



**RADFORD UNIVERSITY BOARD OF VISITORS MEETING
BOARD ROOM
MARTIN HALL – THIRD FLOOR
RADFORD, VIRGINIA
9:00 A.M.
SEPTEMBER 16, 2016**

APPROVED

MINUTES

BOARD MEMBERS PRESENT

Mr. Christopher Wade, Rector
Dr. Javaid Siddiqi, Vice Rector
Mr. Robert A. Archer
Dr. Jay A. Brown
Ms. Krisha Chachra
Ms. Callie M. Dalton
Dr. Rachel D. Fowlkes
Ms. Mary Ann Hovis
Dr. Susan Whealler Johnston
Mr. Mark S. Lawrence
Mr. Randolph “Randy” J. Marcus
Dr. Debra K. McMahan
Ms. Alethea “A.J.” Robinson
Ms. Georgia Anne Snyder-Falkinham
Mr. Kevon DuPree, Student Representative (non-voting advisory member)
Dr. Carter Turner, Faculty Representative (non-voting advisory member)

BOARD MEMBERS ABSENT

Mr. Steve A. Robinson

OTHERS PRESENT

President Brian O. Hemphill, Ph.D.
Mr. Richard Alvarez, Vice President for Finance and Administration and Chief Financial Officer
Dr. Irvin Clark, Interim Vice President for Student Affairs
Mr. Joe Carpenter, Vice President for University Relations and Chief Communications Officer
Mr. Danny M. Kemp, Vice President for Information Technology and Chief Information Officer
Ms. Katherine “Kitty” McCarthy, Vice President for Enrollment Management
Dr. Joseph Scartelli, Interim Provost and Vice President for Academic Affairs
Ms. Melissa Wohlstein, Vice President for University Advancement
Ms. Michele N. Schumacher, Secretary to the Board of Visitors
Ms. Ashley Schumaker, Chief of Staff

Mr. Alan Wilson, Assistant Attorney General, Commonwealth of Virginia
Radford University faculty and staff

CALL TO ORDER

Mr. Christopher Wade, Rector, called the meeting to order at 9:00 a.m. in the Board Room on the Third Floor of Martin Hall on the campus of Radford University.

APPROVAL OF AGENDA

Mr. Wade asked for a motion to approve the minutes of the May 6, 2016 meeting Agenda for the September 16, 2016 meeting, as published. After motion duly made and seconded and the Agenda as published was unanimously approved.

APPROVAL OF MINUTES

Mr. Wade asked for a motion to approve the minutes of the May 6, 2016 meeting of the Board of Visitors, as published, and the July 25-26, 2016 minutes of the Board Retreat, as published. After motion duly made and seconded, the May 6, 2016 minutes and the July 25-26, 2016 minutes were unanimously approved. A copy of the approved minutes can be found at <http://www.radford.edu/content/bov/home/meetings/minutes.html>.

PRESIDENT'S REPORT

President Brian O. Hemphill, Ph.D., provided an oral report, noting that two of his priorities for Radford University are enrollment growth and student success, and that in order to achieve the level of leadership and strategy development that is needed, Ms. Katherine "Kitty" McCarthy has been hired as the University's Vice President for Enrollment Management. President Hemphill also provided an update on the Presidential Open Forums, college orientations, Budget Planning Summit, alumni outreach activities, and economic development and community partnerships, which were held during his first two months on campus. He stated that the insights and feedback provided during these events have been helpful in his learning more about Radford University and the collective aspirations for the University's future. A copy of President Hemphill's report is attached hereto as *Attachment A* and is made a part hereof.

Mr. Wade thanked President Hemphill for his report.

REPORT FROM THE ADVISORY (NON-VOTING) FACULTY REPRESENTATIVE TO THE BOARD

Dr. Carter Turner, Advisory (non-voting) Faculty Representative to the Board of Visitors, provided a presentation containing an overview of the Radford University Faculty Senate. He specifically reviewed the role of the Faculty Senate, its leadership, and its composition. Dr. Turner also explained that each senator is assigned to one of five committees, specifically, Resource Allocation, Faculty Issues, Campus Environment, Curriculum, and Governance, and described the

responsibilities of each. A copy of Dr. Turner's report is attached hereto as *Attachment B* and is made a part hereof.

Mr. Wade thanked Dr. Turner for his report.

REPORT FROM THE ADVISORY (NON-VOTING) STUDENT REPRESENTATIVE TO THE BOARD

Mr. Kevon DuPree, Advisory (non-voting) Student Representative to the Board of Visitors, provided the Board with information on his background. He then provided a presentation that outlined three platform items that he will work on as Student Representative to the Board of Visitors, specifically: (i) re-establishing/revitalizing Omicron Delta Kappa, a national leadership honor society, on the Radford University campus; (ii) a male student leadership initiative that will focus on helping young men at Radford University to achieve success while in College and beyond; and (iii) campus unity. A copy of Mr. DuPree's report is attached hereto as *Attachment C* and is made a part hereof.

Mr. Wade thanked Mr. DuPree for his report.

REPORT FROM THE ACADEMIC AFFAIRS COMMITTEE

Dr. Susan Whealler Johnston, Chair of the Academic Affairs Committee, stated that the Committee met on Thursday, September 15, 2016. She noted that the Committee heard a report from Dr. Joseph Scartelli, Interim Provost and Vice President for Academic Affairs, which included a staffing update noting that Dr. Angela Joyner was hired as the new Executive Director of Career Services, and Dr. George Santopietro was named the new Assistant Provost for Academic Operations.

Dr. Johnston also reported that Dr. Carter Turner, Faculty Representative (non-voting advisory) member of the Board of Visitors, provided a report on the primary goals of the Faculty Senate for 2016-2017, which were internal governance and faculty compensation.

Dr. Johnston also reported that a high-level strategic discussion on academic excellence and quality took place and included a discussion on how various constituencies at Radford University may measure such matters. Topics of discussion also included: quantitative and qualitative assessments, accreditation, licensure pass rates of students in certain fields of study, employment success, personal and professional fulfillment, curricular considerations and implications, and how to create a stronger University brand with prospective students and their parents.

Mr. Wade thanked Dr. Johnston for her report.

REPORT FROM THE ADVANCEMENT/ALUMNI RELATIONS AND COMMUNICATIONS/MARKETING COMMITTEE

Mr. Randolph "Randy" J. Marcus, Chair of the Advancement/Alumni Relations and Communications/Marketing Committee, stated that the Committee met on Thursday, September 15, 2016. He noted that the Committee heard a report from Mr. Joe Carpenter, Vice President for

University Relations and Chief Communications Officer, on the branding and marketing campaign, which included a recap of the 2015-2016 marketing and advertising campaign; an overview of the 2016-2017 advertising campaign; a review of the social media platforms on which Radford has a presence; and a review of the Radford University's Creative Services departments' design efforts that support branding and marketing, as well as, the presidential transition.

He also noted that the Committee heard a report from Ms. Melissa Wohlstein, Vice President for University Advancement, that included an update on fundraising for fiscal year 2016, specifically noting that a total of \$7,996,999 had been secured in gifts and pledges; an update on the status of the Radford University Alumni Association LLC; an update on the relationship with Royall and Company to increase the amount raised through fundraising; and a review of the initiatives for Alumni Relations.

Mr. Marcus also stated that the Committee welcomed Ms. Katherine "Kitty" McCarthy, Vice President for Enrollment Management, to Radford University. He continued that Ms. McCarthy provided a high level enrollment management update, and that Mr. James Pennix reported on Fall 2016 enrollment.

Mr. Wade thanked Mr. Marcus for his report.

REPORT FROM BUSINESS AFFAIRS & AUDIT COMMITTEE

Ms. Mary Ann Hovis, Chair of the Business Affairs and Audit Committee, reported that the Committee met on Thursday, September 15, 2016. She noted that the Committee heard a report from Mr. Mike Reinholtz, Acquisitions & Contract Management Specialty Team Director and Radford Audit Project Manager with the Auditor of Public Accounts of the Commonwealth of Virginia, who provided a summary of the Auditor of Public Account's audit of the University's fiscal year 2015 financial statements. She stated that the University received an unmodified opinion with no material weaknesses. Ms. Hovis continued that Mr. Reinholtz also briefed the Committee on the upcoming audit of the University's FY 2016 financial statements.

Ms. Hovis stated that the Committee also received an oral report on the University Discretionary Fund for the quarter ended June 30, 2016 from Ms. Margaret McManus, University Auditor. It was noted that 100% of all expenditures were reviewed, and all were in compliance with the Board guidelines. Ms. Hovis also reported that Ms. McManus provided the Committee with a copy of her department's Charter and reviewed the Office and Audit and Advisory Services audit duties and responsibilities. She continued that Ms. McManus also presented the FY 2016 Activity Report, the FY 2017 Audit Plan, and the Budget and Staffing Summaries for FY 2016 and FY 2017, a balanced scorecard for FY 2016, a follow-up audit status report, and the results of the contract audit of student health and counseling services and the information technology audit of PeopleAdmin, the human resources software platform.

Ms. Hovis continued that an annual report for write-off of past due accounts for FY 2016 was provided by Ms. Stephanie Jennelle, Associate Vice President for Finance and University Controller. She also informed the Board that Mr. Richard Alvarez, Vice President for Finance and

Administration and Chief Financial Officer provided several reports including: a capital project update and an update on the Joint Legislative Audit and Review Commission (JLARC) recommendations adopted by the Virginia General Assembly. It was noted that there were eight recommendations from JLARC, which were included in the Acts of the Assembly that require University action.

Ms. Hovis also reported that there were two action items that needed Board approval. The first is the approval of the Radford University 2016-2017 Operating Budget noting that the Committee received an in-depth briefing on the 2016-2017 Operating Budget from Mr. Alvarez. Ms. Hovis moved, on behalf of the Committee, that the Board adopt the resolution approving the Radford University 2016-2017 Operating Budget. Mr. Marcus seconded, and the resolution was adopted by a vote of 13-0, with Ms. Georgia Anne Snyder-Falkinham abstaining. A copy of the Resolution approving Radford University's 2016-2017 Operating Budget is attached hereto as *Attachment D* and is made a part hereof.

Ms. Hovis stated that the second item is approval of the Radford University 2016 Six-Year Plan, and she noted Radford University's Six-Year Plan was updated to reflect existing strategies and new strategies based on institutional priorities and legislative action during the 2016 General Assembly Session. Ms. Hovis moved, on behalf of the Committee, that the Board approve Radford University's 2016 Six-Year Plan as set forth in the resolution. Mr. Marcus seconded, and the resolution approving the Radford University 2016 Six-Year Plan was approved by a vote of 13-0, with Ms. Georgia Anne Snyder-Falkinham abstaining. A copy of the resolution is attached hereto as *Attachment E* and is made a part hereof.

Mr. Wade thanked Ms. Hovis for her report.

REPORT FROM THE GOVERNANCE, ADMINISTRATION & ATHLETICS COMMITTEE

Ms. Alethea "A.J." Robinson, Chair of the Governance, Administration & Athletics Committee, informed the Board that the Committee met on Thursday, September 15, 2016. She reported that Mr. Danny M. Kemp, Vice President of Information Technology and Chief Information Officer, provided highlights of the activities of the Information Technology Division since May 2016, which included a review of the numerous hardware and software installations, demolitions, and updates that have occurred during the summer months at Radford University. In addition, Ms. Robinson noted that the identity and access management project, which was begun in 2013, was completed on June 30, 2016 on budget and on time. She also informed the Committee that Mr. Kemp provided information on several applications that will assist with enrollment and student retention, including Starfish, a student advising system launched in August 2016 which will, among other capabilities, share critical student information with appropriate individuals at the University, who can direct students to the resources and assistance they need. Ms. Robinson stated that Mr. Kemp also reported that the University has entered into an agreement with Royall & Company, whose services are anticipated to be of assistance in increasing student enrollment. Ms. Robinson continued that Mr. Kemp also reviewed information security at the University and noted that the biggest information

security problem is ransomware; and that plans are underway for an awareness campaign for October's Cybersecurity Awareness month.

