer and Instructor	\$95,000	12/5/11	12 mos

Mr. Aird received an M.B.A. in 2008 from Amberton University and a B.S. in Business Administration/Accounting in 1993 from Old Dominion University. Since 2006, he has been Director of Financial Information Systems and Operations at Tidewater Community College. Prior to that, Mr. Aird was Senior Information Technology Planner in the Department of Information Technology for the City of Norfolk.

Dr. Joyce C. Armstrong Assistant Director for Learning and Teaching and Assistant Professor	\$75,000	10/10/11	12 mos
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Dr. Armstrong received a Ph.D. in Curriculum and Instruction in 2000 from the University of Connecticut and a Master's in Education and a Bachelor's in Education from the University of Toledo. Since 2001, she has been Director of Graduate Programs in Education at King's College.

Ms. Ashley Brawford Assistant Athletic Trainer and Instructor	\$37,000	9/25/11	12 mos
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Ms. Brawford received a Master of Science in Education in Athletic Training in 2011 from Old Dominion University and a Bachelor of Applied Science in Athletic Training in 2009 from the University of Minnesota Duluth. Since 2011, she has been a Supplemental Staff Athletic Trainer for Sentara Healthcare. Prior to that, Ms. Brawford was a Graduate Assistant Athletic Trainer for Football at Old Dominion University.

Mr. Vincent J. Civian Assistant Director of Athletic Development and Assistant Instructor	\$37,000	10/10/11	12 mos
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Mr. Civian received a B.S. in Political Science in 2009 from Northeastern University. Since 2011, he has been the Group Sales and Marketing Associate in the Athletic Department at Vanderbilt University. Prior to that, Mr. Civian was Ticket Sales Account Manager for the New Jersey Devils.

Ms. Pamela Marr Cornell Academic Advisor, Center for Major Exploration, and Instructor	\$39,000	9/10/11	12 mos
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Ms. Cornell received an M.S. in Counseling in 1982 from State University College of New York at Oneonta and a B.S. in Retailing in 1979 from Syracuse University. Since 2008, she has been Assistant Director of Student Employment in the Career Management Center at Old Dominion University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Tamara D. Dodson Marketing Coordinator, Distance Learning and Assistant Instructor	\$65,284	1/10/12	12 mos

Ms. Dodson received a B.S. in Home Economics in 1985 from Ball State University. Since 2007, she has been Social Media and Marketing Coordinator for Ellen Whitehurst, Redbook Magazine columnist and author of *Make This Your Lucky Day*, Random House. Ms. Dodson has also been a Substitute Teacher for Virginia Beach Public Schools and from 1988-1998 was Marketing Director for Lynnhaven Mall.

Mr. Nathan Fronczek Residence Hall Director and Instructor	\$32,000	9/10/11	12 mos
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Mr. Fronczek received a Master of Science in Student Personnel Administration in 2008 from Buffalo State College, State University of New York and a B.A. in History in 2004 from Geneseo, State University of New York. Since 2010, he has been Residence Life Coordinator in the Division of Student Affairs at the University of Pittsburgh at Bradford. Prior to that, he was a Residential Coordinator at Ohio University.

Dr. Bridget Giles Senior Program/Project Scientist/Project Manager, Virginia Modeling, Analysis, and Simulation Center, and Assistant Professor	\$80,000	12/10/11	12 mos
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Dr. Giles received a Ph.D. in Biomedical Sciences in 2001 from Eastern Virginia Medical School, an M.A. in Biology in 1994 from Hampton University and a B.S. in Biology in 1993 from Virginia Commonwealth University. Since 2011, she has been a Contractor for Lovelace Respiratory Research Institute, Clinical Research Coordinator at Naval Medical Center Portsmouth. Prior to that, Dr. Giles was as a Regulatory Document Reviewer for Giles Clinical Research Consulting LLC.

