

**BOARD OF VISITORS EXECUTIVE COMMITTEE
MINUTES**

August 13, 2020

The Executive Committee of the Board of Visitors of Virginia Polytechnic Institute and State University met on Thursday, August 13, 2020, at 3:00 p.m. On this date, the Commonwealth of Virginia was operating under a state of emergency as declared by Governor Northam due to the COVID-19 pandemic. This was an entirely electronic meeting held via Zoom videoconference to conduct regular business as permitted by legislation passed by the General Assembly on April 22, 2020, and signed into law by Governor Northam.* A quorum of the Executive Committee was present on the videoconference.

Executive Committee Members Present

Mr. Horacio Valeiras (Rector)
Mr. Ed Baine
Ms. Greta Harris
Mr. C. T. Hill
Ms. Letitia Long (Vice Rector)
Mr. Mehul Sanghani

Absent

Other Board members present:

Ms. Sharon Martin

Also present on the Zoom videoconference were the following: President Timothy Sands, Ms. Kim O'Rourke (Secretary to the Board), Mr. Whit Babcock, Dr. Cyril Clarke, Mr. Corey Earles, Ms. Kari Evans, Ms. Kay Heidbreder, Dr. Chris Kiwus, Ms. Angie Littlejohn, Dr. Kelly Oaks, Mr. Mark Owczarski, Mr. Charlie Phlegar, Dr. Dwayne Pinkney, Ms. Katie Polidoro, Ms. Tracy Vosburgh, and the captioner.

In addition, approximately 50 members of the university community and public viewed a live stream of the videoconference on YouTube Live.

Rector Valeiras convened the meeting and welcomed everyone. He explained that the by-laws of the Board of Visitors empower the Executive Committee to act in between meetings of the full Board and stipulate that actions taken by the Executive Committee must be ratified at the next meeting of the full Board of Visitors. He explained that this meeting was planned initially to address policy changes resulting from changes in Title IX regulations that go into effect tomorrow, and then some additional time-sensitive matters were added. He thanked the faculty, staff, and students for their work and flexibility and for their commitment to the well-being of the entire community.

Rector Valeiras called on Provost Clarke to present the resolution to change the name of the new School of Communication and Digital Media to the School of Communication. Provost Clarke explained that the name change was requested by the State Council of Higher Education for Virginia. A motion was made by Mr. Hill, seconded by Ms. Harris, and passed unanimously to approve the following resolution (copy attached to the permanent minutes and marked Attachment A).

RESOLUTION TO AMEND NAME OF THE SCHOOL OF COMMUNICATION IN THE COLLEGE OF LIBERAL ARTS AND HUMAN SCIENCES

That the name of the school in the College of Liberal Arts and Human Sciences previously approved by the Board of Visitors be changed to the School of Communication.

FALL 2020 ENROLLMENT UPDATE

Rector Valeiras called on Provost Clarke to provide a brief update on enrollment for fall 2020, including impacts of COVID-19. Provost Clarke reported that there are currently 6728 freshmen enrolled, which is slightly over the goal. However, that number is expected to decrease as a result of the typical summer melt and may be slightly below the goal by the census date in mid-September. The number of out-of-state freshman students is slightly below the goal mostly as a result of fewer international students because of the pandemic. The incoming class is more diverse than the Class of 2023. To date, 282 freshman/transfer students have deferred admission for a year to fall 2021. Another 125 students have deferred their admission to spring/summer 2021, spring/summer 2022, or fall 2022. However, there is no indication of a trend toward declining enrollment. Approximately 8600 students will be living on campus. Rector Valeiras congratulated Provost Clarke and his team on a very successful, all-virtual summer orientation program.

Rector Valeiras called on Ms. Heidbreder, University Legal Counsel, to explain policy changes needed as a result of new Title IX regulations promulgated by the U.S. Department of Education in May 2020. Ms. Heidbreder provided a brief presentation, discussing the most noteworthy provisions of the regulations. The new and revised policies brought forward today represent the work of Dr. Kelly Oaks, Associate Vice President for Equity and Accessibility, and Ms. Katie Polidoro, Title IX Coordinator, who led several work groups over the summer. Oaks and Polidoro will provide a lengthier presentation at the full Board meeting later this month. Action by the Board of Visitors is required today in order to comply with the regulations which go into effect tomorrow, August 14. A motion was made by Ms. Long, seconded by Ms. Harris, and passed unanimously to approve the following resolution (copy of resolution, related documents, and presentation are attached to the permanent minutes and marked Attachment B).

**RESOLUTION TO AMEND POLICY 1025 AND STUDENT CODE OF CONDUCT
AND TO CREATE NEW POLICY 1026
TO COMPLY WITH NEW TITLE IX REGULATIONS**

That the resolution to approve changes to University Policy 1025 and the Student Code of Conduct, and to approve new University Policy 1026 (including appendices) be approved effective August 14, 2020, to comply with the May 6, 2020, Title IX regulations issued by the U.S. Department of Education Office for Civil Rights.