Ms. Robinson also reported that Mr. Robert Lineburg, Director of Athletics, provided an intercollegiate athletic report that updated the Committee on five areas of the six-year plan for Radford University Athletics that was presented at the September 2015 meeting. She continued that Mr. Lineburg reviewed the following areas of the Athletics six-year plan: (i) enhancing the student-athlete experience noting that activities during 2015-2016 included various leadership and life skills training; (ii) academic excellence noting that over 60% of RU's student-athletes finished with a 3.0 GPA or better; (iii) competitive excellence noting that Men's Soccer won the Big South Regular Season Championship and advanced to NCAA Tournament with an at-large bid; (iv) the culture within RU's Athletics to operate in full compliance with University, state, conference and NCAA guidelines noting the various training that coaches and student-athletes received and/or will receive during the year includes topics on hazing, Title IX, and alcohol abuse; and (v) branding and marketing noting that the new athletic brand will be unveiled before calendar year-end. Ms. Robinson continued that Mr. Lineburg also reviewed the steps being taken to increase the amount of sponsorship dollars being raised, and the fundraising goals for FY 2017.

Ms. Robinson also reported that Ms. Michele N. Schumacher, Secretary to the Board of Visitors, discussed proposed changes to the Radford University Board of Visitors Bylaws. It was noted that the changes are necessitated by a recodification of the Virginia Code that pertains to higher education, as well as discussions held at the Board Retreat. It is anticipated that the proposed changes will be brought before the Board in November for approval.

Mr. Wade thanked Ms. Robinson for her report.

REPORT FROM THE STUDENT AFFAIRS COMMITTEE

Mr. Mark S. Lawrence, Chair of the Student Affairs Committee, stated that the Committee met on Thursday, September 15, 2016. Mr. Lawrence stated that the Ms. Jacinda Jones, Student Government Association (SGA) President, provided a presentation on the SGA's strategic priorities for the 2016-2017 academic year, which included Highlander Pride events, civic engagement, sexual assault awareness, community service, school unity, and campus safety. It was noted that a new initiative of the SGA will be to assist with retention efforts to include peer to peer mentoring and developing an ongoing relationship with the local public schools by making on-site visits.

Mr. Lawrence also reported that Dr. Irvin Clark, Interim Vice President for Student Affairs, provided a presentation on the overall student experience at Radford University that highlighted areas of student activities, diversity and inclusion, recreation and wellness programs, student advocacy, sexual violence education, campus safety, and intercollegiate athletics. Mr. Lawrence continued that Dr. Clark also provided an update on the Student Affairs Division, which included staffing updates, retention efforts that included the creation of the Office of Student Success and Engagement, new initiatives to promote student well-being, and an initiative to develop a sustainable civic and community engagement program.

Mr. Wade thanked Mr. Lawrence for his report.

REPORT ON THE RADFORD UNIVERSITY FOUNDATION

Ms. Callie M. Dalton, Board liaison to the Radford University Foundation (Foundation), reported that the Foundation Board had its first meeting of the year on September 14, 2016, with four new board members attending, including President Hemphill. She noted that RU Corporate Park has signed five new tenants since July 1, 2016. Ms. Dalton also reported that the total assets of the Foundation as of June 30, 2016 were \$70.6 million, noting that investments with Spider Management Group in Richmond total \$46.2 million.

Mr. Wade thanked Ms. Dalton for her report.

OTHER BUSINESS

Virginia Freedom of Information Act Presentation

Mr. Allen Wilson, Senior Assistant Attorney General – Commonwealth of Virginia, gave a presentation on the Virginia Freedom of Information Act (FOIA), which included a discussion on what is a public record, who may request a record, how an institution must respond to the request, and the exclusions set forth in the statute as to when a record does not need to be disclosed. In addition, Mr. Wilson also reviewed the meeting requirements in FOIA, noting that per the statute a meeting is defined as a body or entity of three or more members of a public body. He also reviewed when electronic meetings are permissible and when closed meetings can be held. A copy of the material presented by Mr. Wilson is attached hereto as *Attachment F-1 and F-2* and is made a part hereof.

Board Resolutions

Mr. Wade presented the resolutions honoring former Board members Mr. Anthony R. Bedell, Ms. Mary Waugh Campbell, Dr. Kevin R. Dye, Ms. Ruby W. Rogers, and Ms. Georgia Anne Snyder-Falkinham. After discussion the Board requested that the resolutions be re-drafted to include more detailed personal activities of each Board member and that they be brought before the Board in November.

Meeting Dates

Mr. Wade also noted that the next scheduled Board meeting is November 10-11, 2016, and the Board schedule for calendar year 2017 will be presented at the next meeting.

ADJOURNMENT

With no further business to come before the Board, Mr. Christopher Wade, Rector, adjourned the meeting at 11:40 a.m.

RADFORD
UNIVERSITY

Brian O. Hemphill, Ph.D.
President

TO: Members of the Board of Visitors

FROM: Brian O. Hemphill, Ph.D.
President

DATE: September 16, 2016

RE: President's Report

I want to thank you for the opportunity to update you and share my perspectives about our University. Since starting my presidency nearly two and a half months ago, I have had the privilege of meeting and interacting with many of our students, faculty, staff, alumni, parents, and supporters. Those interactions have further confirmed what I believed before assuming the presidency: Radford University is an institution – and a family – committed to the success of our students.

That level of commitment comes at a time when the Commonwealth of Virginia is facing budgetary challenges. There was a shortfall of \$266 million from the last fiscal year with a \$1.5 billion shortfall over the next two years. There has been an increase in revenue of 12 percent for this past month.

Strategic Enrollment Growth and Student Success

Two of my priorities for Radford University are to grow our strategic enrollment and improve upon our retention. I view them as mutually supporting. As was briefed at both the May Board meeting and yesterday's Committee meetings, our enrollment for fall 2016 continued a decline that has been developing for the last few years. This decline is a combination of fewer new students enrolling and not retaining enough students for their second or third year. During this time, headcount enrollment has decreased from 9,743 students to 9,401 students.

While Virginia has experienced a declining population of college-eligible prospective students and increased competition in the marketplace for new students, we must remain competitive. To bring the level of leadership and strategy development that we need, I am pleased to report that we were able to identify our first Vice President of Enrollment Management. Vice President Kitty McCarthy brings three decades of experience in higher education admissions and enrollment management, at both public and private institutions. She has served as:

- Vice President for Enrollment Management and Student Affairs at West Virginia State University, Institute, W.Va.;

- Associate Vice President for Enrollment Management at Northern Illinois University, DeKalb, Ill.;
- Assistant Vice Chancellor for Enrollment Marketing at The State University of New York (SUNY), System Administration, Albany, N.Y.;
- Director of Admissions at Alfred University, Alfred, N.Y.;
- Dean of Admissions at Siena College, Albany, N.Y.; and
- Associate Director of Admissions/Marketing at the University of Rochester.

Vice President McCarthy will establish an enrollment vision and related strategy and provide leadership to the offices of Undergraduate Admissions, the Registrar, and Financial Aid. A briefing regarding the recruitment plan for the University is being planned as part of the November Board meeting.

Presidential Open Forums

Tenets of my leadership approach are visibility and accessibility on campus and include: engaging with students, faculty, and staff; seeking input and soliciting new ideas to identify improved tactics and strategies; and working together to improve and build upon Radford University and the education we provide.

As part of my effort to learn more about Radford University, I hosted six Presidential Open Forums: one for administrative and professional faculty; one for classified staff; two for faculty; and two for students. A majority of the forums were well-attended. In addition to sharing my vision and strategic areas of focus during the forums, I opened the floor to questions afterward. I found the discussions wide-ranging and, I believe, good opportunities to gain insights into issues that are on the minds of our students, faculty, and staff.

College Orientation Briefings

As we began the 2016-17 academic year and as part of the final phase of the presidential transition, I recently completed orientation briefings with each of the colleges. With a wide representation from each college, the presentations covered the mission, organization, enrollment, programs, faculty and staff, challenges, and opportunities. Reflecting the individual character of the colleges, I found both the presentations and following question and answer sessions extremely insightful, thereby providing a great deal of context and perspective to the academic offerings and operations of Radford University.

Budget Planning Summit

Last Friday, Radford University's inaugural Budget Planning Summit was held. The Summit was comprised of 132 students, faculty, and staff, who started the forum hearing presentations from: Virginia Department of Planning and Budget Associate Director of Education and Transportation Michael Maul; Interim Provost and Vice President for Academic Affairs Joseph P. Scartelli; Vice President for Finance and Administration Richard S. Alvarez; and myself regarding the budget forecast.

Following the presentations, the forum featured nine breakout groups to brainstorm and engage in thoughtful discussion regarding a variety of recommendations related to revenue generation, efficiencies, innovation, economic development, and programmatic strategies. Following the breakouts, the individual breakout groups presented highlights of their brainstorming.

Alumni Engagement

As I shared with the Board and members of the Presidential Search Committee during my interview process, philanthropic giving and alumni engagement are among the vital outreach initiatives for Radford University moving forward. With the excellent teamwork and planning efforts of the entire Alumni Relations team, Radford University hosted more than 1,200 alumni during the months of July and August with receptions across the Commonwealth, including Northern Virginia; Richmond; Virginia Beach; Roanoke; New River Valley; and Abingdon.

At the conclusion of each event, I opened the floor to questions. While each location and alumni had differing questions, interests, and issues, there was a common desire to assist the University. As I shared with those in attendance, I am seeking their "time, talent, and treasure." Our initial Commonwealth tour is complete, and later this month, we will host similar receptions in the Raleigh, Charlotte, and Atlanta areas to meet with out-of-state alumni. As it has been brought up at some of the Committee meetings, as well as separate discussions, our alumni are eager to serve and give back. Whether it is assisting with student internships, bringing their experiences back to our students, or in donating their hard-earned resources to fund scholarships and other opportunities, the entire leadership team and I are actively engaged in identifying new and improved engagement and outreach strategies. Our alumni support, in all of its forms, is critical for Radford's future.

Economic Development and Community Partnerships

Developing new and building upon existing partnerships with local and regional communities and businesses will be critical for advancing Radford University, as well as fulfilling our role as a public institution in service to Southwest Virginia. In addition to individual and one-on-one visits, I hosted a business leaders breakfast in early August. With more than 110 representatives in attendance, I shared my vision and strategic areas of focus and followed with an open dialogue session to learn from the attendees about important initiatives as we move our "town and gown" and cooperative relationships forward.

In conclusion, the Highlander community's feedback and insights have been very helpful in learning more about Radford University and our collective aspirations for the future. I have witnessed firsthand a passion for and commitment to Radford University that is truly inspiring and is sharply focused on the success of our students, teamwork, and connection as a campus community. These attributes will enable us, as one Radford family, to persevere against our challenges and to create new opportunities for success.