Ms. Tammy L. Hanna Sophomore Success Advisor, College of Sciences, and Instructor	\$39,000	11/10/11	12 mos
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Ms. Hanna received a Master's in Higher Education and Student Affairs Administration in 2008 from the University of South Carolina and a B.A. in English in 2001 from Lehigh University. Since 2009, she has been an Academic Advisor/Student Services Coordinator for Corinthian Colleges.

Mr. David Harnage Chief Operating Officer	\$272,000	10/25/11	12 mos
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Mr. Harnage received an M.Ed. in Educational Administration and a B.B.A. in Business Administration, in 1983 and 1980 respectively, from the University of Georgia. Since 2005, he has been Executive Director Higher Education and Vice President of Moseley Architects. Prior to that, Mr. Harnage was Senior Vice President and Chief Fiscal Officer at Towson University.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Diana M. Hernandez Exit Exam Coordinator and Instructor	\$36,000	10/25/11	12 mos

Ms. Hernandez received an M.A. in English in 2011 from Middlebury College and a B.A. in English in 2007 from the University of South Florida. Since 2007, she has been Coordinator of Tutoring and Mentoring Services at Old Dominion University.

Mr. Alexander Koning Assistant Men's Tennis Coach and Instructor	\$40,000	10/19/11	12 mos
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Mr. Koning received a Master's in Sport and Recreation Management and a Bachelor's in Marketing and Sport, in 2008 and 2005 respectively, from Clemson University. Since 2009, he has been Koninklijke Nederlandse Lawn Tennis Bond (KNLTB) Coordinator, KNLTB Kenniscentrum.

Mr. John C. Lee Coordinator, Peer Educator Program and Instructor	\$39,000	9/25/11	12 mos
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Mr. Lee received an M.S. and B.S. in Recreation Administration, in 2001 and 1999 respectively, from Georgia Southern University and is pursuing a Ph.D. in Higher Education Administration at Old Dominion University. Since 2009, he has been working in the Peer Educator Program at Old Dominion University. Prior to that he was an Academic Mentor in the Department of Athletics at Christopher Newport University.

Dr. Leon McClinton, Jr. Director of Residence Education and Assistant Professor	\$75,000	12/10/11	12 mos
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Dr. McClinton received a Ph.D. in Educational Leadership, a Master of Human Resource Development, and a Bachelor of Science in Textile Management, in 2006, 1994 and 1992 respectively, from Clemson University. Since 2007, he has been Director of Residence Life at Virginia Tech.

Ms. Catherine Butler Moss Academic Advisor and Instructor	\$39,000	11/10/11	12 mos
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Ms. Moss received an M.S. in Applied Experimental Psychology in 2007 from Old Dominion University, a B.S. in Psychology in 2004 from the University of Mary Washington and expects to receive a Ph.D. in Higher Education Administration from Old Dominion University. Since 2010, she has been the College Advisor for the College of Health Sciences at Old Dominion University. Ms. Moss is also an Adjunct Faculty member at Tidewater Community College.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. James W. Midyette Academic Advisor, College of Arts and Letters, and Instructor	\$41,000	10/10/11	12 mos

Mr. Midyette received an M.A. in English in 1983 from the University of Alabama, Birmingham and a B.S. in Psychology in 1978 from the College of William and Mary. Since 2003, he has been Exit Exam Coordinator in the Writing Center at Old Dominion University.

Mr. R. Earl Nance Assistant Attorney General and Special Counsel and Assistant Professor	\$130,000	11/14/11	12 mos
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Mr. Nance received an M.B.A. in 1994 from the University of Richmond, a J.D. in 1976 from the University of Richmond and a B.S. in History and Speech Communications in 1971 from Auburn University. Since 2006, he has been Senior Assistant Attorney General for the Commonwealth of Virginia.

Ms. Nicole M. Perron Resource Manager, Darden College of Education and Instructor	\$65,000	10/25/11	12 mos
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Ms. Perron received an M.S. in Community Health and a B.S. in Recreation and Leisure Studies, in 2002 and 2000 respectively, from Old Dominion University. Since 2004, she has been Assistant Director of the Military Career Transition Program in the Darden College of Education at Old Dominion University.