Ms. Harris and Ms. Long questioned whether the changes could make it more difficult for a complainant to pursue a grievance, and they requested periodic updates on Title IX cases and impacts of the regulations. Ms. Heidbreder replied that cases that do not fall within the Title IX regulations may still be pursued through the regular Student Conduct process. Ms. Heidbreder noted that there is further work to be done, such as the creation of an informal resolution process and that additional changes may be brought to the Board after they proceed through the university’s governance process.

INTERCOLLEGIATE ATHLETICS UPDATE

Rector Valeiras called on Athletics Director Whit Babcock to provide an update on the status of intercollegiate athletics, which has been impacted significantly by the pandemic. Mr. Babcock indicated that student-athletes began returning to campus in early July. Seven of the 22 fall sports are in full practice mode. Seven winter sports are doing some workouts. The eight spring sports are currently inactive. The biggest issue is the uncertainty about whether sports will be canceled and the associated mental health toll. They continue to educate students about the opportunity to opt out. He views the situation through the lens of a parent as well as an athletic director and considers the wellbeing of the students to be paramount. He and President Sands, as well as Angie Littlejohn, Kay Heidbreder, and others, continue to be heavily involved in discussions with the conference and NCAA. He anticipates that some crucial decisions will be made next week. Rector Valeiras thanked them on behalf of the Board for their significant time and effort. He added that he observed first-hand the safety protocols that were being implemented when he visited campus last week.

Motion to Begin Closed Session

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

1. Special award(s)/building naming(s).

pursuant to subpart .11 of 2.2-3711 (A), Code of Virginia, as amended.

The motion was seconded by Mr. Baine and passed unanimously. The YouTube live broadcast was suspended.

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Motion to Return to Open Session

Following the closed session, the YouTube Live broadcast was resumed for members of the public to observe the meeting. Ms. Long made the following motion to return to open session:

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 provision of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia 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 by Ms. Harris and passed unanimously.

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RATIFICATION OF ITEMS APPROVED IN CLOSED SESSION

Rector Valeiras asked for a motion to approve as a group the items considered in closed session. President Sands supports these resolutions, which were recommended to him by the Council on Virginia Tech History and the Commemorative Tributes Committee. The motion was made by Mr. Hill, seconded by Ms. Harris, and passed unanimously to approve the following resolutions considered in closed session:

- **Resolution to remove the name of the residence hall located at 570 Washington Street, SW, and built in 1966** (copy filed with the permanent minutes and marked Attachment C);

- **Resolution to remove the name of the residence hall located at 240 Kent Street and built in 1962** (copy filed with the permanent minutes and marked Attachment D);
- **Resolution to name Hoge Hall, the residence hall located at 570 Washington Street, SW, in honor of Janie and William Hoge** (copy filed with the permanent minutes and marked Attachment E); and
- **Resolution to name Whitehurst Hall, the residence hall located at 240 Kent Street, in honor of James Leslie Whitehurst, Jr., Class of 1963** (copy filed with the permanent minutes and marked Attachment F).

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Rector Valeiras announced that the next regular meeting of the full Board will be held on the Blacksburg campus on August 23-25, 2020, and all safety protocols recommended by the Centers for Disease Control and the Virginia Department of Health will be followed. This will be the first time the full Board will have met in person since November 2019.

The meeting was adjourned at 4:30 p.m.

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Horacio Valeiras, Rector

Kim O'Rourke, Secretary

***Amendment 28: Allow policy-making boards to meet virtually during emergency declarations**
Item **4-0.01** **Operating Policies**

Page 280, after line 26, insert:

"g. Notwithstanding any other provision of law, any public body, including any state, local, regional, or regulatory body, or a governing board as defined in § **54.1-2345** of the Code of Virginia may meet by electronic communication means without a quorum of the public body or any member of the governing board physically assembled at one location when the Governor has declared a state of emergency in accordance with § **44-146.17**, provided that (i) the nature of the declared emergency makes it impracticable or unsafe for the public body or governing board to assemble in a single location; (ii) the purpose of meeting is to discuss or transact the business statutorily required or necessary to continue

operations of the public body or common interest community association as defined in § [54.1-2345](#) of the Code of Virginia and the discharge of its lawful purposes, duties, and responsibilities; (iii) a public body shall make available a recording or transcript of the meeting on its website in accordance with the timeframes established in §§ [2.2-3707](#) and [2.2-3707.1](#) of the Code of Virginia; and (iv) the governing board shall distribute minutes of a meeting held pursuant to this subdivision to common interest community association members by the same method used to provide notice of the meeting.

A public body or governing board convening a meeting in accordance with this subdivision shall:

1. Give notice to the public or common interest community association members using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body or governing board conducting the meeting;
2. Make arrangements for public access or common interest community association members access to such meeting through electronic means including, to the extent practicable, videoconferencing technology. If the means of communication allows, provide the public or common interest community association members with an opportunity to comment; and
3. Public bodies must otherwise comply with the provisions of § [2.2-3708.2](#) of the Code of Virginia.

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the public body or governing board.”