ATTACHMENT B

Radford University Faculty Senate

RADFORD
UNIVERSITY

September,
2016

The Role of the Faculty Senate

- “to enable the faculty to fulfill its function with respect to academic and educational policies and other affairs of Radford University”
- “to assure forceful and articulate representation of faculty interests and of the faculty view of the common good of the university community”
- to “serve as the official voice of the faculty on all matters which fall within its jurisdiction. It may express an opinion or take a stand on any issue affecting the faculty, academic life, or the academic environment at Radford University”

- From Faculty Senate Constitution

Faculty Senate Executive Committee

- **President** - Dr. Carter Turner, Associate Professor of Religious Studies and Chair of the Department of Philosophy and Religious Studies
- **Vice President** - Dr. Susan Schoppelrey, Professor and Associate Director of the School of Social Work
- **Secretary** - Dr. Kim Gainer, Professor of English and Associate Dean of the College of Humanities and Behavioral Sciences
- **At Large** - Dr. Suzanne Ament, Associate Professor of History
- **At Large** - Dr. Prahlad Kasturi, Professor and Chair of the Department of Economics

Faculty Senate Composition

- Currently 47 faculty senators.
- Each department/school has one representative; Remaining senators are apportioned based on number of faculty in each college.
- The Faculty Senate meets every Thursday alternating between full-senate meetings and committee meetings.
- Each senator sits on one of the following committees:
 - Resource Allocation
 - Faculty Issues
 - Campus Environment
 - Curriculum
 - Governance

Resource Allocation Committee

- University Budget and Priorities
- Long-Range Planning
- Academic Resources
 - Library
 - Technology Support
 - Departmental Equipment and Supplies
 - Grants and Contracts

Faculty Issues Committee

- Tenure
- Post-Tenure Review
- Faculty Evaluations Procedures
- Grievance Policies/Due Process
- Diversity Issues
- Research and Professional Development
- Academic Calendar

Campus Environment Committee

- Faculty and Student Needs
 - Faculty Evaluations Procedures
 - Grievance Policies/Due Process
 - Diversity Issues
 - Research and Professional Development
 - Academic Calendar
- Enrollment
 - Enrollment Management and Planning
 - Recruitment and Admissions
- Catalogs
- Faculty and Student Quality Improvement

Curriculum Committee

- Academic Policies and Procedures
 - Registration
 - Advising
 - Class Loads
- Undergraduate Curriculum
 - General Education
 - Requirements for Graduation
 - Degree Programs
 - Program Evaluations
- Graduate and Extended Education

Governance

- Faculty Senate Constitution and Membership
- Internal Governance Structure and Functionality
 - Maintain Consistency among IG Documents
 - Identify Decision Making Pathways
- Evaluation of Deans

ATTACHMENT C

Student Representative Report to the Board of Visitors

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Platform Ideas

- **Omicron Delta Kappa**
- **Male Student Leadership Initiative**
- **Campus Unity Fest**

Omicron Delta Kappa (OΔK)



Male Student Leadership Initiative



**INDEPENDENT MEN ACHIEVING GOALS
IN EDUCATION**

Campus Unity Fest



QUESTIONS?

RADFORD
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ATTACHMENT D

Radford University Board of Visitors
Approval of 2016-17 Radford University Operating Budget

**Resolution
September 16, 2016**

Approval of the Radford University 2016-17 Operating Budget

BE IT RESOLVED, the Radford University Board of Visitors approves the fiscal year 2016-17 operating budget as presented in Schedule A for Total Operating Budget and Schedule B for Auxiliary Enterprises.

**Radford University
Proposed University Operating Budget
2016-17**

Dollars in Thousands

	Annual Budget for 2015-16			2016-17 Adjustments				2016-17
	Original Total Budget	(a) Adjustments	Adjusted Total Budget	Adjusted Total Budget	Technical Adjustments	Base Adjustments	One-Time Adjustments	Recommended Total Budget
Educational and General Programs								
<u>Revenues</u>								
General Fund	\$47,702	\$359	\$48,061	\$48,061	(\$359)	\$3,838	\$0	\$51,540
Tuition and Fees	71,879	553	72,432	72,432	(553)	472	0	72,351
All Other Income	2,506	0	2,506	2,506	(1,231)	15	1,406	2,696
Revenue	\$122,087	\$912	\$122,999	\$122,999	(\$2,144)	\$4,325	\$1,406	\$126,586
<u>Expenditures</u>								
Instructional & Academic Support	(\$81,117)	\$470	(\$80,647)	(\$80,647)	(\$470)	(\$2,059)	\$0	(\$83,176)
All Other Support Programs	(40,970)	(1,382)	(42,352)	(42,352)	2,613	(2,266)	(1,406)	(43,410)
Expenditures	(\$122,087)	(\$912)	(\$122,999)	(\$122,999)	\$2,144	(\$4,325)	(\$1,406)	(\$126,586)
Reserve Draw (Deposit)	0	0	0	0	0	0	0	0
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Student Financial Assistance								
Revenue	\$10,095	\$224	\$10,319	\$10,319	(\$224)	\$1,856	\$0	\$11,951
Expenditures	(10,095)	(224)	(10,319)	(10,319)	224	(1,856)	0	(11,951)
Reserve Draw (Deposit)	0	0	0	0	0	0	0	0
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sponsored Programs								
Revenue	\$6,100	\$0	\$6,100	\$6,100	\$0	\$0	\$0	\$6,100
Expenditures	(6,100)	0	(6,100)	(6,100)	0	0	0	(6,100)
Reserve Draw (Deposit)	0	0	0	0	0	0	0	0
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Auxiliary Enterprises								
Revenues	\$68,020	(\$1,685)	\$66,334	\$66,334	\$1,685	(\$1,375)	\$0	\$66,644
Expenditures	(60,666)	(1,500)	(61,251)	(61,251)	815	(143)	(751)	(61,329)
Reserve Draw (Deposit)	(7,353)	3,185	(5,084)	(5,084)	(2,500)	1,519	751	(5,315)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total University								
Revenues	\$206,301	(\$549)	\$205,752	\$205,752	(\$682)	\$4,806	\$1,406	\$211,282
Expenses	(198,948)	(2,636)	(200,669)	(200,669)	3,183	(6,324)	(2,156)	(205,967)
Reserve Draw (Deposit)	(7,353)	3,185	(5,084)	(5,084)	(2,500)	1,519	751	(5,315)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

(a) Original Total Budget - Reflects the 2015-16 Operating Budget as of July 1, 2015 which was approved by the Board at the September 2015 meeting. Both recurring and one-time operating budgets are included.

(b) Adjusted Total Budget - Reflects the 2015-16 Operating Budget as of June 30, 2016. Both recurring and one-time operating budgets are included.

(c) Recommended Total Budget - Reflects the proposed 2016-17 Original Total Budget as of July 1, 2016. Both recurring and one-time operating budgets are included.

Radford University
Proposed Auxiliary Enterprise Budget
2016-17

Dollars in Thousands

	Annual Budget for 2015-16			2016-17 Adjustments				2016-17 Recommended Total Budget (c)
	Original Total Budget (a)	Adjustments	Adjusted Total Budget (b)	Adjusted Total Budget	Technical Adjustments	Base Adjustments	One-Time Adjustments	
Residential & Dining Programs								
Revenues	\$31,532	(\$1,500)	\$30,032	\$30,032	\$1,500	(\$1,135)	\$0	\$30,398
Expenditures	(28,609)	316	(28,292)	(28,292)	(484)	404	(401)	(28,773)
Reserve Draw (Deposit)	(2,924)	1,184	(1,740)	(1,740)	(1,016)	731	401	(1,624)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bookstore								
Revenues	\$850	\$0	\$850	\$850	\$0	(\$210)	\$0	\$640
Expenditures	(269)	0	(269)	(269)	0	(0)	0	(269)
Reserve Draw (Deposit)	(581)	0	(581)	(581)	0	210	0	(371)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Parking & Transportation								
Revenues	\$1,786	\$0	\$1,786	\$1,786	\$0	\$19	\$0	\$1,805
Expenditures	(1,372)	(94)	(1,466)	(1,466)	172	(168)	(48)	(1,509)
Reserve Draw (Deposit)	(414)	94	(319)	(319)	(172)	149	48	(295)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Telecommunications								
Revenues	\$566	\$0	\$566	\$566	\$0	\$0	\$0	\$566
Expenditures	(494)	(0)	(494)	(494)	0	(5)	0	(498)
Reserve Draw (Deposit)	(72)	0	(72)	(72)	(0)	5	0	(67)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Student Health Services								
Revenues	\$3,053	\$0	\$3,053	\$3,053	\$0	\$80	\$0	\$3,134
Expenditures	(2,986)	(28)	(3,014)	(3,014)	67	(89)	(8)	(3,043)
Reserve Draw (Deposit)	(68)	28	(40)	(40)	(67)	9	8	(91)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Student Programming								
Revenues	\$8,271	\$0	\$8,271	\$8,271	\$0	\$118	\$0	\$8,389
Expenditures	(7,803)	(515)	(8,318)	(8,318)	615	(336)	(27)	(8,066)
Reserve Draw (Deposit)	(468)	515	47	47	(615)	218	27	(323)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Building & Facilities								
Revenues	\$3,510	\$0	\$3,510	\$3,510	\$0	(\$79)	\$0	\$3,431
Expenditures	(1,692)	(0)	(1,692)	(1,692)	55	131	(55)	(1,561)
Reserve Draw (Deposit)	(1,818)	0	(1,818)	(1,818)	(55)	(52)	55	(1,870)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Enterprise Functions								
Revenues	\$6,020	(\$300)	\$5,720	\$5,720	\$300	(\$162)	\$0	\$5,858
Expenditures	(5,329)	83	(5,097)	(5,097)	(99)	89	(174)	(5,280)
Reserve Draw (Deposit)	(691)	217	(623)	(623)	(201)	73	174	(578)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Intercollegiate Athletics								
Revenues	\$12,432	\$115	\$12,546	\$12,546	(\$115)	(\$7)	\$0	\$12,425
Expenditures	(12,112)	(495)	(12,607)	(12,607)	489	(170)	(40)	(12,329)
Reserve Draw (Deposit)	(319)	380	61	61	(374)	177	40	(96)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Auxiliary Enterprise								
Revenues	\$68,020	(\$1,685)	\$66,334	\$66,334	\$1,685	(\$1,375)	\$0	\$66,644
Expenses	(60,666)	(734)	(61,251)	(61,251)	815	(143)	(751)	(61,329)
Reserve Draw (Deposit)	(7,353)	2,419	(5,084)	(5,084)	(2,500)	1,519	751	(5,315)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

(a) Original Total Budget - Reflects the projected 2015-16 Operating Budget as of July 01, 2015 which was approved by the Board at the September 2015 meeting. Both recurring and one-time operating budgets are included.

(b) Adjusted Total Budget - Reflects the 2015-16 Operating Budget as of June 30, 2016. Both recurring and one-time operating budgets are included.

(c) Recommended Total Budget - Reflects the proposed 2016-17 Original Total Budget as of July 1, 2016. Both recurring and one-time operating budgets are included.

ATTACHMENT E

Resolution

Approval of Radford University's 2016 Six-Year Plan **September 16, 2016**

WHEREAS, the Higher Education Opportunity Act of 2011 became effective July 1, 2011, and requires each public institution of higher education in Virginia to develop and submit an institutional six-year plan; and

WHEREAS, § 23-38.87:17 of the Act requires, “*The governing board of each public institution of higher education shall develop and adopt biennially and amend or affirm annually a six-year plan for the institution and shall submit that plan to the Council (State Council of Higher Education for Virginia), the Governor, and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance no later than July 1 of each odd-numbered year, and shall submit amendments to or an affirmation of that plan no later than July 1 of each even-numbered year or at any other time permitted by the Governor or General Assembly*”; and

WHEREAS, Radford University prepared a six-year plan in accordance with the requirements of the Higher Education Opportunity Act of 2011 and guidelines provided by the State Council of Higher Education for Virginia; and

WHEREAS, the University submitted the six-year plan to the State Council of Higher Education for Virginia by the stated deadline of July 1, 2016 for the 2016 submission; and

WHEREAS, the 2016 Six-Year Plan must be approved by the Board of Visitors prior to the October 1 final submission;

THEREFORE, BE IT RESOLVED the Radford University Board of Visitors approves the Radford University 2016 Six-Year Plan as presented in the format provided by the State Council of Higher Education for Virginia; and

BE IT FURTHER RESOLVED, that the University is authorized to revise the 2016 Six-Year Plan as required by State officials for final submission by the stated deadline.

