



VCU

VIRGINIA COMMONWEALTH UNIVERSITY

**VIRGINIA COMMONWEALTH
BOARD OF VISITORS
1:00 P.M.
DECEMBER 13, 2019
JAMES BRANCH CABELL LIBRARY
901 PARK AVENUE – ROOM 303
RICHMOND, VIRGINIA**

DRAFT

AGENDA

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| 1. CALL TO ORDER & OPENING COMMENTS | Mr. Keith Parker, Rector |
| 2. APPROVAL OF THE AGENDA | Mr. Keith Parker, Rector |
| 3. APPROVAL OF MINUTES
August 15, 2019 – Orientation Minutes
August 15-16, 2019-Retreat Minutes
September 13, 2019 | Mr. Keith Parker, Rector |
| 4. PRESIDENT’S REPORT | Dr. Michael Rao, President |
| 5. CLOSED SESSION – <i>Freedom of Information Act Sections 2.2-3711 (A)(1), (2), (3), (7), (8), (9), (11), (19), (23), and (29), specifically:</i>

a. President’s Report:
i. Faculty Tenure Appointments, Changes in Status and Other Personnel Actions
ii. Honorary Degree and Edward A. Wayne Medal Recipients

b. VCUHS Operational and Real Property update

c. Closed session report from the Audit, Integrity and Compliance Committee

d. Closed session report from University Resources Committee | Dr. Michael Rao, President

Ms. Melinda Hancock, Chief Administrative & Financial Officer, VCU Health System

Dr. Shantaram Talegaonkar, Chair

Mr. G. Richard Wagoner, Jr., Chair |

- i. Funds Eligible for Naming
- ii. Funds Eligible for Naming under \$50,000

Executive Session:

- e. Closed session report from the Intercollegiate Athletics Committee **Mr. Keith Parker, Rector and Acting Chair**
- f. Personnel matters and legal advice **Mr. Mike Melis, University Counsel**
Dr. Michael Rao, President
- g. Closed session report from the Governance and Compensation Committee **Mr. H. Benson Dendy, III, Chair**
 - i. President's Compensation Review

6. RETURN TO OPEN SESSION AND CERTIFICATION

Mr. Keith Parker, Rector

Resolution and Certification

Action Items: Approval of items discussed in closed session, if any

7. UNIVERSITY RANKINGS

Dr. Gail Hackett, Provost and Senior Vice President for Academic Affairs

8. VCU STATE OF RESEARCH

Dr. Srirama Rao, Vice President for Research and Innovation

9. ACADEMIC AND HEALTH AFFAIRS COMMITTEE REPORT

Mr. Edward McCoy, Chair

Report to the Board of Visitors

Action Items, recommendation for:

- a. Approval to create a Bachelor of Science in Finance, School of Business
- b. Approval to create a Master of Science in Finance, School of Business (*pending internal approval*)
- c. Approval of closure of the Post-Baccalaureate Certificate in Autism Spectrum, School of Education
- d. Approval to create a Baccalaureate Certificate in Disability, School of Education

- e. Approval to create a Doctor of Philosophy in Special Education, School of Education
- f. Approval of closure of the Post-baccalaureate Certificate in College Student Development and Counseling, School of Education (*pending internal approval*)
- g. Approval of a name change for the Center for Study of Biological Complexity to the Center for Biological Data Science, VCU Life Sciences
- h. Approval of closure of the Master of Bioinformatics, VCU Life Sciences
- i. Approval of a name change for the Department of Radiation Sciences to the Department of Radiologic Sciences, College of Health Professions
- j. Approval of a name change for the Department of Clinical Laboratory Sciences to the Department Medical Laboratory Sciences, College of Health Professions
- k. Approval to create a Graduate Certificate in Health Care Innovation, School of Nursing
- l. Approval to create a Post-Baccalaureate Certificate in Clinical Research, C. Kenneth and Dianne Wright Center for Clinical and Translational Research

10. AUDIT, INTEGRITY AND COMPLIANCE COMMITTEE REPORT

Dr. Shantaram Talegaonkar, *Chair*

Report to the Board of Visitors

11. FINANCE, BUDGET AND INVESTMENT COMMITTEE REPORT

Mr. Stuart Siegel, *Chair*

Report to the Board of Visitors

Action Items, recommendation for:

- a. Approval to Issue a Request for Proposals for Professional Architectural/Engineering Term Contracts General
- b. Approval of Project Plans for Sanger 9 Surgery Innovation Suite
- c. Approval of Public-Private Education and Infrastructure Act (PPEA) Guidelines

- d. Approval of Postdoctoral Scholars IRS Section 125 Plan

12. GOVERNANCE AND COMPENSATION COMMITTEE REPORT

Mr. H. Benson Dendy, III, *Chair*

Report to the Board of Visitors

Action Items, recommendation for:

- a. Approval of Resolution Authorizing Human Subjects Research Regulation
- b. Approval of policy on Tuition and Fee Public Comments
- c. Approval of policy on Student, Faculty and Staff Representative Appointments to the Board of Visitors
- d. Approval of Amendments to the Board of Visitors Bylaws
- e. Approval of Revised Statement on Governance

13. UNIVERSITY RESOURCES COMMITTEE REPORT

Mr. G. Richard Wagoner, Jr., *Chair*

Report to the Board of Visitors

14. OTHER BUSINESS

Mr. Keith Parker, *Rector*

15. ADJOURNMENT

Mr. Keith Parker, *Rector*

VCU's U.S. News Ranking: Opportunities & Costs



December 2019

Overview

Presentation outline:

- General purpose of rankings
- Introduction to US News methodology
- VCU rankings from 2013 to the latest 2020
- VCU compared to Peers
- Graduate Programs & Other Notables
- Opportunities for Improvements with associated costs

Purpose of Rankings

Currently varies. Originally, for narrowing college choice.

Purpose: Varied. Often to help students and parents narrow college choice, based on measures of quality. However, metrics vary tremendously and often do not reflect what was intended.

The “Gold Standard” for Higher Education in the 20th Century has been Ivy League schools & other elite private and public universities where excellence is defined by strict admissions standards and who is excluded.

As the knowledge economy requires more and more graduates with post-secondary credentials and therefore demands that public universities educate a more diverse student body, public higher education must move to different models of higher education, models where excellence and access are no longer mutually exclusive.

This is where the mission of Virginia Commonwealth University and a very few like Universities sit – redefining the goals of public higher education, and therefore, coming up with alternate models for evaluating excellence in public research Universities – **where diversity & inclusion, access, and excellence are all equally emphasized**.

Grouping Ranked Colleges

Based on Carnegie Classification

National Universities – Full range of undergrad majors, master's and doctoral programs. Emphasize research.

UVA, W&M, VT, GMU, VCU, ODU

National Liberal Arts Colleges – Undergrad majors consist of at least 50% of their degrees in the arts and sciences.

University of Richmond, Virginia Union, Virginia Military Institute

Regional Universities – Offer broad scope of undergrad degrees. Some master's and very few doctoral programs.

JMU, Mary Washington, Virginia State

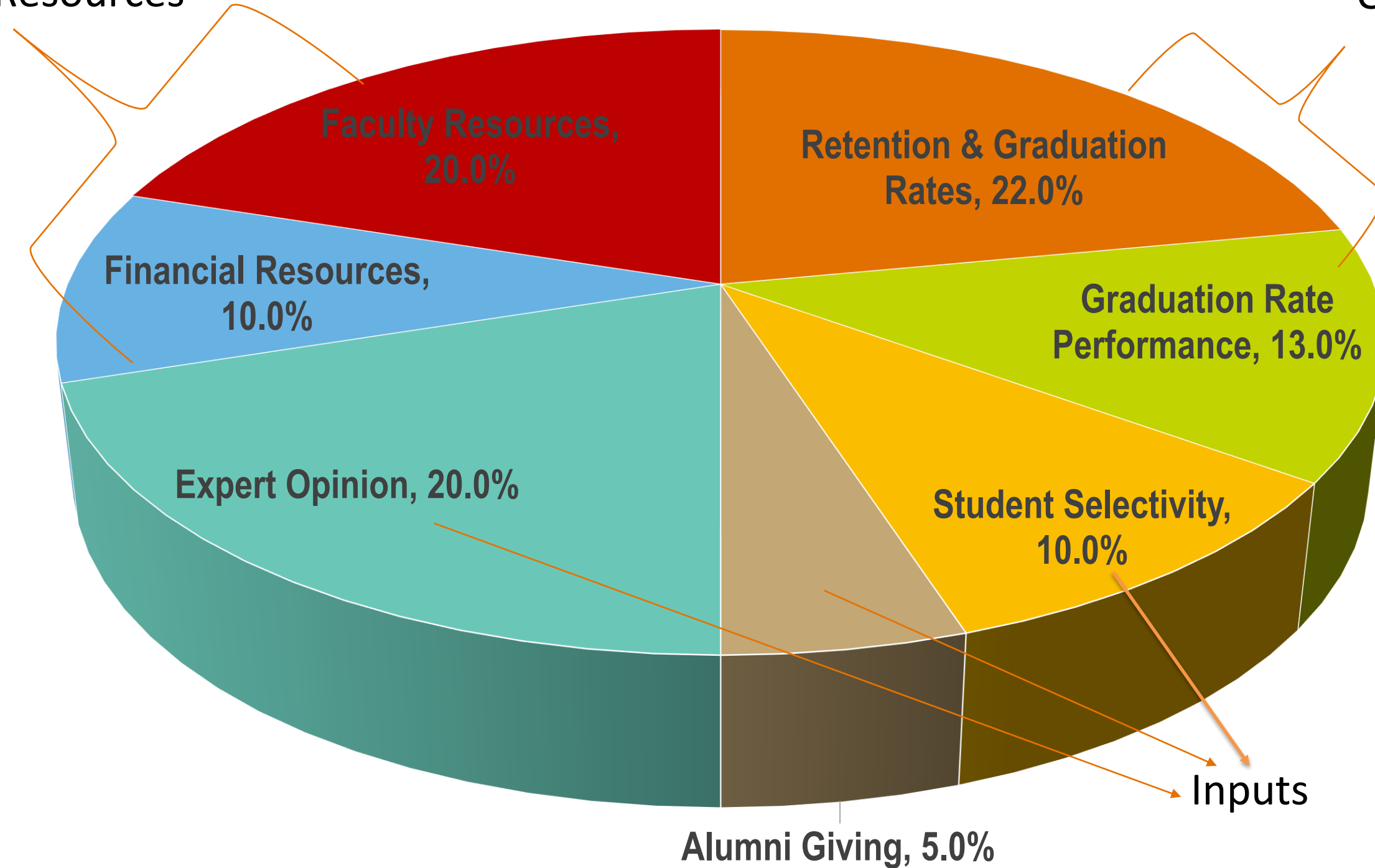
Regional Colleges – Predominately awards two-year associate degrees.

US News - Weights

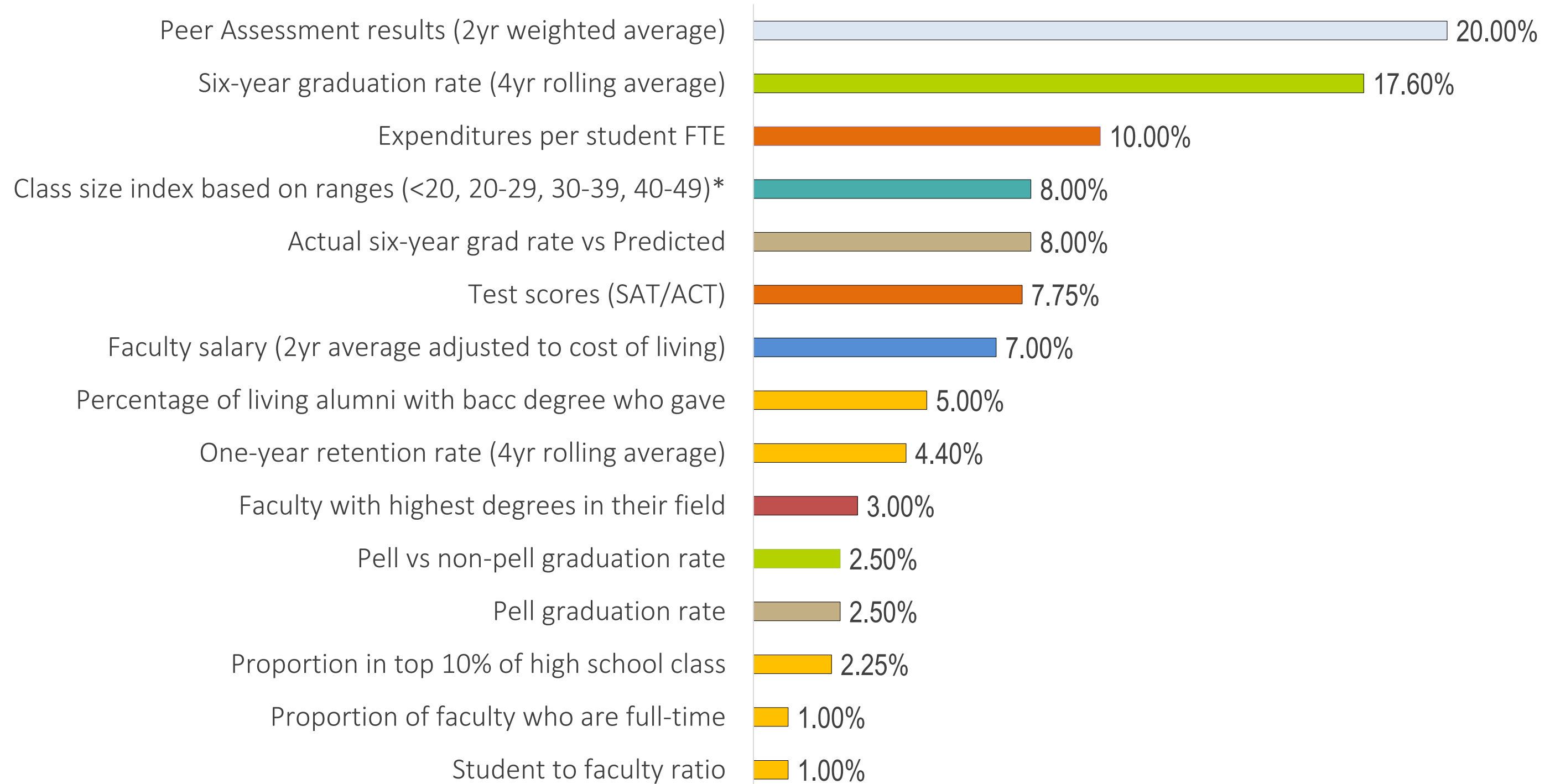
Inputs exerting influence on outputs

Internal Resources

Outcomes



US News - Factors



*Classes with fewer than 20 enrollment has the highest weight

VCU ranking trends

Upward trend in Graduation rate, Small class size, Full-time faculty

<u>U.S. News Measures</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Overall Rank	170	167	156	156	164	171	157	162
High school counselor score	3.5	3.5	3.7	3.7	3.6	3.5	3.6	Not measured
Expert Opinion Rank	118	117	116	116	123	132	131	133
Peer Assessment Score								2.9
Graduation & Retention Rank	177	173	166	158	158	157	132	182
Freshman retention rate (4yr average)	85.3	85.3	86	86.3	86.25	87	85.5	85
Six-year graduation rate (4yr average)	50.5	52.5	54	56.3	58.5	60	61.5	63.5
Grad Rate Performance Rank								91
Predicted	55	55	54	58	58	59	59	63
Single cohort	53	57	57	59	62	62	63	67
Overperformance/Underperformance	-2	2	3	1	3	3	4	4
Faculty Resources Rank	206	214	225	214	249	262	258	300
% Classes under 20 students	34.5	36.1	31.3	33.8	31	31.1	32.5	37
% Classes of 20-49 students	48.9	47	51.3	50.2	50.8	50.9	49.1	Not measured
% Classes of 50 or more students	16.5	16.9	17.4	15.9	15.6	18	18.4	15.2
Student/faculty ratio	19/1	18/1	17/1	17/1	18.8/1	18.4/1	17.7	17.6
Faculty Compensation Rank	149	160	158	149	167	178	170	184
% Full-time Faculty	83.8	83.6	85.1	86.1	80.6	80.4	80.4	81.4
Number of full-time faculty	2,032	2,048	2,170	2,229	1,190	1,209	1,234	1265
Full-time faculty with terminal degree	n/a	n/a	n/a	n/a	n/a	n/a	78	80.9
Student Excellence Rank	185	166	165	169	189	204	183	211
SAT 25th-75th percentile	980-1190	1000-1210	1000-1210	1000-1210	990-1200	980-1200	1076-1292	1070-1260
ACT 25 th -75 th percentile	n/a	n/a	n/a	n/a	n/a	21-27	21-28	21-28
Freshman in top 10% of HS class	18	20	20	19	19	19	17	17
Acceptance rate	65.7	60.2	64	68.9	72.41	75	77	77
Financial Resources Rank	165	162	156	144	156	147	142	148
Instructional budget per student	\$21,960	\$22,559	\$23,821	\$25,648	\$23,821	\$27,747	\$28,983	\$30,300
Alumni Giving Rank	213	229	210	194	202	198	185	236
Average alumni giving rate	5.3	4.3	4.7	5.3	5.4	5.4	5.4	5.2
Social Mobility								
Pell graduation rate rank	Not a metric	Not a metric	Not a metric	Not a metric	Not a metric	Not a metric	43	Not measured
Pell vs. Non Pell graduation rate rank	Not a metric	Not a metric	Not a metric	Not a metric	Not a metric	Not a metric	30	Not measured

VCU compared to Quest Peers

2020 US News rankings

U.S. News Measures	VCU	U of Alabama- Birmingham	U of Cincinnati	U of Illinois- Chicago	U of Louisville	U of South Carolina	U of South Florida
Overall Rank	162	166	139	132	192	104	104
Expert Opinion Rank	133	133	133	115	150	86	150
Peer Assessment Score	2.9	2.9	2.9	3	2.8	3.2	2.8
Graduation & Retention Rank	182	242	150	219	247	107	127
Freshman retention rate (4yr average)	85	81.75	87	80.25	80	88	89.75
Six-year graduation rate (4yr average)	63.5	54.75	67.25	58.5	54.25	74.25	69.75
Grad Rate Performance Rank	91	273	65	65	307	74	13
Predicted	63	62	62	54	64	71	61
Single cohort	67	58	68	59	57	77	73
Overperformance/Underperformance	4	-4	6	5	-7	6	12
Faculty Resources Rank	300	271	227	246	182	169	256
% Classes under 20 students	37	41	38.1	34.5	39.7	37	44.6
% Classes of 50 or more students	15.2	17.2	15.4	20.1	9.2	16.5	11.8
Student/faculty ratio	17.6	19	16	18	14	17	22
Faculty Compensation Rank	184	184	121	109	171	73	135
% Full-time Faculty	81.4	90.8	82.2	89.5	82.3	87	84.3
Number of full-time faculty	1265	895	2,213	1,270	919	1,525	1,299
Full-time faculty with terminal degree	80.9	87.5	85.5	90.9	87.6	89.3	82.1
Student Excellence Rank	211	143	125	234	198	95	111
SAT 25th-75th percentile	1070-1260	980-1240	1160-1370	1020-1220	960-1205	1190-1360	1170-1330
ACT 25 th -75 th percentile	21-28	21-29	24-29	21-27	22-29	25-30	25-29
Freshman in top 10% of HS class	17	28	24	28	24	29	34
Acceptance rate	77	92	73	76	73	63	43
Financial Resources Rank	148	33	140	38	69	200	211
Instructional budget per student	\$30,300	\$65,907	31,404	\$64,909	\$45,059	\$26,208	\$25,521
Alumni Giving Rank	236	186	136	336	136	63	87
Average alumni giving rate	5.2	6.9	9.2	2.2	9.4	14.3	12.3



VCU

VCU compared to Aspirational Peers

2020 US News rankings

<u>U.S. News Measures</u>	<u>VCU</u>	<u>Florida State University</u>	<u>Ohio State University - Columbus</u>	<u>University at Buffalo - SUNY</u>	<u>University of California (UCLA)</u>	<u>University of Minnesota – Twin Cities</u>
Overall Rank	162	57	54	79	20	70
Expert Opinion Rank	133	78	37	99	18	43
Peer Assessment Score	2.9	3.3	3.8	3.1	4.3	3.7
Graduation & Retention Rank	182	73	52	107	27	82
Freshman retention rate (4yr average)	85	93.25	94.25	87	96.75	93
Six-year graduation rate (4yr average)	63.5	80.5	83.5	75	90.75	78.75
Grad Rate Performance Rank	91	19	65	36	130	130
Predicted	63	70	77	66	87	78
Single cohort	67	83	84	76	90	80
Overperformance/Underperformance	4	13	7	10	3	2
Faculty Resources Rank	300	58	271	120	27	256
% Classes under 20 students	37	56.6	26.6	29.3	50.6	37.5
% Classes of 50 or more students	15.2	11.9	26.5	22.8	21.8	19.7
Student/faculty ratio	17.6	20.8	19	14	18	17
Faculty Compensation Rank	184	73	55	24	13	83
% Full-time Faculty	81.4	93.3	88.7	88.4	88.2	87.2
Number of full-time faculty	1,265	1,554	4,110	1,302	2,266	2,630
Full-time faculty with terminal degree	80.9	92.6	97.9	97.2	98	80.1
Student Excellence Rank	211	90	57	125	23	65
SAT 25th-75th percentile	1070-1260	1200-1350	1240-1450	1160-1330	1270-1520	1270-1480
ACT 25 th -75 th percentile	21-28	26-30	27-32	24-29	28-34	26-31
Freshman in top 10% of HS class	17	39	63	35	97	50
Acceptance rate	77	37	52	56	14	52
Financial Resources Rank	148	231	76	117	20	45
Instructional budget per student	\$30,300	\$23,434	\$42,198	\$34,926	\$101,635	\$57,227
Alumni Giving Rank	236	38	63	96	173	158
Average alumni giving rate	5.2	18.6	14.7	11.3	7.2	7.7

VCU compared to Virginia Peers

2020 US News rankings

<u>U.S. News Measures</u>	<u>VCU</u>	<u>College of William and Mary</u>	<u>George Mason University</u>	<u>Old Dominion University</u>	<u>University of Virginia</u>	<u>Virginia Tech</u>
Overall Rank	162	40	153	263	28	74
Expert Opinion Rank	133	37	99	186	22	43
Peer Assessment Score	2.9	3.8	3.1	2.6	4.2	3.7
Graduation & Retention Rank	182	27	137	261	10	52
Freshman retention rate (4yr average)	85	95.25	87.5	79.75	96.75	93.25
Six-year graduation rate (4yr average)	63.5	91	70	52.5	94	83.75
Grad Rate Performance Rank	91	246	57	151	246	82
Predicted	63	95	63	51	98	78
Single cohort	67	91	70	52	94	84
Overperformance/Underperformance	4	-4	7	1	-4	6
Faculty Resources Rank	300	54	328	280	39	227
% Classes under 20 students	37	6.4	30.5	36.4	55.1	27.4
% Classes of 50 or more students	15.2	47.3	14.3	9.6	15	22.1
Student/faculty ratio	17.6	12	16.8	17	14.5	14
Faculty Compensation Rank	184	89	242	171	33	48
% Full-time Faculty	81.4	87.3	73.7	78.4	98.2	96.1
Number of full-time faculty	1265	656	1,334	853	1,493	1,841
Full-time faculty with terminal degree (<i>VCU was unable to report this data in US News Editions 2013-2018</i>)	80.9	96.2	90.4	82.5	94.8	89.7
Student Excellence Rank	211	33	163	310	23	101
SAT 25th-75th percentile	1070-1260	1310-1490	1120-1320	990-1200	1330-1500	1180-1390
ACT 25 th -75 th percentile	21-28	30-33	24-30	18-24	30-34	25-31
Freshman in top 10% of HS class	17	77	18	9	90	38
Acceptance rate	77	37	81	87	26	65
Financial Resources Rank	148	110	244	317	47	123
Instructional budget per student	\$30,300	\$35,587	\$22,468	\$17,096	\$55,428	\$32,927
Alumni Giving Rank	236	16	318	254	33	87
Average alumni giving rate	5.2	29.9	2.6	4.5	19.7	12.3

US News Program Ranking: VCU will concentrate on these

A measure based on people in the same field

- School and Program rankings are made separately from the institutional rankings, and are entirely based on reputational surveys – but these reputational surveys are made by people in the field, who are much more aware of what is going on in various programs, so these reputational **surveys tend to be more accurate overall**.
- All reputational surveys, but particularly institutional reputational surveys, on the other hand, suffer far more from **the Matthew effect**.
- “The old saying does often seem to hold true: the rich get richer while the poor get poorer, creating a widening gap between those who have more and those who have less. The sociologist Robert K. Merton called this phenomenon **the Matthew effect**, named after a passage in the gospel of Matthew.” In Higher Education, this applies to older, more revered institutions continuing to be rated highly regardless of their true status.
- Another major factor in all reputational ratings, however: ***alumni are often positively biased*** towards their own institutions and/or programs. So institutions/programs with larger alumni bases tend to do better in all of these surveys.

VCU Graduate Programs Ranked

	<u>2020 Rank</u>
Fine Arts Program	2 (out of 212)
Ceramics	9 (out of 13)
Glass	3 (out of 4)
Graphic Design	7 (out of 7)
Painting/Drawing	7 (out of 13)
Printmaking	10 (out of 11)
Sculpture	1 (out of 10)
Education	20 (out of 194)
Social Work	25 (out of 254)
Public Affairs	39 (out of 198)
Business - Part-time MBA	57 (out of 287)
Health Care Management	5 (out of 74)
Rehabilitation Counseling	4 (out of 96)
Occupational Therapy	17 (out of 164)
Physical Therapy	20 (out of 217)
Clinical Psychology	57 (out of 224)
Psychology	60 (out of 245)
Public Health	71 (out of 118)
Medical Schoosl: Primary Care	55 (out of 90)
Medical Schools: Research	67 (out of 92)

	<u>2020 Rank</u>
Pharmacy	17 (out of 125)
Nursing-Anesthesia	1 (out of 112)
Nursing Schools: Masters	53 (out of 198)
Nursing Schools: Doctor of Nursing Practice	44 (out of 142)
Statistics	93 (out of 110)
Chemistry	106 (out of 205)
Physics	12 (out of 184)
Mathematics	144 (out of 181)
Biological Sciences	159 (out of 256)
Engineering Program	124 (out of 155)
Nuclear Engineering	20 (out of 24)
Biomedical Engineering	69 (out of 105)
Mechnical Engineering	94 (out of 142)
Chemical Engineering	99 (out of 113)
Electrical Engineering	107 (out of 160)
Computer Science	133 (out of 188)

Programs in top 5:

- Arts Overall
- Sculpture
- Health Care Management
- Rehabilitation Counseling
- Anesthesia

Programs in the Top 25:

- Social Work
- Education
- Nuclear Engineering
- Occupational Therapy
- Pharmacy

Other U.S. News rankings that focus on VCU's broader impact

Ethnic Diversity (Total proportion of minority students (leaving out international students) compared to overall mix of groups. The index represents the probability that any two people chosen at random from a given school are of different races or ethnic groups.)

VCU (70% diversity index)

GMU (71%), W&M (50%), UVA (53%)

Social Mobility (Economically disadvantage students are less likely than other to finish college. Success measured by enrolling and graduating large proportions of disadvantage students awarded with Pell Grants. Family incomes under \$50K.)

VCU (ranked 45 out of 186 national universities)

GMU (125), ODU (147)

Best Value (Uses ratio of quality vs prices, undergraduates receiving need-based grants, average discount.)

VCU (#125 out of 183 national universities)

UVA (32), VT (132), GMU (135)

Top Public Schools (subset of the national US News ranking)

VCU (#76 out of 364 national universities)

UVA (4), W&M (12), VT (30), ODU (128)

Q: Can VCU increase the overall rank?

Highlights from literature -No dominant strategy exists to increase rank

- The effect of an improvement on any metric depends on an institution's overall rank.
- For higher-ranked institutions, the most important metric for improving rank is financial resources.
- For lower-ranked institutions (outside the top 100), the most important metric for improving rank is academic reputation (followed by graduation rates).
- Rankings are extremely “sticky.” From 1999-2006, US News listed 50 top institutions, 47 of which appear annually, with Harvard, Princeton, Stanford, and Yale all in the top 5 each year.
- Large movements are rare.

Grewal, et al (2008)

Q: Can VCU increase its overall rank?

