

OLD DOMINION UNIVERSITY

BOARD OF VISITORS
Thursday, December 8 2016

MINUTES

The Board of Visitors of Old Dominion University met in regular session Thursday, December 8, 2016, at 12:30 p.m. in the Board Room of Webb University Center on the Norfolk campus. Present from the Board were:

Carlton F. Bennett, Rector
Yvonne T. Allmond
R. Bruce Bradley
Richard T. Cheng
Alton J. Harris
Michael J. Henry
Larry R. Hill
Toykea S. Jones
Kay A. Kemper
Mary Maniscalco Theberge
Ross A. Mugler
Frank Reidy
Lisa B. Smith
Robert M. Tata
Fred J. Whyte
Petra Szonyeg (Student Representative)

Absent were: Donna L. Scassera
William D. Sessoms, Jr.

Also present were:

John R. Broderick, President	Earl Nance
Austin Agho	Ellen Neufeldt
Alonzo Brandon	Brendan O'Hallarn
Judy Bowman	Brian Payne
Jane Dané	September Sanderlin
Morris Foster	Wood Selig
Giovanna Genard	Deb Swiecinski
Velvet Grant	Rusty Waterfield
Elizabeth Kersey	Jay Wright
Donna W. Meeks	

CALL TO ORDER AND APPROVAL OF MINUTES

Rector Bennett called the meeting to order at 12:35 p.m. and asked for approval of the minutes of the regular meeting held on September 22, 2016. Upon a motion made by Mr. Mugler and seconded by Mary Maniscalco Theberge, the minutes were approved by all members present and

unanimously approved by all members present and voting (Almond, Bradley, Cheng, Harris, Henry, Hill, Jones, Kemper, Maniscalco, Theberge, Mugler, Reidy, Smith, Tata, Whyte)

HONORARY DEGREES

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the awarding of an honorary degree to the individuals noted below. A summary of each nominee's career is attached to this resolution for information purposes.

1. Barry M. Kornblau, retired chairman and CEO of Summit Realty Group, Inc.
Doctor of Humane Letters (honoris causa)
2. Ting Xu, founder and president of Evergreen Enterprises and CEO and Co-Owner of Plow and Hearth
Doctor of Humane Letters (honoris causa)

Barry M. Kornblau

Barry M. Kornblau is the retired chairman and CEO of Summit Realty Group, Inc., based in Richmond, Virginia. He is a real estate broker, certified property manager and registered apartment manager. He served as service pres

The ODU Faculty Handbook states “The main purposes of tenure are to recognize the performance of faculty members who have given years of dedicated service to the university, to protect academic freedom, and to enable the university to retain a permanent faculty of

Committee members approved by unanimous vote the resolutions on ~~eight~~ faculty appointments, 20 administrative appointments, ~~three~~ emeritus/emerita appointments, and one posthumous emerita appointment. The following resolutions were brought forth as recommendations of the Academic and Research Advancement Committee and were unanimously approved by all members present and voting. (Ald, Bradley, Cheng, Harris, Henry, Hill, Jones, Kemper, Maniscalco, Theberge, Mugler, Reidy, Smith, Tata, Whyte)

FACULTY APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approve wer

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ADMINISTRATIVE FACULTY APPOINTMENTS

RESOLVED, that upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the following administrative faculty appointments.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Susan Boyd Executive Director of Housing and Residence life Instructor	\$80,000	10/10/16	12 mos

Ms. Boyd received an M.S. in Organizational Behavior from the University of Hartford.

Previously, she worked for Rutgers University for 16 years.

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<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Ms. Jennifer George Creative DirectorCenter for Learning and Teaching and Instructor	\$78,000	9/21/16	12 mos

Ms. George received an M.B.A. from Pennsylvania State University. Previously, she worked as a Marketing Manager for Larson Design Group in Williamsport, PA.

Ms. Tiffany Hampton Associate Budget Officer and Instructor	\$87,500	9/10/16	12 mos
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Ms. Hampton received an M.B.A. from Saint Leo University and a B.S. in Business Commerce and Finance from Norfolk State University. Previously, she served as a Financial Planning Analyst for Vista Outdoor.

<u>Name and Rank</u>	<u>Salary</u>	<u>Effective Date</u>	<u>Term</u>
Delegate Kenneth R. Plum Contributing Author for the Old Dominion University State of the Commonwealth Report, Strome College of Business	\$16,000	12/1/16 - spring semester	5 mos

Delegate Plum received a B.A. from Old Dominion University and an M.Ed. from the University of Virginia. He is a retired teacher and school administrator with Fairfax County Public Schools, where he served as Director of Adult and Community Education. Delegate Plum is a member of the Virginia House of Delegates, representing the 30th District. He has served in the House of Delegates from 1978 and 1982 to present. He has been a contributing author each year since 2004.

Ms. Elise Rankins Assistant Director for Conference Services, Housing and Residence Life and Instructor	\$50,000	11/25/16	12 mos
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Ms. Rankins received an M.S. in Sports Leadership from Duquesne University. Previously, she worked as the Senior Event Manager for the Hampton Roads Convention Center.