Delegate Kenneth R. Plum Contributing Author for the Old Dominion University State of the Region Report, College of Business and Public Administration	\$6,000	3/1/12	1 mos
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Delegate Plum received a B.A. from Old Dominion University and an M.Ed. from the University of Virginia. He is a retired teacher and school administrator with Fairfax County Public Schools, where he served as Director of Adult and Community Education. Delegate Plum is a member of the Virginia House of Delegates, representing the 36<sup>th</sup> District. He has served in the House of Delegates from 1978-80 and 1982-present.

Mr. Benjamin L. Waring Assistant Director for Athletic Communications and Instructor	\$30,900	11/10/11	12 mos
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Mr. Waring received an M.S. in Education in Sport Management in 2009 from Old Dominion University and a B.S. in Sport and Entertainment Management in 2008 from the University of South Carolina. Since 2009, he has been Assistant Media Relations Director in the Department of Athletics at The Citadel.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Mr. Mark A. Weiss Aquatics Coordinator and Instructor	\$35,000	11/10/11	12 mos

Mr. Weiss received a Master of Education in Sport Management in 2011 from Washington State University and a Bachelor of Science in Education in Recreation Management in 2009 from Bowling Green State University. Since 2009, he has been a Graduate Assistant in Aquatics at Washington State University.

Mr. Matthew Wilson Residence Hall Director and Instructor	\$32,000	9/10/11	12 mos
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Mr. Wilson received a Master of Science in College Student Personnel in 2010 from Arkansas Tech University and a B.A. in History in 2008 from the University of Alabama, Huntsville. Since 2008, he has been Resident Director at the University of Tennessee Chattanooga and Arkansas Tech University.

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Committee members approved by unanimous vote the proposed revisions to the Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity. The revisions are primarily editorial. 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, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

**PROPOSAL FOR REVISIONS TO THE POLICY, PROCEDURES  
AND TIMELINE FOR RESPONDING TO ALLEGATIONS OF MISCONDUCT IN  
SCIENTIFIC RESEARCH AND SCHOLARLY ACTIVITY**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the revisions to the Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity, effective January 1, 2012.

Rationale: The revisions to the Policy, Procedures and Timeline for Responding to Allegations of Misconduct in Scientific Research and Scholarly Activity are primarily editorial. The revisions in section III make it clear that there are both an inquiry committee and an investigation committee. In addition, language has been added to section VII to address a possible extension of the time period for the investigation and report. Similar language already exists for a possible extension in the inquiry process (Section V.B.)

**NUMBER:** 1426

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

**APPROVED:** December 13, 2002; Revised September 22, 2006; Revised June 17, 2010; **Revised December 8, 2011**

I. Introduction

A. General Policy

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

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

B. Scope

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

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

## II. Definitions

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

include honest error or honest differences in interpretations of results or judgments in the collection of data.

2. The Retaliation against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith. (In such cases, agency notification is limited to the NSF.)
3. Any form of Attribution of another's work as the Respondent's own work.

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

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

whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; exhibitions, productions, or displays; correspondence; videos; photographs; X-ray film; slides; biological materials; audio-tape recordings; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

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

### III. Rights and Responsibilities

#### A. Research Integrity Officer

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

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

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

The RIO, through the vice president for research<sup>1</sup>, will report to ORI or NSF, as required by regulation, keep the appropriate agency apprised of any developments during the course of the investigation that may affect current or potential funding for the individual(s) under investigation or that the agency needs to know to ensure appropriate use Federal funds, and otherwise protect the public interest.

B. Complainant

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

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

C. Respondent

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

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

D. Deciding Official "DO"

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

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<sup>1</sup> As a general rule, whether or not specifically stated, Agency contact by the RIO should be through the Vice President for Research/Office of Research.