First, let us understand US News methodology drawbacks

- U.S. News is an ordinal ranking, not an absolute measure.
 - Improving key metrics does not guarantee gains to rank.
 - Gains to rank require achieving greater improvements than one's peers.
- Most movement is localized.
 - To improve from #162 to #140, you need to jump over current #s 140-161, without being leapfrogged by any of the institutions that currently rank just behind VCU (and some of which have VCU in their sights).
 - Previous analysis of “Tier I” and “Tier II” national universities discovered that the average annual movement in rank was only 1.53 spaces (up or down).
- We suggest a practical VCU strategy: **Focus on “nearest neighbors”**

Who are VCU's nearest neighbors?

Nearest Neighbor Methodology

To identify which metrics offer opportunities for VCU to increase its overall rank, we must pay attention to the performance of other institutions with similar overall ranks: **VCU's Nearest Neighbors**.

We identified these neighbors using the following rules:

- **INCLUDE:** Quest peers ranked within 30 places of VCU;
 - **INCLUDE:** Other large, public, metropolitan institutions, ranked within 30 places of VCU;
 - **EXCLUDE:** Peer institutions not ranked close to VCU;
 - **EXCLUDE:** Institutions ranked close to VCU that are (i) private, (ii) small, or (iii) not-metropolitan
-
- These rules **resulted in 11 nearest neighbor institutions:** with ranks from 132 to 192. VCU ranks #162.
 - 4 Quest peers: UIC, U of Cincinnati, UAB, U of Louisville
 - 1 Virginia peer: GMU
 - 6 other institutions: RU-Newark, San Diego State U, SUNY-Albany, UT-Dallas, LSU, UCF

Strategy: Continue to focus on our area of strength

Class size: % classes 50+ [8% weight]

2020 USNWR Overall Rank	Institution	2020 Actual	Neighborhood Rank
132	University of Illinois – Chicago (Q)	20%	9
132	Rutgers University - Newark	17%	6 (tie)
139	University of Cincinnati (Q)	15%	4 (tie)
147	San Diego State University	24%	10
147	SUNY – Albany	14%	2 (tie)
147	University of Texas – Dallas	25%	11 (tie)
153	George Mason University (V)	14%	2 (tie)
153	LSU – Baton Rouge	17%	6 (tie)
162	VCU	15%	4 (tie)
166	University of Alabama – Birmingham (Q)	17%	6 (tie)
166	University of Central Florida	25%	11 (tie)
192	University of Louisville (Q)	9%	1
NEIGHBORHOOD MEDIAN		17%	

- Play defense and continue our focus on identifying opportunities to reduce class size
- For 2020, a drop from 15% to 13% would have allowed VCU to place higher than GMU or U of Cincinnati.
- If neighbors achieve improvements, this can lower VCU's overall rank.

Strategy: Continue to focus on our area of strength

Class size: % classes less than 20 [8% weight]

2020 USNWR Overall Rank	Institution	2020 Actual	Neighborhood Rank
132	University of Illinois – Chicago (Q)	35%	7
132	Rutgers University - Newark	28%	9 (tie)
139	University of Cincinnati (Q)	38%	5
147	San Diego State University	28%	9 (tie)
147	SUNY – Albany	42%	1
147	University of Texas – Dallas	22%	12
153	George Mason University (V)	31%	8
153	LSU – Baton Rouge	41%	2 (tie)
162	VCU	37%	6
166	University of Alabama – Birmingham (Q)	41%	2 (tie)
166	University of Central Florida	26%	11
192	University of Louisville (Q)	40%	4
NEIGHBORHOOD MEDIAN		36%	

- VCU went from 32% to 37% but this netted us nothing in the rankings as this metric was dropped this year.
- Focused Inquiry class size reduction cost = ~\$600,000
- This may have been somewhat helpful to Instructors.

Strategy: Potential improvement with additional investments

Faculty compensation [7% weight]

2020 USNWR Overall Rank	Institution	2020 Rank	Neighborhood Rank
132	University of Illinois – Chicago (Q)	109	4
132	Rutgers University - Newark	96	3
139	University of Cincinnati (Q)	121	5
147	San Diego State University	223	11
147	SUNY – Albany	157	7
147	University of Texas – Dallas	42	1
153	George Mason University (V)	242	12
153	LSU – Baton Rouge	83	2
162	VCU	184	9 (tie)
166	University of Alabama – Birmingham (Q)	184	9 (tie)
166	University of Central Florida	145	6
192	University of Louisville (Q)	171	8
NEIGHBORHOOD MEDIAN		151	

- US News adjusts “raw” salary data, using regional price parities published by the Bureau of Economic Analysis
- Few institutions have achieved a higher overall rank with a low faculty compensation rank
- Continue to make incremental investments
FY19 \$6M, FY20 \$9.4M

Strategy: Increase engagement & internal validation of data

Alumni giving rate [5% weight]

2020 USNWR Overall Rank	Institution	2020 Actual	Neighborhood Rank
132	University of Illinois – Chicago (Q)	2.2%	12
132	Rutgers University - Newark	4.7%	8
139	University of Cincinnati (Q)	9.2%	2
147	San Diego State University	5.9%	6
147	SUNY – Albany	6.4%	5
147	University of Texas – Dallas	2.9%	10
153	George Mason University (V)	2.6%	11
153	LSU – Baton Rouge	13.3%	1
162	VCU	5.2%	7
166	University of Alabama – Birmingham (Q)	6.9%	4
166	University of Central Florida	3.1%	9
192	University of Louisville (Q)	9.4%	3
NEIGHBORHOOD MEDIAN		5.5%	

- Increase outreach, social presence

Medium time-horizon strategy: Student success

One-year retention rate [4.4% weight]

2020 USNWR Overall Rank	Institution	2020 Actual	Neighborhood Rank
132	University of Illinois – Chicago (Q)	80.3%	11
132	Rutgers University - Newark	86.0%	6
139	University of Cincinnati (Q)	87.0%	4
147	San Diego State University	89.5%	2
147	SUNY – Albany	82.8%	9
147	University of Texas – Dallas	86.8%	5
153	George Mason University (V)	87.5%	3
153	LSU – Baton Rouge	84.0%	8
162	VCU	85.0%	7
166	University of Alabama – Birmingham (Q)	81.8%	10
166	University of Central Florida	90.0%	1
192	University of Louisville (Q)	80.0%	12
NEIGHBORHOOD MEDIAN		85.5%	

- We will have ongoing focus on student success, because it is part of our mission
- Continue these improvements for sustainable gains

Longer time-horizon strategy: Student success

Average six-year graduation rate [17.6% weight]

2020 USNWR Overall Rank	Institution	2020 Actual	Neighborhood Rank
132	University of Illinois – Chicago (Q)	58.5%	10
132	Rutgers University - Newark	67.0%	6
139	University of Cincinnati (Q)	67.3%	5
147	San Diego State University	72.5%	1
147	SUNY – Albany	65.8%	8
147	University of Texas – Dallas	69.3%	4
153	George Mason University (V)	70.0%	3
153	LSU – Baton Rouge	66.0%	7
162	VCU	63.5%	9
166	University of Alabama – Birmingham (Q)	54.8%	11
166	University of Central Florida	71.0%	2
192	University of Louisville (Q)	54.3%	12
NEIGHBORHOOD MEDIAN		66.5%	

- Aligns with VCU mission
- Changes to this metric is a long term commitment of effort
- Wins on multiple measures: graduation performance and social mobility

Strategy: Attention to data quality

Percentage of faculty with terminal degree [3% weight]

2020 USNWR Overall Rank	Institution	2020 Actual	Neighborhood Rank
132	University of Illinois – Chicago (Q)	91%	3
132	Rutgers University - Newark	99%	1
139	University of Cincinnati (Q)	86%	10
147	San Diego State University	88%	5 (tie)
147	SUNY – Albany	93%	2
147	University of Texas – Dallas	87%	8 (tie)
153	George Mason University (V)	90%	4
153	LSU – Baton Rouge	87%	8 (tie)
162	VCU	81%	12
166	University of Alabama – Birmingham (Q)	88%	5 (tie)
166	University of Central Florida	84%	11
192	University of Louisville (Q)	88%	5 (tie)
NEIGHBORHOOD MEDIAN		88%	

- Investigate and evaluate accuracy of data

Strategy: Attention to data quality

SAT IQR [7.75% weight]

2020 USNWR Overall Rank	Institution	2020 Actual	Neighborhood Rank
132	University of Illinois – Chicago (Q)	1020-1220	9
132	Rutgers University - Newark	1020-1190	11
139	University of Cincinnati (Q)	1160-1370	2
147	San Diego State University	1110-1310	6
147	SUNY – Albany	1100-1260	7
147	University of Texas – Dallas	1220-1440	1
153	George Mason University (V)	1120-1320	5
153	LSU – Baton Rouge	1140-1340	4
162	VCU	1070-1260	8
166	University of Alabama – Birmingham (Q)	980-1240	10
166	University of Central Florida	1160-1340	3
192	University of Louisville (Q)	960-1205	12
NEIGHBORHOOD MEDIAN		1105-1285	

- An example of evaluating data quality
- Investigate how test scores are reported to US News

Summary

Pursue a higher overall ranking by focusing on...

1. US News metrics that align with the VCU mission

- Six-year graduation rate, One-year retention rate, etc.
- May be able to improve ranking based on improved data accuracy

2. Evaluate other rankings

- For example, Wall Street Journal rankings include a survey of students – we are paying more attention to that

VCU State of Research

Presentation to BOV
December 13, 2019

Srirama Rao, Ph.D.
Vice President for Research and Innovation



VCU

Office of Research
and Innovation

Historic Milestone for VCU Research

**VCU celebrates
\$310 Million**
in FY 2019 sponsored funding

This institutional record testifies to
the extraordinary contributions of
VCU researchers and innovators



VCU

One VCU Research



Hospitals

- VCU Medical Center
- Children's Hospital of Richmond at VCU
- Community Memorial Hospital

Comprehensive Care Centers

- VCU Massey Cancer Center
- Pauley Heart Center
- Harold F. Young Neurological Center
- Hume-Lee Transplant Center

Research Institutes, Centers and Cores



Colleges and Schools

- College of Engineering
- College of Health Professions
- College of Humanities & Sciences
- L. Douglas Wilder School of Government & Public Affairs
- School of Dentistry
- School Education
- School of Business
- School of Medicine
- School of Nursing
- School of Pharmacy
- School of Social Work
- VCU Life Sciences

VCU's History of Research

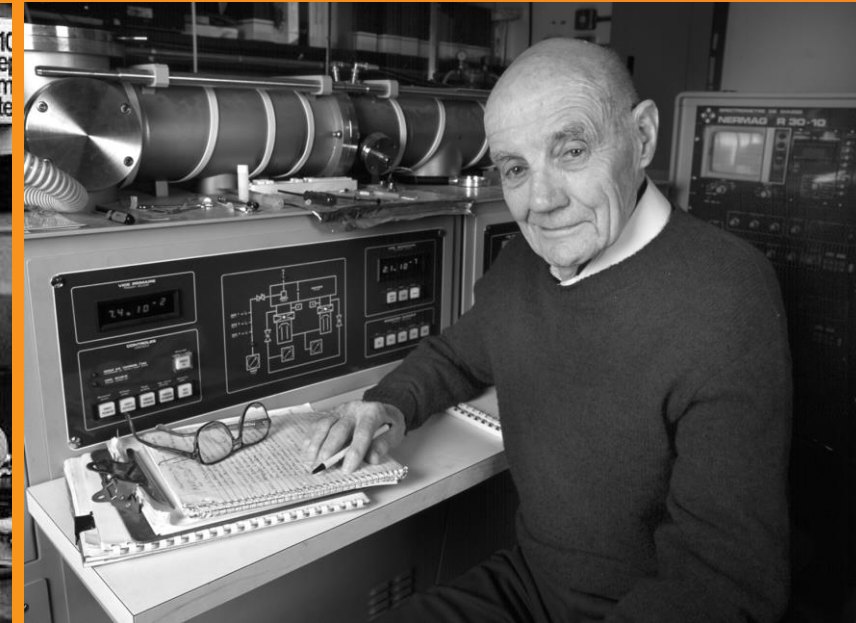
Home to pioneers in discovery and world-renowned scientists



1956: Dr. David Hume,
Led one of the nation's first programs in
organ transplantation



1980: Dr. Baruj Benacerraf,
Nobel Laureate in Medicine
or Physiology



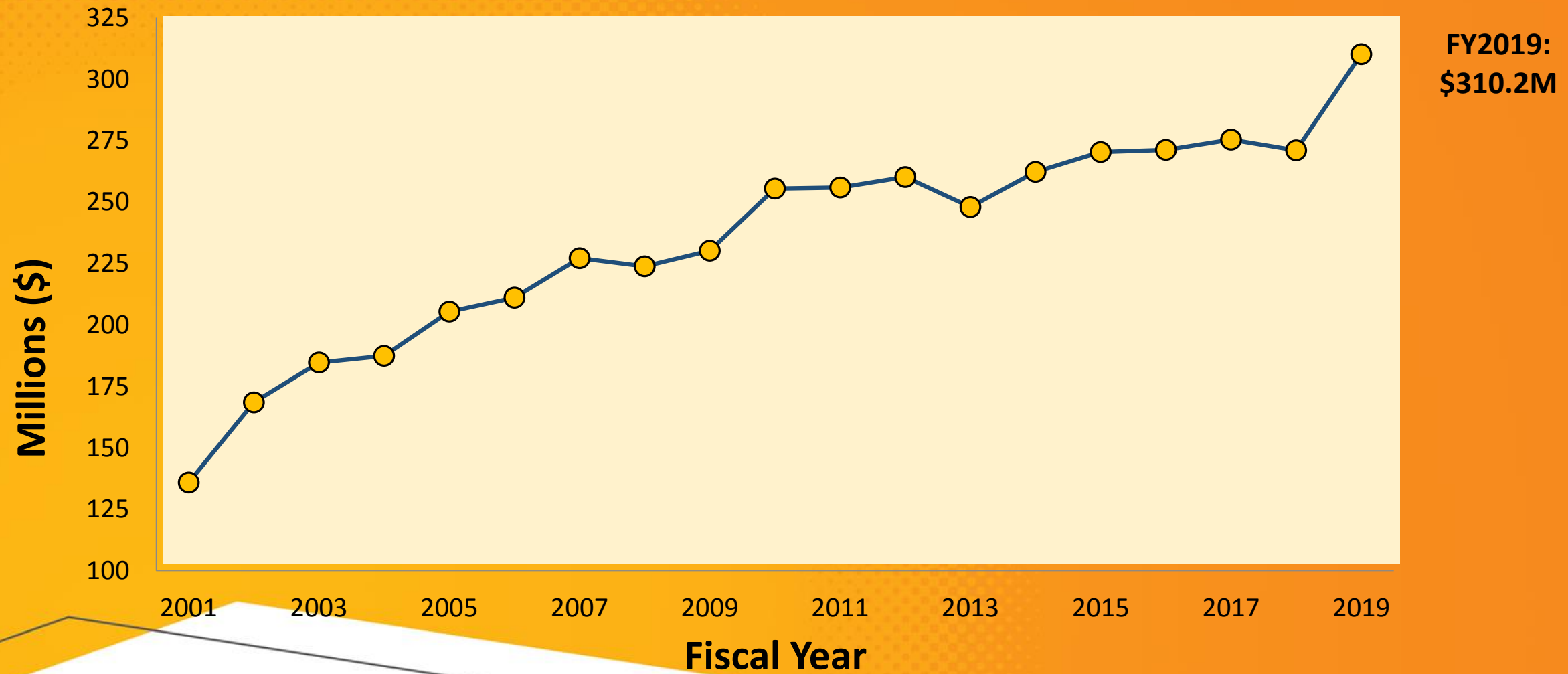
2002: Dr. John Fenn,
Nobel Laureate in Chemistry

VCU Research Metrics, Highlights and Impact



VCU

Sponsored Program Awards: FY 2001 to 2019



VCU

Sponsored Program Awards

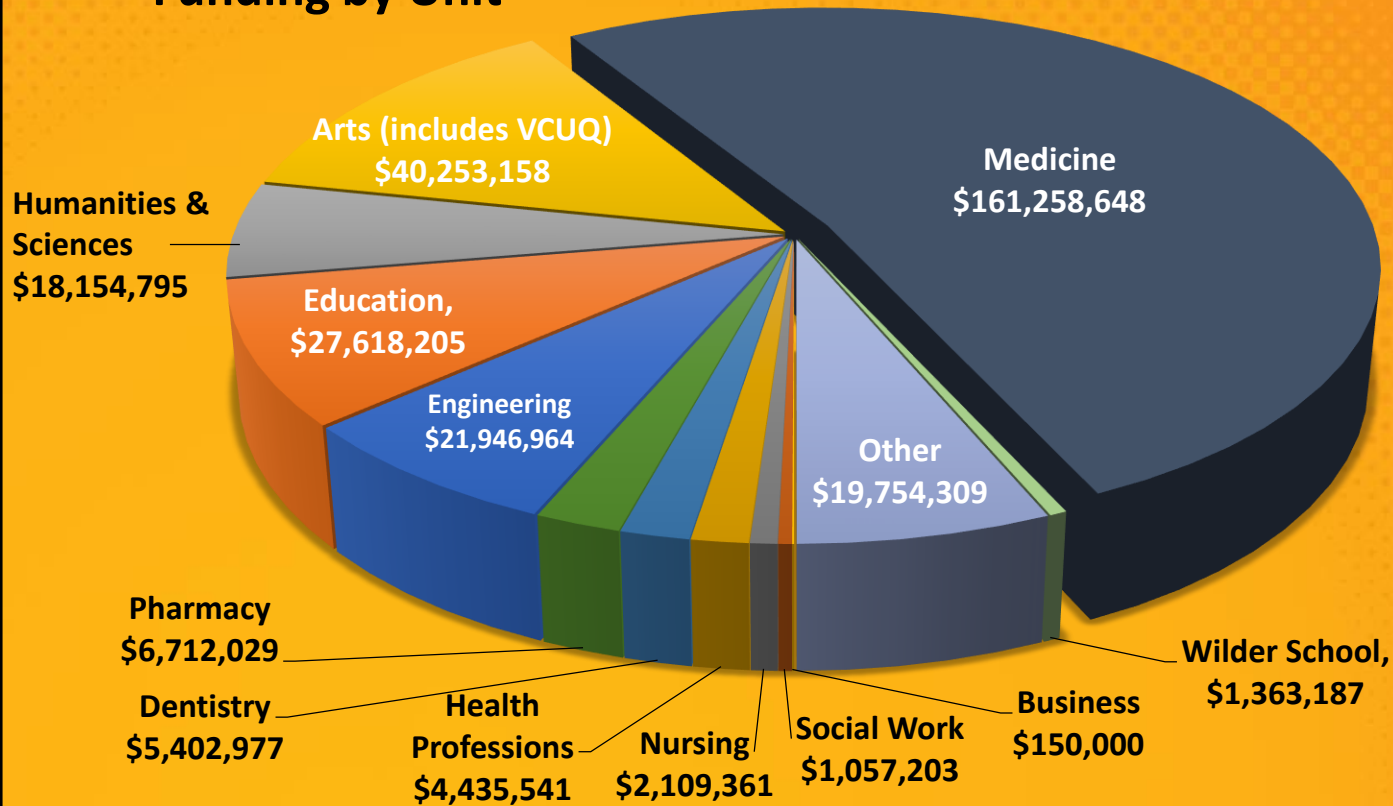
College/School	FY2018	FY2019	% Change
Arts (includes VCUQ)	\$40M	\$40.3M	1%
Business	\$30K	\$150K	396%
Dentistry	\$6.3M	\$5.4M	-14%
Education	\$26M	\$27.6M	6%
Engineering	\$18.2M	\$22M	21%
Health Professions	\$2.7M	\$4.4M	67%
Humanities & Sciences	\$16.3M	\$18M	12%
Medicine	\$138.6M	\$161.3M	16%
Nursing	\$1M	\$2.1M	109%
Pharmacy	\$6.8M	\$6.7M	-2%
Social Work	\$0.8M	\$1.1M	27%
Wilder School	\$0.5M	\$1.4M	153%

Source	FY2018	FY2019	% Change
Federal	\$140.9M	\$159.8M	13%
<i>NIH</i>	\$78.9M	\$89.9M	14%
<i>NSF</i>	\$6.2M	\$7M	13%
<i>Other Federal</i>	\$56M	\$62.9M	12%
Foundation & Gifts	\$73.8M	\$73.8M	3%
Industry	\$29.7M	\$29.7M	0%
State	\$28.9M	\$46.9M	62%
TOTAL	\$271M	\$310.2M	14%

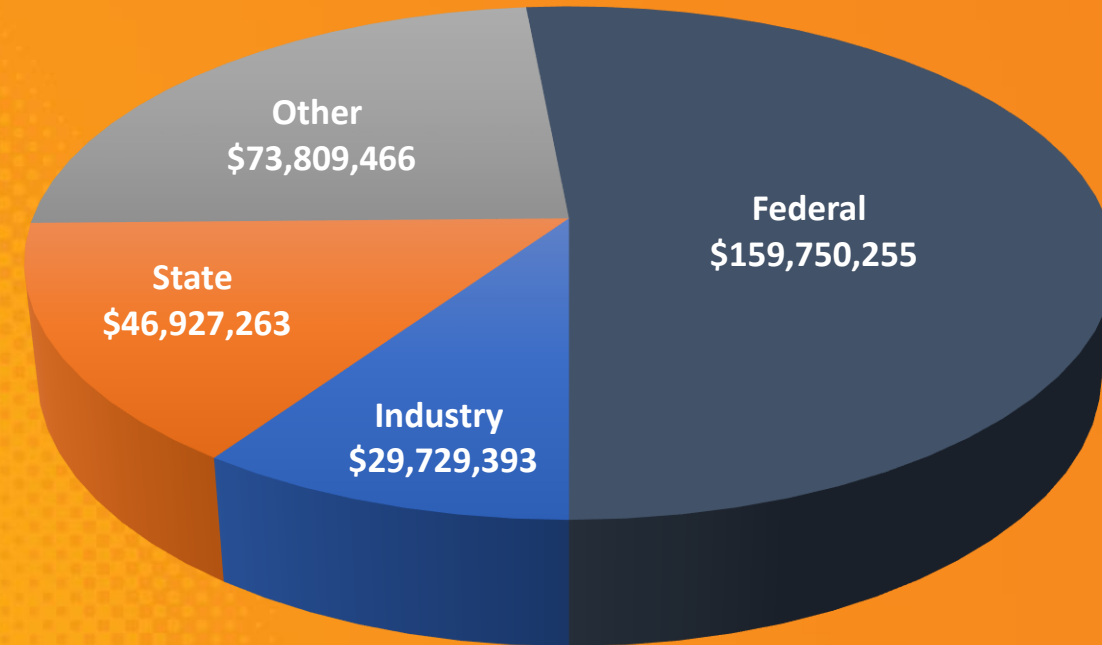
FY 2019 Sponsored Program Awards

Total: \$310,216,377

Funding by Unit



Funding by Source

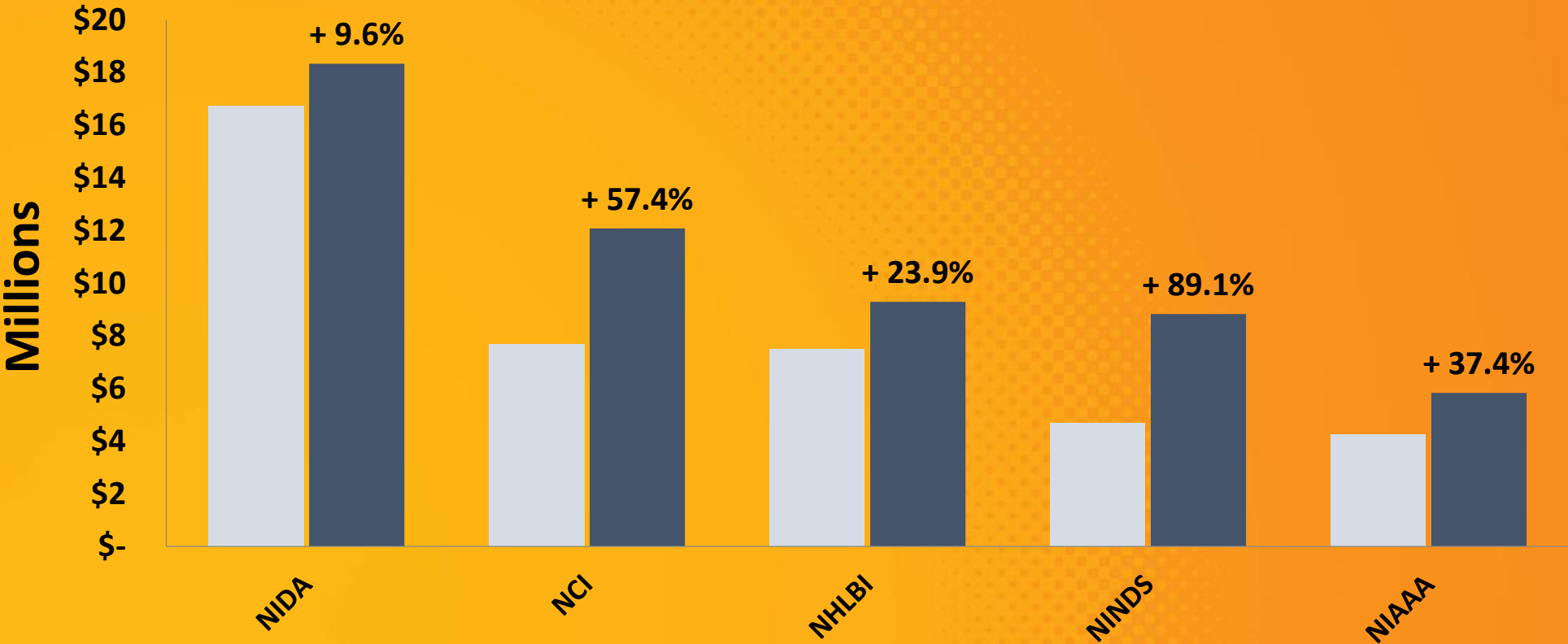


NIH: \$89.9M (56%)
Fed., Non-NIH: \$69.9M (44%)

Sponsored Program Awards: FY 2018 vs 2019 - NIH Portfolio

Totals
FY 2018 NIH: \$78.9M
FY 2019 NIH: \$89.9M

Fiscal Year 2018
Fiscal Year 2019



NIH Institutes

NIH Institutes:
NIDA: Drug Abuse
NCI: Cancer
NHLBI: Heart, Lung & Blood
NINDS: Neurological Disorders & Stroke
NIAAA: Alcohol Abuse & Alcoholism

Current Rankings (2018 Expenditures)

NSF HERD*

#65

Total R&D
Expenditures*
(of 407 public research
universities)

Top 16%

#60

Federal R&D
Expenditures
(of 407 public research
universities)

Top 15%

#95

Total R&D
Expenditures
(of all 644 public & private
research universities)

Top 14%

#92

Federal R&D
Expenditures
(of all 644 public & private
research universities)

Top 14%

BLUE RIDGE / NIH

#33

Neuroscience

#14

Addiction

#24

School of
Pharmacy

#60

School of
Medicine

#26

School of
Dentistry

*NSF HERD data from November 2019

NIH – Blue Ridge Ranking

Neurosciences (opioid/alcohol/addiction) and Cancer*

	Addiction	Neuroscience	NCI (Cancer)	NIDA	NIAAA	NINDS
VCU	25	43	81	23	17	79
UVA	144	76	50	119	n/a	49
VT	116	94	154	120	116	72
GMU	48	115	n/a	39	233	325
W&M	n/a	686	n/a	n/a	n/a	375

*Relative to other Virginia research universities

National Institutes of Health:

NCI: Cancer

NIDA: Drug Abuse

NIAAA: Alcohol Abuse & Alcoholism

NINDS: Neurological Disorders & Stroke



VCU

Top 50 Rankings in Graduate and First-professional Programs

1st

Sculpture
Nurse Anesthesia

2nd

Fine Arts

3rd

Education - Online
Glass

4th

Rehabilitation
Counseling

5th

Health Care
Management

7th

Graphic Design
Painting/Drawing

9th

Ceramics

10th

Printmaking

17th

Occupational
Therapy
Pharmacy

20th

Best Education
Schools
Nuclear
Engineering
Physical Therapy

25th

Social Work

39th

Public Affairs

44th

Doctor of
Nursing Practice

48th

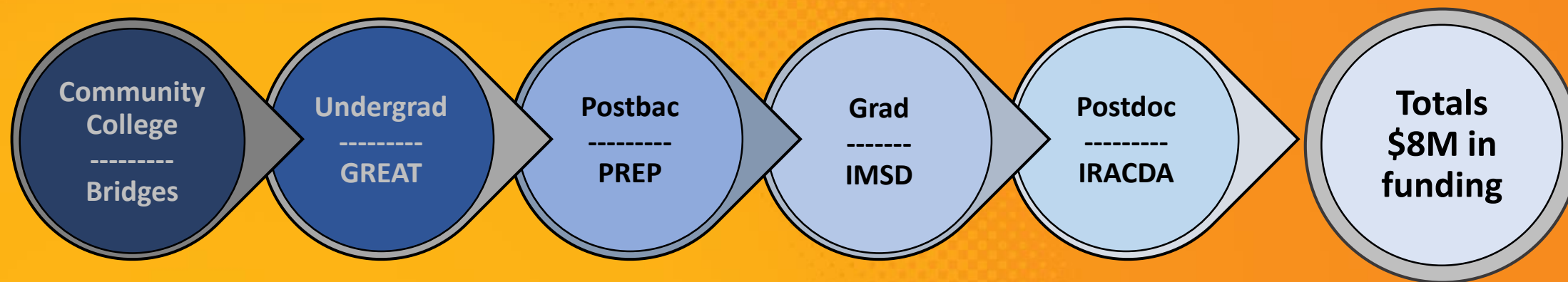
Engineering –
Online

U.S. News & World Report as of March 12, 2019



Investing in the Future: Students & Postdoctoral Scholars at VCU

VCU is the only university in the country with all 5 NIH trainee diversity awards