Six-Year Plans - Part I (2016): 2016-18 through 2020-22

Due: July 1, 2016

Institution: Radford University

Institution UNITID: 233277

Individual responsible for plan

Name: Richard S. Alvarez

Email address: ralvarez@radford.edu

Telephone number: 540-831-5411

Six-Year Plans - Part I (2016): 2016-18 through 2020-22

Radford University

ACADEMIC AND FINANCIAL PLAN

Instructions: In the column entitled "Academic and Support Service Strategies for Six-Year Period (2016-2022)," please provide titles to identify strategies (for the three biennia of this six-year period) associated with goals in the Statewide Strategic Plan. *Please use this title to identify a more detailed description of the strategy in the separate Word document (Part II - Narrative).*

Priority Ranking	ACADEMIC AND SUPPORT SERVICE STRATEGIES FOR SIX-YEAR PERIOD (2016-2022)											Strategies	Strategies	
	Biennium 2016-2018 (7/1/16-6/30/18)										Biennium 2018-2020 (7/1/18-6/30/20)			
	Strategies (Short Title)	VPHE Goal	Cost: Incremental, Savings, Reallocation								Strategies			Strategies
			2016-2017		2017-2018		2016-2017 (Revised)		2017-2018 (Revised)					
Total Amount			Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue					
1	Support Undergraduate Transfer Student Enrollment and the Changing Student Demography	1	Incremental:	\$1,252,508	\$400,803	\$3,004,233	\$1,101,142	\$569,052	\$0	\$3,004,233	\$1,146,716	Continue to support existing undergraduate student populations	Continue to support existing undergraduate student populations	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$520,800	\$0	\$520,800	\$0	\$520,800	\$0	\$520,800	\$0			
2	Enhance Student Success, Retention, and Graduation	2	Incremental:	\$2,247,191	\$898,427	\$4,993,757	\$1,996,504	\$664,332	\$136,810	\$4,993,757	\$1,906,117	Continue to enhance student success, retention, and graduation.	Continue to enhance student success, retention, and graduation.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
3	Move Faculty Salaries Toward the 60th Percentile <i>For Reference Only. All resources are identified below.</i>	3	Incremental:	Identified Below	Identified Below	Identified Below	Identified Below	Identified Below	Identified Below	Identified Below	Identified Below	Continue to address faculty salaries by moving the average salary toward the 60th percentile of the institution's peer group.	Continue to address faculty salaries by moving the average salary toward the 60th percentile of the institution's peer group.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
4	Increase Financial Aid to Assist Low and Middle Income Students	1	Incremental:	\$1,200,000	\$0	\$2,400,000	\$0	\$1,685,086	\$0	\$2,885,086	\$0	Continually seek to maintain affordability and access for low and middle income students.	Continually seek to maintain affordability and access for low and middle income students.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
5	Establish Cyber Security Emergency Operations Training and Education Lab and Emergency Operation Center	3 & 4	Incremental:	\$350,000	\$139,930	\$350,000	\$139,930	\$0	\$0	\$350,000	\$139,930	Sustain the newly created Cyber Security Emergency Operations training program and activities across the state while building new partnerships to provide additional training in the public and private sectors	Sustain the newly created Cyber Security Emergency Operations training program and activities across the state while building new partnerships to provide additional training in the public and private sectors	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
6	Implement an Ed.D. in Education	1, 3 & 4	Incremental:	\$145,800	\$145,800	\$433,080	\$433,080	\$0	\$0	\$145,800	\$145,800	Continue to grow the Ed.D. program with additional cohorts and build additional relationships with the Commonwealth's K-12 network.	Continue to grow the Ed.D. program with additional cohorts and build additional relationships with the Commonwealth's K-12 network.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$102,354	\$0	\$178,385	\$0	\$0	\$0	\$102,354	\$0			
7	Develop STEM-H Programs in Science and Technology	3 & 4	Incremental:	\$0	\$0	\$489,989	\$0	\$0	\$0	\$0	\$0	Support the newly created undergraduate study in Biomedical Forensics while investigating other areas to expand STEM-H programs in science and technology.	Continue to support undergraduate study in Biomedical Forensics while investigating other areas to expand STEM-H programs in science and technology.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
8	Transition to an entry-level M.S. in Athletic Training to enhance students' career preparedness	3	Incremental:	\$23,100	\$9,235	\$23,100	\$9,235	\$0	\$0	\$23,100	\$8,817	Finalize the transition to the M.S. in Athletic Training while completing the phase out of the undergraduate program.	Sustain the M.S. in Athletic Training program.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$76,988	\$0	\$153,976	\$0	\$0	\$0	\$76,988	\$0			
9	Expand STEM-H Communication Sciences graduate programs in support of historic K-12 demand	3 & 4	Incremental:	\$0	\$0	\$1,420,165	\$0	\$0	\$0	\$837,897	\$0	Finalize the COSD expansion.	Continue to support the COSD expansion program while investigation other areas to expand STEM-H programs in Allied Health.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
10	Expand STEM-H Degree Production Through Existing Allied Health Programs	3 & 4	Incremental:	\$765,306	\$0	\$1,700,681	\$0	\$0	\$0	\$765,306	\$0	Continue to support existing STEM-H degree programs and address other possible program expansion as necessities may require.	Continue to support existing STEM-H degree programs and address program expansion as necessities may require.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$107,000	\$0	\$214,000	\$0	\$0	\$0	\$107,000	\$0			
11	Develop a Master's Program in Health Promotion and Disease Prevention (M.S./M.A.)	3 & 4	Incremental:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	Operationalize the newly created Master's Program in Health Promotion and Disease Prevention.	Operationalize the newly created Master's Program in Health Promotion and Disease Prevention.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
12	Optimal Year-Round Use of Facilities and Instructional Resources	3	Incremental:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	Continue to optimize the use of the Institution's facilities and instructional resources in every strategic initiative of the University.	Continue to optimize the use of the Institution's facilities and instructional resources in every strategic initiative of the University.	
			Savings:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
			Reallocation:	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
Total 2016-2018 Costs														
Incremental (Included in Financial Plan line 61)				\$5,983,905	\$1,594,195	\$14,815,005	\$3,679,891	\$2,918,470	\$136,810	\$13,005,179	\$3,347,380			
Savings				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0			
Reallocation				\$807,142	\$0	\$1,067,161	\$0	\$520,800	\$0	\$807,142	\$0			

Six-Year Plans - Part I (2016): 2016-18 through 2020-22

Radford University

ACADEMIC AND FINANCIAL PLAN

Instructions: In the column entitled "Academic and Support Service Strategies for Six-Year Period (2016-2022)," please provide titles to identify strategies (for the three biennia of this six-year period) associated with goals in the Statewide Strategic Plan. *Please use this title to identify a more detailed description of the strategy in the separate Word document (Part II - Narrative).*

Priority Ranking	ACADEMIC AND SUPPORT SERVICE STRATEGIES FOR SIX-YEAR PERIOD (2016-2022)											Strategies	Strategies		
	Biennium 2016-2018 (7/1/16-6/30/18)									Biennium 2018-2020 (7/1/18-6/30/20)				Biennium 2020-2022 (7/1/20-6/30/22)	
	Strategies (Short Title)	VPHE Goal	Cost: Incremental, Savings, Reallocation												
			2016-2017		2017-2018		2016-2017 (Revised)		2017-2018 (Revised)						
Total Amount			Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue						
Six-Year Financial Plan for Educational and General Programs, Incremental Operating Budget Need 2016-2018 Biennium (Assuming No Additional General Fund)															
			2016-2017		2017-2018		2016-2017 (Revised)		2017-2018 (Revised)						
Items	Total Amount	Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue	Total Amount	Amount From Tuition Revenue					
Total Incremental Cost from Academic Plan¹	\$5,983,905	\$1,594,195	\$14,815,005	\$3,679,891	\$2,918,470	\$136,810	\$13,005,179	\$3,347,380							
3 Increase T&R Faculty Salaries (state authorized salary increase)	\$2,097,706	\$838,663	\$4,157,659	\$1,662,232	\$716,355	\$273,433	\$1,228,037	\$468,742							
Increase T&R Faculty Salaries (additional NGF salary increase)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
T&R Faculty Salary Increase Rate (additional NGF salary increase rate) ^{2,3}	4.59%	1.83%	4.59%	1.83%	0.00%	0.00%	4.59%	1.83%							
Increase Admin. Faculty Salaries (state authorized salary increase)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Increase Admin. Faculty Salaries (additional NGF salary increase)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Admin Faculty Salary Increase Rate (additional NGF salary increase rate) ²	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%							
Increase Classified Staff Salaries (state authorized salary increase)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Increase Classified Staff Salaries (additional NGF salary increase)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Classified Staff Salary Increase Rate (additional NGF salary increase rate) ²	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%							
Increase University Staff Salaries (state authorized salary increase)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Increase University Staff Salaries (additional NGF salary increase)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
University Staff Salary Increase Rate (additional NGF salary increase) ²	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%							
Increase Number of Full-Time T&R Faculty ⁴ (\$)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Increase Number of Full-Time T&R Faculty ⁴ (FTE)	0	0	0	0	0	0	0	0							
Increase Number of Full-Time Admin. Faculty ⁴ (\$)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Increase Number of Full-Time Admin. Faculty ⁴ (FTE)	0	0	0	0	0	0	0	0							
Increase Number of Part-Time Faculty ⁴ (\$)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Increase Number of Part-Time Faculty ⁴ (FTE)	0	0	0	0	0	0	0	0							
Increase Number of Classified Staff ⁴ (\$)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Increase Number of Classified Staff ⁴ (FTE)	0	0	0	0	0	0	0	0							
Increase Number of University Staff ⁴ (\$)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Increase Number of University Staff ⁴ (FTE)	0	0	0	0	0	0	0	0							
13 Library Enhancement ⁴ (\$)	\$120,000	\$47,976	\$765,148	\$305,906	\$0	\$0	\$120,000	\$47,976							
Library Enhancement ⁴ (FTE)	1.00	0.40	1.00	0.40	0.00	0.00	1.00	0.40							
14 Technology Enhancement ⁴ (\$)	\$1,047,000	\$418,591	\$2,251,050	\$899,970	\$83,970	\$32,051	\$1,047,000	\$399,640							
Technology Enhancement ⁴ (FTE)	2.00	0.80	3.00	1.20	0.00	0.00	2.00	1.00							
15 O&M for New Facilities ⁴ (\$)	\$693,024	\$277,071	\$693,024	\$277,071	\$373,197	\$142,449	\$373,197	\$142,449							
O&M for New Facilities ⁴ (FTE)	5.00	2.00	5.00	2.00	5.00	2.00	5.00	2.00							
16 Utility Cost Increase	\$296,096	\$118,379	\$380,122	\$151,973	\$70,000	\$26,719	\$296,096	\$113,020							
17 NGF share of state authorized salary increase/bonus ⁵	\$157,889	\$63,124	\$157,889	\$63,124	\$835,637	\$318,963	\$1,291,250	\$492,870							
18 Fringe/health insurance benefits increase	\$292,500	\$116,942	\$593,775	\$237,391	\$1,213,874	\$463,336	\$1,865,874	\$712,204							
18 VRS increase	\$126,000	\$50,375	\$255,780	\$102,261	-\$245,895	-\$93,858	-\$245,895	-\$93,858							
Additional In-State Student Financial Aid From Tuition Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Others (Specify, insert lines below)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Safety and Security Enhancement	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0							
Total Additional Funding Need	\$10,814,120	\$3,525,316	\$24,069,452	\$7,379,819	\$5,965,608	\$1,299,903	\$18,980,738	\$5,630,423							

Notes:

- (1) Please ensure that these items are not double counted if they are already included in the incremental cost of the academic plan.
- (2) If planned, enter the cost of any institution-wide increase.
- (3) Enter planned annual faculty salary increase rate. Any salary increase entered here will be counted when calculating the gap to reach the 60th percentile in the future.
- (4) Enter number of FTE change over the FY2016 level in appropriate columns.
- (5) Represents the state authorized 2015-16 and 2016-17 salary increases and 2015-16 compression adjustment.
- (6) The dollar amounts reflected in the salary increase line are incongruent with the percentages reflected in the rate increase line. This was populated in this fashion per instructions from SCHEV staff.

