

VCU Board of Visitors

V i r g i n i a C o m m o n w e a l t h U n i v e r s i t y

November 20, 2008 A Regular Meeting of the Board of Visitors

Minutes

A regular meeting of the Board of Visitors of Virginia Commonwealth University reconvened on Thursday, November 20, 2008, at 9 a.m. in the Benjamin J. Lambert III Board Room located in the Critical Care Hospital at 1213 East Clay Street.

Present were Messrs. Rosenthal (Rector), Hurtado, Jones, McCandlish, Robertson, Siegel and Snead; Drs. Bersoff, Broaddus, Doswell, Romano and Shapiro; and Mesdames Lambert and Rhodes. Messr. Baldacci and Jackson were absent. Also present were Drs. Trani, Gottfredson, Huff, Macrina, Moriarty, Portch, Retchin and Rhone; Messrs. Bennett, Gehring, Ross and Wyeth; and Mesdames Balmer, Lepley and Messmer.

The Report of the Rector and the Report of the President were presented. A moment of silence was observed for Mrs. Rozanne Epps, former member of the Board of Visitors. Mrs. Epps died on Sunday, November 16, 2008, after a brief illness.

Dr. Shapiro reported for the Student Affairs Committee. A Report on the Policies Related to Campus Safety was presented. The Assistant Vice Provost for Student Affairs and Enrollment Services and the Associate Vice Provost for Enrollment Services presented two new policies and the modification of an existing policy in response to legislation enacted by the 2008 General Assembly requiring the Boards of Visitors at public institutions to create policies and procedures safeguarding universities while striking a balance between concerns of individual privacy and public safety. The legislation is specified in the Code of Virginia. Highlights included:

- **Release of the Educational Record of a Dependent Student – New Policy**
VCU has developed a policy and implementing procedures for the educational record of a dependent student to be released to parent(s) upon request provided either the parent(s) submits evidence that the parent(s) declare the student as a dependent on their most recent federal income tax forms or the student consents to the release of the educational record to parent(s).
- **Parental Notification for Dependent Students Receiving Mental Health Treatment – New Policy**
VCU has developed a policy and implementing procedures for notification of parents of dependent students who receive mental health treatment at the University's student health or counseling centers and when there is a substantial likelihood that, as a result of mental illness, the student will in the near future (1) cause serious physical harm to himself/herself or others as evidenced by recent behavior or any other relevant information or (2) suffer serious harm due to his/her lack of capacity to protect himself/herself from harm or to provide for his/her basic human needs.

Notification to parents may be withheld if the student's treating physician or treating clinical psychologist has noted in the student's record a written statement that, in his/her professional judgment, the notification would be likely to cause substantial harm to the student or another person. The procedures pertain to all University Counseling Services (UCS) and all University Student Health Services (USHS) staff involved in clinical consultation and/or direct service delivery to Virginia Commonwealth University students.

- **Threat Assessment and Violence Prevention - Existing Policy-Modified**

The Human Resources and VCU Police policy on Threat Assessment and Violence Prevention intended for faculty and staff has been expanded into a campus-wide policy. VCU has in place policies and procedures for the prevention of violence on campus; has charged the Provost's University Safety Committee with the responsibility for the education and prevention of violence on campus; and has charged the Threat Assessment Team to assess campus threats and respond to incidents as appropriate.

The Student Affairs Committee recommended to the full Board the approval of the Policies Related to Campus Safety.

The following items were presented for information: the Report of the Student Representative; the Intercollegiate Athletic Council Report; the Student Computer Initiative; the Fall Enrollment Report; the Standing Committee on Safety Report and a Report on the VCU Fall Fest 2008.

Mr. Hurtado reported for the Academic and Health Affairs Policy Committee. The Proposal to Establish a Spin-Off Bachelor of Science Program in Real Estate was presented. The purpose of the spin-off is to elevate the major in real estate and urban land development to program status. Students majoring in real estate and urban land development will be able to have the major appear on the diploma. The degree program will be operated solely within VCU. Since the program is a spin off from the B.S. in Business, no additional resources are requested. Mr. Hurtado requested that the dean of the School of Business report back to the Committee at a later date to provide results in terms of number of students, jobs that alumni have attained, etc. The Academic and Health Affairs Policy recommended to the full Board the approval of the Proposal to Establish a Spin-Off Bachelor of Science Program in Real Estate.

