

OLD DOMINION UNIVERSITY
BOARD OF VISITORS
Audit, Compliance, and Human Resources Committee
June 13, 2024

MINUTES

The Audit, Compliance, and Human Resources Committee of the Board of Visitors of Old Dominion University met on Thursday, June 13, 2024, at 11:00 a.m. in the Board Room of the Kate and John Broderick Dining Commons. Present from the Committee were:

Robert S. Corn, Chair
Ross A. Mugler, Vice Chair
R. Bruce Bradley (*ex-officio*)
P. Murry Pitts (*ex-officio*)
Andrew Hodge
Elza Mitchum

Absent from the Committee: Steve Hsiung (*Faculty Representative*)

Also present from the Board: Jerri Dickseski
Brian Holland
Kay Kemper (*via Zoom*)
Rudy Middleton
Rick Wyatt

Also present were:

Brian O. Hemphill, President	Amber Kennedy
Austin Agho	Brandi Hephner LaBanc
Ashleigh Boothe	Maggie Libby
Alonzo Brandon	Donna Meeks
A. Kate Couch	Tom Odom
Ken Fridley	Chad Reed
Veleka Gatling	September Sanderlin
Annie Gibson	Ashley Schumaker
Anne Githae (<i>via Zoom</i>)	Wood Selig
Nina Rodriguez Gonser	Amanda Skaggs
Sarah Hanson	Rob Wells
Jaime Hunt	JaRenae Whitehead-Cooper
Stephanie Jennelle	Allen Wilson

- I. **Call to Order** – Chairman Robert S. Corn, called the meeting to order at 11:11 a.m.
- II. **Approval of Minutes** – Upon a motion made by committee Chairman Corn and duly seconded, the minutes of the Audit, Compliance, and Human Resources Committee meeting held on April 18, 2024, as presented were approved by all members present and voting (*Corn, Mugler, Bradley, Pitts, Hodge, Mitchum*).
- III. **Report from the Chief Audit Executive** – Ms. Amanda Skaggs, Chief Audit Executive, presented the Office of the University Audit and Compliance report.
 - A. **Compliance Program Strategic Plan** – Ms. Skaggs presented the strategic plan goals for the Compliance Program which have been established for building and implementing a centralized University Compliance Program. The overarching program goals in the Compliance Program Strategic plan include:
 - i. Build a university-wide compliance program that fosters a culture of compliance awareness, adherence and collaboration, in which roles and responsibilities are formally established, communicated and understood.
 - ii. Effectively manage compliance risks through prevention and early detection by developing program standards that align with the U.S. Federal Sentencing Guidelines.
 - iii. Maintain an effective compliance program by evaluating for continuous improvement and achievement of mature leading practices.

Ms. Skaggs also presented the six key strategies of the compliance program which consist of: compliance matrix, compliance network, compliance helpline, learning and engagement, compliance assessments, and continuous improvement.

- B. **Presentation of Completed Audit Reports** – Ms. Amanda Skaggs presented the completed audit reports to the Committee.
 - i. Athletics Business Office – Ms. Skaggs presented the Athletics Business Office report to the Committee. The engagement included the review of the following: expenses inclusive of compliance with purchase card expectations, special payments, budget management, time and leave entries and approvals, records management, contract administration, compliance with the student fee cap, position descriptions, performance evaluations, emergency management, fixed assets, fund reserves, revenues, contingent liabilities, facilities contracts, reporting and scholarships. The areas of strength included utilizing special payments appropriately, compliance with the student cap fee, controls over contingent liabilities, maintenance of sufficient reserves, current and accurate position descriptions and documented and accurate revenues. The audit discovered the following areas in need of improvement: timesheet and leave reports that had not been consistently submitted by employees or

approved timely by supervisors, the department is in need of improving their records management practices to fully comply with the Virginia Public Records Act and University Policy, and the Athletic Business office also did not have a departmental continuity plan in place. Management is currently working towards being in compliance on their corrective action plans.

- ii. Activity and Status of Open Audit Issues Since April 2024 – Ms. Skaggs reported that there were 24 open action items in the April report and 4 are now complete, 18 items are in progress, and 2 are planned.

C. Discussion of Open Audit Projects

- i. Enterprise Data Storage and Recovery-Survey
- ii. College of Engineering and Technology -Survey
- iii. Student Financial Aid -Survey
- iv. Onboarding Processes (Classified and AP Faculty) -Survey
- v. Provisioning of Affiliate Access - Planning
- vi. Special Projects and Other Activities

D. FY2024 Audit Plan Extension Proposal – Ms. Amanda Skaggs requested an extension for the FY24 audit plan through calendar year 2024, in light of the pending merger with EVMS to include approving the standard annual engagement to be conducted during the FY2025, Office of the President FY2024 Expenditures, and Police Department Fiscal Activities FY2024. Upon a motion made by the committee Chairman Corn and duly seconded, the extension was approved as presented by all members present and voting (*Corn, Mugler, Bradley, Pitts, Hodge, Mitchum*).