>300

Undergrads in
Research Symposium

124

Undergrad Research
Trainees (UROP/WSP)

1,400

Masters Degree
Grads

353

Doctoral Degree
Grads

215

Postdocs



VCU

VCU – Technology, Commercialization & Economic Development

Innovation Gateway & VCU Ventures

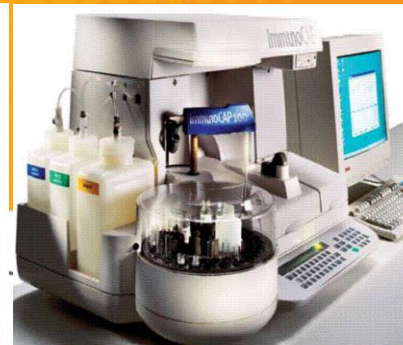
FY 2019

114 Invention disclosures
187 Patents filed (**30** patents issued)
\$2.6M In licensing revenue
7 Startups formed (**14** supported)
21 Licenses/options

Over 10 Years

1,200 Invention disclosures
1,500 Patents filed (**162** patents issued)
>\$25M In licensing revenue
40 Startups formed
29 Products to market
165 Licenses/options
\$64M In equity funding

Significant Economic Impact:



VCU Technology, Commercialization & Economic Development

2018 Virginia Peers (Preliminary Data)

Institution	Invention Disclosures	Patent Applications	Licensing Income	Issued Patents	Start-ups
VCU	134	155	\$2,700,847	23	4
UVA	213	83	\$2,429,938	59	3

2017

VCU	134	165	\$6,677,008	22	4
UVA	207	92	\$3,354,570	43	6

2016

VCU	133	157	\$2,337,226	18	4
UVA	203	152	\$7,492,073	38	6
VT	159	97	\$1,842,364	20	4

2015

VCU	93	136	\$2,570,679	17	7
UVA	187	80	\$2,417,134	29	7
VT	105	87	\$1,968,947	19	8

Highlights of Impactful Research at VCU



Medicines for All



Epinavigator



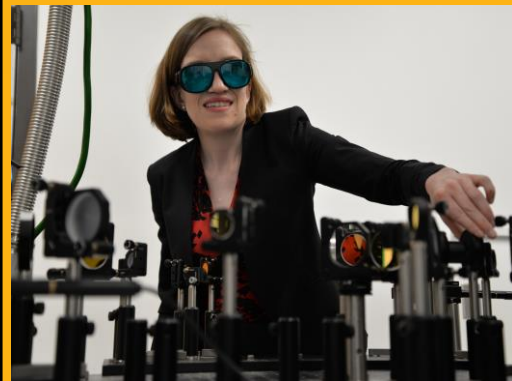
Sickle Cell Anemia



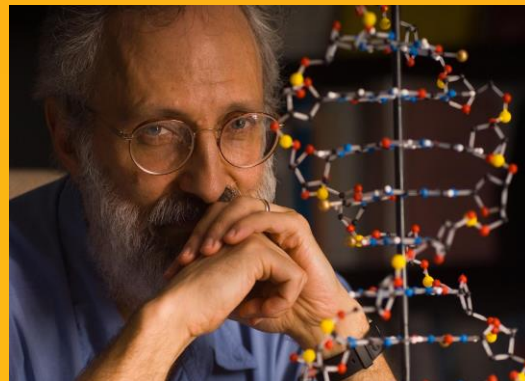
Inventor of the Year



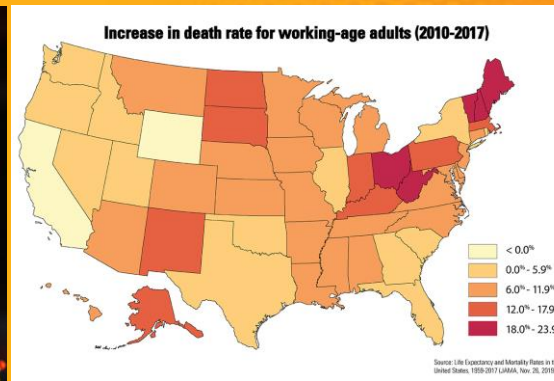
Traumatic Brain Injury



Explosives Detection



Molecular Genetics



Life Expectancy



VCU – GREAT Students



Opioid-abuse, Pain, Addiction



Community Health



Spit for Science



Microbiome



STEM Teacher Research



Art Avatars and Pain



Tobacco and E-cigarettes

Record Results in Clinical Research (FY19)

862

total clinical
research studies in

11

schools & centers

575

clinical trials

301

VCU-designed
clinical studies



5,108

total participants

1,118

in VCU-designed studies

91

in faculty-held new
drug/device studies

Data from OVPRI, WCTTR,
MCC, VCUH, etc,

Impact of \$22M NIH Clinical & Translational Science Award

Accelerating the science that supports healthy communities

Impacting the nation

VCU is among the top 43 institutions nation-wide that has both an NCI-designated cancer center and an NIH CTSA award

The Wright Center fosters clinical research collaborations across the state and leads in the translation of research to patient care

VCU's Wright Center:

A hub for clinical and translational research

Impacting the region

VCU is one of only 53 institutions ranked as **"Community engaged"** with "Very high research activity" by the Carnegie Foundation

Impacting the Commonwealth

VCU leads the Virginia Clinical and Translational Science Research Conference which will double from 200 to 400 participants in 2020 and host UVA, VT, EVMS, and GMU



VCU

Looking ahead

**Advancing VCU's Strategic Research Priorities:
Themes and Goals**



VCU Quest 2025 – Together We Transform

Achieving national prominence through excellence in:

Inclusion, Access and Excellence

Community
engagement &
collaboration (diverse
trainees and patients in
clinical research)

Innovative & Transformative Learning

Experiential learning
opportunities for
trainees

Exceptional Patient Care

Research quality,
integrity and security

Impactful Research

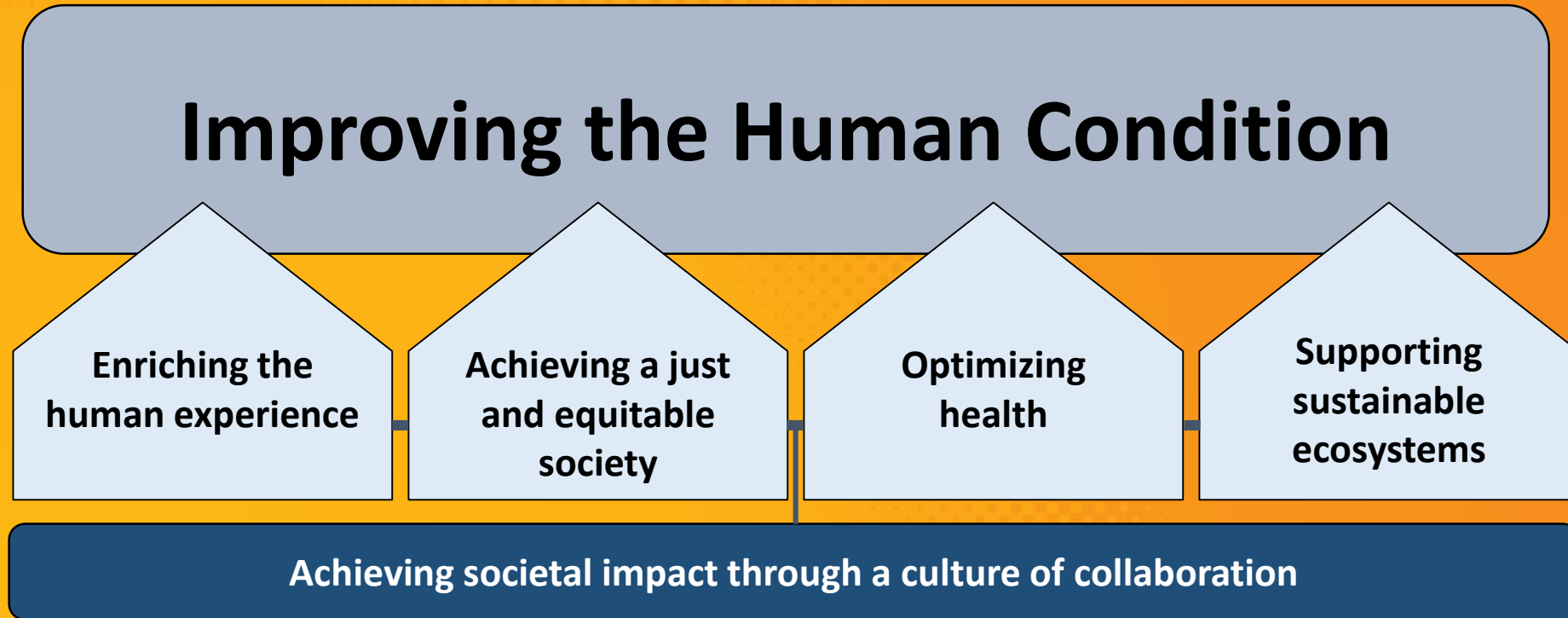
Investigator
Initiated research and
team science

Beneficial Community Impact

Technology
commercialization and
economic development

SRPPC: 30 VCU members.
More than 350 faculty survey
responses.

Four Integrated Themes United by a Common Goal



VCU



GOAL 1: Enrich lives and elevate human understanding and aspirations

through

cultural contributions and critical analysis (in arts, humanities and social sciences)

GOAL 2: Serve the needs of individuals and communities

by

developing creative technological and analytical improvements



Inequality
poverty
& social
exclusion

Community
collabs &
partnerships

Diverse
& under-
represented
communities

Policy,
practice &
systems
change

THEME 2: Achieving a just and equitable society

GOAL 1: Reduce the impact of inequality, discrimination, and population-level disparities

by

developing new knowledge and solutions at the levels of practice, services, and policy

GOAL 2: Prioritize research that reflects the perspectives and needs of diverse communities

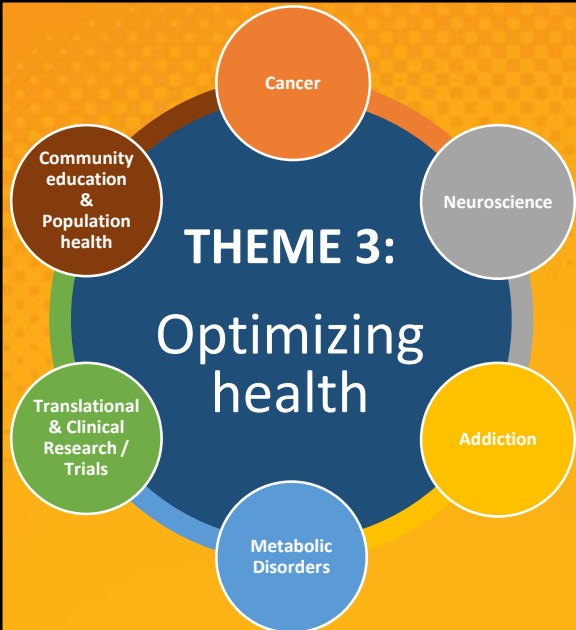
to

create knowledge that is translational and has a real world impact



VCU





GOAL 1: Improve health outcomes

by

leveraging emerging technologies, data science, AI and machine learning

GOAL 2: Reduce the burden of disease and improve wellness

through

transformative basic, translational, clinical and population research

GOAL 3: Generate new medications, biologic treatments, interventions, devices, and vaccines

by

actualizing discoveries made at VCU



VCU





GOAL 1: Advance renewable energy sources, clean air and water, and resilient natural systems

through

the development and application of novel, evidence-based solutions

GOAL 2: Create environmentally and economically sustainable materials, products, processes, and infrastructure

GOAL 3: Educate our communities and inform positive changes in environmental policy and practice at local, state and national scales

by

effectively translating and communicating our data and published scholarship



Goals for National Prominence by 2025

Increase student/faculty engagement in research and innovation

Top 50

public research university,
federal funding (NSF HERD)

\$400M

R&D sponsored
award funding

Top 25

urban research university,
federal funding

Achieving institutional and societal impact through a culture of collaboration

>10% increase

in licensing and
royalty revenue

25%

increase
in FACR funding

Grow
Top 50

research programs
(Blue Ridge and others)



VCU

VCU NSF HERD Ranking (2018) Relative to Peer Public Institutions

Institution	Rank	All R&D expenditures	Source of Funds (based on expenditures)					
			Federal government	State & local government	Institution funds	Business	Nonprofit organizations	All other sources
Iowa State U.	46	361,206	147,679	42,934	132,729	23,433	10,811	3,620
Washington State U.	47	360,522	151,133	49,084	133,867	14,595	7,643	4,200
U. Kansas	48	339,046	155,147	34,404	106,332	19,095	23,406	662
Uniformed Services U. of the Health Sciences	49	308,326	218,702	0	83,866	0	5,758	0
U. Nebraska, Lincoln	50	308,053	103,565	55,290	116,747	18,284	4,976	9,191
Florida State U.	51	297,661	147,184	6,249	124,119	2,411	12,961	4,737
Louisiana State U., Baton Rouge	52	286,726	84,309	69,369	101,756	14,156	10,269	6,867
U. Oklahoma, Norman and Health Science Center	53	283,638	149,317	37,673	68,878	11,401	10,226	6,143
Medical U. South Carolina	54	282,253	142,639	4,208	92,828	21,320	12,453	8,805
U. Hawaii, Manoa	55	276,388	167,030	19,882	72,070	856	14,212	2,338
Temple U.	56	276,011	155,312	4,951	73,814	18,956	15,909	7,069
U. Massachusetts, Medical School	57	274,211	194,953	82	44,237	12,585	18,262	4,092
Oregon State U.	58	272,433	171,805	52,784	23,809	8,211	2,294	13,530
U. Connecticut	59	269,685	144,048	6,076	88,272	10,867	15,312	5,110
U. Tennessee, Knoxville	60	259,607	117,776	14,370	115,857	6,219	2,669	2,716
U. Texas Health Science Center, Houston	61	258,411	128,232	38,021	38,915	14,773	21,100	17,370
SUNY, Polytechnic Institute	62	257,358	41,795	107,233	25,287	79,502	3,522	19
U. Missouri, Columbia	63	256,183	112,485	2,302	122,016	5,156	7,473	6,751
U. New Mexico	64	251,322	169,952	4,268	58,849	2,217	14,345	1,691
Virginia Commonwealth U.	65	246,190	140,363	25,822	58,282	8,346	13,377	0
SUNY, Stony Brook U.	66	245,016	136,241	8,581	81,100	5,202	9,982	3,910
Mississippi State U.	67	244,102	89,012	77,637	63,578	4,992	7,256	1,627
Wayne State U.	68	238,859	111,018	9,341	80,992	8,165	24,021	5,322
U. California, Santa Barbara	69	235,164	113,388	6,028	49,586	23,482	24,439	18,241
U. South Carolina, Columbia	70	231,300	94,093	1,603	114,194	5,316	9,574	6,520
Utah State U.	71	219,397	159,447	26,560	22,671	4,664	321	5,734
Kansas State U.	72	218,299	80,436	37,562	83,339	6,709	8,011	2,242
U. Central Florida	73	215,332	97,539	11,071	85,660	11,225	5,767	4,070
Clemson U.	74	213,458	73,735	21,357	94,091	19,500	4,546	229
Auburn U., Auburn	75	212,925	58,488	32,070	105,786	5,489	1,390	9,702

National prominence by 2025, through commitment to research

Investments Aligned with Strategic Goals

- Startups aligned with strategic themes
 - Cluster hires (field shapers) of research faculty
 - Research infrastructure: institutes, centers & core resources/equipment
 - Capacity building & workforce development
- Team science: collaborative research
 - Community engagement & partnerships
 - Pilot seed & larger projects
 - Entrepreneurship through technology & commercialization
 - Sustainable business & financial models

Societal Transformation through Program Development

- Culture of collaboration & excellence – integration of themes
 - Large & multi-PI grants
 - Increased integration of VCU/VCU Health System
 - Research support of students/trainees/clinical staff
 - Discoveries, innovation & economic development
- Succession planning
 - Increased giving/fundraising
 - Outreach – statewide & beyond
 - Groundbreaking research
 - Research incentives
 - Sustainable programs to recruit/retain diverse trainees/students

Strategic Research Priorities Plan – Next steps

- Finalize Strategic Research Priorities plan through stakeholder input - ongoing
- Initiate financial planning for investment in thematic programs
- Complete implementation plan in Spring 2020
- Start implementation of strategic plan in July 2020

One VCU Research

Improving the Human Condition



Hospitals:

- VCU Medical Center
- Children's Hospital of Richmond at VCU
- Community Memorial Hospital

Comprehensive Care Centers:

- VCU Massey Cancer Center
- Pauley Heart Center
- Harold F. Young Neurological Center
- Hume-Lee Transplant Center

Research Institutes, Centers and Cores



Colleges and Schools:

- College of Engineering
- College of Health Professions
- College of Humanities and Sciences
- L. Douglas Wilder School of Government and Public Affairs
- School of Dentistry
- School Education
- School of Business
- School of Medicine
- School of Nursing
- School of Pharmacy
- School of Social Work
- VCU Life Sciences

Next steps, questions, comments and feedback

Virginia Commonwealth University Proposed Program Brief

Proposal to Create a Bachelor of Science in Finance

Overview

Virginia Commonwealth University seeks approval to initiate a Bachelor of Science (B.S.) degree program in Finance (B.S. in Finance) at the main campus in Richmond, Virginia. The proposed degree program will offer two options: 1) no concentration and 2) a concentration in Risk Management and Insurance. The proposed program will be administered by the Department of Finance, Insurance & Real Estate, which resides in the School of Business.

Method of Delivery

This program is conducted in a traditional, face-to-face classroom setting. Physical space to facilitate class sessions is available and will be used.

Target Implementation Date

The target date of the program's initiation is the fall semester of 2020.

Demand and Workforce Development

Graduates of the proposed B.S. in Finance program will be qualified to perform financial analysis and planning, financial management, financial advising and financial marketing and sales activities in corporations, nonprofit organizations and governments. Higher than average job growth in these areas is expected both in Virginia and across the nation.

External Competition

One public institution in the Commonwealth of Virginia, George Mason University (GMU), has a degree program similar to the proposed B.S. in Finance at Virginia Commonwealth University. George Mason University offers a B.S. in Finance which requires 120 credit hours, including Mason core requirements, business foundations, business core and major requirements.

Target Population

No specific groups will be targeted for the proposed degree program.

Impact on Existing Programs/Policies

The current B.S. in Business degree program has a concentration in Finance. The proposed B.S. in Finance is an expansion of the existing concentration in the current B.S. in Business. The Finance concentration in the B.S. in Business will be closed when B.S. in Finance is approved. The proposed B.S. in Finance will not affect any other VCU degree programs.

Impact on Faculty

The Department of Finance, Insurance and Real Estate Department has 15 full time faculty members. All faculty are tenured or tenure-track. The tenured and tenure-track faculty members teaching core and required courses in the B.S. in Finance degree program have earned PhD's in Finance from accredited universities, while several non-tenure track professors have substantial financial industry careers and significant postgraduate academic training in finance. The Department of Finance, Insurance, and Real Estate has all of the faculty and classified support needed to initiate and sustain the proposed program through the target year, 2024-25.

Funding

The Department of Finance Insurance and Real Estate will reallocate funds to support the proposed program. All resources used for the existing B.S. in Business concentration in Finance, which will be closed with the initiation of B.S. in Finance, will be used to support the proposed B.S. in Finance program. Faculty teaching loads will be reallocated from the existing concentration to the proposed program. The reallocation of funds will not have any impact existing programs.

Next Steps

October 31	University Council Committee on Academic Affairs and University Policies
November 7	University Council
November 18	President's Cabinet
December 13	Board of Visitors

Full Proposal

The 127-page full proposal is attached.

Full proposal can be found in Academic and Health Affairs Committee material.

Virginia Commonwealth University Proposed Program Brief

Proposal to Create a Master of Science in Finance

Overview

Virginia Commonwealth University seeks approval to initiate a Master of Science in Finance (M.S. in Finance) degree program at the main campus in Richmond, Virginia. The proposed program will be administered by the Department of Finance, Insurance & Real Estate, which resides in the School of Business.

Method of Delivery

This program is conducted in a traditional, face-to-face classroom setting. Physical space to facilitate class sessions is available and will be used.

Target Implementation Date

The target date of the program's initiation is the fall semester of 2020.

Demand and Workforce Development

The proposed M.S. in Finance degree program responds to the current needs of the Commonwealth of Virginia and the nation as a whole by preparing students for advanced careers in financial analytics, financial management, financial operations, financial planning, and financial research. The United States Bureau of Labor Statistics' Employment Projections¹ forecasts the 10-year employment growth for Financial Managers at 16%, and the 10-year employment growth for Financial Specialists at 10.0%.

External Competition

There are no M.S. in Finance degree programs offered at public institutions in the Commonwealth of Virginia.

Target Population

The target population for the proposed program is students who have completed an undergraduate degree and seek to advance their studies in finance through the attainment of a graduate degree. Undergraduates from all disciplines with little or no work experience who wish to improve their chances of gaining employment and advancing in the field of finance will also be targeted for the proposed program.

Impact on Existing Programs/Policies

The VCU School of Business currently offers a Master of Science in Business with a concentration in Finance. The creation of a Master of Science in Finance degree program will allow graduates to be more competitive in employment opportunities. The proposed stand-alone degree would more accurately describe the knowledge, skills and abilities of the graduates from the program. If the proposed program is approved by the M.S. in Business with a concentration in Finance will close.

The School of Business also offers, and will continue to offer, a Master of Business Administration (M.B.A.) with a concentration in corporate finance. The learning outcomes for the M.B.A. differ greatly from the M.S. in

¹ United States Bureau of Labor Statistics, "Employment Projections by Detailed Occupation", accessed 22 November 2018, <https://www.bls.gov/emp/tables/emp-by-detailed-occupation.htm>.

Finance program. The learning outcomes for the M.B.A. focus on all fields of business, whereas M.S. in Finance will focus exclusively on skills needed for the finance industry.

Impact on Faculty

The Department of Finance, Insurance, and Real Estate has all of the faculty and classified support needed to initiate and sustain the proposed program through the target year, 2024-25. Faculty teaching loads will be reallocated from the exiting M.S. in Business with a concentration in Finance to the proposed program.

Funding

The Department of Finance Insurance and Real Estate will reallocate funds to support the proposed program. All resources used for the existing M.S. in Business with a concentration in Finance will be reallocated to support the proposed M.S. in Finance program upon initiation of the program. Faculty teaching loads will be reallocated from the existing concentration to the proposed program. The reallocation of funds will not have any impact existing programs.

Next Steps

November 12	University Graduate Council
November 21	University Council Committee on Academic Affairs and University Policies
*December 2	President's Cabinet
*December 5	University Council
December 13	Board of Visitors

*Proposal may be presented at the President's Cabinet prior to the University Council meeting to facilitate Board of Visitors Review and Approval.

Full Proposal

The full proposal is attached.

Full proposal can be found in Academic and Health Affairs Committee material.

Proposed Intent to Discontinue

Virginia Commonwealth University (VCU) requests approval to discontinue the Post-Baccalaureate Certificate (PBC) in Autism Spectrum Disorder program (CIP code: 13.1013). The program is located in the School of Education, Department of Counseling and Special Education.

Background

VCU has offered the Post-Baccalaureate Certificate (PBC) in Autism Spectrum Disorder program since fall 2008 in the School of Education. Admission to the program was suspended in 2018. Since 2012, the program has struggled to enroll students in sufficient number to meet the required State Council of Higher Education for Virginia (SCHEV) productivity and viability standards. In fall 2018, faculty and administration agreed unanimously to discontinue the degree program.

Rationale for Intent to Discontinue

The Post-Baccalaureate Certificate (PBC) in Autism Spectrum Disorder did not lead to a licensure/endorsement area, but with a rapid rise in numbers of students identified on the Autism spectrum, this certificate was popular when it began. However, through grant-funding to the Autism Center for Excellence, a VCU School of Education Center, free online modules were created that were available for the general public to complete. The modules covered the same content that the courses of the certificate did, and used the same Autism Center for Excellence staff who taught the courses in the certificate program. Because of the availability of the free online modules, enrollment rapidly began to decline in the certificate program with no student enrollment since 2017. Enrollment and graduation data indicates that the degree program will not meet SCHEV's productivity and viability standards when reviewed during the next review cycle. Discontinuing the degree program at this time will remove the program from VCU's degree program inventory.

Critical Shortage Area

The Post-Baccalaureate Certificate (PBC) program in Autism Spectrum Disorder is not in a critical shortage area.

Teach-Out Plan

There are currently no students enrolled in Post-Baccalaureate Certificate (PBC) in Autism Spectrum Disorder program. No teach-out plan is needed.

Stopped Out Students

There are no stopped out students in the Post-Baccalaureate Certificate (PBC) in Autism Spectrum Disorder program.

Virginia Commonwealth University Proposed Program Brief

Proposal

The VCU School of Education seeks approval to create a nine-credit Baccalaureate Certificate in Disability Studies.

Overview

The proposed Baccalaureate Certificate in Disability Studies is designed to prepare undergraduate students for a complex, global world comprising an increasingly diverse society that includes individuals with disabilities. The focus of the certificate program is on engaging students in interdisciplinary experiences to help them understand contemporary disability issues, research, and practices within a social, political, cultural, and historical context.

Method of Delivery

The certificate will be offered in traditional classroom and online formats. The university has adequate classroom and lab space. The university utilizes Blackboard to deliver content and Zoom Desktop Conferencing for face-to-face discussions and presentations. The university has sufficient resources to deliver this certificate program.

Target Implementation Date

Fall 2020

External Competition

Not applicable.

Target Population

The target audience is undergraduate students from a broad range of disciplines across Virginia Commonwealth University, particularly in those areas in which students do not typically engage in content or experiences with individuals with disabilities. We anticipate recruiting students majoring in the arts, business, engineering, humanities and sciences, as well as social work, and education

Impact on Existing Programs/Policies

No existing program will be impacted by the creation of the Baccalaureate Certificate in Disability Studies.

Impact on Faculty

Faculty teaching within the certificate program will be drawn from existing full-time and adjunct faculty; no new faculty hires will be necessary. No more than two adjunct faculty will be employed within a given academic year.

Funding

Resources required to support the certificate program are met by existing resources to support current programs. These include student support services (e.g., advising, information technology, help desk, and library), faculty support services (e.g., copying), and general administration (budgeting, forecasting, and enrollment management).

Benefit to the university

Virginia Commonwealth University has a strong commitment to diversity, equity and inclusion as described in its strategic plan. VCU's School of Education has a similar mission and strategic plan to address the needs of

Virginia’s urban school divisions and the surrounding communities. The Baccalaureate Certificate in Disability Studies aligns with VCU’s commitment to diversity that provides a climate of inclusion and a dedication to addressing disparities wherever they exist.

Next Steps

October 31, 2019	University Council on Academic Affairs and University Policy
November 7, 2019	University Council
November 18, 2019	President’s Cabinet
December 13, 2019	Board of Visitors
December 18, 2019	State Council of Higher Education for Virginia (SCHEV)

Name of Certificate: Baccalaureate Certificate in Disability Studies

CIP Code: 05.0210

Initiation Date: Fall 2020

Description of Certificate

The proposed Baccalaureate Certificate in Disability Studies is designed to prepare undergraduate students for a complex, global world comprising an increasingly diverse society that includes individuals with disabilities. The focus of the certificate program is on engaging students in interdisciplinary experiences to help them understand contemporary disability issues, research, and practices within a social, political, cultural, and historical context.