Six-Year Plans - Part I (2016): 2016-18 through 2020-22
Radford University

Six-Year Financial Plan for Tuition and Fee Increases and Nongeneral Fund Revenue Estimates

Items	Revised																		
	2014-2015 (Estimated)			2015-2016 (Estimated)			2016-2017 (Planned)			2017-2018 (Planned)			2015-16 (Est.)	2016-2017 (Estimated)			2017-2018 (Planned)		
	Student Charge	Total Revenue		Student Charge	Rate Increase	Total Revenue	Student Charge	Rate Increase	Total Revenue	Student Charge	Rate Increase	Total Revenue	Total Revenue	Student Charge	Rate Increase	Total Revenue	Student Charge	Rate Increase	Total Revenue
E&G Programs																			
Undergraduate, In-State	\$6,440	\$53,829,116		\$6,842	6.2%	\$56,926,573	\$7,195	5.2%	\$59,336,440	\$7,566	5.2%	\$62,062,850	\$56,382,469	\$7,045	3.0%	\$56,670,938	\$7,254	3.0%	\$58,328,795
Undergraduate, Out-of-State	\$19,126	\$8,529,588		\$19,126	0.0%	\$9,011,840	\$19,685	2.9%	\$9,305,591	\$20,069	2.0%	\$9,661,375	\$9,756,459	\$19,126	0.0%	\$9,047,072	\$19,126	0.0%	\$9,072,400
Graduate, In-State	\$7,241	\$5,370,089		\$7,694	6.3%	\$5,247,206	\$8,091	5.2%	\$5,805,590	\$8,509	5.2%	\$6,514,594	\$5,328,592	\$7,922	3.0%	\$5,651,679	\$8,157	3.0%	\$5,782,484
Graduate, Out-of-State	\$16,894	\$1,859,112		\$16,894	0.0%	\$1,889,077	\$17,386	2.9%	\$1,958,733	\$17,724	1.9%	\$2,022,038	\$2,088,538	\$16,894	0.0%	\$2,159,308	\$16,894	0.0%	\$2,165,749
Law, In-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
Law, Out-of-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
Medicine, In-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
Medicine, Out-of-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
Dentistry, In-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
Dentistry, Out-of-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
PharmD, In-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
PharmD, Out-of-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
Veterinary Medicine, In-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
Veterinary Medicine, Out-of-State	\$0	\$0		\$0	%	\$0	\$0	%	\$0	\$0	%	\$0	\$0	\$0	%	\$0	\$0	%	\$0
Other NGF		\$2,689,678				\$2,824,162			\$3,017,820			\$3,017,820	2,883,266			\$3,669,764			\$3,597,802
Total E&G Revenue - Gross		\$72,277,583				\$75,898,858			\$79,424,174			\$83,278,677	\$76,439,324			\$77,198,761			\$78,947,230
Total E&G Revenue - Net of Financial Aid		\$70,370,112				\$73,991,387			\$77,516,703			\$81,371,206	\$74,531,853			\$75,291,290			\$77,039,759
E&G Revenue Used for Faculty Salary Increases		\$0				\$211,032			\$787,441			\$823,569	\$221,399			\$273,433			\$195,309
Average T&R Faculty Salary Increase Rate		0.00%				4.00%			4.59%			4.59%	2.00%			3.00%			0.00%
Auxiliary Program																			
Mandatory Non-E&G Fees																			
Undergraduate	\$2,920			\$2,967	1.6%		\$3,071	3.5%		\$3,178	3.5%			\$3,036	2.3%		\$3,188	5.0%	
Graduate	\$2,920			\$2,967	1.6%		\$3,071	3.5%		\$3,178	3.5%			\$3,036	2.3%		\$3,188	5.0%	
Law	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Medicine	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Dentistry	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
PharmD	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Veterinary Medicine	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Total Auxiliary Revenue (ALL including room and board)		\$65,500,387				\$66,219,611			\$69,530,592			\$73,007,121	\$66,233,116			\$69,530,592			\$73,007,122
Total Tuition and Fees																			
Undergraduate, In-State	\$9,360			\$9,809	4.8%		\$10,266	4.7%		\$10,744	4.7%			\$10,081	2.8%		\$10,442	3.6%	
Undergraduate, Out-of-State	\$22,046			\$22,093	0.2%		\$22,756	3.0%		\$23,247	2.2%			\$22,162	0.3%		\$22,314	0.7%	
Graduate, In-State	\$10,161			\$10,661	4.9%		\$11,162	4.7%		\$11,687	4.7%			\$10,958	2.8%		\$11,345	3.5%	
Graduate, Out-of-State	\$19,814			\$19,861	0.2%		\$20,457	3.0%		\$20,902	2.2%			\$19,930	0.3%		\$20,082	0.8%	
Law, In-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Law, Out-of-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Medicine, In-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Medicine, Out-of-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Dentistry, In-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Dentistry, Out-of-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
PharmD, In-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
PharmD, Out-of-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Veterinary Medicine, In-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Veterinary Medicine, Out-of-State	\$0			\$0	%		\$0	%		\$0	%			\$0	%		\$0	%	
Student Financial Aid (Program 108)		\$1,907,471				\$1,907,471			\$1,907,471			\$1,907,471	\$1,907,471			\$1,907,471			\$1,907,471
Sponsored Programs (Program 110)		\$4,898,665				\$5,045,625			\$5,196,993			\$5,352,903	\$5,054,750			\$5,196,994			\$5,352,904
Unique Military Activities		\$0				\$0			\$0			\$0	\$0			\$0			\$0
Workforce Development		\$0				\$0			\$0			\$0	\$0			\$0			\$0
Other (Specify)		\$0				\$0			\$0			\$0	\$0			\$0			\$0

Notes:

¹ The tuition and fee rates populated on the Finance T&F template assume general fund support using the University's current fund split. The proposed strategies and populated tuition and fee rates are subject to change pending strategy execution, actual general fund support received, and Board of Visitors approval.

Six-Year Plans - Part I (2016): 2016-18 through 2020-22
Radford University

FINANCIAL AID PLAN

Note: If you do not have actual amounts for Tuition Revenue for Financial Aid by student category, please provide an estimate. If values are not distributed for Tuition Revenue for Financial Aid, a distribution may be calculated for your institution.

Allocation of Tuition Revenue Used for Student Financial Aid

2014-15 (Actual)				
T&F Used for Financial Aid	Gross Tuition Revenue	Tuition Revenue for Financial Aid (Program 108)	% Revenue for Financial Aid	Distribution of Financial Aid
Undergraduate, In-State	\$53,829,116	\$1,526,046	2.8%	\$1,739,429
Undergraduate, Out-of-State	\$8,529,588	\$220,973	2.6%	\$168,042
Graduate, In-State	\$5,370,089	\$116,820	2.2%	\$0
Graduate, Out-of-State	\$1,859,112	\$43,632	2.3%	\$0
First Professional, In-State	\$0	\$0	%	\$0
First Professional, Out-of-State	\$0	\$0	%	\$0
Total	\$69,587,905	\$1,907,471	2.7%	\$1,907,471
Total from Finance-T&F worksheet	\$72,277,583	\$1,907,471	2.6%	
In-State Sub-Total	\$59,199,205	\$1,642,866	2.8%	\$1,739,429

2015-16 (Planned)				
T&F Used for Financial Aid	Gross Tuition Revenue	Tuition Revenue for Financial Aid (Program 108)	% Revenue for Financial Aid	Distribution of Financial Aid
Undergraduate, In-State	\$56,926,573	\$1,526,046	2.7%	\$1,725,911
Undergraduate, Out-of-State	\$9,011,840	\$220,973	2.5%	\$181,560
Graduate, In-State	\$5,247,206	\$116,820	2.2%	\$0
Graduate, Out-of-State	\$1,889,077	\$43,632	2.3%	\$0
First Professional, In-State	\$0	\$0	%	\$0
First Professional, Out-of-State	\$0	\$0	%	\$0
Total	\$73,074,696	\$1,907,471	2.6%	\$1,907,471
Total from Finance-T&F worksheet	\$75,898,858	\$1,907,471	2.5%	
In-State Sub-Total	\$62,173,779	\$1,642,866	2.6%	\$1,725,911
Additional In-State	\$2,974,574	\$0	%	-\$13,518

2016-17 (Planned)				
T&F Used for Financial Aid	Gross Tuition Revenue	Tuition Revenue for Financial Aid (Program 108)	% Revenue for Financial Aid	Distribution of Financial Aid
Undergraduate, In-State	\$59,336,440	\$1,526,046	2.6%	\$1,725,911
Undergraduate, Out-of-State	\$9,305,591	\$220,973	2.4%	\$181,560
Graduate, In-State	\$5,805,590	\$116,820	2.0%	\$0
Graduate, Out-of-State	\$1,958,733	\$43,632	2.2%	\$0
First Professional, In-State	\$0	\$0	%	\$0
First Professional, Out-of-State	\$0	\$0	%	\$0
Total	\$76,406,354	\$1,907,471	2.5%	\$1,907,471
Total from Finance-T&F worksheet	\$79,424,174	\$1,907,471	2.4%	
In-State Sub-Total	\$65,142,030	\$1,642,866	2.5%	\$1,725,911
Additional In-State	\$2,968,251	\$0	%	\$0
Additional In-State from Financial Plan		\$0	%	

2017-18 (Planned)				
T&F Used for Financial Aid	Gross Tuition Revenue	Tuition Revenue for Financial Aid (Program 108)	% Revenue for Financial Aid	Distribution of Financial Aid
Undergraduate, In-State	\$62,062,850	\$1,526,046	2.5%	\$1,725,911
Undergraduate, Out-of-State	\$9,661,375	\$220,973	2.3%	\$181,560
Graduate, In-State	\$6,514,594	\$116,820	1.8%	\$0
Graduate, Out-of-State	\$2,022,038	\$43,632	2.2%	\$0
First Professional, In-State	\$0	\$0	%	\$0
First Professional, Out-of-State	\$0	\$0	%	\$0
Total	\$80,260,857	\$1,907,471	2.4%	\$1,907,471
Total from Finance-T&F worksheet	\$83,278,677	\$1,907,471	2.3%	
In-State Sub-Total	\$68,577,444	\$1,642,866	2.4%	\$1,725,911
Additional In-State	\$3,435,414	\$0	%	\$0
Additional In-State from Financial Plan		\$0	%	

Six-Year Plans - Part I (2015): FY2015-2016

Radford University

INTELLECTUAL PROPERTY ASSIGNMENTS AND EXTERNALLY SPONSORED RESEARCH

Background

The intellectual property (IP) worksheet captures report information for the most recently ended fiscal year as required by § 23-4.4 (B) of the Code of Virginia. Assignment of IP interests to persons or nongovernmental entities and the value of externally sponsored research funds received during the year from a person or nongovernmental entity by the institution, any foundation supporting the IP research performed by the institution, or any entity affiliated with the institution are captured by the worksheet. Information is sought on research that yields IP regardless of the project's intent. Information is sought about IP transferred as a result of either basic or applied research. The worksheet is structured to capture separate aggregate data on entities that have a principal place of business in Virginia and those with a principal place of business outside of Virginia.

Data Collection

Special Note: The information requested below pertains to the institution as well as any affiliated entity.

FY 2015-2016	Principal Place of Business in VA	Principal Place of Business outside VA
Number of assignments of intellectual property interests to persons or nongovernmental entities	0	0
Value of funds from persons or nongovernmental entities to support intellectual property research	\$0	\$0
Number of patents (by type) developed in whole or part from external projects funded by persons or nongovernmental entities:		
Patent Type - Design	0	0
Patent Type - Plant	0	0
Patent Type - Utility	0	0
Total	0	0

Definitions

Assignment: A transfer of ownership of Intellectual Property from one entity to another, including exclusive and royalty bearing licenses.