IV. Closed Session – Vice Chair Ross A. Mugler moved that this meeting be recessed in Closed Session to discuss the performance of specific departments where such evaluation will necessarily involve discussion of the performance of specific individuals as permitted by the Code of Virginia section 2.2-3711(A), subsection (1). The motion was duly seconded and approved by all members present and voting (*Corn, Mugler, Bradley, Pitts, Hodge, Mitchum*).

In addition to the Committee members in attendance, the following individuals were in attendance during the closed session: President Hemphill, Provost Agho, VP Schumaker, VP Rodriguez Gonser, VP Reed, VP Hephner LaBanc, VP Fridley, VP Brandon, VP Sanderlin, Ms. Skaggs, Mr. Selig, Mr. Wilson and Ms. Gibson.

V. Reconvene in Open Session and FOIA Certification – At the conclusion of Closed Session, Chairman Corn reconvened the meeting and the following Freedom of Information Act Certification was read: “Any person who believes that the Board discussed items, which were not specifically exempted by law or not included in the motion, must now state where they believe there was a departure from the law or a departure in the

discussion of matters other than that stated in the motion convening the closed session. I shall now take a roll call vote of the Board. All those who agree that only lawfully exempted matters and specifically only the business matters stated in the motion convening the closed session were discussed in closed session say “aye.” All those who disagree say “nay.” The certification was approved by roll call vote (*Ayes: Corn, Mugler, Bradley, Pitts, Hodge, Mitchum; Nays: None*)

VI. Report from the Vice President for Human Resources, Diversity, Equity, and Inclusion – Vice President for Human Resources, Diversity, Equity and Inclusion September Sanderlin presented the report.

A. Policy Updates –

- i. FLSA- The Fair Labor Standards Act latest update is going to be rolled out in stages. Effective July 1, 2024, the minimum salary threshold will change from \$35,568 to \$43,888. However, on January 1, 2025, the minimum salary threshold will be updated to \$58, 656. Additionally, the highly compensated rate will change from \$107,432 to \$132,964 on July 1 and on January 1 it will change to \$151,164.

The committee was informed that salary threshold adjustments under the FLSA are set to occur every three years, starting from July 2027. Previously, there was no such mechanism in place, but new regulations will mandate these adjustments.

As of the upcoming July 1st changes, the impact is minimal, affecting fewer than 20 employees initially, but now only eight employees due to a recent 3% state increase.

The FLSA updates for January 1, 2025, and every three year updates, are being contested in Federal court in Texas by several businesses and national associations. VP Sanderlin shared that back in 2016 a similar contestation occurred, which delayed the FLSA updates at that time. The outcome of the current challenge may impact future updates. The FLSA updates will be brought to the attention of the committee as we learn more later in the year.

- ii. Virginia Commonwealth Second Chance Hiring Initiative- There is a new statewide initiative focused on "Second Chance Hiring" commissioned by the Governor of Virginia. This program is designed to assist individuals recently released from prison in finding gainful employment. The initiative is a partnership between Virginia Works and the Department of Corrections.

The initiative aims to facilitate reentry success for individuals coming out of prison by providing them with employment opportunities in full-time classified positions, wage positions, and apprenticeship programs.

The broader goal is to mitigate generational incarceration by offering sustainable employment opportunities to individuals who have served their sentences.

Our University, along with other institutions in sectors like healthcare, childcare, and education, which involve access to vulnerable populations, is not specifically targeted for participation in this program.

While the program's immediate impact on our University is minimal due to the nature of its operations and the populations it serves, it is important to be aware of the broader employment landscape changes. ODU remains committed to supporting second chances where feasible.

Background checks will continue to be a crucial part of the hiring process for classified positions, wage positions, faculty, and administrative roles.

- iii. Title IX- VP Sanderlin introduced Title IX Coordinator, A. Kate Couch, to present to the committee on upcoming regulatory changes. Ms. Couch shared updates on the 2024 Title IX regulatory changes from the Department of Education and the Office for Civil Rights. The Title IX Statute has not changed, however, the regulations that the U.S. Department of Education uses to enforce the statute are changing August 1, 2024, and institutions must have updated policies by this date.

Ms. Couch shared three main terminology and scope changes with the term “sex-based harassment” replacing “sexual harassment,” the definition of quid pro quo has been expanded, and a hostile environment was redefined. Sex discrimination now includes differential treatment, which provides a broader scope of protection and reporting. Off campus activities that create a hostile environment on campus or in school-sponsored programs are now under the University’s scope of responsibility. Also, included in the changes is a Federal mandate on annual training.

The implementation team which includes ODU and EVMS is working together drafting the new policy to meet the August 1 deadline and stay informed about potential legal challenges that may affect the implementation timeline.

- B. Administrative and Professional Faculty Appointments – VP Sanderlin shared with the Committee that there were 960 Administrative and Professional Faculty appointments. The appointments will be reviewed for approval at the full board meeting on Friday, June 14, 2024.
 - i. ODU Faculty Appointments- 17 appointments in total
 - ii. EVMS Faculty Appointments- 393 appointments in total
 - iii. EVMS Restricted Medical Faculty – Residents - 544 appointments in total
 - iv. EVMS Librarians w/Rank- 6 appointments in total

VII. Adjournment - There being no further business, the meeting adjourned at 12:07 p.m.