The Proposal to Establish a VCU-Fudan University Dual Master's Degree Program with a Concentration in Strategic Public Relations was presented. VCU's School of Mass Communications has an existing Master's Degree Program with a concentration in Strategic Public Relations (SPR). The proposed program with a concentration in SPR is designed to enroll students from Fudan University into the existing graduate courses offered by the VCU School of Mass Communications. The program will take three academic years to complete. The VCU School of Mass Communications and Fudan University will designate a tenured faculty member as program coordinator. A committee from each school will be organized to coordinate program operations. Prior to beginning coursework at VCU, Fudan students will be required to complete a minimum of two semesters of full-time graduate coursework at Fudan's School of Journalism. No additional faculty, staff, or resources will be required to create the dual degree program. The Committee has requested that a similar reciprocal agreement be established for VCU students wishing to culminate studies at Fudan University. The Committee requested that the Dean of the College of Humanities and Sciences and the Director of the School of Mass Communications provide an update at the May 2009 Committee meeting.

Changes to Academic Policies and Procedures were presented. These changes include 1) three mandatory signed statements; 2) a new degree revocation policy; and 3) additional text for the Academic Regulations Appeal Committee (ARAC) procedure for waiving an academic regulation.

Each of the three mandatory statements must be signed by the student. The first statement, which is on the admissions application completed by the student in order to be considered for admittance to the university, stipulates that "while you will work with academic advisors at VCU, submission of this application for admission serves as acknowledgement that you assume the responsibility for satisfying the university requirements for any VCU degree that you pursue." The second statement, which must be acknowledged prior to accessing the on-line class registration system (e-Services), specifies that "I have read and agree to abide by the University Honor Policy, University Code of Ethics, and University Academic Regulations." The third statement, which is a certification statement on the graduation application that is completed at the beginning of the semester in which the student will complete all of his/her degree requirements, confirms that "I understand and confirm that I have met or will meet upon successful completion of the proposed course schedule (i.e., current courses) the University and academic requirements for my degree." The certification statement on the graduation application must also be signed by the appropriate department chair, advisor, and dean indicating that "I have reviewed the academic record of the above applicant and certify that all the undergraduate degree requirements for the major and the university have been fulfilled. I recommend that this candidate be awarded the degree applied for upon satisfactory completion of the courses designated above."

The Committee requested amendments to the proposed new degree revocation policy. The first line of the policy as presented reads "The university reserves the right to revoke any degree, certificate, or other university recognition for just cause." The word "just" should be removed from that statement. Exemplars of "cause" and an implementation process are to be created and presented at an upcoming meeting.

Text was added to the Academic Regulations Appeal Committee (ARAC) procedure for waiving an academic regulation. The procedure now includes the statement that in exceptional circumstances any member of the Academic Regulations Appeal Committee and/or Academic Dean may refer a case to the Provost who has the right but not the obligation to consider remanding it back to the committee for further review. The Committee asked the Provost to investigate the appropriate timeframe during which students can initiate an ARAC appeal. The Academic and Health Affairs Policy Committee recommended to the full Board the approval of Changes to Academic Policies and Procedures, as amended.

The following items were presented for information: Report on the School of Social Work, the Final Report of the VCU Task Force on Corporate Research, a Report on Institutional Performance Standards, a Report of the Provost and Vice President for Academic Affairs; and the Virginia Commonwealth University Health System Financial Statement Summary Fiscal Year – Three Months Ending September 30, 2008.

Dr. Broaddus reported for the Audit and Compliance Committee. The Proposed 2009 Audit Workplan was presented. The Audit Plan is supported by three key planning documents: 1) the COSO Enterprise Risk Management and Internal Control Frameworks; 2) the Summary of Critical Issues and Risk Management Considerations; and 3) the Four Year Core Audit Plan for Risk-Based Audits. In addition to the risk-based audits, the 2009 Plan includes time for annual projects requested by the Audit and Compliance Committee and senior management as well as time for special projects. The Audit and Compliance Committee recommended to the full Board the approval of the Proposed 2009 Audit Workplan.

Mrs. Rhodes reported for the Finance, Investment and Property Committee. The VCU Emergency Preparedness Plan was presented. The Finance, Investment and Property Committee recommended to the full Board the approval of the following Resolution:

RESOLUTION OF ADOPTION VCU Emergency Preparedness Plan **WHEREAS**, the Board of Visitors of Virginia Commonwealth University is concerned with the health and well-being of its students, faculty and staff and desires that the best possible emergency service be available to them; and, the President of the University similarly is concerned with the health and well-being of its students, faculty and staff and desires that the best possible emergency service be available to them; and

WHEREAS, the Code of Virginia, Chapter 1 of Title 23, Section 23-9.2:9, provides that the governing boards of each public institution of higher education in Virginia shall develop, adopt, and keep current a written crisis and emergency management plan; that every four years, each institution shall conduct a comprehensive review and revision of its crisis and emergency management plan to ensure the plan remains current, that the revised plan shall be adopted formally by the board of visitors or other governing body and that such review also shall be certified in writing to the Department of Emergency Management; and

WHEREAS, such a plan has been developed by Virginia Commonwealth University staff in coordination with the Virginia Department of Emergency Management and with input from Virginia Commonwealth University Incident Response Team Departments and the City of Richmond Office of Emergency Management;

NOW THEREFORE BE IT RESOLVED, by the Virginia Commonwealth University Board of Visitors, on this 20th day of November, 2008, that the Board of Visitors does hereby officially adopt the Virginia Commonwealth University Emergency Preparedness Plan, to include plans and procedures for both peace time and war-caused disasters.