#### IV. General Policies and Principles

##### A. Responsibility to Report Misconduct

All employees or individuals associated with Old Dominion University should report observed, suspected, or apparent misconduct to the RIO directly or through the dean of the affected college. If an individual is unsure whether a suspected incident falls within the definition of misconduct, he or she may informally and confidentially discuss the suspected misconduct with the RIO. If the circumstances described by the individual do not meet the definition of misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

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

##### B. Protecting the Complainant

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

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

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

##### C. Protecting the Respondent

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

Institutional employees accused of misconduct may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to

seek advice and may bring the counsel or personal adviser to interviews or meetings on the case.

D. Cooperation with Inquiries and Investigations

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

E. Preliminary Assessment of Allegations

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

V. Conducting the Inquiry

A. Initiation and Purpose of the Inquiry

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

B. Inquiry Process

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

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

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

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

The RIO will transmit the final report and any comments to the DO who will have 10 days in which to make the determination of whether findings from the inquiry provide sufficient evidence of possible misconduct to justify conducting an investigation. The inquiry is completed when the DO makes this determination, which will be made within 60 days of the RIO's commencement of the Inquiry. Any extension of this period will be based on good cause and recorded in the inquiry file.

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

## VI. The Investigation

### A. Purpose of the Investigation

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

### B. Sequestration of the Research Records

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

C. The Investigation Committee & Process

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

The RIO will notify the Respondent of the proposed committee membership within 5 days of appointing members of the investigation ~~investigative~~ committee. If the Respondent submits a written objection for cause to any appointed member of the Investigation Committee, ~~T~~ the RIO will immediately replace the first challenged member and determine whether to replace the other challenged members with qualified substitutes.

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

D. Charge to the Committee and the First Meeting

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

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

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

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

## VII. The Investigation and Report

An investigation should ordinarily be completed within 60 days of its initiation. This includes conducting the investigation, preparing the report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the DO for approval, and submitting the report to the appropriate agency, if relevant. **Any extension of this period will be based on good cause and recorded in the investigation file.**

### A. Draft Report

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

### B. Comments on the Draft Report

#### 1. Respondent

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

#### 2. Complainant

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

#### 3. General Counsel

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

4. Confidentiality

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

C. Final Report

After comments have been received and the necessary changes have been made to the draft report, the Investigation Committee should transmit the final report with attachments, including the Respondent's and Complainant's comments, to the DO, through the RIO. The final report, if applicable, will be submitted through the Office of Research to ORI and/or NSF.

D. Institutional Review and Decision

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

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

VIII. Requirements for Reporting to ORI or NSF Inspector

- A. The decision to initiate an investigation of PHS- or NSF-funded research must be reported in writing, through the Office of Research, to the director of ORI (at DHHS) or the Inspector General of NSF before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the definition of misconduct, and the agency applications or grant

number(s) involved. ORI or NSF must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. Any significant variations from the provisions of these policies and procedures should be explained in any reports.

- B. Prior to any decision to terminate an inquiry or investigation without completing all relevant requirements of the PHS or NSF regulations, the RIO, through the Office of Research, will submit a report of the planned termination to ORI or the NSF Inspector General, including a description of the reasons for the proposed termination.
- C. If the university determines that it will not be able to complete an Inquiry and Investigation of federally funded research in 120 days, the RIO will submit to the respective agency a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. The request will be submitted through the Office of Research. If either NSF or the PHS is the funding agency, the Office of Research may authorize an extension of the investigation such that the investigation and all administrative actions will be completed within an additional 60 days. If the request is granted, the RIO will file periodic progress reports as requested.
- D. When PHS or NSF funding or applications for funding are involved and an admission of misconduct is made, the RIO, through the Office of Research, will contact the agency for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. An admission of misconduct does not constitute sufficient basis for closing a case involving PHS or NSF funds without prior approval from the agency.
- E. When PHS or NSF funding is involved, the RIO, through the Office of Research, will notify the agency at any stage of the inquiry or investigation if:
  - 1. there is an immediate health hazard involved;
  - 2. there is an immediate need to protect federal funds or equipment;
  - 3. there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
  - 4. it is probable that the alleged incident is going to be reported publicly;
  - 5. the allegation involves a sensitive public health issue, e.g., a clinical trial;
  - 6. there is a reasonable indication of possible criminal violation. In this instance, the institution must inform the agency within 24 hours, excluding weekend days, of obtaining that information;
  - 7. for any other reason, the scientific community or the public should be informed.

