

# Board of Visitors

**Quarterly Meeting  
September 11, 2020**

**RADFORD UNIVERSITY**

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Board of Visitors

# Meeting Materials

## Radford University Board of Visitors

September 2020

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# RADFORD UNIVERSITY

Board of Visitors

## QUARTERLY MEETING 1 P.M. \*\*

SEPTEMBER 11, 2020

MARY ANN JENNINGS HOVIS MEMORIAL BOARD ROOM  
AND ELECTRONIC COMMUNICATION  
THIRD FLOOR, MARTIN HALL, RADFORD, VA

### **DRAFT** **AGENDA**

- **CALL TO ORDER AND OPENING COMMENTS** Mr. Robert A. Archer, *Rector*
- **APPROVAL OF AGENDA** Mr. Robert A. Archer, *Rector*
- **APPROVAL OF MINUTES** Mr. Robert A. Archer, *Rector*
  - June 12, 2020
  - August 4-5, 2020
- **CLOSED SESSION** Mr. Robert A. Archer, *Rector*

Virginia Freedom of Information Act  
§2.2-3711 (A) (1)
- **STUDENT REPRESENTATIVE TO THE BOARD OF VISITORS ANNOUNCEMENT** Mr. Robert A. Archer, *Rector*
- **RECOGNITION** Mr. Robert A. Archer, *Rector*
- **PRESIDENT'S REPORT** Dr. Brian O. Hemphill, *President*
- **ENROLLMENT MANAGEMENT UPDATE** Mr. Craig Cornell, *Vice President for Enrollment Management*
- **UNIVERSITY AUDITOR'S REPORT** Ms. Margaret McManus, *University Auditor*
- **BYLAWS AMENDMENT APPROVAL** Mr. Robert A. Archer, *Rector*
- **GIFT ACCEPTANCE POLICY APPROVAL** Ms. Wendy Lowery, *Vice President for Advancement and University Relations*

- **DEBT ISSUANCE PLAN APPROVAL**

Mr. Chad A. Reed, *Vice President for Finance and Administration and Chief Financial Officer*

- **2019-2020 FINANCIAL PERFORMANCE REPORT AND APPROVAL OF RADFORD UNIVERSITY'S 2020-2021 OPERATING BUDGET**

Mr. Chad A. Reed, *Vice President for Finance and Administration and Chief Financial Officer*

- **CLOSED SESSION**

Virginia Freedom of Information Act  
§2.2-3711 (A) (1), (3), and (7)

Mr. Robert A. Archer, *Rector*

- **OTHER BUSINESS**

Mr. Robert A. Archer, *Rector*

- **ANNOUNCEMENTS**

Mr. Robert A. Archer, *Rector*

**Meeting Dates**

December 3-4, 2020  
February 11-12, 2021  
April 30-May 1, 2021

- **ADJOURNMENT**

Mr. Robert A. Archer, *Rector*

**BOARD MEMBERS**

Mr. Robert A. Archer, Rector

Mr. James R. Kibler, Jr.

Dr. Thomas Brewster

Dr. Jay A. Brown

Mr. Gregory A. Burton

Ms. Krisha Chachra

Dr. Rachel D. Fowlkes

Dr. Susan Whealler Johnston

Mr. Mark S. Lawrence

Dr. Debra K. McMahon

Ms. Karyn K. Moran

Ms. Nancy Angland Rice

Mr. David A. Smith

Ms. Georgia Anne Snyder-Falkinham

Ms. Lisa Throckmorton

# Enrollment Management Update

## Fall 2020

RADFORD  
UNIVERSITY

# New Freshmen

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Main Campus	Fall 2018	Fall 2019	Fall 2020
In-State	1,596	1,451	1,144
Out-of-State	166	148	123
<b>Total Main Campus</b>	<b>1,762</b>	<b>1,599</b>	<b>1,267</b>

Radford University Carilion	Fall 2018	Fall 2019	Fall 2020
In-State	62	46	67
Out-of-State	4	6	2
<b>Total RUC</b>	<b>66</b>	<b>52</b>	<b>69</b>

# Freshmen Indicators - Radford Main Campus

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Measure	Fall 2018	Fall 2019	Fall 2020
High School GPA	3.25	3.29	3.30