Students who complete the Baccalaureate Certificate in Disability Studies will be well equipped to meet the skills and competencies that many employers seek, including community-based and governmental agencies. As individuals with disabilities enter the workforce in increasing numbers, able-bodied employees who leave college having gained first-hand knowledge of and experience with disabled individuals will be in an excellent position to understand the needs of individuals with disabilities and to interact with them in a broad range of employment settings. The proposed program will emphasize both oral and written communication to improve students' practice in those vital skills prior to entering the workplace.

Target Audience

The target audience is undergraduate students from a broad range of disciplines across Virginia Commonwealth University, particularly in those areas in which students do not typically engage in content or experiences with individuals with disabilities. We anticipate recruiting students majoring in the arts, business, engineering, humanities and sciences, as well as social work, and education.

Time to Complete

It is anticipated that the majority of students will be enrolled on a full-time basis. Degree-seeking students can take courses any time during the program. It is anticipated that students who are enrolled fulltime can complete the program in 2 years (3 consecutive semesters), with students enrolled in one of three required courses per semester. Students enrolled part-time, maintaining a course load of six credit hours per semester will complete the program in two years (3 consecutive semesters).

Admission

The following admission requirements will apply to all applicants:

- Successful completion of 30 credit hours;
- Have a GPA of 2.5 or better;
- Having a declared major;
- Submit a completed application and the application fee; and
- Submit a one-page essay that describes the student's interest in the program and discusses plans to apply the material to the plan of study.

International students must have the minimum TOEFL score that is required by their major.

Curriculum Requirements

The curriculum focuses on preparing students from a broad range of disciplines to understand issues faced by people with disabilities and their relationship to society. Students will complete coursework to develop specific knowledge related to cultural attitudes about disability and how attitudes influence policy. Students will gain an understanding of the legal and social contexts of disability law. The capstone seminar will allow each student to apply the content within the program in a unique manner to his or her major field of study.

Program Requirements

Number of Credit Hours

9 credit hours of undergraduate level courses

New courses are denoted with an asterisk.

Fall:	*IDDS 200 Disability History and Culture (3 credits)
Spring:	*IDDS 201 Disability, Diversity, and Human Rights (3 credits)
Summer/Fall:	*IDDS 300 Applications of Disability Studies (3 credits)

Faculty

Faculty members utilized in the certificate program include faculty from the Department of Counseling and Special Education and the Partnership for People with Disabilities. All faculty teaching in the certificate program will meet the following minimum requirements: 1) a doctoral or master's degree in a disability-related field (e.g., Special Education, Rehabilitation Counseling); 2) a minimum of five years of experience in their discipline; 3) college level teaching experience; and 4) significant life experience with individuals with disabilities.

Faculty teaching within the certificate program will be drawn from existing full-time and adjunct faculty; no new faculty hires will be necessary. No more than two adjunct faculty will be employed within a given academic year.

Course Delivery Format

This program is available in a hybrid format, which includes traditional classroom and online delivery. Traditional classroom time involves speakers with significant experience and expertise in disabilities. Online synchronous and asynchronous delivery will be used to teach some of the didactic content (e.g., disability history) and to enable students to view videos prior to attending class sessions where the videos will be discussed. Both physical space and software to facilitate class sessions are available and will be used. For online course delivery, the University uses Blackboard to deliver content and Zoom Videoconferencing for face-to-face discussions and presentations. Faculty assigned to teach in the certificate program have been trained in best practices for traditional instruction and online instruction by the VCU Academic Learning Transformation Laboratory. The University has sufficient resources to deliver this certificate program.

Resources

Resources required to support the program include existing resources to support current programs such as student support services (enrollment, help desk, and library), faculty support services (copying and contracts), and general administration (budgeting and forecasting). The certificate program will not have a program director. Existing faculty will teach certificate courses. No new positions will be created to initiate the certificate. The University has adequate resources to offer and sustain this certificate program.

Gainful Employment

The certificate is not a Gainful Employment program. The certificate will not come under Gainful Employment regulations.

Course Descriptions

New courses are denoted with an asterisk.

***IDDS 200 Disability History and Culture**

Semester course; 3 lecture hours. 3 credits. Provides an interdisciplinary exploration of disability, within American society and internationally, throughout history. Examines how disability studies, as a field of study, views disability as a social, political, historical, and cultural phenomenon. The class examines cultural attitudes about disability and how they influence policies that are designed to address disability.

***IDDS 201 Disability, Diversity, and Human Rights**

Semester course; 3 lecture hours. 3 credits. An exploration of diverse populations and the variety of ways in which people learn and identify themselves, and how they interact with and connect with the world at large. Includes intersections between disability rights and human rights by examining legal and social contexts of disability law in the United States and globally.

***IDDS 300 Application of Disability Studies**

Semester course; 3 seminar hours. 3 credits. This course provides students the opportunity to apply material from previous courses in Disability Studies to their own disciplinary major. Students will engage with faculty and community professionals in a seminar format and will intensively research a specific topic and complete a project relevant to their disciplinary field.

Virginia Commonwealth University

Proposed Program Brief

Proposal

The Virginia Commonwealth University School of Education requests approval to change the name of the proposed Doctor of Philosophy (Ph.D.) in Special Education and Disability Policy to the Doctor of Philosophy (Ph.D.) in Special Education.

Overview

The proposal requesting permission to initiate the proposed Ph.D. in Special Education and Disability policy was approved by the Board of Visitors on May 11, 2018. The proposal was submitted to the State Council of Higher Education for Virginia (SCHEV) on May 14, 2018. Per SCHEV policy, proposed degree programs at the doctoral level are required to have a site visit by at least two qualified external reviewers and one SCHEV staff member. The site visit for the Ph.D. in Special Education and Disability Policy occurred on April 17, 2019. The written report from the external reviewers indicated there was lack of equity in the courses and the required experiences for the two focus areas (i.e., special education, disability policy). To rectify the inequity, the School of Education requests approval to change the name of the proposed degree program to reflect the single focus in special education.

Method of Delivery

This program will be delivered in the traditional face-to-face format.

Target Implementation Date

Fall 2020

Demand and Workforce Development

The need for doctoral level special education leadership personnel prepared to assume faculty positions preparing special educators and early intervention personnel has been fully documented and shows no signs of abating (Robb, Smith, & Montrosse, 2012) even while the number of special education doctoral granting programs have increased over the past decade. Robb, et al. (2012) document that the acute shortage of special education faculty remains and is expected to increase sharply over the next several years due to (1) the continued need to maintain capacity within special education teacher training programs, and (2) retirements and attrition among current faculty members in special education departments across the nation.

National employment predictions for 2016 to 2026 show a 10% increase in the need for postsecondary education teachers. Virginia data also makes a strong case for the need for faculty at state universities as well as the need to prepare the next generation of special educators to meet the needs of children and youth with disabilities from birth through age 21. According to the Virginia Employment Commission¹, job opportunities for teachers in post-secondary education are projected to increase 11.31% from 2016 to 2026. Although these projections do not address individual disciplines, statewide shortages of special education teachers and continued emphasis on special education statewide suggest that faculty in special education will be in high demand. Special Education is ranked as one shortage area in the Commonwealth of Virginia (Virginia Department of Education, 2018), which mirrored the data from over the past ten years.

Target Population

Successful applicants have a master's degree in special education or a related field, with experience working with infants, children, youth, or adults with disabilities as special education teachers, administrators, policy analysts, community nonprofit staff, vocational rehabilitation counselors, and/or therapeutic support personnel.

Duplication

¹ <https://virginiaworks.com/occupational-projections>, Long and Short-Term Occupational Projections.

There are no other doctoral programs in special education at public institutions in the Commonwealth of Virginia.

Impact on Faculty

Existing faculty will be involved in the implementation of the Ph.D. program, including advising students and serving on advisory committees.

Funding

The proposed program was offered as a concentration in the Ph.D. in Education program. There is no need for additional resources until 2022. There will be some need to redirect current resources in 2022, and the goal is to secure external funding to support doctoral students and additional program improvements.

Next Steps

October 31	University Council Committee on Academic Affairs and University Policies
November 7	University Council
November 18	President's Cabinet
December 13	Board of Visitors

Additional Resources

The full proposal is attached.

Full proposal can be found in Academic and Health Affairs Committee material.

Proposed Intent to Discontinue

Virginia Commonwealth University (VCU) requests to approval to discontinue the Post-Baccalaureate Certificate (PBC) in College Student Development and Counseling program (CIP code: 13.1102). The program is located in the School of Education.

Background

VCU has offered the Post-Baccalaureate Certificate (PBC) in College Student Development and Counseling program since fall 2008 in the School of Education. Since its inception, the program has struggled to enroll students in sufficient number to meet the required State Council of Higher Education for Virginia (SCHEV) productivity and viability standards. In spring 2013, faculty in the program made a unanimous decision to permanently suspend admission into the program due to lack of enrollment. In the fall of 2019, closure of the program was approved by the School of Education.

Rationale for Intent to Discontinue

Enrollment in the Post-Baccalaureate Certificate (PBC) in College Student Development and Counseling program never exceeded a total of four students. There is evidence to conclude that the certificate was not a desirable program for prospective students to seek as it is possible to obtain employment in student affairs without a post-baccalaureate certificate. Enrollment and graduation data indicates that the degree program will not meet SCHEV's productivity and viability standards when reviewed during the next review cycle. Discontinuing the degree program at this time will remove the program from VCU's degree program inventory.

Critical Shortage Area

The Post-Baccalaureate Certificate (PBC) in College Student Development and Counseling is not in a critical shortage area.

Teach-Out Plan

There are currently no students enrolled in the Post-Baccalaureate Certificate (PBC) in College Student Development and Counseling program. No teach-out plan is needed.

Stopped Out Students

There are no stopped out students in the Post-Baccalaureate Certificate (PBC) in College Student Development and Counseling program.

Virginia Commonwealth University Proposed Organizational Change Brief

Proposal

VCU Life Sciences requests permission to change the name of the Center for the Study of Biological Complexity to the Center for Biological Data Science.

Overview

The Center for the Study of Biological Complexity was initially established as research entity within VCU Life Sciences in 2001. A few years later the Center became an academic unit when undergraduate and masters programs in Bioinformatics were initiated within the Center. In the last year (2018-2019), a national search hired a new Director for the Center. With this new leadership and vision in the Center, it has become clear that the focus of the Center has drifted from its original mission, and that the current name fails to capture the present state of its research and training. In addition, as the field of bioinformatics research quickly evolves, the initial focus and name of the Center from almost 20 years ago is now non-competitive with similar and aspirational units nationally and internationally conducting similar research. A “rebranding” is required to appropriately recruit faculty and students, as well as funding.

In 2018, feedback was solicited from a range of stakeholders including faculty, staff, and students within VCU Life Sciences, as well as from administrators at the various colleges and schools within VCU. There was unanimous agreement among all stakeholders in support of a name change for the Center.

Method of Delivery

The proposed name change will not alter the method of delivery for degree programs that are housed in the Center, including the Bachelor of Science (B.S.) in Bioinformatics, the Master of Science (M.S.) in Bioinformatics, and the Professional Master of Science (P.M.S.) in Bioinformatics).

Target Implementation Date

Summer 2020

Demand and Workforce Development

Not applicable.

External Competition

Not applicable.

Target Population

Not applicable.

Impact on Existing Programs/Policies

There is no impact on existing programs and policies. The Center has previously operated under the VCU Life Sciences academic policies and will continue to do so.

Impact on Faculty

There is no impact on faculty.

Funding

The proposed name change will have no impact on university resources. No additional expenses are required to implement the name change. Center administration, administrative support, faculty, and space will not be changed by the proposed name change.

Benefit to the University

Renaming the Center for the Study of Biological Complexity to the Center for Biological Data Science will accurately reflect its focus, activities, and goals. The proposed name change will provide a more inclusive description of the Center's overall activities and programs and the stakeholders served. The proposed name is unique and forward looking. There does not appear to be another Center for Biological Data Science currently in existence. Furthermore, the proposed name change would put VCU and the Center in a position for competition with other similar-fashioned research units for funding. The proposed name change is also an important step towards recruiting undergraduate and graduate students to the university.

Next Steps

September 26, 2019	University Council on Academic Affairs and University Policy
October 4, 2019	University Council
October 14, 2019	President's Cabinet
December 13, 2019	Board of Visitors
December 18, 2019	State Council of Higher Education for Virginia (SCHEV)

Full proposal can be found in Academic and Health Affairs Committee material.

Proposed Intent to Discontinue

Virginia Commonwealth University (VCU) requests approval to discontinue the Master of Bioinformatics (MBIN) degree program (CIP code: 26.1103). The program is located in VCU Life Sciences.

Background

VCU has offered the Master of Bioinformatics (MBIN, non-thesis) degree program since 2004 in VCU Life Sciences, concurrent with a Master of Science (MS BNFO, thesis-oriented) in Bioinformatics degree program. This discontinuation is only for the Master of Bioinformatics degree program. Since 2015 the MBIN degree program has struggled to enroll students in sufficient number to meet the required State Council of Higher Education for Virginia productivity and viability standards.

In fall 2015, VCU Life Sciences faculty discussed the curriculum requirements to determine whether changes would help attract students to the program. At that time, faculty and administration agreed unanimously to discontinue the MBIN degree program and to integrate components of the curriculum into the Master of Science in Bioinformatics program. In fall 2015, admission to the MBIN program was suspended.

Rationale for Intent to Discontinue

Enrollment in the Master of Bioinformatics (MBIN) degree program has steadily decreased. There is evidence to conclude that the program is not a desirable area of interest for students at VCU. The MBIN program has not received any applications since 2015. Enrollment and graduation data indicate that the degree program will not meet SCHEV's productivity and viability standards when reviewed during the review cycle. Discontinuing the degree program at this time will remove the program from VCU's degree program inventory.

Critical Shortage Area

The Master of Bioinformatics (MBIN) degree is not in a critical shortage area.

Teach-Out Plan

There are currently no students enrolled in the Master of Bioinformatics (MBIN) degree program. No teach-out plan is needed.

Stopped Out Students

Per the Office of Records and Registration, there are no stopped out students in the Master of Bioinformatics (MBIN) degree program.

Virginia Commonwealth University

Proposed Organizational Change

Proposal

The College of Health Professions requests permission to change the name of the Department of Radiation Sciences to the Department of Radiologic Sciences.

Overview

The purpose of the proposed organizational change is to change the name of the department to accurately reflect its focus, activities, and goals. The Department of Radiation Sciences administers the Bachelor of Science in Radiation Sciences with concentrations in radiography, nuclear medicine technology, radiation therapy, and diagnostic medical sonography.

During the 2016-2017 academic year, the administrative leadership recognized the need for the department name to accurately reflect the breadth of academic programs offered within the medical imaging and therapeutics professions. The departmental name of “Department of Radiation Sciences” no longer reflects the true nature of the department’s current responsibilities and expertise. On several occasions, faculty and administrators have discussed in depth the department’s activities, mission, and the future direction of the department. Faculty and administrators agreed that given its contribution to the college and the university, it is critical that an academic unit of such importance have a name that accurately reflects its activities and mission. In the spring 2018, feedback was solicited from a range of stakeholders including faculty, staff, and students, and all groups support the name change. The faculty vote of yes for the department name change was unanimous.

Method of Delivery

Not applicable. The renamed department administers the Bachelor of Science in Radiation Sciences with concentrations in (1) Radiography, (2) Nuclear Medicine, (3) Radiation Therapy, and (4) Diagnostic Medical Sonography.

Target Implementation Date

Immediate.

Demand and Workforce Development

Not applicable.

External Competition

Not applicable.

Target Population

Not applicable.

Impact on Existing Programs/Policies

The request for the name change will not impacting existing programs and policies at Virginia Commonwealth University.

Impact on Faculty

The department is currently home to eight faculty members. The name change will not have an impact on faculty in the department.

Funding

This organizational move entails minimal expenses for business cards and department signage. Administrative support for the department already exists and no additional staff are required.

Benefit to the university

The proposed name change will provide a more accurate description of the department's mission, overall activities, and developing research focus. The proposed name is emerging nomenclature across the nation. The proposed name change will help the department align with similar departments at VCU peer institutions as identified by the State Council of Higher Education for Virginia (SCHEV) and facilitate student recruitment. The proposed name will also help with developing the department's reputation among other academic units nationwide with the similar goals and programming.

Next Steps

September 26, 2019	University Council's Committee on Academic Affairs and University Policy
October 3, 2019	University Council
October 14, 2019	President's Cabinet
December 13, 2019	Board of Visitors

Full proposal can be found in Academic and Health Affairs Committee material.

Virginia Commonwealth University Proposed Organizational Change

Proposal

The College of Health Professions requests permission to change the name of the Department of Clinical Laboratory Sciences to the Department of Medical Laboratory Sciences.

Overview

The purpose of the proposed organizational change is to change the name of the department to accurately reflect the current nomenclature used for the credentials of a certified medical laboratory scientist and reduce the confusion related to various names used for these professionals. The proposed name change will not impact curricular offerings in the department.

During the 2017-2018 academic year, the administrative leadership recognized the need to change the name of the department to reflect the current nomenclature in the field of medical laboratory science. On several occasions, faculty and administrators have discussed in depth the future direction of the department. In the spring 2018, feedback was solicited from a range of stakeholders including faculty, staff, and students, and all groups support the name change. The faculty vote of yes for the department name change was unanimous.

Method of Delivery

Not applicable. The department administers the Bachelor of Science Clinical Laboratory Sciences and the Master of Science in Clinical Laboratory Sciences.

Target Implementation Date

Immediate.

Demand and Workforce Development

Not applicable.

External Competition

Not applicable.

Target Population

Not applicable.

Impact on Existing Programs/Policies

The request for the name change will not impacting existing programs and policies at Virginia Commonwealth University.

Impact on Faculty

The department is currently home to six faculty members. The name change will not have an impact on faculty in the department.

Funding

This organizational move entails minimal expenses for business cards and department signage. Administrative support for the department already exists and no additional staff are required.

Benefit to the university

The proposed name change will provide a more accurate description of the current nomenclature used for the credentials of a certified medical laboratory scientist and reduce the confusion related to various names used for

these professionals. The proposed name will also help with developing the department's reputation among other academic units nationwide with the similar goals and programming.

Next Steps

October 31, 2019	University Council's Committee on Academic Affairs and University Policy
November 7, 2019	University Council
November 18, 2019	President's Cabinet
December 13, 2019	Board of Visitors

Full proposal can be found in Academic and Health Affairs Committee material.

Virginia Commonwealth University

Proposed Program Brief

Proposal

The VCU School of Nursing and the VCU da Vinci Center seek approval to create a 12-credit Graduate Certificate in Health Care Innovation.

Overview

The purpose and focus of the proposed graduate certificate program is to prepare students to become leaders in developing products and innovative solutions in the area of health care. Students will acquire skills and knowledge necessary to identify problems and implement solutions that foster high quality, safe and accessible health care. Graduates of this program will have specialized skills and knowledge to lead innovation health care teams. The desired initiation date is fall 2020. The certificate program will utilize established graduate online courses from the School of Nursing Master of Science with a concentration in Nursing Leadership and Organizational Science, and established classroom based courses at the da Vinci Center of Innovation Masters of Product Innovation program.

This certificate program targets healthcare professionals and individuals outside of healthcare fields who have innovative ideas for health care product development and solutions. This certificate program will provide students working in healthcare institutions and industry with the knowledge and experiences for developing and implementing new products and solutions to meet the challenges of today's healthcare environment. The Graduate Certificate in Health Care Innovation will hone skills in leadership and creativity, and the knowledge necessary to promote and develop innovative products and implement solutions that foster high quality, safe and accessible healthcare. Specifically, graduates will attain specialized skills and knowledge needed for leading innovation teams in problem identification, product development, creative design and research, stakeholder analysis, prototype testing, marketing and commercialization.

Method of Delivery

The certificate will be offered in traditional classroom and online formats. The university has adequate classroom and lab space. The university utilizes Blackboard to deliver content and Zoom Desktop Conferencing for face-to-face discussions and presentations. The university has sufficient resources to deliver this certificate program.

Target Implementation Date

Fall 2020

Demand and Workforce Development

The need for innovative solutions to healthcare rising costs, inconsistent care, and suboptimal health outcomes nationally is real. According to the statistics provided by the Centers for Medicare and Medicaid Services, national health spending is projected to grow at an average rate of 5.5 percent per year for 2017-26 and to reach \$5.7 trillion by 2026. While the U.S. has seen improvements in several health outcomes in recent years, it still lags behind other comparable countries on several measures including higher rates of overall mortality, premature death, and preventable death amenable to healthcare. According to the U.S Department of Labor Bureau of Labor Statistics, healthcare workers are projected to be among the fastest growing occupational groups during the 2016-2026 projections and are predicted to contribute to about one-fifth of all new jobs by 2026 to meet the demands of the aging population, longer life expectancies, and growing rates of chronic conditions that will drive the demand for healthcare services. Locally, the healthcare and social assistance industries in Virginia are projected to employ 97,087 by 2024. It is imperative that frontline healthcare providers have knowledge and skills to design and implement innovative solutions to address the challenges of healthcare today and in the future.

As recently as 2010, Governor McDonnell appointed community leaders to the Virginia Health Reform Initiative (VHRI) Advisory Council. This effort has since been renamed as the Virginia Health Innovation Network, illustrating the growing impetus and continued focus on healthcare innovation in our state. As such, there is a need for supplemental specialized education surrounding the development and implementation of innovative solutions to healthcare rising costs and improving quality and access to care. This program puts VCU at the forefront of meeting this unmet educational need in the state of Virginia.

External Competition

Not applicable.

Target Population

The target population for the proposed program are health care professionals, individuals working within the health care arena, or individuals in the product development arena who want to enter the health care product space.

Impact on Existing Programs and Policies

No existing program will be impacted by the creation of the Graduate Certificate in Health Care Innovation.

Impact on Faculty

Faculty appointments in the certificate program are established by recommendation of the Associate Dean of Academic Affairs in the School of Nursing for the NURS courses and the Executive Director of the da Vinci Center for Innovation for the INNO courses. All faculty hold graduate degrees in their respective fields, i.e., nursing leadership, business, arts, product development and entrepreneurship. No adjunct faculty will be employed.

Funding

Resources required to support the certificate program are met by existing resources to support current programs. These include student support services (e.g., advising, information technology, help desk, and library), faculty support services (e.g., copying), and general administration (budgeting, forecasting, and enrollment management). Full-time faculty in the School of Nursing and the da Vinci Center will be the primary instructors in the proposed graduate certificate program. No new positions will be created to initiate and sustain this graduate certificate program. No new resources are needed to offer this program. The university has adequate resources to offer and sustain this graduate certificate program.

Benefit to the University

The Graduate Certificate in Health Care Innovation aligns with the VCU's initiative to support development of new innovations in health care and will provide students with knowledge skills to create innovative solutions to real world problems in health care.

Next Steps

September 26, 2019	University Council on Academic Affairs and University Policy
October 4, 2019	University Council
October 14, 2019	President's Cabinet
December 13, 2019	Board of Visitors
December 18, 2019	State Council of Higher Education for Virginia (SCHEV)

Full proposal can be found in Academic and Health Affairs Committee material.

Virginia Commonwealth University

Proposed Program Brief

Proposal

The VCU C. Kenneth and Dianne Wright Center for Clinical and Translational Research requests approval to create a Post-Baccalaureate Certificate in Clinical Research.

Overview

The purpose of the proposed Post-baccalaureate Certificate in Clinical Research is to train students to conduct high quality clinical research in an ethical and responsible manner. Graduates will possess the basic knowledge and skills necessary to conduct ethical clinical research applying Good Clinical Practice guidelines, applicable federal regulations, and sound clinical research study design. Completion of the certificate will prepare graduates for employment within the clinical research professional ecosystem or advance their career as a clinical research professional (e.g., Clinical Scientist, Clinical Research Coordinator, Clinical Research Nurse, Clinical Research Regulatory Affairs/Quality Assurance Specialist). Graduates will also be well positioned to obtain professional organization certification as a clinical research professional (e.g., Society of Clinical Research Associates, Association of Clinical Research Professionals).

Method of Delivery

All required courses for the certificate program will be conducted in a traditional, face-to-face classroom setting with the exception of two elective course offerings (EPID 580 and HADE 646) which are offered in a blended/hybrid format.

Target Implementation Date

Fall 2020

External Competition

None

Target Population

The certificate is intended for individuals with a health-related bachelor's degree and health related work experience who aspire to gain entry into the clinical research professional field and for those seeking additional education to facilitate career progression or movement into a different area within clinical research.

Impact on Existing Programs/Policies

None

Impact on Faculty

Existing faculty will teach certificate courses. Faculty members teaching in the post-baccalaureate certificate program will come from the Department of World Studies, the Wright Center for Clinical and Translational Research, the Office of Research and Innovation, and the Department of Biostatistics. No new positions will be created to initiate the certificate program.

Funding

The VCU C. Kenneth and Dianne Wright Center for Clinical and Translational Research has the resources to initiate and sustain the certificate program.

Next Steps

October 31
November 7

University Council Committee on Academic Affairs and University Policies
University Council

November 18	President's Cabinet
December 10	Board of Visitors

Full Proposal

The full proposal is attached.

Full proposal can be found in Academic and Health Affairs Committee material.

Approval to Issue a Request for Proposals Professional Architectural/Engineering Term Contracts

Background

Facilities Management routinely retains the services of architectural/engineering firms on five-year term contracts to provide professional services for construction and renovation projects, feasibility studies and planning initiatives.

The university will publicly advertise a Request for Proposals seeking qualified firms to start the new contract year in April 2020.

Considerations

This is a request for approval to advertise for architectural/engineering term contracts under the provisions of VCU's management agreement as part of the Restructuring Act. VCU limits spending with each firm to \$1M per year. Each firm has a one-year contract with four renewal options. Currently, 15 firms are included in the university's term contract.

Recommendation

Approve the competitive solicitation to establish a professional architectural/engineering services term contract with multiple firms.

Approval of Project Plans

Sanger Hall 9 Surgery Innovation Suite

Background

VCU seeks approval of project plans to modernize outdated and inefficient 8,100 GSF in Sanger Hall to accommodate VCU School of Medicine's Surgery Innovation Suite. This project was originally approved by the Board of Visitors in May 2017 as part of the 2018-2024 Six Year Capital Plan. The project will provide two large and one small state-of-the-art surgery suites, ICU/recovery room, clinical chemistry/hematology room, locker room and scrub area, and instrument cleaning and sterile storage space. The existing wet laboratories will be renovated to accommodate state-of-the-art wet labs, a reanimation lab, a procedure lab, and a cell culture room.

Funding

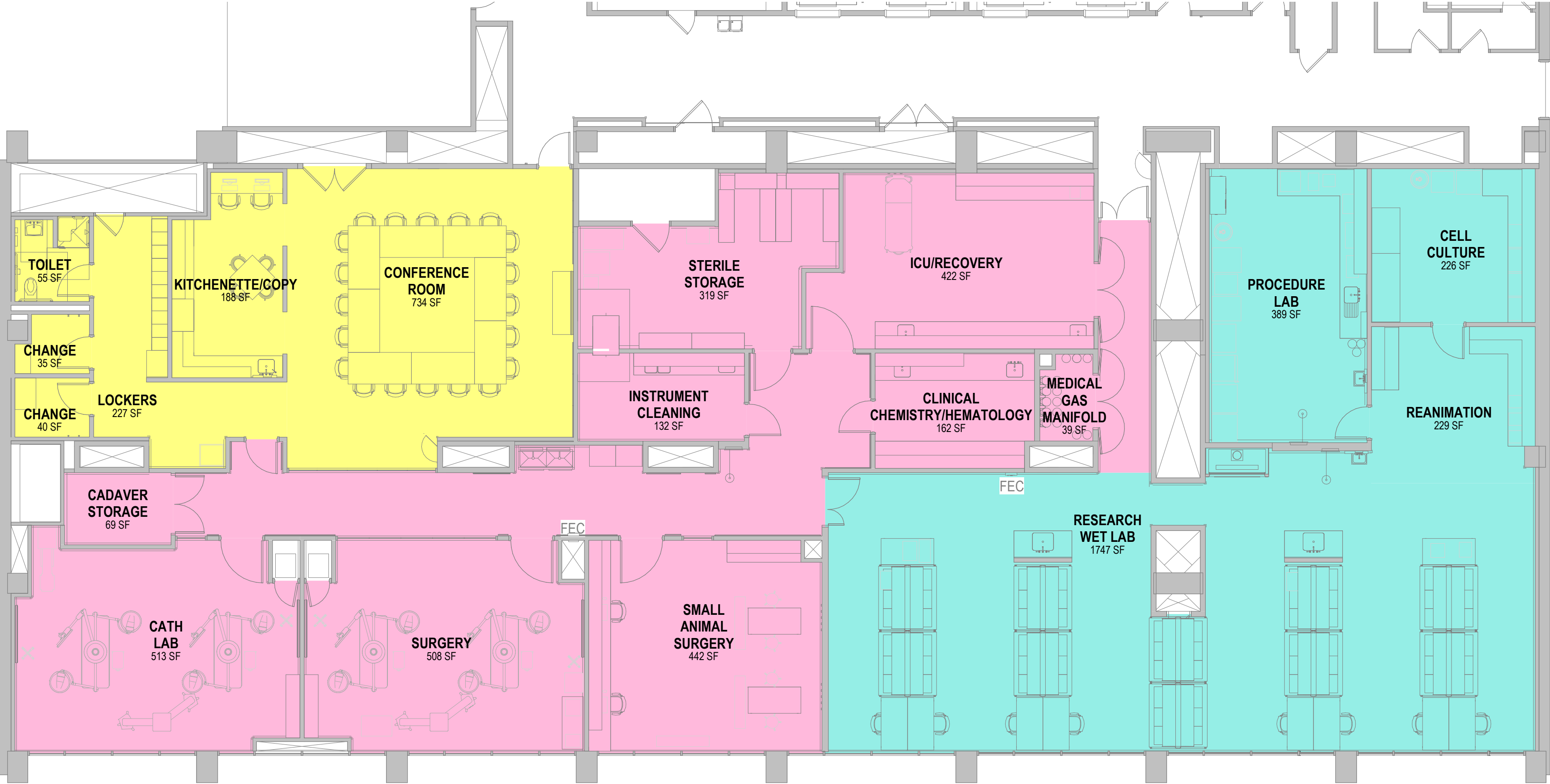
The cost of the Sanger Hall 9 Surgery Innovation Suite renovation is \$6,187,800 and will be 100% funded from School of Medicine private donor funds.

