

MINUTES
December 15, 2002

The Board of Visitors of Virginia Polytechnic Institute and State University met on Sunday, December 15, 2002, at 12:00 noon in the Torgersen Hall Board Room at Blacksburg, Virginia.

Present

Absent

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| Mr. Mitchell O. Carr | Mr. Bruce B. Smith |
| Mr. Ben J. Davenport, Jr. | |
| Mr. Donald R. Johnson | |
| Mr. William C. Latham | |
| Mr. John R. Lawson, II | |
| Mr. T. Rodman Layman | |
| Mr. Jacob A. Lutz, III | |
| Mr. A. Ronald Petera | |
| Mr. Thomas L. Robertson | |
| Mr. John G. Rocovich, Jr. | |
| Dr. Beverly Sgro | |
| Mr. Philip S. Thompson | |
| Mr. Joseph W. Wampler | |
| Mr. Brian Montgomery, Undergraduate Student Representative | |
| Mr. Christian Rieser, Graduate Student Representative | |
| Dr. Edd Sewell, President, Faculty Senate | |

Also present were the following: Dr. Charles W. Steger, Dr. Mark G. McNamee, Mr. Minnis E. Ridenour, Dr. Pat Hyer, Mr. Larry Hincker, Mr. Jerry Cain, Mr. Ralph Byers, Ms. Kim O'Rourke, Dr. Elizabeth Flanagan, faculty, staff, students, and reporters.

This special meeting of the Board of Visitors was called by the Rector, Mr. Rocovich, and was convened at 12:00 noon.

Motion to begin Closed Session

Mr. Lutz moved that the Board convene in a closed meeting, pursuant to § 2.2-3711, Code of Virginia, as amended, for the purposes of discussing:

Consultation with legal counsel to seek advice regarding personal liability of Board members for actions taken in their official capacity.

The motion was seconded and passed unanimously.

Motion to Return to Open Session

Following the Closed Session, members of the press, students, and the public were invited to return to the meeting. Mr. Rocovich called the meeting to order and asked Mr. Lutz to make the motion to return to open session.

Mr. Lutz made the following motion:

WHEREAS, the Board of Visitors of Virginia Polytechnic Institute and State University has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the *Code of Virginia, 1950, as amended*, requires a certification by the Board of Visitors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors of Virginia Polytechnic Institute and State 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 meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Visitors.

The motion was seconded and passed unanimously.

The following resolution was introduced.

Resolution on University Policies Pertaining to the Recruitment, Admission, and Support of Students; Employment Practices; and the Involvement of All Segments of the University Community in the Operation of the University

WHEREAS, the *Code of Virginia* and the By-laws of the Board of Visitors of Virginia Polytechnic Institute and State University state that as public trustees, the members of the Board have the responsibility and authority, subject to constitutional and statutory limitations, for the continuing operation and development of the institution as a state land-grant university, and for the evolving policies within which it must function; and

WHEREAS, the Board has the responsibility to ensure that the University abides by all Federal and state laws; and

WHEREAS, the University has an obligation to ensure that it follows all existing Federal and state laws, rules, regulations, and opinions of the office of the Attorney General of Virginia in the recruitment, admission, and support programs of students, and in the employment of University faculty and staff; and

WHEREAS, shared participation in the operation of the University through the involvement of faculty, staff, and students in the discussion and formulation of policies and procedures that guide academic matters and student life within an institution is an integral component of the culture of higher education and the University; and

WHEREAS, the involvement of faculty, staff, and students in the formulation of policies and procedures encourages University-wide input and acceptance by the University community of Board-approved policies and University-issued procedures; and

WHEREAS, there is full recognition by the faculty, staff, and students that the final approval of University policy governing academic affairs and student life rests with the Board of Visitors; and

WHEREAS, the University, as a land-grant university, should represent broad segments of society, and under the concept of shared operation of the University, it is essential that all segments of the University be represented in the operation of the University; and based on this premise, it is important to develop a commission in the operation of the University that provides for discussion of issues associated with the involvement of individuals from groups that represent the composition and nature of a leading research university that draws its population from an international setting; and

WHEREAS, the *Code of Virginia* and the By-laws of the Board provide further that the formulation of the basic policies under which every aspect of the University's operations is carried out, as well as the implementation of those policies, consequently are subject to the Board's review, modification, and ultimate approval;

NOW, THEREFORE, BE IT RESOLVED that the Board of Visitors of Virginia Polytechnic Institute and State University directs that the University shall at all times be in compliance with Federal and state laws, regulations, rules, and opinions of the office of the Attorney General of Virginia with regard to the recruitment, admission, and support of students, and in the application of the University's employment practices for faculty and staff; and

FURTHER, that the Board encourages the University to develop, as appropriate through a process involving faculty, staff, and students, University policies and procedures that provide for the implementation of programs pertaining to the recruitment, admission, and support of students, and to the employment, promotion, and development of its faculty and staff, in accordance with this policy of the Board of Visitors and existing Federal and state laws and in compliance with all rules and regulations based upon official interpretations of those laws by the office of the Attorney General of Virginia; and

FURTHER, that the Board fully supports and approves the development of a commission that ensures the representation and involvement of all segments of the University community in the operations of the University; and

FURTHER, that the President of the University, working through senior administrators and with University legal counsel, will be accountable to the Board of Visitors for ensuring that all University policies, procedures, and programs are in full compliance with this policy of the Board; and

FURTHER, that the President, working through the senior administrators and with University legal counsel shall review, in accordance with the guidelines of the Virginia Attorney General's office, all programs with regard to the recruitment, admission, and support of students, and in the application of the University's employment practices for faculty and staff; and shall provide a full report to the Board at its March 2003 meeting.

FURTHER, that the Board retains ultimate authority for approving university policies.

Relative to the preceding resolution, the following recommendation was then moved by Mr. Lutz, seconded by many, and approved unanimously:

That the Board of Visitors' policy requiring that the University be in full compliance with Federal and state laws, regulations, rules, and opinions of the office of the Attorney General of Virginia pertaining to the recruitment, admission, and support of students and to the employment and promotion of faculty and staff, and the development of a commission as an arm of University Council to ensure the representation and involvement of the broader segments of the international community in the academic and student life of Virginia Tech be adopted and approved.

President Steger noted that because of the changing legal landscape, he is directing that a review be done of university programs to ensure that they are in compliance, and he will appoint a committee that will be charged with determining how to bring into compliance any programs that are found during the review to be questionable.

He added that the Board's action to ensure that the interests of the university's international community are addressed will be an important factor in achieving the goal of becoming a top 30 university.

Dr. Steger, Dr. McNamee, and Mr. Ridenour each expressed their belief that the Board had taken a very positive step by endorsing the development of this commission and expressed their appreciation for the Board's support.

At the request of the Board, Dr. Benjamin Dixon will be requested to make a presentation on the proposed commission at the next meeting of the Board of Visitors.

Dates for the next meeting are March 9-10, 2003.

Mr. Latham moved that the meeting be adjourned. The meeting adjourned at 1:10 p.m.

[Redacted Signature]

John G. Rocovich, Rector

[Redacted Signature]

Kim O'Rourke, Secretary

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