Ms. Shannon Sauerwald Director for Webb University Center and Auxiliary Services and Instructor	\$80,000	9/25/16	12 mos
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Ms. Sauerwald received an M.S. in Sports and Recreation Management from Old Dominion University. Previously, she was the Assistant Director for Webb University Center.

Ms. Brittany Shearer Academic Advisor and Instructor	\$41,340	9/25/16	12 mos
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Ms. Shearer received an M.S.Ed. in Educational Leadership from Old Dominion University. Previously, she worked as a Graduate Assistant for the Office of Leadership and Student Involvement at Old Dominion University.

Ms. Megan Shearin Marketing Coordinator, Housing and Residence Life and Instructor	\$57,500	11/14/16	12 mos
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Ms. Shearin received an M.S.Ed. in Educational Policy from the College of William and Mary. Previously, she was employed by the University's Department 2 (y)20T[(M)-1 rtment28a2yed by ttation

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RICHARD A. MASSEY

After graduating from the University of Dayton in 1971, Richard A. "Rick" Massey was commissioned as a U.S. Army officer and served on active duty for 24 years, including two extended tours in the Republic of Korea. He served as a Field Artillery Officer, Army Aviator, and a Military Comptroller. In 1979, he earned Master of Business Administration from the University of Dayton. Massey served in progressively important assignments including service on the Army General Staff with duty in the Office of the Comptroller of the Army and the C of Staff of the Army. His final assignment was as the Director of Resource Management for U.S. Army Cadet Command responsible for funding and logistics for the Army's ROTC program nationwide. His military decorations include the Legion of Merit.

Massey joined Old Dominion University in 1995 as the Associate University Budget Officer. In 1998, he was appointed as the first Chief Financial Officer (CFO) for the Foundations that support the University, which include the Old Dominion University Educational Foundation, Old Dominion Athletic Foundation, Old Dominion University Real Estate Foundation, and the Community Development Corporation. As the CFO, he organized the financial and administrative functions of the Foundation to support the University's capital campaign and the creation of the Old Dominion University Real Estate Foundation.

Massey's role was later expanded to include appointment as the Associate Vice President for Advancement for Foundations and Chief Investment Officer (CIO) of the Foundations. As CIO, he assisted in the implementation of the endowment model for the University, which saw the endowment exceed \$200 million. Under Massey's leadership, the Foundations had 20 consecutive years of clean audits with no comments from auditors.

POSTHUMOUS EMERITA APPOINTMENT

RESOLVED that, upon the recommendation of the Academic and Research Advancement Committee, the Board of Visitors approves the posthumous granting of the title of emerita to the following faculty member. A summary of her accomplishments is included.

<u>Name and Rank</u>	<u>Effective Date</u>
Karen Polonko University Professor Emerita and Professor Emerita of Sociology and Criminal Justice	Posthumous

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ADMINISTRATION & FINANCE COMMITTEE

The Rector called on Mr. Tata for the report of the Administration & Finance Committee. Mr. Tata reported that Deb Swiecinski, Associate Vice President for Financial Services, and Dale Feltes, Director of Design and Construction, briefed the Committee on the new mandated requirement for agencies wishing to use Construction Management-Risk or Design Build Method of Delivery process. In July, 2016, as part of House Bill 30, institutions of higher education were required to develop a process for determining the selected method of procurement for construction projects, submit the process to the Department of General Services for review and recommendations, and present the process (including DGS recommendation) to the Board of Visitors for approval.

The Board is requested to approve the process for determining the Competitive Negotiations method of Procedure and, as a result, rescind Board Policy 1628, Utilization of Fixed Price Design-Build or Construction Management Contracts as Methods of Delivery. The following resolution was brought forth as a recommendation of the Administration and Finance Committee and was unanimously approved by all members present and voting. (Allmond, Bradley, Cheng, Harris, Henry, Hill, Jones, Kemper, Maniscalco, Theberge, Mugler, Reidy, Smith, Tata, Whyte)

RESOLUTION TO ADOPT PROCESS FOR DETERMINING USE OF THE COMPETITIVE NEGOTIATIONS METHOD OF PROCUREMENT AND TO RESCIND BOARD POLICY 1628: UTILIZATION OF FIXED PRICE DESIGN-BUILD OR CONSTRUCTION MANAGEMENT CONTRACTS AS METHODS OF DELIVERY

RESOLVED, that upon the recommendation of the Administration and Finance Committee, the Board of Visitors approves the Department of Procurement Services' Process for Determining Use of the Competitive Negotiations Method of Procurement.

BE IF FURTHER RESOLVED, that the Board rescinds Policy 1628: Utilization of Fixed Price Design-Build or Construction Management Contracts as Methods of Delivery.

efficiently achieved using competitive negotiations versus being completed via the competitive sealed bid process for DBB delivery method?