Measure	Fall 2018	Fall 2019	Fall 2020
SAT Verbal	531	528	524
SAT Mathematics	508	502	497
SAT Combined	1,039	1,030	1,021
ACT Composite	20.1	20.2	20.2

# Freshmen Indicators - Radford University Carilion

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Measure	Fall 2018	Fall 2019	Fall 2020
High School GPA	3.47	3.45	3.64

Measure	Fall 2018	Fall 2019	Fall 2020
SAT Verbal	529	533	537
SAT Mathematics	506	512	519
SAT Combined	1,035	1,045	1,056
ACT Composite	20.4	20.3	18.8



# New Freshmen by Ethnicity - Radford Main Campus

Ethnicity	Fall 2018	Fall 2019	Fall 2020
American Indian or Alaska Native	4	7	5
Asian	24	18	14
Black or African American	342	361	283
Hispanic	151	122	110
Native Hawaiian/Other Pacific Islander	2	0	0
White	1,064	912	743
Two or more races	113	118	86
Nonresident Alien	14	7	3
Race and Ethnicity Unknown	48	54	23
<b>Total New Freshmen</b>	<b>1,762</b>	<b>1,599</b>	<b>1,267</b>
<b>% Multi-Cultural*</b>	<b>36.0%</b>	<b>39.1%</b>	<b>39.3%</b>

\* Multi-Cultural: American Indian or Alaska Native, Asian, Black or African American, Hispanic, Native Hawaii/Other Pacific Islander, Two or More Races

# New Freshmen by Ethnicity - Radford University Carilion

Ethnicity	Fall 2018	Fall 2019	Fall 2020
American Indian or Alaska Native	0	0	0
Asian	2	1	1
Black or African American	6	4	3
Hispanic	4	2	4
Native Hawaiian/Other Pacific Islander	0	0	0
White	43	34	53
Two or more races	2	5	3
Nonresident Alien	0	0	0
Race and Ethnicity Unknown	9	6	5
<b>Total New Freshmen</b>	<b>66</b>	<b>52</b>	<b>69</b>
<b>% Multi- Cultural*</b>	<b>21.2%</b>	<b>23.0%</b>	<b>15.9%</b>

\* Multi-Cultural: American Indian or Alaska Native, Asian, Black or African American, Hispanic, Native Hawaii/Other Pacific Islander, Two or More Races

# New Transfers

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Main Campus	Fall 2018	Fall 2019	Fall 2020
In-State	563	493	439
Out-of-State	26	18	27
<b>Total Main Campus</b>	<b>589</b>	<b>511</b>	<b>466</b>

Radford University Carilion	Fall 2018	Fall 2019	Fall 2020
In-State	110	92	94
Out-of-State	3	5	2
<b>Total RUC</b>	<b>113</b>	<b>97</b>	<b>96</b>

# New River Community College/Radford University Bridge Program

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	Fall 2020
Bridge Program Enrollments	54



# Overall Enrollment

Level	Fall 2018 (Preliminary)	Fall 2019 (Preliminary)	Fall 2020 (Preliminary)
Radford Main Campus	7,890	7,218	6,580
Radford University Carilion	-	712	717
IMPACT (through September 1)*	33	37	8
<b>Total Undergraduates</b>	<b>7,923</b>	<b>7,967</b>	<b>7,305</b>
Radford Main Campus	957	989	952
Radford University Carilion	-	334	384
IMPACT (through September 1)*	445	2,462	1,815
<b>Total Graduate</b>	<b>1,402</b>	<b>3,785</b>	<b>3,151</b>
<b>Preliminary Fall Headcount</b>	<b>9,325</b>	<b>11,752</b>	<b>10,456</b>
<b>Final Fall Headcount</b>	<b>9,335</b>	<b>11,870</b>	<b>TBD</b>

\* IMPACT is not finalized until October due to its academic calendar.