Recommendation

Approve project plans for the Sanger Hall 9 Surgery Innovation Suite.

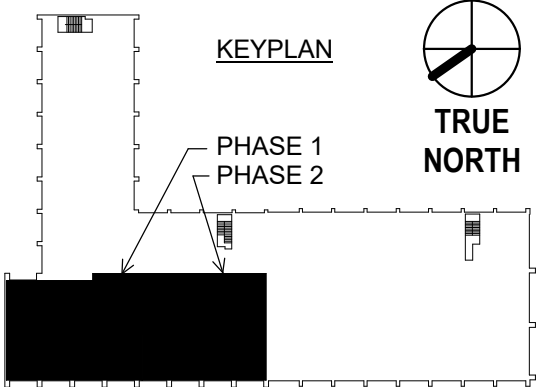
Approval of Project Plans

Sanger Hall 9 Surgery Suite



Department Legend

- CONFERENCE ROOM AND COMMON AREA
- RESEARCH LAB
- SURGERY



Approval of Public-Private Education and Infrastructure Act (PPEA) Guidelines

Background

Virginia's Public-Private Education and Infrastructure Act of 2002 (PPEA) enables public bodies to partner with private entities to bring private sector expertise to bear on public projects and encourage innovative approaches to financing construction and renovation. Qualifying projects include public buildings and facilities of all types and certain infrastructure and services.

VCU wishes to explore potential public-private partnerships (P3) under PPEA. VCU guidelines for PPEA provide a flexible framework for soliciting proposals and allow VCU to receive unsolicited proposals for potential P3 projects. Under PPEA guidelines, VCU may also lease large sections of P3 projects, which is restricted under current procurement guidelines for P3 projects. The ability to lease large sections of completed P3 projects may have significant cost benefits for VCU and therefore should be considered.

Considerations

VCU's PPEA guidelines are VCU-specific and written to align with Virginia's PPEA guidelines.

Recommendation

Approve VCU's Public-Private Education and Infrastructure Act (PPEA) Guidelines.

**RESOLUTION OF THE BOARD OF VISITORS OF
VIRGINIA COMMONWEALTH UNIVERSITY**

**AUTHORIZATION AND APPROVAL OF PUBLIC-PRIVATE EDUCATION
FACILITIES AND INFRASTRUCTURE ACT GUIDELINES**

WHEREAS, Chapter 6.1, Title 23 of the Code of Virginia of 1950, as amended (the "Virginia Code") establishes a public corporation under the name and style of Virginia Commonwealth University (the "University") which is governed by a Board of Visitors (the "Board") vested with the supervision, management and control of the University;

WHEREAS, Title 23 of the Virginia Code classifies the University as an educational institution of the Commonwealth of Virginia;

WHEREAS, the University intends to explore the possibility of developing property in the near future and potentially engage in other future projects under the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA);

WHEREAS, Virginia Code § 56-575.3:1(A) provides, "[a] responsible public entity shall, prior to requesting or considering a proposal for a qualifying project, adopt and make publicly available guidelines that are sufficient to enable the responsible public entity to comply with [the Act]. Such guidelines shall be reasonable, encourage competition, and guide the selection of projects under the purview of the responsible public entity."

WHEREAS, the administration is proposing the adoption of the attached Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act of 2002;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF VISITORS OF
VIRGINIA COMMONWEALTH UNIVERSITY:**

1. The Board hereby approves the Guidelines for Projects under the Public-Private Education Facilities and Infrastructure Act of 2002 [in substantially the same form as attached hereto].

2. The Board authorizes the President of the University, or his designee, on behalf of the University, to pursue and implement projects under the PPEA according to applicable law and university policy.

3. This Resolution shall take effect immediately upon its adoption.

Virginia Commonwealth University

Guidelines for Projects under the Public- Private Education Facilities and Infrastructure Act of 2002

(PPEA)

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I. Introduction

A. Overview

The Public-Private Education Facilities and Infrastructure Act of 2002 (the “PPEA”) grants responsible public entities the authority to create public-private partnerships for the development of a wide range of projects for public use if the public entities determine there is a need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion. Projects under the PPEA will bring private funding and may bring private sector expertise and efficiencies to the development and/or operation of Qualifying projects. The PPEA defines “responsible public entity” (RPE) to include any public entity that “has the power to develop or operate the applicable qualifying project.” Individually negotiated interim or comprehensive agreements between a private entity and an RPE will define the respective rights and obligations of the RPE and the private entity. For the purposes of the PPEA, the Commonwealth of Virginia, its agencies and institutions taken together, including Virginia Commonwealth University (the “University”), are deemed a “responsible public entity” (“RPE”) that has the power to develop or operate the applicable qualifying project.

In order for a project to come under the PPEA, it must meet the definition of a “qualifying project.” The PPEA contains a broad definition of qualifying project that includes public buildings and facilities of all types; qualifying projects include one or more of the following:

1. An education facility, including but not limited to a school building (including any stadium or other facility primarily used for school events), any functionally related and subordinate facility and land to a school building and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;
2. A building or facility that meets a public purpose and is developed or operated by or for any public entity;
3. Improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;
4. Utility and telecommunications and other communications infrastructure;
5. A recreational facility;
6. Technology infrastructure and services, including but not limited to telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services;
7. Technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas;
8. Services designed to increase the productivity or efficiency through the use of technology or other means;

9. Any improvements necessary or desirable to any unimproved locally- or state- owned real estate; or
10. A solid waste management facility that produces electric energy from solid waste.

The PPEA establishes requirements that the RPE must follow when reviewing and approving proposals received pursuant to the PPEA. In addition, the PPEA specifies the criteria that must be used to select a proposal and the contents of the interim or comprehensive agreement detailing the relationship between the RPE and the private entity.

Because the PPEA is intended to encourage innovative partnerships between responsible public entities and private entities, the University is able to maintain an open dialogue with private entities to discuss the need for infrastructure improvements.

Although guidance with regard to the application of the PPEA is provided in this document, it is incumbent upon all entities, both public and private, to comply with the provisions of the PPEA and other applicable laws. In the event that the applicable law is amended in a manner that conflicts with these guidelines, then these guidelines shall be interpreted in a manner to conform to the law. The President or his designee may amend these guidelines from time to time consistent with applicable law.

B. Guidelines for the review and approval of proposals and projects

RPEs are required to adopt and make publicly available guidelines that are sufficient to enable the public entity to comply with the requirements of the PPEA. Accordingly, these guidelines have been adopted by the Virginia Commonwealth University Board of Visitors and are available upon request. The University will follow these guidelines in the review and acceptance of proposals.

These guidelines are prepared and made available publicly, upon request, to encourage joint efforts between the University and private entities, to stimulate competition in the private sector and make clear the University's PPEA compliance.

II. General Provisions

A. Proposal Submission

A proposal to provide a qualifying project may either be solicited by the University or delivered to the University by a private entity on an unsolicited basis. In either case, any such proposal shall be clearly identified as a "PPEA Proposal." The requirements for any particular solicited proposal shall be as specified in the solicitation document published by the University for that proposal. Any unsolicited proposal shall be submitted to the University by delivering hard and electronic copies (additional copies may be requested by the University), together with any required review fees, to the Associate Director of Procurement, 912 West Grace Street, 5th Floor Richmond, VA 23284.

Whether the private entity submits a solicited proposal or unsolicited proposal, the proposal will follow a two-part process consisting of an initial conceptual phase and a detailed phase. The initial phase should contain information regarding the proposer's qualifications and experience, project characteristics, project financing, anticipated public support or opposition, or both, and project benefit and compatibility. The detailed proposal should contain specified deliverables, namely, project benefits, scope of work and a financial plan that contains enough specificity so that the University may fairly evaluate the financial feasibility of the qualified project (see Section V below for the detailed information on Proposal Preparation and Submission). The cost analysis of a proposal should not be linked solely to the financing plan, as the University may determine to finance the project through other available means.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the University. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project.

B. Affected Jurisdictions

An Affected Jurisdiction is any county, city, or town in which all or a portion of a Qualifying Project is located (See Va.Code §56-575.1). It is important that Affected Jurisdictions are part of process and have input in potential Qualifying Projects. The private entity should consider the qualifying project's compatibility with any Affected Jurisdiction's comprehensive plan, local infrastructure development plans, the capital improvements budget, or other government spending plan.

Any private entity requesting approval from or submitting a conceptual or detailed proposal to the University must provide each Affected Jurisdiction with a copy of the private entity's request or proposal by certified mail, express delivery, or hand delivery. Affected Jurisdictions that are not RPEs under the proposed qualifying project shall have 60 days from the receipt of the request or proposal to submit written comments to the University and to indicate whether the proposed Qualifying Project is compatible with the (i) local comprehensive plan, (ii) local infrastructure development plans, or (iii) capital improvements budget or other government spending plan. Comments received within the 60-day period shall be given consideration by the University, and no negative inference shall be drawn from the absence of comment by an Affected Jurisdiction.

C. Proposal Review Fee for Unsolicited Proposals

The University may charge a fee to the private entity submitting an unsolicited proposal to cover the costs of processing, reviewing, and evaluating any unsolicited proposal or competing unsolicited proposal submitted under the PPEA, including but not limited to, University staff time, cost of materials or supplies expended, a fee to cover the costs of outside attorneys, consultants, and financial advisors. Any fee charged for such review of a proposal will be reasonable in comparison to the level of expertise required to review the proposal and will not be greater than the direct costs associated with evaluating the proposed qualifying project. "Direct costs" may include (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the out-of-pocket costs of attorneys, consultants, and financial advisors.

The proposal fee may cover all or part of the initial review process. The University may require a proposal fee in an amount sufficient to cover all anticipated direct costs associated with evaluating the proposal, or may require a smaller initial processing fee with an additional proposal fee to be charged should the project proceed beyond the initial review.

(i) *Initial fee*: Private Entities interested in submitting an Unsolicited Proposal are required to pay a, non-negotiable Proposal Review Fee at the time of submitting the Unsolicited Proposal to the University. The Proposal Review Fee is \$25,000.00 for all Unsolicited Proposals submitted with a total proposed and conceptual value of under \$50M. For Unsolicited Proposals submitted with a total proposed and conceptual value of \$50M and greater, the Proposal Review Fee will be \$50,000.00. The form and manner of the Proposal Review Fee payment submission shall be determined and specified by the RPE. Proposers submitting multiple Proposals for unrelated projects will be required to submit a Proposal Review Fee for each Unsolicited Proposal submission. Payment of an initial fee must accompany the submission of the Unsolicited Proposal to the University in order for the University to proceed with its review.

(ii) *Additional fees*. Additional fees shall be imposed on and paid by the private entity throughout the processing, review, and evaluation of the Unsolicited Proposal if and as the University reasonably anticipates incurring costs in excess of the initial fee paid by the private entity. The University will notify the private entity of the amount of such additional fees as and when it anticipates incurring such costs. Prompt payment of such additional fees is required before the University will continue to process, review, and evaluate the proposal.

(iii) *Reimbursement of excess fees paid*. In the event the total fees paid by the private entity exceed the University's total costs incurred in processing, reviewing, and evaluating the proposal, the University shall reimburse the difference. Otherwise, the University shall retain all fees paid.

D. Freedom of Information Act

Proposal documents submitted by private entities are generally subject to the Virginia Freedom of Information Act ("FOIA") except that subdivision 11 of Va. Code § 2.2-3705.6 exempts certain documents from public disclosure. FOIA exemptions, however, are discretionary, and the University may elect to release some or all of documents except to the extent the documents are:

1. Trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.);
2. Financial records of the private entity that are not generally available to the public through regulatory disclosure or otherwise, including but not limited to, balance sheets and financial statements; or
3. Other information submitted by a private entity, where if the record or document were made public prior to the execution of an interim or comprehensive agreement the financial interest or bargaining position of the public or private entity would be adversely affected.

In order to prevent the release of any confidential and proprietary information

that otherwise could be held in confidence pursuant to § 56-575.4(G) of the PPEA, the private entity submitting the information must do the following:

- (i) invoke the exclusion from FOIA in writing when the data or materials are submitted to the University or before such submission; and
- (ii) identify with specificity the data and materials for which protection from disclosure is sought; and
- (iii) state why the exclusion from disclosure is necessary.

A private entity may request and receive a determination from the University as to the Anticipated scope of protection prior to submitting the proposal. The University is authorized and obligated to protect only confidential, proprietary information, and thus will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the private entity without reasonably differentiating between the proprietary and nonproprietary information contained therein.

Upon receipt of a request from a private entity that designated portions of a proposal be protected from disclosure as confidential and proprietary, the University shall determine whether such protection is appropriate under applicable law and, if appropriate, the scope of such appropriate protection and shall communicate its determination to the private entity in writing.

Additionally, to the extent access to proposal documents submitted by private entities are compelled or protected from disclosure by a court order, the University must comply with the provisions of such order.

E. Use of Public Funds

Virginia constitutional and statutory requirements as they apply to appropriation and expenditure of public funds apply to any interim or comprehensive agreement entered into under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects.

Proposals should avoid the creation of state-supported debt; however, should a proposal include such debt, procedures to secure specific approval by the Governor, General Assembly, the Department of Planning and Budget, the Department of the Treasury, and any other appropriate entities must be included in the proposal. In addition, a clear and detailed alternative if such approval is not achieved must be provided.

F. Applicability of Other Laws

Nothing in the PPEA shall affect the duty of the University to comply with all other applicable law not in conflict with the PPEA.

III. Solicited Proposals

The University may issue Statements of Interest and Qualifications (SIQs) and then a Request for Proposals (RFPs) inviting proposals from private entities to develop or operate qualifying projects. The University may use a two-part proposal process consisting of an initial conceptual phase (Part one) and a detailed phase (Part two). An RFP may invite proposers to submit proposals on individual projects identified by the University. In such a case, the University will set forth in the RFP the format and supporting information that is required to be submitted, consistent with the provisions of the PPEA. The University may establish suggested timelines for the review and selection of solicited proposals.

The RPE may choose to issue the RFP documents in draft format to shortlisted proposers and hold proprietary one-on-one meetings to solicit feedback on the proposed draft RFP including a draft cost analysis. Once consideration has been given to the proposers feedback, the RPE will issue the final RFP documents to the short-listed proposers.

The RFP will specify the information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The RFP will be posted in such public areas as are normally used for posting of the University's notices. Notices will also be published as required by law. In addition, solicited proposals should be posted pursuant to Section IV.B. below.

IV. Unsolicited Proposals

The PPEA permits public entities to receive, evaluate and select for negotiations unsolicited proposals from private entities to develop or operate a qualifying project.

The University may publicize its needs and may encourage interested parties to submit unsolicited proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of an RFP, the proposal shall be treated as an unsolicited proposal.

The University shall be afforded sufficient time as it deems necessary for complete review and evaluation of all proposals submitted; proposals shall remain valid and not revised, other than by the stated procedure, during this period. However, the University may, at its sole discretion, discontinue its evaluation of any proposal at any time. Furthermore, if the University determines that it is in the University's interest to do so with respect to any Unsolicited Proposal, the University may eliminate review at the conceptual stage and proceed directly to a review at the detailed stage. All Unsolicited Proposals must comply with Section IV. A. Format for Submissions at Conceptual Stage.

A. Decision to Accept and Consider Unsolicited Proposal; Notice

1. Upon receipt of any unsolicited proposal or group of proposals and payment of any required fee by the proposer or proposers, the University should determine whether to accept the unsolicited proposal for the purpose of publication and conceptual-phase consideration. If the University determines not to accept the proposal and proceed to publication and conceptual-phase consideration, it will return the proposal, together with all fees and accompanying documentation, to the proposer.

2. If the University chooses to accept an unsolicited proposal for publication and conceptual-phase consideration, it shall post a notice on the Commonwealth's electronic procurement website, on the University's website and as otherwise required by law or deemed appropriate by the University. The notice shall state that the University (i) has received an unsolicited proposal under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate an interim or comprehensive agreement with the proposer based on the proposal, and (iv) will receive for simultaneous consideration any competing proposals that comply with the procedures adopted by the University and the PPEA.
3. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations.
4. To ensure that sufficient information is available upon which to base the development of a serious competing proposal, representatives of the University familiar with the unsolicited proposal and the guidelines established by the University shall be made available to respond to inquiries and meet with private entities that are considering the submission of a competing proposal. The University shall conduct an analysis of the information pertaining to the proposal included in the notice to ensure that such information sufficiently encourages competing proposals. Further, the University shall establish criteria, including key decision points and approvals to ensure proper consideration of competing proposals from other private entities prior to selection.

B. Posting Requirements

1. Conceptual proposals, whether solicited or unsolicited, shall be posted by the University within 10 working days after acceptance of such proposals in the following manner:
 - a. On the Department of General Service's web-based electronic procurement program commonly known as "eVA"
2. Nothing shall be construed to prohibit the posting of the conceptual proposals by additional means deemed appropriate by the University so as to provide maximum notice to the public of the opportunity to inspect the proposals.
3. In addition to the posting requirements, at least one copy of the proposals shall be made available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of FOIA, subdivision 11 of Va. Code §2.2-3705.6 shall not be posted, except as otherwise agreed to by the University and the private entity. Any inspection of procurement transaction records shall be

subject to reasonable restrictions to ensure the security and integrity of the records.

C. Initial Review by the University at the Conceptual Stage

1. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the University for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found below in Section V. A.
2. The University will determine at this initial stage of review whether it will proceed using:
 - a. Standard procurement procedures consistent with the Rules Governing Procurement of Goods, Services, Insurance and Construction by a Public Institution of Higher Education of the Commonwealth of Virginia and the Commonwealth of Virginia Procurement Manual for Institutions of Higher Education and their Vendors; or
 - b. Guidelines developed by the University that are consistent with procurement of other than professional services through “competitive negotiation” as the term is defined in the Rules Governing Procurement of Goods, Services, Insurance and Construction by a Public Institution of Higher Education of the Commonwealth of Virginia and the Commonwealth of Virginia Procurement Manual for Institutions of Higher Education and their Vendors. The University may proceed using such guidelines only if it makes a written determination that doing so is likely to be advantageous to the University and the public based upon either (i) the probable scope, complexity or priority of need; (ii) the risk sharing including guaranteed cost or completion guarantees, added value or debt, or equity investments proposed by the private entity; or (iii) the increase in funding, dedicated revenue or other economic benefit that would otherwise not be available.
 - c. After reviewing the original proposal and any competing proposals submitted during the notice period, the University may determine:
 - i. not to proceed further with any proposal;
 - ii. to proceed to the detailed phase of review with the original proposal;
 - iii. to proceed to the detailed phase with a competing proposal;
 - iv. to proceed to the detailed phase with multiple proposals; or
 - v. to request modifications or amendments to any proposals.
3. In the event that more than one proposal will be considered in the detailed

phase of review, the University will consider whether the unsuccessful proposer should be reimbursed for costs incurred in the detailed phase of review. Such reasonable costs may be assessed to the successful proposer in the comprehensive agreement.

4. Discussions between the University and private entities about the need for infrastructure improvements shall not limit the ability of the University to later determine to use standard procurement procedures to meet its infrastructure needs. The University retains the right to reject any proposal at any time prior to the execution of an interim or comprehensive agreement.

V. Proposal Preparation and Submission

A. Format for Submissions at Conceptual Stage

The University may require that proposals at the conceptual stage contain information in the following areas: (i) qualifications and experience, (ii) project characteristics, (iii) project financing, (iv) anticipated public support or opposition, or both, (v) project benefit and compatibility, and (vi) any additional information as the University may reasonably request to comply with the requirements of the PPEA. Suggestions for formatting information to be included in proposals at this stage include the items listed below, as well as any additional information or documents that the University may request:

1. Qualification and Experience

- a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.
- b. Describe the experience of the firm or consortium of firms making the proposal and the key principals involved in the proposed project including experience with projects of comparable size and complexity. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties, and a description of such guarantees and warranties.
- c. Provide the names, addresses, and telephone numbers of persons within the firm or consortium of firms who may be contacted for further information.
- d. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent or greater.

e. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to the Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2.

2. Project Characteristics

- a. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.
- b. Identify and fully describe any work to be performed by the University.
- c. Include a list of all federal, state, and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.
- d. Identify any anticipated adverse social, economic, and environmental impacts of the project. Specify the strategies or actions to mitigate known impacts of the project.
- e. Identify the projected positive social, economic, and environmental impact of the project.
- f. Identify the proposed schedule for the work on the project, including the estimated time for completion.
- g. Propose allocation of risk and liability for work completed beyond the agreement's completion date, and assurances for timely completion of the project.
- h. State assumptions related to ownership, legal liability, law enforcement, and operation of the project and the existence of any restrictions on the University's use of the project.
- i. Provide information relative to phased or partial openings of the proposed project prior to completion of the entire work.
- j. List any other assumptions relied on for the project to be successful.
- k. List any contingencies that must occur for the project to be successful.

3. Project Financing

- a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.
- b. Submit a plan for the development, financing, and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs. Include supporting due diligence studies, analyses, or reports.
- c. Include a list and discussion of assumptions underlying all major elements of the plan. Assumptions should include all significant fees associated with financing given the recommended financing approach. In addition complete disclosure of interest rate assumptions should be included. Any ongoing operational fees, if applicable, should also be disclosed as well as any assumptions with regard to increases in such fees.
- d. Identify the proposed risk factors and methods for dealing with these factors.
- e. Identify any local, state, or federal resources that the proposer contemplates requesting for the project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment. Such disclosure should include any direct or indirect guarantees or pledges of the University's credit or revenue.
- f. Identify the amounts and the terms and conditions for any revenue sources.
- g. Identify any aspect of the project that could disqualify the project from obtaining tax-exempt financing.

4. Project Benefit and Compatibility

- a. Identify who will benefit from the project, how they will benefit, and how the project will benefit the overall community, region, or state.
- b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.
- c. Explain the strategy and plans that will be carried out to involve and inform the general public, business community, and governmental

agencies in areas affected by the project.

- d. Describe the anticipated significant benefits to the community, region or state, including anticipated economic benefits to the University and whether the project is critical to attracting or maintaining competitive industries and businesses to the University or the surrounding region.
- e. Describe compatibility with the local comprehensive plan, local infrastructure development plans, the capital improvements budget, or other government spending plan.
- f. Provide a statement setting forth participation efforts that are intended to be undertaken in connection with this project with regard to the following types of businesses: (i) minority-owned businesses, (ii) woman-owned businesses, and (iii) small businesses.

B. Format for Submissions at Detailed Stage

If the University decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by the University:

- 1. A vicinity and/or topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project;
- 2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings;
- 3. A statement and strategy setting out the plans for securing all necessary property;
- 4. A detailed listing of all firms that will provide specific design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties;
- 5. A total life-cycle cost specifying methodology and assumptions of the project or projects and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility, and estimated annual operating expenses;
- 6. A detailed discussion of assumptions about user fees or rates, and usage of the project or projects;

7. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications;
8. Demonstration of consistency with appropriate local comprehensive or infrastructure development plans or indication of the steps required for acceptance into such plans;
9. Explanation of how the proposed project would impact local development plans of each affected jurisdiction;
10. Identification of the executive management and the officers and directors of the firm or firms submitting the proposal. In addition, identification of any known conflicts of interest or other disabilities that may impact the University's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to the Virginia State and Local Government Conflict of Interest Act, Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2; and
11. Additional material and information as the University may reasonably request.

VI. Proposal Evaluation and Selection Criteria

There are several factors that the University may wish to consider when evaluating and selecting a proposal under the PPEA, including but not limited to the following:

A. Qualifications and Experience

Factors to be considered in either phase of the University's review to determine whether the proposer possesses the requisite qualifications and experience include:

1. Experience with similar projects;
2. Demonstration of ability to perform work;
3. Leadership structure;
4. Project manager's experience;
5. Management approach;

6. Financial condition;
7. Project ownership;
8. Conformance with applicable laws, codes, standards and regulations on past projects;
9. Demonstrated record of successful past performance, including timeliness, compliance with plans and specifications, quality, cost control and project safety; and
10. SWaM usage.

B. Project Characteristics

Factors to be considered in determining the project characteristics include:

1. Project definition;
2. Proposed project schedule;
3. Operation of the project;
4. Technology & technical feasibility;
5. Conformity to laws, regulations, and standards;
6. Environmental impacts;
7. Condemnation impacts;
8. State and local permits; and
9. Maintenance of the project.

C. Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include:

1. Cost and cost benefit to the University;
2. Financing and the impact on the debt burden of the University or appropriating body;
3. Financial plan, including the degree to which the proposer has conducted due

diligence investigation and analysis of the proposed financial plan and the results of any such inquiries or studies;

4. Opportunity costs assessment;
5. Estimated cost;
6. Life-cycle cost analysis;
7. The identity, credit history, past performance of any third party that will provide financing for the project and the nature and timing of their commitment, as applicable; and
8. Such other items as the University deems appropriate.

In the event that any project is financed through the issuance of obligations that are deemed to be tax-supported debt of the University, or if financing such a project may impact the University's debt rating or financial position, the University may select its own finance team, source, and financing vehicle.

D. Public Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the appropriate local or regional comprehensive or development plans include:

1. Community benefits;
2. Community support or opposition, or both;
3. Public involvement strategy;
4. Compatibility with existing and planned facilities; and
5. Compatibility with local, regional, and state economic development efforts.

E. Other Factors

Other factors that may be considered by the University in the evaluation and selection of PPEA proposals include:

1. The proposed cost of the qualifying project;
2. The general reputation, industry experience, and financial capacity of the private entity;
3. The proposed design of the qualifying project;
4. The eligibility of the project for accelerated documentation, review, and selection;

5. Local citizen and government comments;
6. Benefits to the public, including financial and nonfinancial;
7. The private entity's compliance with a SWaM business enterprise participation plan or good faith effort to comply with the goals of such plan;
8. The private entity's plans to employ local contractors and residents;
9. The recommendation of a committee of representatives of members of the University and the appropriating body which may be established to provide advisory oversight for the project; and
10. Other criteria that the University deems appropriate.

VII. Additional Review Procedures

A. Public Private Partnership Oversight Advisory Committee

The University may, at its discretion, assemble an advisory committee or establish criteria to trigger the establishment of an advisory committee for the purpose of reviewing the terms of a proposed interim or comprehensive agreement. If the University forms a committee or establishes such criteria, the members will consist of representatives from the University. The criteria will include the scope, total cost and duration of the proposed project and whether the project involves or impacts multiple public entities. Timelines for the work of the committee will be developed and made available to proposers.

B. Appropriating Body

The PPEA Model Guidelines state that if the RPE for appropriating or authorizing funding to pay for a qualifying project is different from the RPE reviewing or approving the project, then the RPE reviewing or approving the project should establish a mechanism for that appropriating body to review any proposed interim or comprehensive agreement prior to execution. The University shall follow this procedure when applicable.

C. Public-Private Partnership Oversight Commission

Prior to entering into negotiations with any private entity for an interim or comprehensive agreement, the Agency shall submit copies of the detailed proposals to the Public-Private Partnership Advisory Commission if required by Va. Code §30-278 et seq.