## IX. Administrative Actions

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

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

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

## X. Other Considerations

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

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

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

### B. Restoration of the Respondent's Reputation

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

C. Protection of the Complainant and Others

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

D. Allegations Not Made in Good Faith

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

E. Interim Administrative Actions

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

XI. Record Retention

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

## APPENDIX

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

### Responsibilities of the DO

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

### Responsibilities of the RIO

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

### Assessment of Allegations

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

### Conduct of Inquiry

- Initiates inquiry process
- Notifies appropriate institutional officials, the Respondent, and, if necessary, the appropriate agency that an inquiry is underway
- Sequesters research or other relevant records
- Conducts the inquiry
- Determines whether additional expertise is needed
- Establishes conditions of confidentiality
- Protects against bias or conflicts-of-interest
- Develops the charge
- Meets ORI or NSF notification requirements
- Takes appropriate interim administrative actions
- Seeks advice from federal agencies when an admission of misconduct is made
- Determines whether a time extension will be allowed
- Provides a draft report to the Respondent
- Provides appropriate portions of the draft report to Complainant
- Transmits the final report and comments to the DO
- Communicates the decision of the DO to the Complainant, and Respondent.
- Notifies ORI or NSF if an investigation will be conducted
- Provides the final report and inquiry file to ORI or NSF upon request, if relevant
- Retains all inquiry records

- Reports "bad faith" allegations to the DO
- Undertakes reasonable efforts to restore the reputation of cleared Respondents
- Undertakes reasonable efforts to protect "good faith" Complainants and others who cooperated with the inquiry

#### Conduct of Investigation

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

#### Post-Investigation

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

## INQUIRY & INVESTIGATION PROCEDURES

TIMELINE	STEPS
Day 1 Inquiry Begins	<p>RIO determines sufficient evidence of possible misconduct in scientific research or scholarly activities.</p> <p>RIO immediately secures all original research records and materials relevant to the allegation. RIO may consult with federal agencies through Office of Research</p>
Days 2-29	RIO interviews Complainant, Respondent, key witnesses and examines relevant research records & materials.
Day 30	RIO completes evaluation of evidence and testimony and submits a draft report of his/her conclusion to DO, Complainant, and Respondents.
Day 40	Deadline for Complainant and Respondent to submit to RIO their comments on draft Inquiry report.
Day 50	RIO submits to DO the final inquiry report and any comments from Complainant and Respondent.
Day 60 Inquiry Ends	DO makes final determination of whether findings from the inquiry provide sufficient evidence of possible misconduct to justify conducting an investigation.
Day 61 Investigation Begins (if applicable)	<p>The RIO notifies both the Respondent and the Complainant in writing of the DO's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The RIO will also notify the president, the general counsel, the vice president for research, and the dean of the affected college or other university unit.</p> <p>RIO immediately sequesters any additional pertinent research records.</p>
Day 65	RIO in consultation with the president and General Counsel completes appointment of an Investigating Committee.
Day 65	RIO notifies Respondent of the proposed members of the Investigative Committee.
Day 70	Deadline for Respondent to submit in writing any objection for cause to any appointed member of the Investigation Committee. The RIO will immediately replace the first challenged member and determine whether to

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

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Committee members approved by unanimous vote the proposal to change the name of the Department of Materiel Management to Procurement Services. 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, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O'Neill, Reidy*)

## **APPROVAL TO RENAME THE DEPARTMENT OF MATERIEL MANAGEMENT TO PROCUREMENT SERVICES**

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves renaming the Department of Materiel Management to Procurement Services effective January 1, 2012.