Design Patent: A patent that may be granted to anyone who invents a new, original, and ornamental design for an article of manufacture.

Intellectual Property: Creations of the mind – creative works or ideas embodied in a form that can be shared or can enable others to recreate, emulate, or manufacture them.

Nongovernmental Entities: An entity not associated with any federal, national or local government.

Patent: A property right granted by the Government of the United States of America to an inventor "to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States" for a limited time in exchange for public disclosure of the invention when the patent is granted.

Plant Patent: A patent that may be granted to anyone who invents or discovers and asexually reproduces any distinct and new variety of plant.

Sponsored Research: Research that is supported and compensated by a sponsoring agency.

Utility Patent: A patent that may be granted to anyone who invents or discovers any new, useful, and nonobvious process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof.

Value of Funds: Total value of all monetary and in-kind support provided by an external sponsor of Intellectual Property research.

ATTACHMENT F-1

Radford University



FREEDOM OF INFORMATION ACT

“THE PUBLIC’S BUSINESS DONE IN PUBLIC”

Why does FOIA matter?



- Highly scrutinized by many groups: press, public, General Assembly
- First time violations can result in civil penalties from \$500 - \$2,000.
- Negative publicity for Radford, Board and administration
- Violation of the public trust

WHAT IS A PUBLIC RECORD?



- Any writing or recording
- Any format
- Prepared, owned by or in the possession of
- A public body or its employees
- In the transaction of public business

EXAMPLES



- Handwritten notes
- Typewritten documents
- Electronic files
- E-mail
- Audio and video recordings
- Photographs
- Any other written or recorded media

Requesting A Record



Who may request a record?

- Any Citizen of Virginia
- Newspapers or magazines with circulation in Virginia
- Radio and TV stations that broadcast in or into Virginia

Requesting a Record



- May be oral or in writing
- Does not have to mention FOIA
- Cannot require request to be in writing
- Can request name and legal address before responding

Responding To A Request



- Must be in writing
- Must be made within 5 days of receipt of request
- Failure to timely respond is considered a denial and violation of FOIA

FOIA Exclusions



- Exclusions of General Application – Va. Code § 2.2-3705.1
 - Personnel records
 - Legal Advice
 - Legal memoranda and work product related to litigation

FOIA Exclusions



- Exclusions related to higher education – Va. Code § 2.2-3705.4
 - Scholastic records
 - Confidential letters and statements of recommendation
 - Certain information related to fundraising

Meetings



- “Meeting” is defined as a meeting as a body or entity of 3 or more members of a public body. – Va. Code § 2.2-3701
- Meetings include work sessions and telephonic communication.

Meetings



- All meetings of public bodies shall be open, except when the requirements for holding a closed meeting are met. – Va. Code § 2.2-3707
- Notice of the date, time and location of the meeting is required.
- Notice must be posted at least 3 days prior to meeting.

Electronic Meetings



Members may participate in a meeting by phone from a remote location if:

- A quorum is physically assembled in one central location.
- All remote locations are open to the public.
- A speaker phone is available at each remote location so the public can hear and participate fully.
- The meeting notice includes the address of the remote location and contact information for the central location.

Closed Meetings



- Can only be held for limited purposes. – Va. Code § 2.2-3711.
- More than 40 exceptions, including:
 - **Personnel** – Discussion of specific employees
 - **Scholastic records** – Discussion of specific students
 - **Contracts** – Discussion of award of a contract using public funds where an open meeting would adversely affect the Institution's bargaining position
 - **Legal advice** – Consultation with legal counsel for advice on specific legal matters

Closed Meeting-Procedures



- Motion must be made in open meeting
 - Identifies subject matter of closed meeting;
 - States the purpose of the meeting; and
 - Makes reference to the specific exemption from the open meeting requirements.

Closed Meeting-Procedures



- Notice provisions do not apply.
- Discussion restricted to only those matters identified in the closed meeting motion.
- No action can be taken in closed meeting.
- Minutes are not required.
- Must immediately reconvene in open meeting and vote.

Enforcement



- Any person denied FOIA rights and privileges may file petition in court
- Agency has burden of proving that an exemption applies
- Court may award payment of attorneys' fees and cost
- A court finding of willful and knowing violation may result in civil penalty of \$500-\$2,000

Other Statutes of Note



- The Virginia Public Records Act – Va. Code § 42.1-76, *et seq.*
- Government Data Collection and Dissemination Practices Act – Va. Code § 2.2-3800, *et seq.*

Questions?

Thank you.





COMMONWEALTH of VIRGINIA

Office of the Attorney General

Education Section

July 2015

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

What Every BOV Member Absolutely *has* to Know about FOIA

Do not underestimate the importance of Virginia's Freedom of Information Act (FOIA). This is very serious business. These are *laws* -- not just corporate bylaws or operating protocols that can be disregarded. Violations risk invalidation of board decisions and expose the University and you personally to embarrassment, litigation, and civil penalties of up to \$5,000.¹ The greatest loss, however, is the resulting damage to public confidence in you and the University. In fact, the Governor could publicly request your resignation.

The idea behind FOIA (which was first enacted in 1968) is that the Government's business is the people's business. FOIA ensures that citizens have the right to inspect and copy public records and to attend public meetings.²

FOIA governs many aspects of the operation of Boards of Visitors, and has wide application to conduct of members, even when they are not at meetings. All members must be aware of the basic requirements of FOIA.

This Synopsis and FAQ is designed to give the Board of Visitors ("BOV" or "Board") members a basic understanding of their personal responsibilities under FOIA and to insure that you are aware that FOIA compliance is your responsibility. It is not comprehensive. It does not cover all aspects of FOIA. Whenever you have any concerns, questions, or uncertainties about FOIA or its application, you should contact your institution's counsel.

¹ § 2.2-3714

² § 2.2-3700

Virginia's Freedom of Information Act: Synopsis

Documents and Email

- FOIA broadly guarantees public access to public records, including your notes and correspondence concerning University business. This includes e-mail, digital documents, and even preliminary drafts of documents.³ There are numerous exemptions, which are all fact-specific.⁴ Always be sensitive to the potential for public disclosure of your written communications. Any request by the press or any person to inspect your documents should be brought immediately to the University's attention to ensure a timely and proper reply. Oral and informal requests to you are considered legitimate FOIA requests. Any request for records, regardless of the request, is a FOIA request.

Meetings

- Unlike the private sector, the public (including employees of the institution) and press have a right to be present at your board and committee meetings.⁵
- All meetings of the BOV, including its committees and subcommittees plus any other group or entity appointed by the BOV to advise it or exercise delegated power, must be conducted in public session with at least three working days advance public notice of meeting time and location.⁶ It does not matter that a meeting involves no actual voting or transaction of business, such as, for example, retreats.⁷ A meeting exists in the eyes of the law whenever three or more Board members meet and discuss any University matter.⁸ Voting on any University action must always be conducted in public session.⁹ Voting by secret ballot or proxy is prohibited.¹⁰
- Once properly convened and in open session, discussions regarding certain limited topics can be held in closed session.¹¹ The justification for closed session does not depend on whether a subject may be very sensitive or delicate or political, or that a confidential setting might better encourage candid exchanges.¹² Closed sessions must be specifically authorized by FOIA.¹³
- Also, to go into closed session, certain specific procedural steps must be taken, including:¹⁴
 - Advance public notice for the meeting must have been given.
 - During the meeting in public session, the Board must vote on a motion authorizing closed session. This public motion must reasonably identify both the purpose for the closed session and the subject for discussion.
 - While in closed session, the discussion must be related only to the topic identified in the public motion. Take care not to digress into any unrelated areas or other subjects, even if those topics would be eligible for closed session with a proper motion. It is your responsibility both as a matter of law and common sense that you stick to the subject matter described in the motion authorizing the closed session.

³ § 2.2-3700

⁴ See § 2.2-3705.1-3705.8.

⁵ § 2.2-3700

⁶ § 2.2-3707

⁷ § 2.2-3701

⁸ § 2.2-3701

⁹ § 2.2-3711(B)

¹⁰ § 2.2-3710

¹¹ § 2.2-3711

¹² § 2.2-3712

¹³ § 2.2-3712

¹⁴ For "closed session" procedures see: § 2.2-3712.

- Any action the Board wishes to take as a result of discussions in closed session must be voted on in public session.
 - When discussion in closed session is adjourned, the chair of the meeting should immediately direct the opening of doors and inviting public/staff into the room for open session.
 - Once back in open session, each member of the body will then be required to publicly certify that his or her discussion in closed session was proper and related to the permitted subject set forth in the motion convening the closed session.
 - The law requires that your general counsel or an Office of the Attorney General's representative must be invited to all BOV and committee meetings, including all closed sessions. This also protects the BOV in the event the discussion in closed session is questioned.
- Some BOV members may participate by phone *provided* (1) there is a quorum of the board or committee physically convened at the main location. (2) all locations are announced ahead of time as places the public and press may participate (3) all locations are equipped with speakerphones, and (4) there is no interruption in communication between or among locations.¹⁵
 - There is a limited exception, allowing remote participation, if unable to attend because of illness or another emergency, but state law requires that your illness or the emergency be publicly noted in the minutes.¹⁶ Additionally, for remote participation in such cases, the BOV is required to have adopted a written policy allowing for and governing remote participation, including an approval process for participation.¹⁷ That policy must be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member making the request or the matters to be considered or voted on during the meeting.¹⁸

¹⁵ § 2.2-3708(B)

¹⁶ § 2.2-3708.1

¹⁷ § 2.2-3708.1(B)

¹⁸ § 2.2-3708.1(B)

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FOIA GENERALLY

What does FOIA do?

In general terms, FOIA defines what a meeting is and requires that all meetings be open to the public.¹⁹ It also prohibits discussion of public business among members outside of meetings.²⁰ There are, however, exceptions to these general meeting requirements that each member should be familiar with.²¹

FOIA also requires that all public records (with some limited exceptions) be made available upon request to members of the public for inspection and copying.²²

All public records and meetings are *presumed* open, and the BOV and the institution have the burden always of being prepared to prove that there was a legitimate reason for closing meetings or withholding records.²³

FOIA also requires that its open government provisions be liberally construed, and its exemptions be narrowly construed. This means that you should always err on the side of leaving meetings open rather than closing them, and releasing documents rather than withholding them.²⁴

Whenever you have specific questions about FOIA or its requirements, please do not hesitate to contact your counsel with the Attorney General's Office.

FOIA requires that some records be withheld and some meetings be closed, right?

Wrong. The exemptions to disclosure of records and for closed sessions are discretionary, not mandatory. There is no penalty for *releasing* records that *could* be withheld under a FOIA exemption (though other provisions of federal and state law, such as FERPA, may prohibit disclosure). There is also nothing that says a meeting *must* be closed just because it *could* be closed under a meetings exemption under FOIA. Please contact counsel if you have concerns about federal or state law that might prohibit release of information.

Who does FOIA apply to?

FOIA applies to all public bodies. In the context of universities, that means that FOIA applies to the institution and all of its officers (including members of the BOV) and employees.²⁵ It also applies to the operations of the BOV itself together with all of its committees and subcommittees plus any other groups or entities appointed by the BOV to advise the BOV or exercise delegated functions.

¹⁹ § 2.2-3700

²⁰ § 2.2-3707

²¹ §§ 2.2-3707.01 and 2.2-3711

²² § 2.2-3704

²³ § 2.2-3700(B)

²⁴ § 2.2-3700(B)

²⁵ § 2.2-3700

MEETINGS

Meetings Generally

Can we meet without telling anyone?²⁶

FOIA requires that all meetings of the BOV or any committee or subcommittee be advertised to the public for at least three working days. The notice requirements of FOIA are very specific. The secretary to the BOV will handle the details of complying with these. Members of the BOV, however, should be aware that any meeting called must be far enough in advance that the secretary has time to properly prepare the notice and advertise the meeting for three work days in the various ways required by FOIA. Also, any materials supplied to the BOV members before the meeting must also be made available for public inspection at the same time the materials are provided to the BOV, with the exception of documents that are specifically exempt under FOIA from disclosure.²⁷ This includes any materials one BOV member sends to all other members!