VIII. Interim and Comprehensive Agreements

Prior to developing or operating the qualifying project, the selected private entity shall enter into a comprehensive agreement with the University. Prior to entering a comprehensive agreement, an interim agreement may be entered into that permits a private entity to perform compensable activities related to the project. The University may designate a working group to be responsible for negotiating

any interim or comprehensive agreement. Any interim or comprehensive agreement shall define the rights and obligations of the University and the selected proposer with regard to the project.

A. Interim Agreement Terms

The scope of an interim agreement may include but is not limited to the following:

1. Project planning and development;
2. Design and engineering;
3. Environmental analysis and mitigation;
4. Survey;
5. Ascertaining the availability of financing for the proposed facility through financial and revenue analysis;
6. Establishing a process and timing of the negotiation of the comprehensive agreement; and
7. Any other provisions related to any aspect of the development or operation of a qualifying project that the parties may deem appropriate prior to the execution of a comprehensive agreement.

B. Comprehensive Agreement Terms

The scope of the comprehensive agreement shall include but not be limited to the following:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project;
2. The review of plans and specifications for the qualifying project by the University;
3. The rights of the University to inspect the qualifying project to ensure compliance with the comprehensive agreement;
4. The maintenance of a policy or policies of liability insurance or self- insurance reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;
5. The monitoring of the practices of the private entity by the University to ensure proper maintenance;
6. The terms under which the private entity will reimburse the University for services

provided;

7. The policy and procedures that will govern the rights and responsibilities of the University and the private entity in the event that the comprehensive agreement is terminated or there is a material default by the private entity including the conditions governing assumption of the duties and responsibilities of the private entity by the University and the transfer or purchase of property or other interests of the private entity by the University;
8. The terms under which the private entity will file appropriate financial statements on a periodic basis;
9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be set at a level that is the same for persons using the facility under like conditions and that will not materially discourage use for the qualifying project;
 - a. A copy of any service contract shall be filed with the University.
 - b. A schedule of the current user fees or lease payments shall be made available by the private entity to any member of the public upon request.
 - c. Classifications according to reasonable categories for assessment of user fees may be made.
10. The terms and conditions under which the University may contribute financial resources, if any, for the qualifying project;
11. The terms and conditions under which existing site conditions will be assessed and addressed, including identification of the responsible party for conducting the assessment and taking necessary remedial action;
12. The terms and conditions under which the University will be required to pay money to the private entity and the amount of any such payments for the project;
13. Other requirements of the PPEA or other applicable law; and
14. Such other terms and conditions as the University may deem appropriate.

Any changes in the terms of the interim or comprehensive agreement as may be agreed upon by the parties from time to time shall be added to the interim or comprehensive agreement by written amendment.

The comprehensive agreement may provide for the development or operation of phases or segments of a qualifying project.

C. Public Notice and Posting Requirements.

Active public engagement is important to ensure transparency, accountability and the successful delivery of the Qualifying Project. No later than 30 days prior to entering an interim or comprehensive agreement, the University shall hold a public hearing on the proposal(s).

1. Once the negotiation phase for the development of an interim or a comprehensive agreement is complete and a decision to award has been made by the University, the University shall post the proposed agreement in the following manner:
 - a. Posting shall be on the Department of General Service's web-based electronic procurement program commonly known as "eVA"; and
 - b. At least one copy of the proposals shall be made available for public inspection. Trade secrets, financial records, or other records of the private entity excluded from disclosure under the provisions of subdivision 11 of § 2.2-3705.6 shall not be required to be posted, except as otherwise agreed to by the University and the private entity.
2. Any studies and analyses considered by the University in its review of proposal shall be disclosed to the appropriating body at some point prior to the execution of an interim or comprehensive agreement.
3. Once an interim agreement or a comprehensive agreement has been finalized and executed, the University shall make procurement records available for public inspection, upon request.
4. Such procurement records shall include documents protected from disclosure during the negotiation phase on the basis that the release of such documents would have adverse effect on the financial interest or bargaining position of the University or private entity in accordance with Section II.D.3.
5. Such procurement records shall not include (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records, including balance sheets or financial statements of the private entity that are not generally available to the public through regulatory disclosure or otherwise.
6. To the extent access to procurement records are compelled or protected by a court order, then the University must comply with such order.

IX. Governing Provisions

In the event of any conflict between these guidelines and the PPEA, the terms of the PPEA shall control.

TERMS AND DEFINITIONS

“Affected jurisdiction” means any county, city, or town in which all or a portion of a qualifying project is located.

“Appropriating body” means the body responsible for appropriating or authorizing funding to pay for a qualifying project.

“Comprehensive agreement” means the comprehensive agreement between the private entity and the responsible public entity that is required prior to the development or operation of a qualifying project.

“Conceptual stage” means the initial phase of project evaluation when the public entity makes a determination whether the proposed project serves a public purpose, meets the criteria for a qualifying project, assesses the qualifications and experience of a private entity proposer, reviews the project for financial feasibility, and warrants further pursuit.

“Cost-benefit analysis” means an analysis that weighs expected costs against expected benefits in order to choose the best option. For example, a city manager may compare the costs and benefits of constructing a new office building to those of renovating and maintaining an existing structure in order to select the most financially advantageous option.

“Detailed stage” means the second phase of project evaluation where the public entity has completed the conceptual stage and accepted the proposal and may request additional information regarding a proposed project prior to entering into competitive negotiations with one or more private entities to develop an interim or comprehensive agreement.

“Develop” or “development” means to plan, design, develop, finance, lease, acquire, install, construct, or expand.

“Interim agreement” means an agreement between a private entity and a responsible public entity that provides for phasing of the development or operation, or both, of a qualifying project. Such phases may include, but are not limited to, design, planning, engineering, environmental analysis and mitigation, financial and revenue analysis, or any other phase of the project that constitutes activity on any part of the qualifying project.

“Lease payment” means any form of payment, including a land lease, by a public entity to the private entity for the use of a qualifying project.

“Lifecycle cost analysis” means an analysis that calculates cost of an asset over its entire life span and includes the cost of planning, constructing, operating, maintaining, replacing, and when applicable, salvaging the asset. Although one proposal may have a lower initial construction cost, it may not have the lowest lifecycle cost once maintenance, replacement, and salvage value is considered.

“Material default” means any default by the private entity in the performance of its duties that jeopardizes adequate service to the public from a qualifying project.

“Operate” means to finance, maintain, improve, equip, modify, repair, or operate.

“Opportunity cost” means the cost of passing up another choice when making a decision or the increase in costs due to delays in making a decision.

“Private entity” means any natural person, corporation, general partnership, limited liability Company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other business entity.

“Public entity” means the Commonwealth and any agency or authority thereof, any county, city or town and any other political subdivision of the Commonwealth, any public body politic and corporate, or any regional entity that serves a public purpose.

“Qualifying project” means (I) any education facility, including, but not limited to a school building, any functionally related and subordinate facility and land of a school building (including any stadium or other facility primarily used for school events), and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education; (ii) any building or facility that meets a public purpose and is developed or operated by or for any public entity; (iii) any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other communications infrastructure; (v) a recreational facility; (vi) technology infrastructure and services, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services; (vii) any technology, equipment, or infrastructure designed to deploy wireless broadband services to schools, businesses, or residential areas; (viii) any services designed to increase the productivity or efficiency through the use of technology or other means; (ix) any improvements necessary or desirable to any unimproved locally- or state-owned real estate; or (x) any solid waste management facility that produces electric energy derived from solid waste.

“Responsible public entity” means a public entity that has the power to develop or operate the applicable qualifying project.

“Revenues” means all revenues, income, earnings, user fees, lease payments, or other service payments arising out of or in connection with supporting the development or operation of a qualifying project, including without limitation, money received as grants or otherwise from the United States of America, from any public entity, or from any agency or instrumentality of the foregoing in aid of such facility.

“Service contract” means a contract entered into between a public entity and the private entity pursuant to § 56-575.5.

“Service payments” means payments to the private entity of a qualifying project pursuant to a service contract.

“State” means the Commonwealth of Virginia.

“User fees” mean the rates, fees, or other charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to the comprehensive agreement pursuant to § 56-575.9.

Approval of Postdoctoral Scholars IRS Section 125 Plan (Cafeteria Plan)

Background

The Office of Postdoctoral Services, part of the Office of the Vice President of Research and Innovation, administers policies governing salaries and benefits for VCU postdoctoral scholars ("postdocs"). An IRS Section 125 plan, or a cafeteria plan, allows employees to pay for certain benefits on a pre-tax basis. Currently VCU does not have an IRS Section 125 plan for postdocs, resulting in these trainees having to pay health insurance premiums with after-tax income. The Office of Postdoctoral Services contracted with Morgan, Lewis & Bockius, LLP to write an IRS Section 125 plan that will allow VCU Payroll to deduct health insurance payments from postdoc salaries on a pre-tax basis.

Considerations

The Office of Postdoctoral Services has obtained the support of the President's Cabinet and, with Board of Visitors approval, is ready to implement this change in order to assist postdocs with this opt-in benefit.

Recommendation

Approve Postdoctoral Scholars IRS Section 125 Plan.

**RESOLUTION OF THE BOARD OF VISITORS OF
VIRGINIA COMMONWEALTH UNIVERSITY**

**AUTHORIZATION AND APPROVAL OF A PREMIUM CONVERSION PLAN FOR
POST DOCTORAL SCHOLARS**

WHEREAS, Chapter 6.1, Title 23 of the Code of Virginia of 1950, as amended (the "Virginia Code") establishes a public corporation under the name and style of Virginia Commonwealth University (the "University") which is governed by a Board of Visitors (the "Board") vested with the supervision, management and control of the University;

WHEREAS, Title 23 of the Virginia Code classifies the University as an educational institution of the Commonwealth of Virginia;

WHEREAS, by Chapter 4.10, Title 23 of the Virginia Code, the University entered into a management agreement with the Commonwealth of Virginia which was enacted as Chapter 594 of the Acts of Assembly of 2008 ("Management Agreement") which, as amended, classifies the University as a public institution of higher education with certain autonomous powers;

WHEREAS, the Management Agreement states that "any new plans, programs and material changes permitted under current law in University employee benefit plans, other than Classified Employee benefit plans, shall be approved by the Board of Visitors, including [...] the authority to implement cafeteria style benefits for University employees other than Classified Employees;"

WHEREAS, the University wishes to permit its postdoctoral scholars to elect to have a portion of their compensation applied toward the cost of medical, dental, and life insurance benefits on a pre-tax basis;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF VISITORS OF VIRGINIA COMMONWEALTH UNIVERSITY:

1. The Board hereby adopts the Virginia Commonwealth Premium Conversion Plan, which provides postdoctoral scholars with a choice between cash and benefits under the welfare benefit plans maintained by the University (otherwise known as a "cafeteria style" benefit plan) pursuant to Section 125 of the Internal Revenue Code, [in substantially the same form as attached hereto].

2. The Board authorizes the President of the University, or his designee, on behalf of the University, to execute and deliver any documents required by and related to the plan.

3. This Resolution shall take effect immediately upon its adoption.

VIRGINIA COMMONWEALTH UNIVERSITY
PREMIUM CONVERSION PLAN

Effective July 1, 2019

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ARTICLE 1

PURPOSE AND ESTABLISHMENT

1.1 Purpose of Plan. The purpose of this Plan is to provide Employees of the University and Participating Employers with a choice between cash and benefits under the welfare benefit plans maintained by the University.

1.2 Cafeteria Plan Status. This Plan is intended to qualify as a “cafeteria plan” under section 125 of the Code, and is to be interpreted in a manner consistent with the requirements of section 125 of the Code. This Plan is not subject to ERISA.

ARTICLE 2

DEFINITIONS

2.1 Claims Review Committee. The University’s Claims Review Committee, as it may exist from time to time.

2.2 COBRA. The Consolidated Omnibus Budget Reconciliation Act of 1986, as amended, and any successor provisions thereto.

2.3 Code. The Internal Revenue Code of 1986, as amended, and any successor provisions thereto.

2.4 Component Plan. A benefit plan, program, or policy established and maintained by the University, as set forth in Section 4.1. All benefits provided under the Component Plans shall be provided under such Component Plans outside of this Plan.

2.5 Effective Date. The effective date of the Plan, which is April 1, 2019. The term Effective Date shall also mean the effective date a Participating Employer begins participation in the Plan.

2.6 Employee. Any Postdoctoral Scholar-Fellow of a Participating Employer, as defined under the University’s Postdoctoral Scholars Policy, provided, however, for purposes of this Plan, the term “Employee” shall not include: (a) an individual who is classified as any Postdoctoral Scholar other than Fellow; (b) any individual whose employment becomes the subject matter of a collective bargaining agreement between employee representatives and the University or Participating Employer unless such collective bargaining agreement expressly provides that such individual is eligible for participation in the Plan; (c) any Leased Employee; (d) any individual who is classified by the University or Participating Employer as an independent contractor (regardless of the individual’s actual employment status under applicable law), temporary or seasonal employee (provided, however, if a temporary or seasonal employee is employed on average at least 30 hours of service per week, he or she may be eligible to participate for purposes of making elections under the Component Plan described in Section 4.1.

- 2.7 ERISA. The Employee Retirement Income Security Act of 1974, as amended, and any successor provisions thereto.
- 2.8 FMLA. The Family and Medical Leave Act of 1993, as amended, and any successor provisions thereto.
- 2.9 Highly Compensated Individual. Any individual who is a highly compensated individual as defined in section 125(e)(2) of the Code.
- 2.10 Highly Compensated Participant. Any individual who is a highly compensated participant as defined in section 125(e)(1) of the Code.
- 2.11 HIPAA. The Health Insurance Portability and Accountability Act of 1996, as amended, and any successor provisions thereto.
- 2.12 Key Employee. Any individual who is a key employee as defined in section 416(i)(1) of the Code.
- 2.13 Leased Employee. Any individual who provides services to the University or Participating Employer if:
- (a) such services are provided pursuant to an agreement between the University or Participating Employer and any other individual;
 - (b) such services are performed under the primary direction or control of the University or Participating Employer; and
 - (c) the University or Participating Employer classifies such individual as a Leased Employee (regardless of the individual's employment status under applicable law).
- 2.14 Participant. An Employee who satisfies the requirements of Article 3 of the Plan.
- 2.15 Participant Account. The account established for a Participant and maintained by the University for recordkeeping purposes.
- 2.16 Participating Employer. The University and any affiliated employer under Code Section 414(b), (c), or (m) that adopts the Plan with the consent of the University as provided in Article VI.
- 2.17 Plan. The Virginia Commonwealth University Premium Conversion Plan as set forth herein, as it may be amended from time to time.
- 2.18 Plan Administrator. The person or committee appointed by the University to administer the Plan. In the absence of such appointment, the Plan Administrator shall be the University.
- 2.19 Plan Year. The 12-consecutive month period beginning on the first day of January of each year and ending on the last day of the immediately following December; provided, however, the first Plan Year shall begin July 1, 2019 and end December 31, 2019.

2.20 Related Employer. Any corporation (other than the University) which is (a) included in a controlled group of corporations (as defined in Code section 1563(a), determined without regard to Code sections 1563(a)(4) and (e)(3)(C), which includes the University; (b) any trade or business which is under common control (as defined in Code section 414(c)) with the University; (c) any trade or business which is a member of an affiliated service group (as defined in Code section 414(m)) which includes the University; (d) any other entity required to be aggregated with the University pursuant to regulations under Code section 414(o); or (e) any other subsidiary or affiliate of the University designated by the University to be a Related Employer for purposes of the Plan.

2.21 Termination. The termination of a Participant's employment as an Employee, whether by reason of change in job classification, discharge, layoff, voluntary termination, disability, retirement, death, or otherwise.

2.22 University. Virginia Commonwealth University and any employer successor to the University by merger, purchase of assets, or otherwise that adopts the Plan.

ARTICLE 3

ELIGIBILITY AND PARTICIPATION

3.1 Generally. Each Employee shall be eligible to participate in the Plan as of the Employee's date of hire. An Employee who is eligible to participate in the Plan shall become a Participant in the Plan upon (a) returning a completed enrollment form and a completed compensation reduction agreement, if applicable, to the Plan Administrator, or (b) if a completed form and compensation reduction agreement are not returned to the Plan Administrator, when benefits are deemed to have been elected pursuant to Section 4.5. Notwithstanding the foregoing, an eligible Employee shall participate in a particular benefit in a Component Plan only if he or she meets the eligibility requirements of that Component Plan. Similarly, the eligibility of an Employee's child or other dependent will be governed solely by the terms of the applicable Component Plan.

3.2 Participation During FMLA. Any Participant who is absent from work due to FMLA leave shall have the right to continue to participate in this Plan. The Participant's right to maintain coverage while on a leave of absence described in this Section 3.2 is conditioned on the Participant's (a) continuing to have an employment relationship with the University or Participating Employer, and (b) making the required contributions.

3.3 Reinstatement of Former Participant.

(a) In the event that a former Participant becomes a Participant again within 30 days of the date on which he or she ceased participation and within the same Plan Year, the former Participant's elections in effect at the time of Termination shall be reinstated for the remaining portion of the Plan Year on the day his or her participation is reinstated.

(b) In the event that a former Participant becomes a Participant again more than 30 days after the date on which he or she ceased participation, that former Participant shall

commence participation in the Plan upon the satisfaction of the requirements of Section 3.1. The former Participant will need to file a new enrollment form with the Plan Administrator prior to participation, or the former Participant will be deemed to have elected benefits pursuant to Section 4.5.

3.4 Termination of Participation. A Participant shall cease to participate in the Plan on the earliest of:

- (a) the date the Plan is terminated under Section 10.2;
- (b) the date of a Participant's Termination;
- (c) the date the Participant ceases to be an eligible Employee; or
- (d) the date that all required contributions with respect to the Participant's elections under the Component Plans described in Sections 4.1 are no longer being made.

ARTICLE 4

BENEFITS ELECTION

4.1 Benefit Options. Each Participant may elect to receive his full compensation for any Plan Year in cash or to have a portion of it applied by the Participating Employer toward the cost of the specified benefits available to the Participant under one or more of the following Component Plans:

- (a) Medical Benefit;
- (b) Dental Benefits;
- (c) Life Insurance.

The Participant's Participant Account shall be reduced on a pre-tax basis, and an amount equal to the reduction will be contributed by the University or Participating Employer under each respective Component Plan to cover the Participant's share of the cost of such benefit, if any, as determined by the University or Participating Employer. The balance of the cost of each such benefit, if any, shall be paid by the University or Participating Employer under this Plan with non-elective University or Participating Employer contributions.

4.2 Description of Benefits. While the election to receive benefits under one or more of the Component Plans described in Section 4.1 may be made under this Plan, the benefits will be provided not by this Plan but by each Component Plan. The types and amounts of benefits available under a Component Plan described in Section 4.1, the requirements for participating in such Component Plan, and the other terms and conditions of coverage and benefits under such Component Plan are as set forth from time to time in the Component Plan and in the group insurance contracts and prepaid health plan contracts that may constitute (or are incorporated by reference in) the Component Plan. The benefit descriptions in such Component Plans (including

any contracts incorporated by reference), as in effect from time to time, are hereby incorporated by reference into this Plan.

4.3 Election Procedure. Approximately sixty (60) (or fewer) days prior to the commencement of each Plan Year, the Plan Administrator shall provide one or more written election forms and compensation reduction agreements to each Participant and to each other Employee who is expected to become a Participant at the beginning of the Plan Year. The election forms shall be effective as of the first day of the Plan Year. Each Participant who desires one or more Component Plan coverages described in Section 4.1 for the Plan Year shall so specify on the appropriate election form or forms and shall agree to a reduction in compensation. The amount of the reduction in the Participant's compensation for the Plan Year for each Component Plan described in Section 4.1 shall be equal to the amount of the Participant's share of the cost of such Component Plan and shall be adjusted automatically in the event of a change in such cost. The amount of the reduction in the Participant's Participant Account for the Plan Year for each Component Plan described in Section 4.1 shall be the amount elected by the Participant. The election form(s) must be completed and returned to the Plan Administrator on or before such date as the Plan Administrator shall specify, which date shall be no later than the beginning of the first pay period for which the Participant's compensation reduction agreement will apply.

4.4 New Participants. As soon as practicable before an Employee becomes a Participant under Section 3.1, the Plan Administrator shall provide the election form(s) and compensation reduction agreements described in Section 4.3 to the Employee. A Participant Account will be established for each new Participant. If the Employee desires one or more Component Plan coverages described in 4.1 for the balance of the Plan Year, he or she shall so specify on the election forms and shall agree to a reduction in compensation as provided in Section 4.3. The election form(s) must be completed and returned to the Plan Administrator on or before such date as the Plan Administrator shall specify, which date shall be no later than the beginning of the first pay period for which the Participant's compensation reduction agreements will apply.

4.5 Failure to Elect. If a Participant fails to return a completed election form to the Plan Administrator on or before the specified due date upon his or her initial eligibility, such Participant shall be deemed to have waived benefits under each Component Plan. After his or her initial enrollment, if a Participant fails to return completed election form(s) to the Plan Administrator on or before the specified due date for any Plan Year, then such Participant shall be deemed to have made the same election as was in effect as to such Component Plan just prior to the end of the preceding Plan Year. If a Participant fails to return a completed election form to the Plan Administrator after having waived benefits for the preceding year, then such Participant shall be deemed to have continued to waive benefits. The Participant shall also be deemed to have agreed to a compensation reduction for the subsequent Plan Year equal to the Participant's share of the cost from time to time during such Plan Year of such Component Plan deemed to be elected for such Plan Year.

4.6 Changes by the Plan Administrator. If the Plan Administrator determines, before or during any Plan Year, that the Plan or any Component Plan under the Plan may fail to satisfy for such Plan Year any nondiscrimination requirement imposed by the Code or any limitation of benefits provided to Highly Compensated Participants, Highly Compensated Individuals, or Key

Employees, the Plan Administrator shall impose a *pro rata* reduction on the benefit elections of all Highly Compensated Participants, Highly Compensated Individuals, and Key Employees sufficient to assure compliance with any such requirement or limitation.

4.7 Irrevocability of Election by Participant During the Plan Year. Once an election has been accepted by the Plan Administrator with respect to the one or more Component Plan coverages listed in Section 4.1 or an election has been deemed to have been made pursuant to Section 4.5, a Participant may not modify or revoke his or her election for the remainder of the Plan Year except where modification or revocation is necessitated by and is consistent with a change described in this Section 4.7 and not otherwise prohibited under this Section 4.7. A modification or revocation of a benefit election is consistent with such a change only if the election change is on account of, and corresponds with, the event precipitating the change, as determined by the Plan Administrator in light of rules and regulations promulgated by the Department of the Treasury. The Participant must change his or her election within 31 days of the event that caused the change. Any such modification or revocation of an election shall be effective on the first day of the payroll period beginning coincident with, or next following, the date the election is filed. However, if such election is on account of the Participant's marriage, or the birth, adoption, or placement for adoption of a Participant's dependent, an election shall be effective retroactive to the date of the marriage, birth, adoption, or placement for adoption of such dependent, with respect to group health coverage only.

(a) The following rules apply to the Component Plan coverages described in Section 4.1.

(i) *Change in Status.* The following events shall constitute a change in status:

(1) events that change a Participant's legal marital status, including marriage, death of spouse, divorce, legal separation, and annulment;

(2) events that change a Participant's number of dependents, including birth, adoption, placement for adoption, and death of a dependent;

(3) events that change the employment status of the Participant, the Participant's spouse, or the Participant's dependent, including a termination or commencement of employment; a strike or lockout; a commencement of, or return from, an unpaid leave of absence; and a change in worksite. In addition, if the eligibility conditions of the Plan, or any Component Plan of the University, to which the Participant, the Participant's spouse, or the Participant's dependent is subject are contingent on the individual's employment status and there is a change in that employment status that causes the individual to become eligible or ineligible under the Plan or the Component Plan, then the change will constitute a change in employment status for purposes of this Section 4.7(a)(i)(3); and

(4) an event that causes a dependent to satisfy or cease to satisfy the requirements for coverage due to attainment of age, student status, or any similar circumstance.

(ii) *Significant Cost Changes.* If the cost of coverage under any Component Plan described under Section 4.1 of the Plan should change significantly, the following shall apply:

(1) *Automatic Changes.* If the cost of a benefit option under any Component Plan increases (or decreases) during a Plan Year, the Plan Administrator may, on a reasonable and consistent basis, automatically make a prospective increase (or decrease) in affected Participants' compensation reductions.

(2) *Significant Cost Changes.* If the cost of a benefit option under any Component Plan significantly increases (or decreases) during a Plan Year, Participants may make a corresponding prospective increase (or decrease) in their compensation reductions. In the case of a significant increase in cost, Participants may revoke their elections and, in lieu thereof, either elect to receive on a prospective basis, coverage under another benefit option offered under the Component Plan providing similar coverage, or drop coverage if no other benefit option providing similar coverage (i.e., coverage for the same category of benefits for the same individuals) is available under the Component Plan. In the case of a significant decrease in cost, Participants may commence participation in the benefit option with a decrease in cost, whether or not the Participant had previously elected coverage under the Component Plan. For this purpose, a cost increase or decrease refers to an increase or decrease in the amount of compensation reductions required under the Component Plan, whether that increase or decrease results from an action taken by the Participant or from an action taken by the University (such as reducing the amount of University contributions for a class of Participants).

(iii) *Significant Coverage Changes.* If the coverage under any Component Plan described under Section 4.1 of the Plan should change significantly, the following shall apply:

(1) *Significant Curtailment Without Loss of Coverage.* If a Participant, or a Participant's spouse or dependent who had been participating in the Component Plan and receiving coverage has a significant curtailment of that coverage during the Plan Year that is not a loss of coverage as described in paragraph (b)(ii)(2) of this Section (e.g., a significant increase in any deductible, copay, or out-of-pocket cost sharing limit), the Participant may revoke his or her election for that coverage and, in lieu thereof, elect to receive on a prospective basis coverage under another benefit option providing similar coverage under the Component Plan. Coverage is significantly curtailed only if there is an overall reduction in coverage provided so as to constitute reduced coverage generally (e.g., the loss of one particular physician in a network does not constitute a significant curtailment).

(2) *Significant Curtailment With Loss of Coverage.* If a Participant, or a Participant's spouse or dependent who had been participating in the Component

Plan and receiving coverage has a significant curtailment of that coverage during the Plan Year that is a loss of coverage during the Plan Year, the Participant may revoke his or her election under the Component Plan and, in lieu thereof, elect either to receive on a prospective basis coverage under another benefit option providing similar coverage under the Component Plan or to drop coverage under the Component Plan if no similar benefit option is available. For purposes of this paragraph (b)(ii)(2), a loss of coverage means a complete loss of coverage under the benefit option or other coverage option under the Component Plan (including the elimination of a benefit option, an HMO ceasing to be available in the area where the Participant resides, or the Participant losing all coverage under the option by reason of an overall lifetime or annual limitation). In addition, the University shall, in its discretion, treat the following as a loss of coverage:

- (A) a substantial decrease in the medical care providers available under the option (such as a major hospital ceasing to be a member of a preferred provider network or a substantial decrease in the physicians participating in a preferred provider network or an HMO);
- (B) a reduction in the benefits for a specific type of medical condition or treatment with respect to which the Participant, the Participant's spouse, or the Participant's dependent is currently in a course of treatment; or
- (C) any other similar fundamental loss of coverage.

(3) *Addition or Improvement of Benefit Option.* If the University adds a new benefit option or other coverage option under a Component Plan, or if coverage under an existing benefit option or other coverage option under a Component Plan is significantly improved during the Plan Year, Participants (whether or not they have previously made an election under the Plan or have previously elected the benefit option) may revoke their election under the Component Plan and, in lieu thereof, make an election on a prospective basis for coverage under the new or improved benefit option under the Component Plan.

(iv) *Change in Coverage Under Another Plan.* The Participant may make a prospective election change that is on account of, and corresponds with, a change made under another employer plan (including a plan of the University or of another employer) if:

(1) the other plan permits participants to make an election change that would be permitted under this Section 4.7, or

(2) the plan year of the other plan is different from the Plan Year of the Component Plan.

(v) *Exception for COBRA.* A Participant may elect to increase payments under this Plan in order to pay for continuation coverage if the Participant, or

Participant's spouse or dependent becomes eligible for continuation coverage under a Component Plan, as provided in section 4980B of the Code.

(vi) *Judgment, Decree, or Order.* A Participant may revoke a benefit election and make a corresponding new benefit election if a judgment, decree, or order resulting from a divorce, legal separation, annulment, or change in legal custody (including a qualified medical child support order as defined in section 609 of ERISA):

(1) requires the Participant to provide accident or health coverage for the Participant's child or a foster child who is the Participant's dependent, or

(2) requires the Participant's spouse, former spouse, or other individual to provide coverage for the child and such coverage is, in fact, provided.