- c. What are the advantages to the Owner, A/E and Contractor in having both the constructability analyses and value engineering efforts conducted with the design phase, and why are they important?
 - d. Construction site location and associated constraints, including restricted access.
 - e. How important are coordination efforts with Owner for potential street closures, deliveries from vendors, off-site staging areas crucial for the safety of passing students and traffic flow, etc., that may not only reduce costs, but minimizes impacts to pedestrians, vehicular traffic, adjacent buildings, businesses and neighborhoods.
- 4. Initial Review and Approval of Summary Project Information:**
The responsible Procurement Officer shall be responsible for compiling the information and responses to questions requested in above section V. into a summary format, signing off on same, and routing for review and approval as follows:
- a. Director for Design and Construction;
 - b. Assistant Director, Procurement Services;
 - c. Director of Procurement Services;
 - d. Chief Operating Officer

“Effective July 1, 2008, any public institution of higher education may enter into a memorandum of understanding with the appropriate Cabinet Secretary or Secretaries, as designed by the Governor, for additional operational authority in any operational area adopted by the General Assembly in accordance with law provided that the authority granted in the memorandum of understanding is consistent with the institution’s ability to manage its operations in the particular areas or areas.”

To promulgate expanded operational authority in the area of procurement, Old Dominion University entered into a memorandum of understanding (MOU) with the Secretary of Administration in July, 2009, which was renewed in April, 2012, for a term of five years, with automatic renewals of five year terms thereafter. Among other powers, this MOU grants the University additional operational authority in the area of construction authorized by §3.0 of Chapters 824 and 829. The legislation required that the University adopt the “Rules Governing Procurement of Goods, Services, Insurance and Construction by a Public Institution of Higher Education of the Commonwealth of Virginia” (the “Rules”) contained in Attachment I of §3.0 in lieu of the Virginia Public Procurement Act (VPPA).

Pursuant to §238.90, specifically under §3.0 IV.5.E., Implementation, the University is exempt from use and oversight of many Commonwealth policies and agencies, including specific sections of the Virginia Public Procurement Act (VPPA), Department of Blind and Vision Impaired (VIB), and the Division of Purchases and Supplies of the Virginia Department of General Services (DPS/DGS). Additionally, and more specifically related to this policy, pursuant to the same section of §3.0 IV.5.E., Implementation, the University is also exempt from the oversight of the Division of Engineering and Buildings of the Virginia Department of General Services, as follows:

any other state statutes, rules, regulations, or requirements relating to the procurement of goods, services, insurance and construction, including but not limited to Article 3 (§2.2-1109, et seq.) of Chapter 11 of Title 2.2, regarding the duties, responsibilities, and authority of the Division of Purchases and Supply of the Virginia Department of General Services, and Article 4 (§2.2-1129 et seq.) of Chapter 11 of Title 2.2, regarding the review and the oversight by the Division of Engineering and Buildings of the Virginia Department of General Services of contracts for the construction of the Institution’s capital projects and construction-related professional services.”

II. Board of Visitors Policy

It is the policy of the Board of Visitors to use fixed price design build and construction management contracts for general fund projects as allowed under the Rules”, the Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors (the “Higher Ed Manual”), any MOUs between the University and the Secretary of Administration, and other policies adopted by the University

of Visitors Policy 1623. The use of these alternate delivery methods will be consistent with the provisions of the Memorandum of Understanding (MOU) Concerning Capital Outlay Projects executed by the University with the Secretary of Administration and any properly approved amendments or additional MOUs

III. Authority

The Vice President for Administration and Finance or the Vice President designee shall be responsible for interpretation, implementation and compliance of this policy. The Vice President for Administration and Finance may delegate this authority by letter.

IV. Definitions

- A. BCOM - The Commonwealth's Bureau of Capital Outlay Management, an entity of the DGS reporting to DEB.
- B. Construction - Building, altering, repairing, improving or demolishing any structure, building or highway, and any draining, dredging, excavation, grading or similar work upon real property.
- C. Construction Management Services provided under a contract with the Owner, which generally include coordinating and administering construction contracts for the benefit of the Owner, but may also include, if provided in the contract, furnishing construction services to the Owner.
- D. CPSM - The Commonwealth's Construction and Personal Services Manual issued by BCOM
- E. DEB - The Commonwealth's Division of Engineering and Buildings which reports to DGS.
- F. DGS - The Commonwealth's Department of General Services which reports to the Secretary of Administration.
- G. Design-Build - Services in which the party contracting with the public body agrees to both design and build the structure, roadway or other item specified in the contract.

Mary Deneen, Assistant Vice President for Finance/University Controller, reported on the Unaudited Finance Statements for the year ended June 30, 2016. Her presentation reviewed the Statements on the University's Net Position; Revenues, Expenses and Changes in Net Position; and Cash Flows.

Giovanna Genard, Assistant Vice President for Strategic Communication and Marketing, and Rusty Waterfield, CIO and Associate Vice President for University Services, presented information on the recent redesign of the University's website to better align with Old Dominion's strategic goals. The project produced an externally focused website with simplified design, enhanced navigation and a new model for web content support for academic colleges.

The Committee received the Capital Outlay Projects Status Report from Dale Feltes, the Educational Foundation's Investment Report from Rick Massey, Associate Vice President for Foundations.