If your bylaws call for more notice for meetings than FOIA does, you must comply with the stricter provisions of the bylaws.

Can less than a quorum of the BOV - say three or four members - get together informally to discuss affairs of the institution?

No. A gathering of three or more members of the BOV where business is discussed is illegal, unless the gathering has been properly advertised for at least three work days as a meeting. It does not matter that a quorum was not present.²⁸ If more than two BOV members serve on a university-related foundation's board, FOIA will likely be violated.

This prohibition is generally against *three or more* members discussing public business. *Two* members may discuss public business in person, on the phone, or otherwise, with one notable exception. However, if those two members constitute either the entirety or a quorum of a committee or subcommittee, or other group that has been designated by the Board or Rector to advise the BOV or has been delegated some responsibility by the BOV, then any discussions between them must be properly advertised as a meeting. Otherwise, the gathering is an illegal "meeting" under FOIA.²⁹

Can't I even go to a cocktail party or dinner with two (or more) other BOV members?

Yes, of course you can. While there, you may even discuss business with *one other* member at a time.

Three members, however, may *not* jointly discuss public business. Nor may a third member be listening to the conversation.

²⁶ For details *see*: § 2.2-3707.

²⁷ § 2.2-3707F

²⁸ § 2.2-3707

²⁹ § 2.2-3701

Please keep in mind that this prohibition applies at *all* times and in *all* places – including, for example, lunches, dinners, and social occasions held in conjunction with BOV meetings or at annual professional conferences. For example, if a BOV holds a luncheon between the morning and afternoon sessions of a meeting, the BOV must, either advertise the luncheon as a meeting and have the luncheon open to members of the public, or ensure that no public business is discussed. That’s a difficult task, but a mandatory one.³⁰

The BOV wants to take a bus tour of campus and our new facilities during a break at our Board meeting. Any problem with this?

No, no problem – *provided* arrangements are made also for members of the press and public to be present whenever any institutional business is discussed. That means you might need a big bus if any discussions will take place on the bus. (This was a real-life problem at a University recently.)³¹

Who can come to our meetings?

Anybody who wants to. All meetings must be open to the public. Any member of the public (including, of course, press, employees, and students) has a right to attend, to listen, and to make a video or audio recording of any meeting. The BOV can put reasonable restrictions on recording to ensure that actions of the press or public do not disrupt the meeting.

You will, at times, have outside consultants present at your meetings. They will not be familiar with FOIA and may expect or request confidentiality that FOIA does not permit. The BOV and university staff should provide these consultants with information that will reduce the conflict between their expectations and what FOIA permits.

Do we have to tape record our meetings?

No. Recording meetings is not required. However, proper minutes must be taken and draft minutes, and later final minutes, must be posted to the web. The secretary to the BOV will ordinarily have this responsibility.³²

Do we have to have minutes taken?

Yes. FOIA requires that minutes be taken of every meeting, including retreats or work sessions. Also, draft minutes that fairly reflect actions taken must be posted on the web within 10 days following the meeting.³³

³⁰ § 2.2-3701

³¹ § 2.2-3700

³² § 2.2-3707

³³ § 2.2-3707(I)

Closed Meetings

What are the exceptions to open meetings? When can we hold a closed meeting? ³⁴

FOIA has 45 exceptions to the open meetings requirement, with more being adopted by the General Assembly each year. The exceptions most likely to be utilized by BOVs to justify closed sessions are:

- (1) *the personnel exception*: discussion, consideration, or interviewing of prospective candidates for employment; or the discussion of assignment, appointment, promotion, performance, demotion, salaries, discipline, or resignation of *specific* employees. This exception does *not* apply to discussion of members of the BOV themselves. It is also inapplicable to discussions of general school policy or operations – for example, reorganization – that would refer to reassignment or laying off of employees – unless the discussion centers upon *specific* employee(s).
- (2) *the scholastic record exception*: discussions or consideration of admission or disciplinary matters, or other matters that would involve disclosure of information in scholastic records (as defined in the act) of specific student(s). Generally speaking, however, the student or his lawyer is entitled to attend those closed sessions.
- (3) *the real property exception*: discussion or consideration of the acquisition or disposition of real property where open discussion would adversely affect the bargaining position or negotiating strategy of the institution. This exception does not apply once the real property has been acquired or disposed of, and does not include potential use of real property.
- (4) *the investment exception*: discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the institution would be adversely affected. This exception might occasionally be invoked during discussion of endowment funds investment.
- (5) *the legal advice exception*: consultation with legal counsel for legal advice on specific matters, and briefings by staff members or consultants pertaining to actual or probable litigation.
- (6) *the development exception*: discussion or consideration of matters related to gifts, bequests, and fund-raising activities, and grants and contracts for services or work to be performed by the institution.
- (7) *the honorary degree exception*: the discussion or consideration of honorary degrees or special awards.
- (8) *the terrorism or cybersecurity exception*: discussions related to plans to protect public safety as it relates to terrorist activity and response to that activity. This exception also includes discussion of specific cybersecurity threats and vulnerabilities.
- (9) *the contract exception*: the discussion of the award of a public contract involving the expenditure of public funds where discussion in open session would adversely affect the bargaining position or negotiating strategy of the institution.

You should *always* consult with legal counsel well in advance of going into any closed meeting. The above are brief descriptions of exceptions for going into closed sessions – the “basics”. In each case, there are additional, specific legal criteria or requirements to be considered.

³⁴ For full list of exceptions see: § 2.2-3711(A). The Statute does refer to the exemptions for "closed meetings" but as will be discussed, a more accurate description is that they are a 'closed session' within a meeting. The terminology "closed session" will be used in these FAQs.

When are we *required* to go into closed session?

You are never required by law to go into closed session. FOIA gives the BOV the option of doing so when the topic of discussion falls within a FOIA open meetings exception.

What must we do to go in order to into closed session?

First, all meetings must have been properly noticed (discussed above). FOIA does not really permit a "closed meeting." All meetings are open, but for limited purposes, you may go into a "closed session." This is the case even if the only subject of the meeting is proper for closed session. A closed session may be held as a small part of a larger, open meeting, or a meeting may be called and noticed specifically for the purpose of having a closed session. But in any event, all meetings must first be convened as open meeting, and then proper procedures must be followed to go into closed session. Closed sessions must be followed by an open session certification that the closed meeting was proper.

A detailed motion must be made to go into closed session. That motion, which must be included in the open meeting's minutes, must identify: (1) the closed session's subject matter; (2) the closed session's purpose; and (3) the specific exemption under §2.2-3711(A) that applies. General references to FOIA or to the subject matter of the meeting do not suffice.³⁵

Your counsel can provide the Rector with a "script" to use in going into closed session.

What if we are in open session with only the Board and President in attendance, and we want to discuss something that we would ordinarily discuss in closed session. Can't we do that without going through the formalities since there is no one we need to exclude?

You certainly may hold the discussion without going into closed session, but there are some shortcomings to that approach, including that minutes would have to be taken, whereas minutes would not be mandated in closed session.³⁶

What can we discuss in closed sessions?

Once the BOV properly goes into closed session, you can discuss only those specific matters identified in the motion to go into closed session. For example, if the BOV went into closed session to discuss "personnel matters – specifically the salary of the president," the BOV could not discuss any other matter, not even a different personnel matter, even if that other matter might have been the proper subject of a closed session had it been included in the motion.³⁷

It's easy to stray from the topic identified in the motion for closed session. One responsibility of your counsel is to watch closely and call any deviation to your attention.

³⁵ § 2.2-3712

³⁶ § 2.2-3712(I)

³⁷ § 2.2-3712

Who is permitted to go into a closed session with the BOV?

Just because the BOV goes into closed session, it does not mean that everyone other than BOV members must be excluded. The BOV can allow any persons to attend that the Board feels are necessary to the discussion. That said, it is best to *only* allow those who are necessary to the discussion.

As of July 1, 2013, BOVs are required by law to always invite and include counsel in all meetings, including closed sessions.³⁸ The BOV is focused on conducting its business, and not focused on making sure they discuss only matters for which they went into closed session. It is very easy to stray from the central discussion, and the lawyer can focus attention on keeping the BOV within legal bounds. This is important in that each individual BOV member must certify upon leaving closed session that nothing was discussed other than the matter(s) mentioned in the motion to go into closed session.³⁹ Your counsel can also identify that legal advice may be needed when BOV members are unaware that legal issues are implicated.

Who decides when closed session is appropriate?

The BOV as a whole is responsible for deciding whether to go into closed session and who should be included and excluded. The BOV decides to go into closed session through passage of the motion to do so. As a matter of governance, the BOV as a whole should also actively decide who should stay and not rely solely on the rector, the secretary to the BOV or the President to make that call.⁴⁰

Barring unusual circumstances, for practical reasons, the President should remain in most closed meetings.

Can we vote in closed session?

Well, yes and no. The BOV can take non-binding votes – straw-polls, of sorts – to get a sense of how a public vote will go. No ‘official’ vote, however, may be taken. Any action that is required as a result of discussions in closed session must be taken after going back into *open meeting*. Members are not legally bound to vote in open meeting as they indicated they would in closed session.⁴¹

What do we do when we have finished our closed session discussions?

The BOV must reconvene, by motion, in open session following closed session, even if they have no more business to conduct. After the room is opened and visitors are informed that the meeting is now open, each member of the body must affirm by roll call or recorded vote that only those matters identified in the motion to close the meeting were discussed. Any member who believes matters outside the scope of the motion were discussed is to say so prior to the vote.

Failure to certify that the meeting was properly held does not affect the validity or confidentiality of matters discussed in the closed meeting or action taken on those matters later in open session. Deviation from the proper subject of the closed session and failure of a

³⁸ § 23-2.02

³⁹ § 2.2-3712(C), (F)

⁴⁰ § 2.2-3712

⁴¹ § 2.2-3711(B)

unanimous certification vote could, however, subject the BOV to harsh public criticism and individual members to monetary penalties.⁴²

May BOV members talk with other people about matters that were discussed in closed session?

There is no *legal* prohibition against BOV members revealing discussions held in closed sessions; nor may the BOV itself prohibit such. BOV members are officers of the Commonwealth, and within legal parameters, each must decide how to best execute their responsibilities to the Commonwealth and the institution. Common sense, professional norms, and individual consciences must dictate BOV members' actions. One notable exception from Federal law: FERPA does generally prohibit all school officials, including BOV members, from revealing information obtained from student records. Other privacy requirements outside of FOIA may exist under federal and state law. Please consult counsel if you have questions.

Should minutes be taken in closed session?

Not necessarily. There is no requirement that minutes be taken in closed session. Any minutes that *are* taken need not be disclosed. They *may* be released, however, in the BOV's discretion. In general, a BOV may prefer *not* to take minutes, in that there would then be no document that could inadvertently be released.⁴³

We hold an annual retreat. This is a very informal work/training session. No business is conducted and no action is taken. Do we have to advertise this meeting and allow the press and members of the public to attend?

Absolutely. Any get-together of three or more members at which the business or operations of the institution are discussed is a "meeting" under FOIA. Retreats and work session are no exception. They must be properly advertised, and must be open unless an exemption applies to a specific matter under discussion.⁴⁴

What is an executive session?

The term executive session no longer has any legal significance. Under FOIA there is a meeting and you are either in open session or closed session. For that reason, we strongly suggest that BOVs abandon using the terminology "executive session." Further, it is common for BOV members and others to confuse "executive session" and "executive committee."

Electronic Communication Meetings, or "Telephone Meetings"⁴⁵

May we hold a meeting by telephone or video?