(vii) *Entitlement to Medicare or Medicaid.* If a Participant, Participant's spouse, or Participant's dependent who is enrolled in the Component Plans becomes enrolled under Part A or Part B of Title XVIII of the Social Security Act (Medicare) or Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under section 1928 of the Social Security Act (the program for distribution of pediatric vaccines), the Participant may make a prospective election change to cancel or reduce coverage of the Participant, the Participant's spouse, or the Participant's dependent under the Component Plans. In addition, if a Participant, Participant's spouse, or Participant's dependent who has been entitled to such coverage under Medicare or Medicaid loses eligibility for such coverage, the Participant may make a prospective election to commence or increase coverage of the Participant, the Participant's spouse or the Participant's dependent under the Component Plans.

(viii) *Special Enrollment Rights.* A Participant may revoke a benefit election and file a new election with respect to Medical and Dental Benefits if both the revocation and the new election are on account of and consistent with, a special enrollment right in section 9801(f) of the Code, whether or not the change in election would be permitted under paragraph (a) above. These enrollment rights were added by HIPAA and permit mid-year enrollment for employees and dependents in certain circumstances.

(ix) *Loss of Coverage Under Other Group Health Coverage.* If the Participant, the Participant's spouse, or the Participant's dependent loses coverage under any group health coverage sponsored by a governmental or educational institution, the Participant may make a prospective election to add coverage under the Plan for the Participant, the Participant's spouse, or the Participant's dependent.

(x) *Reduction of Hours.* A Participant may revoke a benefit election with respect to only the Medical Benefit if the revocation is on account of a reduction

in hours below 30 hours per week during the Plan Year (even if the reduction of hours does not result in loss of eligibility for the Medical Benefit), so long as the Participant, the Participant's spouse, or the Participant's dependent intends to enroll in another plan providing minimum essential coverage.

(xi) *Exchange Enrollment.* A Participant may revoke a benefit election with respect to the Medical Benefit if the revocation is on account of and consistent with the immediate enrollment of the Participant, the Participant's spouse, or the Participant's dependent in coverage on a health insurance exchange.

(b) *Dependent.* For purposes of this Section 4.7, the term dependent shall have the meaning given to it in the Component Plan for which an election revocation or modification is requested.

4.8 Automatic Termination of Election. Elections made under this Plan (or deemed to be made under Section 4.5) shall automatically terminate on the date on which the Participant ceases to be a Participant in the Plan, although coverage of benefits under the Component Plans may continue if and to the extent provided by such Component Plans.

4.9 Maximum University or Participating Employer Contributions. The maximum amount of University or Participating Employer contributions under the Plan for any Participant shall be the total of all contributions elected by the Participant pursuant to Sections 4.1.

ARTICLE 5

PLAN ADMINISTRATION

5.1 Duties of the Plan Administrator. The administration of the terms and conditions of this Plan shall be the responsibility of the Plan Administrator. The Plan Administrator shall administer this Plan for the exclusive benefit of the Plan Participants and dependents. In fulfilling its duties, the Plan Administrator shall have those duties and obligations to carry out the terms and conditions of the Plan, including the powers necessary and appropriate to administer the Plan. The powers and authorities of the Plan Administrator shall include, but shall not be limited to, the following:

(a) to make and enforce such rules and regulations as it deems necessary or proper for the efficient administration of the Plan;

(b) to interpret the Plan in its sole and complete discretion, its interpretation thereof in good faith to be final and conclusive on all individuals claiming benefits under the Plan;

(c) to decide all questions concerning the Plan, the summary plan description, and all other Plan documents, and the eligibility of any Employee or any other individual claiming entitlement to participate in the Plan, in its sole and complete discretion;

(d) to make factual findings and resolve ambiguities in connection with the interpretation of the Plan, the summary plan description, and all other Plan documents, in its sole and complete discretion;

(e) to appoint such agents, counsel, accountants, consultants, third party administrators and other individuals as may be required to assist in the administration of the Plan;

(f) to allocate and delegate its responsibilities under the Plan and to designate other individuals to carry out any of its responsibilities under the Plan, any such allocation, delegation or designation to be by written instrument and in accordance with applicable requirements of law;

(g) to compromise, settle, or release claims or demands in favor of or against the Plan or the Plan Administrator on such terms and conditions as the Plan Administrator may deem desirable; and

(h) to adopt rules and regulations and make administrative decisions regarding the administration of the Plan, which rules, regulations, and administrative decisions may be amended, modified, or rescinded by action of the Plan Administrator.

5.2 Duties of the Claims Review Committee. In exercising its authority, the Claims Review Committee shall have full discretionary authority, including but not limited to the following:

(a) to interpret the provisions of the Plan and to determine any questions arising under the Plan in connection with the appeal of any denied claim;

(b) to determine all questions affecting the eligibility of any claimant who appeals a denied claim (an “appellant”) to be or become a Participant in the Plan;

(c) to apply, in deciding the appeal of any denied claim, the rules and policies for the administration of the Plan; and

(d) to authorize and direct payment of benefits to any appellant in accordance with its decision on appeal and in accordance with the provisions of the Plan.

5.3 Decisions Final and Binding. Except as otherwise provided in Section 8.2, benefits under this Plan will be paid only if the Plan Administrator, or the Claims Review Committee, determines in its discretion that the applicant is entitled to them.

5.4 Examination of Records. The Plan Administrator and the Claims Review Committee will make available to each Participant such of its records under the Plan as pertain to such Participant, for examination at reasonable times during normal business hours.

5.5 Nondiscriminatory Exercise of Authority. Whenever, in the administration of the Plan, any discretionary action by the Plan Administrator or Claims Review Committee is required, the Plan Administrator or the Claims Review Committee shall exercise its authority in a

nondiscriminatory manner so that all individuals similarly situated will receive substantially the same treatment.

ARTICLE 6

ADOPTION AND WITHDRAWAL OF A PARTICIPATING EMPLOYER

6.1 Adoption of Plan by Related Employer. The University may designate any Related Employer to become a Participating Employer, which Participating Employers are listed in Appendix A to the Plan. Such Participating Employer shall be subject to the terms and provisions of the Plan. A Related Employer may limit its adoption of the Plan to one or more of its groups of employees, divisions, locations, or operations.

6.2 Withdrawal From Plan by Participating Employer. A Participating Employer which wishes to withdraw from the Plan shall notify the University that it is withdrawing. The University may at any time, in its discretion, determine that a Participating Employer shall no longer participate in the Plan and may direct that the Participating Employer withdraw from the Plan. Withdrawal may take place only as of the end of a Plan Year upon notice to the University, or by the University to a Participating Employer in the event withdrawal is directed by the University, submitted and received at least six (6) months prior to the date the withdrawal is to be effective, unless such time requirement is waived in writing by the University or the Participating Employer.

ARTICLE 7

CHANGE IN EMPLOYMENT

7.1 Participant Transfer between Participating Employers. A Participant who transfers employment from one Participating Employer to another Participating Employer shall not be considered as terminating the Participant's employment with a Participating Employer and shall continue to be a Participant in this Plan without interruption, subject to the rules for such Participating Employer's Component Plans.

ARTICLE 8

CLAIMS REVIEW PROCEDURE

8.1 Claims Under the Plan. All claims brought by a Participant under this Plan, including, but not limited to, claims regarding eligibility, election or salary reduction changes under the Plan, shall be made in writing to the Plan Administrator. The decisions of the Plan Administrator on any matter within its authority shall be final and binding on all parties, including without limitation, the University, any Participating Employer, and Participants.

(a) Claim Denial. In the event a claim under the Plan shall be denied, the Plan Administrator shall provide to the claimant a written notice setting forth the reasons, in a

culturally and linguistically appropriate manner calculated to be understood by the claimant. The aforesaid written notice to the claimant shall be made within a reasonable period of time, but not later than 90 days from receipt of the claim.

(b) Appeal of Denied Claims.

(i) Notice of Appeal. The claimant, or the claimant's duly authorized representative, may appeal the denial of the claim by giving notice in writing to the Claims Review Committee or entity or individual designated to receive appeals in the applicable contract or Certificate of Coverage. An appeal shall be made not later than 60 days from the claimant's receipt of the claim denial.

(ii) The claimant, or the claimant's duly authorized representative, may submit written comments, documents, records, and other information relating to the claim for benefits. Upon request and free of charge, the claimant shall have reasonable access to, and copies of, all documents, records, and other information relevant to the claim for benefits and a listing of medical or vocational experts whose advice was obtained on behalf of the Plan in connection with the benefit determination.

(c) Decision on Appeal of Denied Claims. A decision on appeal will be made by the Claims Review Committee not later than 60 days from receipt of the appeal.

8.2 Claims Under a Component Plan. Any claim which arises with respect to benefits under a Component Plan shall not be subject to review under this Plan, but shall be subject to the claims procedures set forth under such Component Plan. The Plan Administrator and Claims Review Committee's authority under Section 8.1 shall not extend to any matter as to which an administrator under any such other Component Plan is empowered to make under such Component Plan.

8.3 Legal Actions. No legal action to recover benefits under the Plan may be filed more than twelve (12) months after the date of the Claims Review Committee's decision on appeal.

ARTICLE 9

LIABILITY

9.1 Liability of Plan Administrator. To the extent permitted by law, neither the Plan Administrator nor the Claims Review Committee nor their designees, nor any employee or former employee who formerly served as a Plan Administrator or as a member of the Claims Review Committee or was designated to act in the capacity of Plan Administrator or member of the Claims Review Committee, nor any officer or director of the University acting on behalf of the Plan, shall incur any liability for acts or omissions to act in connection with the Plan, other than their own willful misconduct or willful breach of this Plan.

9.2 Indemnification of University. If any Participant or dependent receives one or more payments or reimbursements under the Plan that are not for benefits authorized under the Plan, such Participant or dependent shall indemnify and reimburse the University for any liability it

may incur for the failure to withhold federal or state income tax, unemployment tax, or social security tax from such payments or reimbursements. However, such indemnification and reimbursement shall not exceed the amount of additional federal and state income tax that the Participant would have owed if the payments or reimbursements had been made to the Participant as compensation, plus the Participant's share of any unemployment or social security tax that would have been paid on such compensation, less any such additional income, unemployment and social security actually paid by the Participant.

ARTICLE 10

PLAN AMENDMENT AND TERMINATION

10.1 Plan Amendment. This Plan has been established with the intention of being maintained indefinitely. The University does, however, maintain the right and authority to amend the Plan or any provision hereof, to any extent and in any manner that it may deem advisable in its sole and absolute discretion by a written instrument signed by a duly authorized representative of the University.

10.2 Plan Termination. The University will have no obligation whatsoever to maintain the Plan or one or more of the Component Plans for any given length of time. Accordingly, the University may discontinue or terminate the Plan or one or more of the Component Plans in its sole and absolute discretion at any time without liability. Upon termination or discontinuance of the Plan, all elections under this Plan shall terminate.

ARTICLE 11

MISCELLANEOUS

11.1 Exclusive Benefit Rule. This Plan shall be maintained for the exclusive benefit of the Plan Participants and beneficiaries and to defray the reasonable expenses of administering the Plan.

11.2 Governing Law. The terms and conditions contained herein shall be governed by and enforced in accordance with the laws of the Commonwealth of Virginia, except to the extent that the terms and conditions hereof are preempted by federal law.

11.3 Communication to Employees. The terms and conditions of this Plan shall be communicated to the Employees as soon as possible after adoption of the Plan. The Employees shall have such rights of enrollment as may be set forth herein.

11.4 No Assignment of Rights. The right of any Participant to: (a) receive any reimbursement or other benefit under this Plan; (b) appeal any decision denying benefits; (c) bring any legal claim related to the Plan, including but not limited to, claims for benefits under the Plan, shall not be assigned, pledged or alienated by the Participant to any third party. Furthermore, any such right to receive Plan benefits may not be levied upon or otherwise taken or attached by any

creditor in any voluntary or involuntary proceeding, and any attempt to cause such right to be so subjected will not be recognized, except to the extent as may be required by law.

11.5 Plan Not Contract of Employment. This Plan shall not be deemed to constitute a contract of employment between the University or Participating Employer and Participants nor shall the Plan be considered an inducement for the employment of any Participant or Employee. Nothing contained in the Plan shall be deemed to give any Participant or Employer the right to be retained in the service of the University or Participating Employer nor to interfere with the right of the University and Participating Employer to discharge any Participant or Employee at any time regardless of the effect which such discharge may have upon that individual as a Participant in the Plan.

11.6 No Guarantee of Tax Consequences. Neither the Plan Administrator, the Claims Review Committee, the University nor the Participating Employer makes any commitment or guarantee that any amounts paid to or for the benefit of the Participant or a dependent under this Plan will be excludable from the Participant's or dependent's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant or dependent.

11.7 Provisions of Plan Binding On Participants. Upon becoming a Participant, the Participant shall be bound then and thereafter by the terms of this Plan, including all amendments thereto.

11.8 No Interest. The University or Participating Employer will not pay interest on any Participant's designated contribution used to purchase coverage under this Plan.

11.9 Severability. If any provision of this Plan shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof shall continue to be fully effective.

11.10 Gender, Singular and Plural References. References in this Plan to one gender shall include both genders, singular references shall include the plural, and plural references shall include the singular, unless the context clearly requires otherwise.

IN WITNESS WHEREOF, the University has caused this Plan to be executed in its name and behalf by its officer thereunto duly authorized on this ____ day of _____, 2019.

VIRGINIA COMMONWEALTH UNIVERSITY

By: _____
Title: _____

APPENDIX A

LIST OF RELATED EMPLOYERS DESIGNATED AS PARTICIPATING EMPLOYERS

1. [none]

**RESOLUTION OF THE BOARD OF VISITORS OF
VIRGINIA COMMONWEALTH UNIVERSITY**

HUMAN SUBJECTS RESEARCH REGULATION

WHEREAS, the Board of Visitors of Virginia Commonwealth University (the “BOV”) or its designee possess authority to “[m]ake regulations and policies concerning the institution” under §23.1-1301 of the Code of Virginia;

WHEREAS, the university strives to protect human subjects in research conducted by the University and to foster the conduct of human subjects research in compliance with federal standards for such protection;

WHEREAS, human subjects research conducted by Virginia Commonwealth University in the Commonwealth of Virginia shall be governed by university policies and procedures that incorporate the federal regulations and policies for the protection of human subjects at 21 CFR Parts 50 and 56, 45 CFR Part 46, and 45 CFR Parts 160 and 164.

WHEREAS, the BOV takes formal action to make a regulation under the Virginia Register Act, §§2.2-4100, *et seq.*; and

WHEREAS, the BOV desires to make 8 VAC 90-80-10, as outlined in the attached, because it will bring clarity to the appropriate governing regulatory framework for human subjects research.

NOW, THEREFORE, be it resolved by the Board of Visitors of Virginia Commonwealth University as follows:

1. Human subjects research conducted by Virginia Commonwealth University in the Commonwealth of Virginia shall be governed by this regulation, 8 VAC 90-80-10 *Human Subjects Research* is hereby authorized for implementation.
2. The President, or his regulatory agency designee, the Chief Ethics and Compliance Officer, is directed and authorized to take such necessary actions for publication in the Virginia Register, and for later publication in the Virginia Administrative Code.
3. The regulation (see attached) will be effective upon vote of approval.

Proposed Regulation for Agency:
VIRGINIA COMMONWEALTH UNIVERSITY

Human Subjects Research

CHAPTER 80 Human Subjects Research

8VAC90-80-10. Scope.

This chapter applies to research involving human subjects conducted by Virginia Commonwealth University.

8VAC90-80-20. Federal Regulations Adopted.

Research conducted by Virginia Commonwealth University involving human subjects shall be conducted in accordance with 21 CFR Part 50 (May 30, 1980) and 56 (January 27, 1981), 45 CFR Part 46 (revised June 19, 2017 and amended on January 22, 2018 and June 19, 2018), and 45 CFR Parts 160 and 164 (December 28, 2000) and any other applicable federal law or regulation.



VCU

Integrity and Compliance

Audit and Compliance Services
Integrity and Compliance Office

ucompliance@vcu.edu

Board of Visitors Meeting December 13, 2019

Action Item Requested

Vote to Approve Resolution for Regulatory Adoption pursuant to §23.1-1301 of the Code of Virginia

Reason for the Request

The Board of Visitors is the governing body that must approve regulatory actions (generally this is limited to creation, adoption and repeal). Traditionally, the BOV's Governance and Executive Compensation Committee has approved all regulation-related activities, along with university policies related to governance and local Board operations.

Background and Rationale for the Request

As a state agency VCU has the ability to adopt Regulations which have the force of law. This is usually necessary when there is a need to govern individuals who are beyond the scope of traditional students, employees or other contractors. The Board is permitted to make regulations concerning the institution.

The responsibility for the maintenance of an agency's regulations resides with the designated regulatory liaison. At VCU, this responsibility has been appointed by the President to the Chief Ethics and Compliance Officer.

The resolution seeks regulation adoption approval in order to ensure continuity and consistency in research compliance practices and processes. Currently, George Mason University has a nearly identical regulation and University of Virginia is working on the same before you today.

Code of Virginia Chapter 5.1, §32.1-162.20 provides that human research, subject to federal regulation, is exempt from provisions of Virginia's Code when the activities are governed in accordance with federal regulation. Specifically, compliance with Virginia's Code may be accomplished by opting to promulgate "...regulations under the provisions of the Administrative Process Act (§2.2-4000 et seq.) governing human research projects which incorporate explicitly, or by reference, federal policies and regulations..." The latter part of the Code section addresses research that might not otherwise be required to comply with federal regulations (i.e. no FDA-regulated products, and projects not federally-funded) allowing us to enforce compliance by filing a petition for an injunction in circuit court.

More recently at the federal level:

Under the pre-2018 Common Rule, making a selection on the university's Federal Wide Assurance (FWA) to indicate to the Federal government that we would extend the applicability of 45 CFR 46 to all research at VCU (regardless of funding source), thus including all research as subject to the



VCU

Integrity and Compliance

requirements of the Common Rule and the oversight authority of the Office of Human Research Protections (OHRP) within the Department of Health and Human Services.

Under the 2018 Common Rule, OHRP indicates in the final rule that "voluntary extension will no longer be part of the assurance process and such research will not be subject to OHRP oversight." (82 Fed. Reg. 7156, 7181). Consequently, they intend to remove the ability to demarcate on the FWA that allows us to extend applicability of regulations to *all* research. When this happens, slated for January 2019, without electing to preserve the same, Virginia Code requirements would apply *if and only if* VCU does not approve this regulation.

[DRAFT] Tuition and Fee Public Comment

Policy Type: Local - Board of Visitors

Responsible Office: Office of the President

Initial Policy Approved: NEW

Current Revision Approved: XX/XX/2019

Policy Statement and Purpose

Investment in the learning experience of students and the future of education is the most important issue facing Virginia Commonwealth University (VCU) and all American institutions of higher education. The costs associated with earning a college degree remains a critical component requiring further examination and inclusion of all voices, in particular, the student voice. This issue is important to the governing Board and university senior leadership members; to that end, it is a priority to maintain the highest levels of transparency and integrity in the setting of tuition and fees. As an accountability measure, notice of a public comment period at the Board of Visitors' budget workshop meeting will be provided. This will be utilized as an opportunity for the leadership and governance functions of VCU to make the most informed decisions concerning the budget and tuition and fee increases.

This policy codifies the university's commitment and provides detailed information as to what can be expected related to notice of meetings and opportunities for public comment in the procedures section. Specifically,

- No approval for an increase in undergraduate tuition or mandatory fees shall be brought to a vote without providing students and the public a projected range of the planned increase, an explanation of the need for the increase, and notice of the date and location of any vote on such increase at least 30 days prior to such vote.

The Virginia Commonwealth University Board of Visitors (BOV) holds a budget workshop each fiscal year to discuss the upcoming fiscal year's budget, including any proposed / needed tuition and fee increases. The workshop is an informational meeting designed to review and explain the upcoming budget and any changes to tuition and fees. No final decisions are made nor actions taken at this meeting. Typically a vote to

approve the budget, including any tuition and fee increases, occurs at the next sequential BOV meeting which is usually at the May BOV meeting.

The BOV has determined that public comment will be permitted at the end of the budget workshop or other Board informational meeting designed to review and explain any tuition and fee increases. The parameters for making public comments for consideration whether in person or submitted in advance are included in the procedures section.

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Who Should Know This Policy

All members of the VCU Board of Visitors are responsible for knowing the contents of this policy. The President and staff of the Office of the President must be familiar with its contents and provisions as well as any other individual.

Definitions

Undergraduate tuition refers to the base undergraduate tuition applicable to the majority of students. Rates for both resident and non-resident students will be included. Mandatory fees refers to those fees required of all students such as the library fee, technology fee, university fee, student health fee, and activity fee. Fees relating to specific programs or courses are excluded here.

Contacts

The BOV, by and through its Governance and Compensation Committee, officially

interprets this policy. The Office of the President is responsible for obtaining approval for any revisions and questions regarding this policy should be directed to this Office.

Policy Specifics and Procedures

The informational meeting, designed for discussion, (typically the budget workshop) will include a one (1) hour public comment session at the end of the meeting wherein the BOV will receive comments from any individual on matters pertaining to Virginia Commonwealth University's budget and any potential tuition and fee increases.

Specifics:

Each speaker will be allotted three (3) minutes to comment.

Priority is given to speakers who register on, or before noon, the day before the meeting by providing the following information via email sent to bov@vcu.edu:

- a. name,
- b. email or phone number,
- c. VCU affiliation, (e.g. student, faculty, employee, alumni, parent, or member of the public)
- d. and request for reasonable accommodation.

This information is needed in the event a meeting is canceled or re-scheduled for an unanticipated or unavoidable reason. An in-person sign-up sheet will also be available at the meeting should time remain after registrants provide their comments.

Due to concerns for capacity, technical limitations or difficulties and information security, audio/visual presentations are not permitted. However, speakers may bring and disseminate written materials during their respective time and are requested to provide two (2) copies of any written materials to the Assistant Board Secretary. Speakers are encouraged to also bring a sufficient number of copies to provide to each member of the BOV.

Individuals unable to attend the public comment period in person, or provide comment during the allotted 1 hour period are permitted to provide written comment via an Open Comment Portal from the date of the budget workshop until two weeks prior to the sequential meeting (typically the May BOV meeting) at which tuition and fees will be voted upon.

The portal can be found at: <https://president.vcu.edu/board/open-comment-portal/>

Forms

Public Comment Portal: <https://president.vcu.edu/board/open-comment-portal/>

Related Documents

[Code of Virginia, §2.2-3701](#)

[Code of Virginia, §23.1-307\(D\) - \(E\)](#)

Revision History

None - This is a new policy.

FAQ

1. Why do I have to register to participate in the public comment period?

Registering is not required, however in the interest of planning and maximizing the time within the meeting, preference will be given on a first come first serve basis to those who have registered, allotting the maximum amount of permitted time for each registrant. After all registrants have been given their time opportunity, the individuals who signed up the day of the meeting will be given opportunity in the order of first come, first serve. In addition should it be necessary to postpone the meeting it will provide a means to advise the registrant of same.

2. Who can I contact if I have problems registering?

Contact the VCU Board Liaison. Please see <https://president.vcu.edu/board/> for the contact information for the Board Liaison.

[DRAFT] Student, Faculty, and Staff Representative Appointments to the Board of Visitors

Policy Type: Local - Board of Visitors

Responsible Office: Office of the President

Initial Policy Approved: 09/23/1982

Current Revision Approved: MM/DD/YYYY

Policy Statement and Purpose

The purpose of this policy is to provide requirements for the appointment of student, faculty and staff representatives on Virginia Commonwealth University's Board of Visitors. Although these representatives serve as non-voting advisory representatives on the Board, the university recognizes the value of their participation in Board matters by providing their voice and perspectives on the governance of VCU. This results in stronger ties between the Board and the student body and faculty and staff communities at VCU.

Noncompliance with this policy may result in disciplinary action up to and including termination. VCU supports an environment free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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Who Should Know This Policy

Virginia Commonwealth University's Board of Visitors, president, senior vice-provost for student affairs, students, faculty and staff are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

Definitions

There are no defined terms in this policy.

Contacts

The Office of the President officially interprets this policy. The Office of the President is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to the Board Liaison, whose contact information can be found at: <https://president.vcu.edu/board/>.

Policy Specifics and Procedures

1. **Student Representative:** The following procedures will be used in appointing student representatives to the Board:
 - a. **Selection**
 - i. The president will recommend one graduate/professional student and one undergraduate to serve as the student representatives from lists submitted by a selection committee, chaired by the senior vice provost for student affairs. The selection committee includes representation from undergraduate and graduate/professional students.
 - ii. The student representatives to the Board of Visitors will be appointed for a term effective July 1 of each year and ending with May Commencement.
 - iii. The student representatives to the Board of Visitors are expected to attend the Academic and Health Affairs Committee and regular full Board meetings with voice but no vote.
 - iv. The student representatives will not serve on any other Board Committee and will not be allowed to attend closed or special sessions of the Board.
 - b. **Eligibility**

To be eligible to apply and serve as a student representative, a student must:

 - i. Be enrolled as a VCU full-time student in good standing as defined by the university;
 - ii. Maintain continuous VCU full-time enrollment throughout the representative term (i.e. July 1 – May Commencement);
 - iii. Be available to attend Board meetings and planning meetings with the senior vice provost for student affairs; and

- iv. Complete the BOV student representative application form and resume, which is available on the Division of Student Affairs web page <https://students.vcu.edu/get-involved/> under Student Leadership.

2. Faculty Representative: The following procedures will be used in appointing a faculty representative and an alternate faculty representative to the Board:

- a. The president will recommend to the Board of Visitors that the immediate past president of the faculty senate shall be the faculty representative and the faculty senate president shall be the alternate faculty representative. The faculty representative and the alternate faculty representative will be nonvoting representatives.
- b. The Board of Visitors will appoint the faculty representative to the Board for a one-year term effective July 1 of each year and ending the following June 30. The faculty representative will not be allowed to attend closed sessions of the Board or its Committees.
- c. The faculty representative to the Board of Visitors will serve as a nonvoting representative to the Academic and Health Affairs Committee of the Board.
- d. The alternate faculty representative will not have official status but will be allowed to substitute for the appointed faculty representative at both full Board meetings and Academic and Health Affairs Committee meetings with voice but no vote.

3. Staff Representative: The following procedures will be used in appointing a staff representative and an alternate staff representative to the Board:

- a. The president will recommend to the Board of Visitors that the Staff Senate President shall be the staff representative and that the Staff Senate Vice President shall be the alternate staff representative to the Board of Visitors. The staff representative and the alternate staff representative will be nonvoting representatives.
- b. The Board of Visitors will appoint the staff representative to the Board for a one-year term effective July 1 of each year and ending the following June 30. The staff representative will not be allowed to attend closed sessions of the Board or its Committees
- c. The staff representative to the Board of Visitors will serve as a nonvoting representative to the Academic and Health Affairs Committee of the Board.
- d. The alternate staff representative will not have official status but will be allowed to substitute for the appointed staff representative at both full Board meetings and Academic and Health Affairs Committee meetings with voice but no vote.

Forms

1. [Board of Visitors Student Representative Application](#)

Related Documents

1. **Code of Virginia § 23.1-1300. Members of governing boards; removal; terms; nonvoting, advisory representatives; residency.**

<https://law.lis.virginia.gov/vacode/title23.1/chapter13/section23.1-1300/>

Revision History

This policy supersedes the following archived policies:

Approval/Revision Date	Title
September 23, 1982	<i>Policy Regarding Student Representative And An Alternate Student Representative to the Board of Visitors</i>
July 3, 1990	<i>Policy Regarding Student Representative And An Alternate Student Representative to the Board of Visitors</i>
May 15, 2003	<i>Policy Regarding Faculty Representative to the Board of Visitors of Virginia Commonwealth University</i>
May 1, 2005	<i>Policy Regarding Student Representative And An Alternate Student Representative to the Board of Visitors</i>
May 20, 2005	<i>Policy Regarding Student Representative And An Alternate Student Representative to the Board of Visitors</i>
February 22, 2007	<i>Policy Statement Concerning Staff Representation on the Board of Visitors</i>

FAQ

1. **Who should a student contact if they have questions concerning the application process for becoming the Student Representative to the Board?**

All questions pertaining to the application process for the Student Representative to the Board of Visitors should be directed to the Office of the Senior Vice Provost for Student Affairs.

Contact information for the Office of the Senior Vice Provost for Student Affairs can be found at:

<https://students.vcu.edu/about/staff/>



ARTICLE I LEGAL STATUS

SECTION 1. NAME

The Board of Visitors of Virginia Commonwealth University is a corporation under the name and style of “Virginia Commonwealth University”. The institution shall be known as Virginia Commonwealth University (“VCU”).