Rationale: The term ‘Materiel Management’ is unfamiliar to many of the department’s internal and external customers. ‘Procurement Services’ more accurately reflects the functions performed by the department. In addition, Procurement Services is a term that is more familiar and understood by customers. Based on a review of other VASCUPP (Virginia Association of College and University Purchasing Professionals) institutions, Procurement Services is the most widely used and recognized term. It is also consistent with the overall departmental name of Construction and Procurement Services.

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Committee members received information on one request for leave of absence without compensation.

In the report from the Vice president for Research, Mohammad Karim discussed: VMASC stabilization, Vision Lab transitions, Social Science Research Center stabilization, Center for Educational Partnerships update, climate change and sea level rise initiatives, Bioelectrics Center transitions, and animal research and accreditation.

In the report from the Provost, Carol Simpson discussed the appointment of Charles Wilson as Dean of the College of Arts and Letters, the SACS-COC accreditation and the off-site review committee’s report on the University’s compliance certification, and progress made on the 2009-14 Strategic Plan.

### **ADMINISTRATION AND FINANCE COMMITTEE**

The Rector called on Mr. Ainslie for the report of the Administration and Finance Committee. Mr. Ainslie reported that the Committee received a presentation from Mr. Dale Feltes, Director of Design & Construction, on the Use of Construction Manager (CM) At-Risk for the New Education Building. Existing Board of Visitor Policy #1626 requires Board approval if the University utilizes either Construction Management (CM) or a Design-Build method of procurement to a capital project (as opposed to the traditional “hand bid” approach.) Mr. Feltes explained the CM-At-Risk process and how the administration is proposing its use in order to meet critical construction deadlines for the New Education Building project.

Committee members approved by unanimous vote the use of CM-At-Risk for the New Education Building project and was brought forth as a motion which was unanimously approved by all members present and voting. (*Ainslie, Ampy, Batten, Forehand, Gilmore, Hillier, Jacobson, Kilmer, Kirk, Kornblau, O’Neill, Reidy*)

The Committee then heard four presentations; the first was given by Melanie O'Dell, Director of Finance and Accounting Operations, the July 1, 2010 to June 30, 2011 Audited Financial Statements. She indicated that this was the first year that the audited statements have been presented to the Board in December. She also noted that the statements reflect the University's continued growth with a \$32.7million increase in net assets for the year.

Rick Berry, Executive Director of Construction and Procurement Services, and Etta Henry, Diversity and Programs Manager, briefed the Committee on the University's P-Card progress against program goals and metrics. Since the Board's approval raising the expenditure limits and the University's implementation of the Bank of America "Works" P-Card Program, annual P-Card expenditures have risen annually from \$4.5M to \$10.2M and the number of transactions from 16,400 to nearly 26,000. Mr. Berry also reviewed several program improvements and security enhancements that were implemented.

Deb Swiecinski, Associate Vice President for Administration and Finance, and Rusty Waterfield, Assistant Vice President for Computing and Communication Services, briefed the Committee on the progress of the SunGard EA project. They presented a number of specific project accomplishments and savings and identified the project's next steps with implementing recommended improvements in Accounts Payable, Human Resources/Payroll, and Student Accounts Receivables.

Vice President Fenning briefed the Committee on the status of the land assembly process for the five remaining parcels of the University Village. The Committee then heard the standing reports on Capital Outlay Project Status and the Investment Report.

### **OLD/UNFINISHED BUSINESS**

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

### **NEW BUSINESS**

Mr. Ainslie commented on the Georgia Southern football game and how proud he was of the ODU's football program. He noted that one of the referees commented that the ODU team was one of the best mannered he had encountered.

President Broderick reminded Board members of the annual retreat on January 12. He said that the agenda will include discussions on enrollment growth and "right-sizing" and a review of the Board dashboards. He invited suggestions for additional topics.

With no further business to be discussed, the meeting was adjourned at 2:30 p.m.