Yes. Under FOIA, meetings to discuss or transact public business *generally* may not be conducted by telephone, video, or other electronic communication means. Instead, members must be physically assembled in one place. A BOV may, however, conduct a meeting through those means provided it strictly complies with the special FOIA provisions governing electronic communication meetings. Electronic communication meetings are referred in throughout these FAQs as "telephone meetings."

⁴² § 2.2-3712(D), (E)

⁴³ § 2.2-3712(I)

⁴⁴ § 2.2-3701

⁴⁵ All rules regarding Electronic Communication Meetings can be found in: § 2.2-3708-§ 2.2-3708.1.

How much notice must be given of telephone meetings?

The notice required for telephone meetings is three (3) working days – the same as for other meetings. As with other meetings, the secretary to the Board will ordinarily handle posting the proper notice. Again, if BOV bylaws require more than 3 days’ notice, the longer notice period must be met.

There are very specific requirements regarding the notice that require many details about the meeting to be known in advance. For example, the notice must include the specific locations from which all members will participate.

May members of the board call in from different locations?

Yes, with some limitations. First, a *quorum* of the body *must* be physically assembled at the main meeting location. If a quorum is not gathered in one place, members may not discuss or transact business. If a quorum *is* gathered in one location, other members may call in from remote locations provided the locations were advertised in the notice and other statutory requirements are met.

May a member call in from wherever he or she happens to be at the time of the meeting?

No. In order to conduct a telephone meeting, each remote location must have been determined in advance and advertised to the public as a remote location of the meeting. Further, each and every location from which any member is participating in the meeting must be open to the public, and must be equipped with a speakerphone so the public can hear and participate. Any person attending the meeting at any of the meeting locations must be given the same opportunity to address the BOV as persons attending the primary location where the quorum is located.

If a remote location is noticed for the convenience of a member, then the member decides to attend at another location, may we then omit the original location?

No. Once a location is noticed as a remote location, public access must be provided at that location unless the entire meeting is cancelled and re-noticed for at least 3 days later.

Is it sufficient to allow public access to the ‘main’ meeting?

No. Every location of the meeting (that is, every location from which a member of the body participates) must be noticed as a public location and must be provided public access. The public at each location must have full access; that is, they must be able to hear (and see, in the case of video) and fully participate, including comment, to the same extent as the public at the ‘main’ meeting location. Also, at least one copy of the agenda and materials made available to the members of the body must at the same time be made available for public inspection; and a copy of those advance materials *and* materials distributed to the members of the body at the meeting must be made available for public inspection at *all* meeting locations.

May we use email to communicate between meetings?

The nature of the email use is an important factor in determining whether its use is proper.

There is nothing improper or illegal about using email in and of itself. Email provides a fast, efficient means of communication for you in your public service life, just as it does for you in your personal and professional life. Nothing prohibits the use of standard email for general communication between or among members. This type communication is analogous to mailing copies of a letter or mass distribution by fax, and is not specifically governed by the meeting provisions of FOIA.

It is important to note, however, that the *nature of e-mail use* will determine the legality of its use. No *lawful* meeting may be held by email. That is to say, if three or more members of a public body (or a quorum if less than three) do communicate by *instant* e-mail (otherwise known as IM, AIM, or 'chat', or if members are present at computers to simultaneously receive and send e-mail, that may well constitute an *illegal* meeting.

Where use of e-mail more resembles traditional communication through ordinary mail, with significant delay between receipt and response, then there is no "meeting" under FOIA. Where an exchange of e-mails resembles an assemblage of members of a public body, in that e-mails are being sent and responded to in quick fashion such that there is a feature of simultaneity, then such an exchange may be a "meeting" under FOIA, albeit an unlawful meeting.

BOV members should exercise *extreme caution* in the use of email. Use of distribution lists (that is, sending the same email to either the entire BOV or even to just two other members) could set the stage for an illegal meeting. Consider, for example, that a BOV member sends an email to all members of the BOV, and two of those members happen to be sitting at their computers - not an unlikely situation. If those two members respond to the message using function "reply all" within a short timeframe, we have an *illegal meeting*, subjecting the members to public criticism and the monetary penalties of FOIA.

Keep in mind, though, that emails are "records" under FOIA and must be produced in response to a request. (See below under "Records.") Be careful what you write!

What types of meetings may be held by telephone?

Any otherwise-permitted meeting of the BOV, including closed sessions and emergency meetings, may be held as a telephone meeting. Meetings of committees or subcommittees of the BOV may also be held as telephone meetings, but must comply with the same requirements as telephone meetings of the BOV itself.

May we hold all of our meetings as telephone meetings?

No, not all. You must hold at least one meeting annually where members are physically assembled at one location and where no members participate by electronic communication means.

Are there any special voting requirements for telephone meetings?

Yes. All votes at telephone meetings must be roll-call votes, recorded by name, and included in the minutes. This includes *pro forma* motions such as motions to adjourn.

Must the telephone meeting be tape recorded or minutes kept?

There is no requirement that the meeting be tape recorded. However, minutes must be kept just as with non-electronic meetings.

What if a phone goes out or there is some other problem with communication during the meeting?

If initial connection is not made with the remote location (e.g., member does not call in), then the meeting may not take place. The meeting may take place if the connection is made and available to the public even if the member is not at the location.

If, during the meeting, there is any interruption in the audio or video communication at any location - whether the primary location or a remote location - the meeting must be suspended immediately and may not be resumed until repairs are made.

May a member call in on the telephone and participate in discussion at a meeting so long as the member does not vote?

No. Not unless all the requirements for a telephone meeting are met, including 3 days' notice and public access. The *discussion or transaction* of public business by telephone is prohibited unless all requirements are met. A member may, however, call in from a location that has not been noticed provided the member *only listens*, and does not otherwise participate in any manner. However, the more conservative, and safer, approach would be to avoid this scenario.

May a BOV set up remote sites for public participation without 3 days' notice?

Yes, provided no *member* of the body participates from those remote sites. The telephone meeting provisions of FOIA are designed to limit *member* participation by electronic means, not *public* participation. Bodies may allow members of the public to call in; and may otherwise set up remote sites for public participation. Telephone meeting provisions do not apply unless a *member* is participating from a remote location.

What if a member is sick or has another emergency and can't be at the meeting?

A member who is sick and unable to attend, or who is otherwise prevented from attending because of an emergency, may call in without having given notice of the location to the public and without public being permitted to attend the remote location, provided (1) the BOV votes to permit the member to participate and (2) the minutes reflect specifically the illness, disability or emergency suffered by the member.⁴⁶ An obvious example of "emergency" would be a snowstorm that made roads impassable or hazardous; but there are countless other possibilities.

⁴⁶ § 2.2-3708.1

Emergency Meetings

What if the University or BOV have an emergency? Can we meet without three days' notice?

Yes. Notice that is "reasonable under the circumstances" must be given. In an emergency, notice must be given to the public and to BOV members at the same time. While "emergency" is not defined under FOIA, an emergency is best thought of an extremely urgent situation beyond the BOV's control. Delay or procrastination on the part of the BOV or institution does not make for an "emergency" under FOIA.⁴⁷

If we have an emergency, may we have a telephone meeting without 3 days' notice?

Yes. An "emergency" is an unforeseen circumstance rendering the notice required by FOIA impossible or impracticable, and which requires immediate action. If an emergency telephone meeting is called, reasonable notice under the circumstances must be provided the public. Generally, that would mean providing notice to the same persons as in a non-emergency by the most expedient method possible. Notice must be given the public contemporaneously with that given members of the body.⁴⁸

If an emergency telephone meeting is held, must public access be provided?

Yes. At an emergency telephone meeting, public access must be provided at all locations, just as in a non-emergency. Except for the requirement of 3 days' notice, bodies must meet all other telephone meeting requirements; for example, minutes must be kept. (See above.) Further, the minutes of the meeting must state the nature of the emergency.⁴⁹

RECORDS

What does FOIA require regarding public records?

In general, FOIA requires that unless an exception applies, all records in the possession of a public employee or officer (including BOV members) that relate to public business must be made available to Virginia citizens and members of the media upon request. They are entitled to read and inspect the document and to make copies. (Generally, institutions find it easier to simply provide requestors with copies rather than requiring the requestor to make the copies.) We generally refer to a request for public records as a "FOIA request."⁵⁰

What is a "public record"?

Public records are basically anything the institution and its officials and employees use to transact public business and record data, whether produced by them or others. Records include (among other things) paper documents such as copies of letters, contracts, memos, etc. Also included are video tapes and audio tapes; digital documents on computer hard drives and servers; and text messages on cell phones – in short, anything that records or documents public business – whether written on a digitally stored or chiseled onto a rock, or anything in-between.

⁴⁷ § 2.2-3707(D)

⁴⁸ § 2.2-3707, § 2.2-3708

⁴⁹ § 2.2-3707

⁵⁰ § 2.2-3704

If it's about public business, it's a public record.⁵¹ This includes anything in a member of the BOV's home or work computer or otherwise in their possession.

Don't FOIA requests have to be in writing?

Absolutely not. Any request made for records is a FOIA request, whether made orally, by letter, by email, or by carrier pigeon. Nor does the person requesting records have to use any magic words, such as "records," or "FOIA." The requestor is not required to tell you why he or she is asking for the records or what they intend to do with them; nor should you ask.

Whenever *anyone* asks you for *anything* related in *any way* to the business of your institution, you should report it immediately to the institution's FOIA officer - even if you do not have any records you believe to be responsive to the request. Others within the institution may have records responsive, and the institution is under a very tight time frame within which to produce the records or object to production.⁵²

Are there exceptions to the requirement that we produce requested records?

Yes. In fact, there are well over a hundred exceptions. Your responsibility as a BOV member is to report any request for records to your institution's FOIA officer or counsel. They will help you and others determine what exemptions might apply and how best to respond to the request.⁵³ The role of the FOIA officer is to assist in document collection to be responsive. Legal questions should be directed to legal counsel.

How long do I have to produce records in response to a FOIA request?

The institution has only 5 working days to initially respond, thus the importance of reporting any request immediately to the institution's FOIA officer. The FOIA officer will assist you and others in gathering documents and properly responding to the request. Even if the institution invokes the permitted extension of time, a final response must be made within 12 work days of the initial request, unless other arrangements are worked out between the FOIA officer and the requestor.

Never attempt to respond to a FOIA request on your own without consulting your counsel.

Would a FOIA request require me to give an account of some event I witnessed, for example, write a description of a discussion I had with another BOV member?

No. FOIA only requires the production of already-existing document. It never requires that a record or document be created. At times, though, an institution may find it preferable for any number of reasons to create a new document rather than producing the existing documents that were requested. That's fine, so long as the requester agrees.

⁵¹ § 2.2-3701

⁵² § 2.2-3700

⁵³ To view the exclusions *see*: 2.2-3705.1-2.2-3705.8.

What about my personal documents, including for example, handwritten notes such as those from meetings or discussions with alumni, email at home on my personal computer, etc.?

First, understand that *any* record (letter, memo, scribbled note, email, audio recording, or any other) that in any way relates to the business of the University is *not* a personal document or record, it is a *public record*. This is the case no matter where it resides – whether on campus, in your personal computer, on a computer server in Cyberland, in the glove compartment of your car. So in the event of a FOIA request to you, to the University, or to anyone at the University, those records would have to be produced if responsive to the request.⁵⁴

PENALTIES⁵⁵

So what if we violate FOIA? What's the big deal?

First, the big deal is that members of the BOV are entrusted with the public confidence, and a FOIA violation is breach of that trust. The General Assembly has determined that, with specific exceptions, the public's right to open government is not to be violated. Extreme embarrassment to both the University and you personally can result from FOIA violations.

Beyond that, any citizen can file a complaint in court if he believes FOIA has been breached. It is up to the officer or employee to prove that an exception to FOIA was properly applicable. If not successful, the offending officer or employee can be personally fined up to \$2000 for the first occurrence and up to \$5000 for additional occurrences.

⁵⁴ § 2.2-3701

⁵⁵ For violations and penalties *see*: § 2.2-3714.