The Lease for 10 North Brunswick Street was presented. The lease is for 25,485 square feet of space for continued use by VCU Dance and Choreography. The current lease expires on April 30, 2009. The proposed lease term is for May 1, 2009, to April 30, 2014, with two 5-year renewal options. Rent will escalate by 3% annually during the initial term; 2.5% during the first renewal option, and 2% during the second renewal option. The Finance, Investment and Property Committee recommended to the full Board the approval of the Lease for 10 North Brunswick Street.

The Request for Proposals for the Gateway Building Restaurant Contract Services was presented. VCU Dining Services seeks a qualified contractor to provide for the retail restaurant operations on the Medical College of Virginia (MCV) Campus in the Gateway Building at 12th and Marshall Streets. The intent is to solicit proposals establishing a contract through competitive negotiations with a franchisee, proprietor or corporation providing a popular, profitable restaurant. The Finance, Investment and Property Committee recommended to the full Board the approval of the Request for Proposals for the Gateway Building Restaurant Contract Services.

The Architect/Engineer Selection for the School of Pharmacy Renovations was presented. The project includes the laboratory renovations of the existing Robert Blackwell Smith Building to enhance the laboratories, classroom, lecture and ancillary support space for the School of Pharmacy. The proposed renovation will provide a more inviting appearance on the first floor, expansion of laboratories and classrooms on the second floor and the relocation of the administration suite to the sixth floor. The engagement is for design services through preliminary design, with a contract provision to allow rollover of the contract for full design services when the remaining funding is released. The cost through midpoint of preliminary design is \$250,000. The construction budget is \$3,600,000 with a total budget of \$5,000,000. BCWH Architects with Ellenzweig was recommended. The Finance, Investment and Property Committee recommended to the full Board the approval of the Architect/Engineer Selection for the School of Pharmacy Renovations.

The Architect/Engineer Selection for the Monroe Park Campus Addition (MPCA) Art Gallery was presented. The project adds approximately 20,000 SF to the Monroe Park Campus Addition and will provide new art gallery space for traveling exhibits and a small permanent collection. The building will also house administrative offices, an archival study area, and curatorial space to prepare the artwork for exhibits and shipping. The engagement is for design services through

schematic design, with a contract provision to allow rollover of the contract for full design services when the fundraising is completed. The cost of schematic design is \$536,639. To date, only the preplanning study has been authorized. Upon completion of schematic design and fundraising, the final full design services amount will be provided to the Board. The construction budget is \$13,750,000 with a total budget of \$19,394,000. The firm recommended is Gwathmey Siegel and Associates Architects, LLC. The Finance, Investment and Property Committee recommended to the full Board the approval of the Architect/Engineer Selection for the MPCA Art Gallery.

The Architect/Engineer Selection for the Massey Cancer Center Vivarium was presented. The project will include the renovation of 10,500 SF of the second floor of the Massey Cancer Center into a Vivarium. The renovation will include holding rooms, procedure rooms, cage wash area and related support facilities. Existing research laboratory and vivarium space will be reconfigured and upgraded to meet current vivarium standards. The engagement is for design services through preliminary design, with a contract provision to allow rollover of the contract for full design services when the remaining funding is released. The cost through midpoint of preliminary design is \$591,300. The construction budget is \$6,900,000 with a total budget of \$11,825,000. The firm recommended is CUH2A, Inc. The Finance, Investment and Property Committee recommended to the full Board the approval of the Architect/Engineer Selection for the Massey Cancer Center Vivarium.

The following reports were presented for information: The Capital Projects Status Report; the Annual Report: Cash Management Operating Pool; the Budget Requests for the 2009 Legislative Session; the University Quarterly Budget Performance Report: September 20, 2008; the Notification of Contract Awards for the New School of Medicine Program Manager, the Eighth Street Parking Deck Offices and the Recreational Facilities – Cary Street Addition and Renovation; the Virginia Commonwealth Health System Financial Statement Summary Fiscal Year 2008 – Three Months Ending September 30, 2008; the Foundations Annual Reports for the VCU Foundation, the VCU Real Estate Foundation, the VCU School of Engineering Foundation, the VCU Alumni Association, and the MCV Alumni Association.