SECTION 2. PRINCIPAL OFFICE OF THE BOARD.

The principal office of the Board shall be located, and all meetings held, as far as practical, in the City of Richmond.

ARTICLE II BOARD OF VISITORS

SECTION 1. GOVERNING BODY.

The University shall be governed by the Board of Visitors (“Board”) and shall at all times be under the control of the General Assembly of the Commonwealth of Virginia.

SECTION 2. PURPOSE OF THE BOARD.

As set forth by the General Assembly, the Board is formed for the purpose of establishing and maintaining a university consisting of colleges, schools, and divisions offering undergraduate and graduate programs in the liberal arts and sciences and courses of study for the professions and such other courses of study, as may be appropriate, and in connection with the purpose, the board may maintain and conduct hospitals, infirmaries, dispensaries, laboratories, research centers, power plants, and such other facilities as it deems proper.

SECTION 3. COMPOSITION, APPOINTMENT, MEMBER TERMS, REMOVAL AND RESIGNATION OF MEMBERS.

A. Composition and Appointment. The Board shall consist of 16 members appointed by the Governor of the Commonwealth of Virginia, subject to confirmation by the General Assembly, and shall serve until their successors have been appointed and confirmed.

B. Member Term Limits. Members shall be eligible to serve for two four-year terms, which may be served consecutively. However, a member appointed by the Governor to serve an unexpired term is eligible to serve two additional four-year terms.

C. Removal of Members. If any member of the Board fails to attend (i) the meetings of the Board for one year without sufficient cause, as determined by a majority vote of the Board, or (ii) the educational programs for governing boards presented by the State Council of Higher Education for Virginia, as required by the Code of Virginia, in the member's first two years of membership without sufficient cause, as determined by a majority vote of the Board, the remaining members of the Board shall record such failure in the minutes at the Board's next meeting and notify the Governor, and the office of such member shall be vacated.

Additionally, the Governor has the authority to remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the Board and fill the vacancy resulting from the removal. Each appointment to fill a vacancy shall be subject to confirmation by the General Assembly.

D. Member Resignation. Any Board member may resign at any time by providing notice of the date of resignation to the Governor, with a copy of said notice being provided to the Rector and a copy to the Assistant Secretary of the Board, so that the Board can take measures to accommodate said resignation. Such resignation shall take effect at the time specified in such notice and, unless otherwise specified therein, the acceptance of the resignation shall not be necessary for it to take effect.

SECTION 4. TRANSPARENCY.

The Board shall have the following responsibilities as set forth in the Code of Virginia related to transparency and open government:

1. Comply in all respects with the Commonwealth of Virginia's Freedom of Information Act ("FOIA").
2. Comply with the additional open meeting requirements for Institutions of Higher Education, including but not limited to:
 - a. Adopt and post conspicuously on the VCU website these Bylaws;
 - b. Describe on the VCU website the Board's obligations under FOIA;
 - c. Conduct all discussions and actions on any topic not specifically exempted by FOIA in open meeting;
 - d. Give public notice of all meetings in accordance with FOIA; and
 - e. Approve in open meeting any action taken in closed session as required by FOIA.
3. Notify and invite the Attorney General's appointee or representative (the legal counsel of the institution) to all meetings of the Board, Executive Committee, and other Board committees.
4. The Board shall provide to the General Assembly and the Governor an annual executive summary of its interim activity and work no later than the first day of each regular session of the General Assembly. This report shall be submitted in accordance with procedures stipulated by law.

SECTION 5. MEETINGS.

A. Regular Meetings. The Board shall meet at least four times a year on dates and in places (within Richmond as far as it is practical) set by the Rector. The annual meeting will be the last regular meeting of the fiscal year.

B. Special Meetings. Special meetings of the Board may be called by the Rector, or in the absence or disability of the Rector, by the Vice-Rector, or by any three members. The requests shall be submitted to

the Assistant Secretary to the Board, who has the ministerial responsibility for making arrangements for the special meeting. The purpose, date, time, and place will be specified in the call for the special meeting.

C. Notice. At least three days' notice in writing (which may be by email) shall be provided and shall include the purpose, date, time, and place except that notice of an emergency meeting shall be reasonable under the circumstances and notice to the public shall be given contemporaneously with notice provided to members.

D. Quorum and Votes.

1. Board Meetings. A simple majority of the members constitutes a quorum. Unless otherwise required by statute, actions of the Board are taken by simple majority of those present and voting. The Board ~~or any of its committees~~ may meet without a quorum present, however no official action may be taken at said meeting. Notice of such meeting shall be required if required by the Virginia Freedom of Information Act (FOIA).

2. Standing Committee Meetings. For meetings of a Standing Committee a quorum shall be three (3) members of the Standing Committee. The Rector and/or Vice Rector shall be counted as a member in determining the quorum for a meeting of one of the Standing Committees. A Standing Committee may meet without a quorum present, however, no official action may be taken at said meeting. Notice of such meeting shall be required if required by FOIA.

E. Order of Business. The order of business at meetings shall be determined by the Rector.

F. Electronic Meetings. The Board may adopt a policy on electronic meetings or participation in an electronic meeting as permitted by FOIA.

SECTION 6. OFFICERS OF THE BOARD.

A. Officers. The officers of the Board shall be the Rector, Vice-Rector and Secretary, and shall be appointed from the Board membership. Either the Rector or Vice-Rector **shall** be a resident of the Commonwealth of Virginia.

B. Election of Officers. The Nominating Committee shall make its recommendation for Rector at the first regular Board meeting of the calendar year and the Board shall at that time act on the recommendation and elect a Rector. The Nominating Committee shall make a recommendation to the Board for the Vice-Rector and Secretary at the annual meeting and the Board shall at that time act on the recommendation and elect a Vice-Rector and Secretary. The Board may decide in its discretion to postpone the election for the Vice-Rector and Secretary until after July 1, and if so postponed the election shall occur at the next scheduled Board meeting.

C. Rector.

1. Election and Term. The Board shall elect a Rector-Elect at the first meeting of the calendar year; the Rector-Elect will take the office of Rector on July 1 for a one-year term. The Rector may be re-elected for one additional term. However, there shall be no limitation on the number of non-consecutive terms an individual may serve as Rector.

2. Powers and Duties. The Rector shall have the following duties and responsibilities:

- a. preside at all Board meetings;
- b. in consultation with the Vice Rector appoint the members of each committee (both standing and ad hoc), including the Chair and Vice Chair;
- c. act as spokesperson or representative of the Board; and
- d. perform such other duties as are generally expected of the presiding officer or that are imposed by statute, these Bylaws, or action of the Board.

The Rector shall be a member, ex officio, with full voting rights, of all committees of the Board and shall be counted as a member in determining the quorum.

The Rector and the President shall work closely to develop the agenda for Board meetings and to submit reports and other communications to the Board. The Rector facilitates communication between the Board and the Administration. The Rector is normally anticipated to be one of the members of the Board to serve on the Board of Directors of the Virginia Commonwealth University Health System Authority.

D. Vice-Rector.

1. Election and Term. The Board, at its Annual meeting, or such other time as the Rector and Rector-Elect shall determine but in no event later than the first regular meeting of the fiscal year, elects a Vice-Rector who shall serve for a one-year term commencing on July 1, or on such date as a successor has been elected, whichever is later. The Vice-Rector may be re-elected for one additional term. However, there shall be no limitation on the number of non-consecutive terms an individual may serve as Vice-Rector.

2. Powers and Duties. The Vice-Rector shall assume the duties and have the powers of the Rector in the absence or temporary disability of the Rector.

In the event of the death, permanent disability or resignation of the Rector, or should the Rector become otherwise permanently unable to perform the duties and functions of the office, the Vice Rector will become Rector for the remainder of the term, and a new Vice Rector will be elected. This partial term shall not prohibit an individual from being elected to two one-year terms as set forth herein.

The Vice-Rector shall perform other duties as requested by the Rector or the Board.

The Vice-Rector shall be a member, ex-officio, with full voting rights, of all committees of the Board and shall be counted as a member in determining the quorum.

E. Secretary and Assistant Secretary

1. Election and Term. The Board, at its Annual meeting, or such other time as the Rector and Rector-Elect shall determine but in no event later than the first regular meeting of the fiscal year, elects a Secretary, who shall serve for a one-year term or until a successor has been elected. The Secretary may be re-elected for one additional term. However, there shall be no limitation on the number of non-consecutive terms an individual may serve as Secretary.

2. Powers and Duties. The Secretary shall preside at the meetings of the Board and its Executive Committee in the absence of the Rector and Vice-Rector, and shall perform such other duties as are incident to the office or as may from time to time be assigned by the Rector that may include reviewing the minutes. Any of the enumerated duties of the Secretary may be delegated to an Assistant Secretary as set forth in Article II, Section 6, subsection (E)(3) below.

3. Assistant Secretary. The Board may appoint, in consultation with the President, an Assistant Secretary to the Board, who shall perform any or all of the duties of the Secretary, except for the duty to preside at the meetings of the Board and its Executive Committee. Specifically, the Assistant Secretary shall attend all meetings of the Board of Visitors and the Executive Committee and prepare minutes of such meetings and after approval by the Board, shall sign the minutes and record same in the permanent records of the Board, and shall authenticate and certify true and exact copies of documents that have been approved by the Board to comply with both internal and external requests. The Assistant Secretary shall provide proper notice of all meetings of the Board as required by these Bylaws and by law. In addition the Assistant Secretary shall assist the Board in the discharge of its official duties, and shall under the immediate direction of the President, perform such other duties as may be assigned to him or her by the Board, the Vice-Rector, the Rector, or the President.

The Assistant Secretary's term shall continue until such time as a successor is appointed, or the individual is no longer employed as Board Liaison by the University, whichever first occurs.

F. Inability or Incapacity of an Officer to Serve.

1. Replacement. Except as set forth in Section D. 2. of this article, if an elected Officer of the Board (other than the Rector) resigns, or is, or will be, unable to serve for a period in excess of thirty (30) days of their elected term, the Rector shall timely call a special meeting of the Nominating Committee to recommend another member of the Board to serve instead.

2. Election. The Board shall vote at its next regularly scheduled meeting to act on the recommendation of the Nominating Committee.

3. Terms of office. Officers elected through these provisions shall serve the remainder of (or the entirety as the case might be) of the replaced Officer's term.

SECTION 7. COMMITTEES

A. Executive Committee.

1. The Executive Committee shall be comprised of the Rector, Vice-Rector, Secretary, the Chairs of the standing committees, and two members-at-large who shall be elected by the Board at the first regular meeting of the year. The Rector shall serve as the Chair, and the Vice-Rector shall serve as the Vice Chair.

2. The Executive Committee shall be authorized to convene and exercise the full power and authority of the Board between meetings of the Board whenever circumstances require immediate action to address matters of an urgent nature, or as the Board may otherwise direct. All Board members shall be notified of meetings and provided the agenda and any documents distributed for such meetings. Any Board Member who wishes to do so may attend an Executive Committee meeting.

3. Consistent with the provisions of Virginia law, the Executive Committee shall assure that the following activities are conducted and completed as necessary:

- Development of a statement of governance setting forth the Board's role for recommendation to and adoption by the Board;
- Periodic review of the Board's Bylaws and recommendation of amendments as deemed necessary and appropriate;

- Provide advice to the Board on committee structure, appointments, and meetings, as deemed necessary and appropriate;
- Develop an orientation and continuing education process for Board members that includes training on the FOIA;
- Creation, monitoring, oversight and review of compliance by Board members with a code of ethics for Board members; and
- Development of a set of qualifications and competencies for membership on the Board for approval by the Board and recommendation to the Governor.

4. A ~~simple majority of the quorum shall be three (3)~~ members of the Executive Committee ~~shall constitute a quorum~~. In the event a quorum is not present, other members of the Board may be appointed by the Rector to serve in the place of absent members on an *ad hoc* and temporary basis in order that a quorum be attained.

5. The Assistant Secretary to the Board shall promptly inform all members of the Board of any action taken by the Executive Committee. The Rector shall report actions taken by the Executive Committee at the next regularly scheduled meeting of the Board.

B. Standing Committees. The Rector-Elect in consultation with the Rector shall appoint the members of each standing committee. The Rector-Elect shall designate the chair and vice-chair of each committee, except that the Chair of the Governance and Compensation Committee shall be the Vice-Rector.

The Rector, the full Board, the President, or the President's designee may refer matters to a standing committee. In addition to the specific responsibilities provided by these Bylaws, the standing committees shall have any other duties and responsibilities assigned by the Board or the Rector.

A ~~simple majority of the quorum at a meeting of one of the standing committees shall be three (3)~~ members ~~of a committee shall constitute a quorum~~. In the event that a quorum is not present, other members of the Board may be appointed by the Rector to serve in the place of absent members on an *ad hoc* and temporary basis in order that a quorum may be attained. The Rector and/or Vice Rector shall be counted as a member in determining the quorum for a meeting of a standing committee.

Each standing committee shall adopt and have approved by the Board a charter outlining its roles and responsibilities. Each standing committee shall also prepare an annual work plan to be shared with the Board.

Each standing committee shall report to the Board at the next regularly scheduled Board meeting.

Each standing committee has the authority to approve the minutes of its meetings without further Board approval. Unless otherwise specifically provided by the Board, the decisions and recommendations of standing committees are advisory and shall be approved and ratified by the Board of Visitors.

The Board shall have the following standing committees:

1. Academic and Health Affairs Committee. The primary purpose of the Academic and Health Affairs Committee shall be to assist the Board in fulfilling its fiduciary responsibilities by providing oversight and making recommendations to the Board on all policies and plans consistent with the stated goals and objectives of the University and with its academic health center, including its affiliation with the Virginia Commonwealth University Health System Authority, regarding the following areas:

- Strategic enrollment management

- Academic quality
- Student issues
- Faculty issues
- Athletics
- Research
-

2. Intercollegiate Athletics Committee. The primary purpose of the Intercollegiate Athletics Committee shall be to assist the Board in fulfilling its fiduciary responsibilities for oversight of the University's intercollegiate athletics program including but not limited to the following areas of athletics policy:

- ~~Finances of the athletics programs, including budgeting, expenditures, and fund balances~~
- Student-athlete health and safety
- Admissions and academic policies for student-athletes including academic progress and integrity
- Institutional compliance with applicable rules and regulations, including those of the National Collegiate Athletic Association (NCAA) and the Conference
- Ethical behavior
- Athletics personnel
- Finances of the athletics programs, including budgeting, expenditures, and fund balances
- Athletic facilities, including capital expenditures and debt

3. Audit, Integrity and Compliance Committee. The primary purpose of the Audit, Integrity, and Compliance Committee shall be to assist the Board in fulfilling its fiduciary responsibilities related to oversight of:

- Soundness of the University's system of internal controls
- Integrity of the University's financial accounting and reporting practices
- Independence and performance of the internal and external audit functions
- Integrity of information technology infrastructure and data governance
- Effectiveness of the University's ethics and compliance program
- Institutional conflict of interest issues
- University's enterprise risk management program
- Legal matters

4. Finance, Budget and Investment Committee. The primary purpose of the Finance, Budget and Investment (FBI) Committee shall be to assist the Board in fulfilling its objectives and fiduciary responsibilities related to specific policy/policies and oversight of:

- University finances and investments
- University policies on debt management
- University facilities planning, design, construction and renovation
- University purchase and divestiture of land, including any easements

5. Governance and Compensation Committee. The primary purpose of the Governance and Compensation Committee shall be to assist the Board in fulfilling its objectives and responsibilities related to applicable policies and oversight of:

- Board and University Governance Issues
- Relationship with affiliated VCU Entities
- Board Nominations to Governor
- Presidential Evaluation and Compensation Process
- Board Self-Evaluation
- Review of Board Bylaws

6. University Resources Committee. The primary purpose of the University Resources Committee shall be to assist the Board in fulfilling its fiduciary responsibilities by monitoring and overseeing activities related to:

- Generating resources and stakeholder support of the University's strategic goals, particularly in the areas of government relations
- Development and alumni relations
- Public relations and marketing communications.

In addition, the University Resources Committee shall recommend to the Board the naming of any physical facility or part thereof or any programmatic element of the University as outlined in the Board approved "Policy Guidelines on Recognition of Donors and Friends."

D. Subcommittees. Each standing committee may establish and appoint subcommittees as necessary, subject to Board approval. Subcommittees are subject to the same procedural rules as the primary committee.

E. Nominating Committee. The Rector shall appoint a Nominating Committee which shall have as its purpose the nomination of candidates for Rector, Vice Rector and Secretary of the Board for the succeeding year pursuant to Article II, Section 6(B) above, and shall periodically review board leadership succession. Upon election of the Rector for the succeeding year, the Rector and Rector-Elect shall become members of the Nominating Committee.

F. Ad Hoc Committees. The Rector may, from time to time appoint ad hoc committees of the Board, as the Rector deems necessary for the good conduct of Board and University affairs. Each such committee shall have a chair and at a minimum two additional members, all of whom shall be appointed by the Rector. The duties of all ad hoc committees shall be specified and reported to the Board by the Rector at the time of the appointment. Ad hoc committees are not required to have written charters.

ARTICLE III ADMINISTRATIVE OFFICERS AND OTHER EMPLOYEES OF THE UNIVERSITY

SECTION 1. THE PRESIDENT OF THE UNIVERSITY

A. Chief Executive Officer. The President of the University ("President") shall be the chief executive officer of the University.

B. Appointment. The President shall be appointed by the Board and serves at its pleasure.

C. Powers and Duties. The President in addition to serving as the chief executive officer of the University, shall also serve as President of the Virginia Commonwealth University Health System Authority, and shall also sit on the Virginia Commonwealth University Health System Authority Board of Directors (VCUHS Board) and by statute shall be the Chair of the VCUHS Board. In addition, the President shall also serve on the Virginia Biotechnology Research Partnership Authority Board of Directors and the Virginia Biotechnology Research Park Corporation Board of Directors. The President is a member of the faculty of the University.

As chief executive officer of the University, the President shall have the following powers and duties:

- The President shall have the responsibility for the operation of the University in conformity with the purposes and policies determined by the Board;
- In addition to the positions of other officers identified and established in Article III, Section 2 below, the President shall have the power to establish and modify as he or she deems necessary the internal administrative structure of the University and shall appoint or provide for the appointment of all administrative officers, making a report of his or her actions thereon to the Board at the next regular meeting;
- The President shall act as an advisor to the Board and shall have responsibility for recommending to the Board for consideration those policies and programs which in the opinion of the President will best promote the interests of the University;
- The President shall have the authority to oversee and to administer the policies of the Board;
- The President shall be the primary contact between the Board and the University;
- The President shall provide oversight and shall be accountable for the management of the University;
- The President shall have responsibility for the oversight of strategic planning and implementation as established by the Board;
- The President shall promote the development of both public and private resources to support the mission of the University;
- The President shall recommend an annual budget;
- The President shall serve as the primary spokesperson for the University;
- The President shall manage all matters delegated by the Board, including personnel matters;
- The President shall fulfill all statutory duties; and
- The President shall perform such other duties as may be required by the Board.

C. Evaluation of the President. The Board shall be responsible for oversight of the President's performance, and is required by statute to meet with the President annually to deliver an evaluation of the President's performance. The Governance and Compensation Committee of the Board shall be the committee to oversee such evaluation. Changes to the President's employment contract shall be made only by a vote of the majority of the Board's members.

SECTION 2. OTHER OFFICERS

A. Provost & Senior Vice President for Academic Affairs

1. Appointment. The Provost & Senior Vice President for Academic Affairs is the Chief Academic Officer and reports to, and serves at the pleasure of the President. The President, subject to Board ratification, shall select the Provost & Senior Vice President for Academic Affairs.

2. Powers and Duties. The Provost & Senior Vice President for Academic Affairs shall have all the powers and duties regarding academic matters that the President delegates to that office. The Provost & Senior Vice President for Academic Affairs shall be the President's deputy and is empowered to act on behalf of the President in all respects in the event of the absence, unavailability or disability of the President.

B. Senior Vice President & Chief Financial Officer

1. Appointment. The Senior Vice President & Chief Financial Officer of the University reports to and serves at the pleasure of the President. The President, subject to Board ratification, shall select the Senior Vice President & Chief Financial Officer.

2. Powers and Duties. The Senior Vice President & Chief Financial Officer shall have all the powers and duties related to financial management and such other duties that the President delegates to that office.

C. Senior Vice President for Health Sciences of Virginia Commonwealth University

1. Appointment. The Senior Vice President for Health Sciences of Virginia Commonwealth University is the Chief Academic Officer for the Health Sciences Schools of the University. By statute, this officer also serves as chief executive officer of the Virginia Commonwealth University Health System Authority. The initial appointment and initial compensation and any reappointment of this position shall be made jointly by the Board of Visitors and the VCU Health System Authority Board of Directors at a joint meeting of said Boards. After such appointment or reappointment, the base compensation for this position shall be approved by the VCU Board of Visitors and the VCUHS Authority Board of Directors, respectively. Each board shall take into account the recommendations from the President.

2. Powers and Duties. The Senior Vice President for Health Sciences shall have all the powers and duties for those responsibilities that the President delegates to that office and as set forth by statute.

D. Delegation of Authority. Upon consultation with the Rector, the President shall have interim authority to conclude any appointment or action otherwise requiring Board approval, subject to ratification by the Board. The President also shall report to the Board in advance any extraordinary appointment or compensation action that, in the judgment of the President, warrants such reporting to the Board.

SECTION 3. EXECUTIVE DIRECTOR OF AUDIT AND COMPLIANCE SERVICES

1. Appointment. The Board, in consultation with the President, appoints, evaluates, and sets the compensation for the Executive Director of Audit and Compliance Services.

2. Powers and Duties. The Executive Director of Audit and Compliance Services shall have the powers and duties that are assigned by the Audit, Integrity and Compliance committee, in consultation with the President.

SECTION 4. FACULTY

A. Faculty. The general faculty consists of the President, Provost & Senior Vice President for Academic Affairs, deans, directors, professors, associate professors, assistant professors, research professors, associate research professors, assistant research professors, assistant, associate and full professors of clinical subjects, instructors and other ranks or titles as approved by the President.

B. Tenure of Faculty. The Board, on recommendations from the President, shall approve all faculty tenure decisions.

C. Delegation of Authority. The Board hereby delegates to the President the authority to establish faculty positions, appoint and/or reappoint faculty, approve faculty promotions and faculty emeritus status, and to determine leaves of absence for and termination of faculty members. The President shall also have the

authority to hire, set the compensation for and implement increases, state decreed or otherwise, for all university employees in accordance with VCU's human resources policies.

Academic dean appointments shall require Board approval. Upon consultation with the Rector, the President shall have interim authority to make any academic dean appointment or take any action in connection with the academic dean appointment, subject to ratification by the Board.

ARTICLE IV CONFLICT OF INTEREST COMPLIANCE

Each member of the Board shall comply with state statutes regulating conflict of interest which may include filing an annual financial disclosure statement and completion of required conflict of interest training.

ARTICLE V LIABILITY

To the extent they are acting in their capacity as members of the Board and within the scope of their authority, all members of the Board are considered to be officials of Virginia Commonwealth University and the Commonwealth of Virginia. Each member of the Board who is engaged in carrying out the duties and responsibilities of a Board member is covered as set forth in the Risk Management Plan, which is established by the Commonwealth's Department of the Treasury, Division of Risk Management, with the approval of the Governor. Coverage is subject to the terms and exclusions set forth in the Plan. The Commonwealth's Division of Risk Management has final responsibility for interpretation and determination of coverage under the Plan. A copy of the plan can be obtained from VCU's Director of Insurance and Risk Management in VCU's Safety and Risk Management office.

ARTICLE VI MISCELLANEOUS PROVISIONS

SECTION 1. SEAL.

The corporate seal of the University is the seal displayed in and/or appended to these Bylaws, as appendix A.

SECTION 2. ASSESSMENT OF BOARD PERFORMANCE.

At least every two years, the Board shall assess its performance. The Rector shall determine the method of assessment, subject to Board approval. The Governance and Compensation Committee shall thereafter conduct said board self-assessment.

SECTION 3. CONDUCT OF BUSINESS.

Unless otherwise specified by these Bylaws, all Board and committee meetings, actions, and rulings shall be guided by the most current edition of *Robert's Rules of Order*.

SECTION 4. SUSPENSION OR AMENDMENT OF BYLAWS.

A. Procedure. These Bylaws may be amended in whole or in part at any meeting of the Board of Visitors by a majority vote of all members present at said meeting, provided the Governance and Compensation Committee has submitted its views on the amendment to the Board and that notice of the amendment was included in the regular notice of the meeting.

B. Suspension. Any provision of the Bylaws may be suspended at any regular or special meeting of the Board by a majority of the members present at said meeting.

C. Ratification. No action taken in violation of the Bylaws shall be effective unless ratified in accordance with the Bylaws.

Effective Date. The foregoing Bylaws shall go into effect immediately upon approval; revised September 17, 1992; revised November 17, 1994; revised May 19, 1995; revised May 16, 1997; revised September 17, 1998, effective January 1, 1999; revised February 11, 1999; revised November 14, 2002; revised August 24, 2006; revised August 9, 2007; revised February 11, 2010; revised April 15, 2013; revised May 9, 2014; revised December 12, 2014; revised February 12, 2015; revised May 8, 2015; revised March 23, 2016; revised and restated October 31, 2017; revised March 22, 2019.

SUMMARY OF PROPOSED VCU BOARD OF VISITORS BYLAW CHANGES

I. Article II – Section 5. D. (pg. 3 and 6) and Article II – Section 7 (pg. 6)

Changed the Quorum requirements for all Standing Committees and Executive Committee to be three (3) members

II. Article II – Section 7 – B.2. re-ordered bullet points.



**VIRGINIA COMMONWEALTH UNIVERSITY
BOARD OF VISITORS
STATEMENT ON GOVERNANCE**

The Virginia Commonwealth University Board of Visitors ("the Board") is composed of sixteen (16) voting members appointed by the Governor of the Commonwealth of Virginia, subject to confirmation by the General Assembly. Each member serves a term of four years. In addition, each year the Board selects a student, a faculty member, and a staff member to serve as non-voting advisory representatives on the Board of Visitors.

As public trustees the Board has the responsibility and authority, subject to constitutional and statutory limitations, for the continuing operation, development of evolving policies, and financial oversight of Virginia Commonwealth University ("the University"). The Board appoints a President to serve as Chief Executive Officer of the University.

The Board and the University are at all times subject to the control and legislative enactments of the General Assembly of the Commonwealth of Virginia.

The Board in executing their duties has adopted the Virginia Commonwealth University Board of Visitors Bylaws to provide for the orderly, consistent, and efficient conduct of its business as the governing body of the University. A copy of the Bylaws can be found at <https://www.president.vcu.edu/board/bylaws.html>.

In carrying out its responsibilities, the following expectations are attendant to service on the Board of Visitors:

- Board members have a fiduciary responsibility to the University and are expected to act in the best overall interest of the University;
- Board members are expected to become familiar with key aspects of the University including, but not limited to, its mission, governance, financing, strategic plans and performance measures;
- Board members are expected to devote the necessary time, attention and preparation to Board activities to function effectively and to enable the Board as a whole to function effectively, including new Board of Visitor orientation, committee meetings, board retreats and public meetings;
- Board members are expected to understand the Virginia Freedom of Information Act and act accordingly;
- Board members are expected to defer to the Rector of the Board for public comment on matters before the Board, or to make clear that any opinions expressed are expressed as an individual rather than on behalf of the Board as a whole; and
- Board members are expected to maintain a tradition of exemplifying the highest standards of ethical behavior, and to comply with the University's Code of Ethics, and to comply with Federal, State and local laws, regulations and policies applicable to Board of Visitors of public colleges and universities in the Commonwealth of Virginia.

Adopted: _____, 2019

Resolution

BOV Member Attendance at SCHEV Orientation

December 13, 2019

WHEREAS, the Code of Virginia requires the State Council of Higher Education for Virginia (SCHEV) to provide educational programs for newly appointed board members at public institutions of higher education within the first two years of the board members' service. The topics to be covered by SCHEV are contained in the Code of Virginia and range from best practices in governance to future and national trends. The orientation has traditionally been held during autumn in Richmond.

WHEREAS, Code of Virginia§ 23.1-1300(E) requires members of the Board of Visitors of Virginia Commonwealth University and all public institutions of higher education in the Commonwealth of Virginia to attend the Board training provided by SCHEV and any member who does not attend such required training within the first two years of membership on the Board is subject to a determination by the Board that the member has sufficient cause for failing to attend.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Visitors of Virginia Commonwealth University, having considered the reasons for his inability to attend, hereby determines that Todd Haymore, as a member of the Board, has sufficient cause for not attending the required SCHEV training within the first two years of his membership.