Mr. Robertson reported for the External Relations Committee. The following reports were presented for information: the Government Relations and Health Policy Report, the Marketing and Media Report and the Advancement Division reports. The University Advancement Policies and Procedures will be presented at the February 2009 meeting.

On motion made and seconded, the following Consent Agenda Action Items were approved, as amended:

Board of Visitors

- Minutes of a Meeting held August 20 and 21, 2008
- Minutes of a Special Meeting held August 20, 2008
- Minutes of a Meeting held October 6, 2008

Academic and Health Affairs Policy Committee

- Minutes of a Meeting held August 20, 2008
- Proposal to Establish a Spin-Off Bachelor of Science Program in Real Estate
- Changes to Academic Policies and Procedures as amended Audit and Compliance Committee
- Minutes of a Meeting held August 21, 2008
- Proposed 2009 Audit Workplan External Relations
- Minutes of a Meeting held August 20, 2008

Finance, Investment and Property Committee

- Minutes of a Meeting held August 20, 2008
- VCU Emergency Preparedness Plan
- Lease for 10 North Brunswick Street
- Request for Proposals: Gateway Building Restaurant Contract Services
- Architect/Engineer Selection for School of Pharmacy Renovations
- Architect/Engineer Selection for MPCA Art Gallery
- Architect/Engineer Selection for Massey Cancer Center Vivarium Student Affairs Committee
- Minutes of a Meeting held August 21, 2008
- Policies Related to Campus Safety

On motion made and seconded, the Consent Agenda Information items were accepted.

Mr. Rosenthal reported for the Board Nominating Committee for Rector. Members serving on the Committee are Messrs Rosenthal (chair) and Siegel; Drs. Bersoff and Romano; and Mrs. Lambert. The Committee recommended Mrs. Anne J. G. Rhodes be elected as Rector of the Board of Visitors effective July 1, 2009. On motion made and seconded, the Board approved the recommendation of the Nominating Committee for Rector.

On motion made and seconded, the Board convened into closed session to discuss certain personnel matters and matters relating to the performance of identifiable employees and faculty of VCU and to discuss the performance of departments or schools of VCU where such matters regarding such individuals might be affected by such evaluations including the Faculty Appointments and Changes in Status and other Personnel Actions, to discuss the acquisition or use of real property for public purpose, or of the disposition of publicly held property, or of plans for the future of a state institution of higher education which could affect the value of property owned or desirable for ownership by such institution, including the acquisition of property on or adjacent to the Monroe Park Campus; and to consult with legal counsel pertaining to actual and probable litigation, and other specific legal matters requiring the provision of legal advice by counsel, including the Report of the General Counsel; to discuss matters relating to gifts, bequests, and fundraising activities, including the approval of the Named Funds Report and Facility Naming Recommendations and an update on the development activities, and to discuss matters relating to honorary degrees and special awards, including the Report of the Special Awards Committee as authorized by Section 2.2-3711 A(1), A(3), A(6), A(7), A(8) and A(10) of the Virginia Freedom of Information Act.

Following closed session, on motion made and seconded, the following resolution was approved by roll call vote:

Virginia Commonwealth University hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session meeting were heard, discussed or considered by the Board of Visitors of Virginia Commonwealth University.

Roll Call Vote	Ayes	Nays
Mr. Thomas G. Rosenthal, Rector	X	
Mr. David G. Baldacci	Absent	
Dr. Edward H. Bersoff	Left before voting	
Dr. J. Alfred Broaddus, Jr.	Left before voting	
Dr. John C. Doswell II	X	
Mr. Arthur D. Hurtado	X	
Mr. Brian K. Jackson	X	
Mr. Maurice A. Jones	Left before voting	
Ms. Lillian L. Lambert	X	
Mr. Thomas W. McCandlish	X	
Mrs. Anne J. G. "Panny" Rhodes	X	
Mr. Richard T. Robertson	X	
Dr. Michele A. Romano	X	
Dr. Carol S. Shapiro	X	
Mr. Stuart C. Siegel	X	
Mr. Thomas G. Snead, Jr.	X	

Total votes

Ayes: 12

Nays: 0

Absent During Meeting: 1

Absent During Voting: 4

On motion made and seconded, the Board accepted the Report of the President; approved the recommendations of the Special Awards Committee; approved the Faculty Appointments and Changes in Status and other Personnel Actions as amended; approved the Named Funds Report and Facility Naming Recommendations; approved the Acquisition of Property on or Adjacent to the Monroe Park Campus; approved the Amendment to the University's Six-Year Capital Plan; accepted the closed session Committee Reports; and accepted the Report of the General Counsel.

The meeting was adjourned at 1:45 p.m.