# Fall-to-Fall Full-Time Student Retention

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New Freshmen - Main Campus	Fall Terms
Fall 2015	74.3%
Fall 2016	75.7%
Fall 2017	70.9%
Fall 2018	71.3%
Fall 2019	74.7%

Other Populations- Main Campus	Change 2019-2020 Fall Terms
Sophomores	0.2%
Juniors	0.5%
Seniors	0.2%
<b>Total- All Bachelor Students</b>	<b>1.9%</b>

# Current Enrollment Challenges and Realities

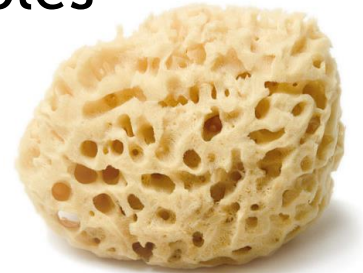
- Demographic challenges are now a sub-context underpinning a post-COVID enrollment, as opposed to the fundamental challenge.
- A shift to online learning from traditional institutions has been received by students with mixed results, reported nationally.
- A shift to online services, however is likely a new service model that will be expected.
- All recruitment activities (campus visits, high school events, national and regional fairs and tailored Radford hotel events) are all now either non-existent, or heavily modified for the foreseeable future.



# Adjustments to the Challenges and Realities

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- Moving to a recruitment strategy that augments traditional freshman across-the-board efforts with targeted growth goals by “filling the holes in the sponge.”
- Shifting the Admissions recruitment staff from outward-facing to a combination of outward, in-office and digital/social recruitment.
- Significantly increasing our social media and virtual recruitment approaches.
- Evaluating what worked and do not work in our emergency COVID removal of barriers and replicating that for Fall 2021.
- Exploring a more significant Virtual Tour experience to highlight our campus and premiere facilities when it will be more challenging to get students to campus.

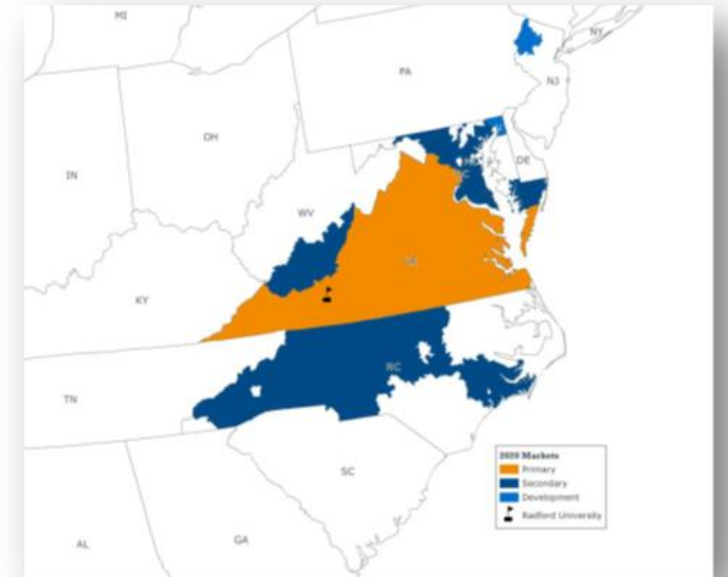




# Adjustments to the Challenges and Realities

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- Strategically re-aligning of our new student lead efforts with our key partner.
- Employing a facilitator model, as opposed to gatekeeper, with Admissions staff and Academic Affairs through an Admissions Liaison approach.
- Aligning recruitment efforts with University Relations and new marketing partner.
- Developing a full communication plan for college-specific recruiting that will involve unique elements, such as:
  - Specific landing pages;
  - Student and faculty video features;
  - Departmental letters, postcards and outreach;
  - Student outcome data ( job placement, opportunities and graduate school placement); and
  - Collateral and handoffs that moves from Radford, to college, to program and to faculty.



# Discussion

<b>Policy Title: Internal Audit Charter</b>	<b>Effective Date: 2/22/2018</b>
<b>Policy Number: GEN-PO-1005</b>	<b>Date of Last Review: NEW</b>
<b>Oversight Department: Office of Audit and Advisory Services</b>	<b>Next Review Date: 2/2/2021</b>

### 1. PURPOSE

The Office of Audit and Advisory Services, serving as the internal audit function for Radford University (University), was established by the Board of Visitors (Board) and the President as an integral part of the overall internal control structure of the University. The *Internal Audit Charter* describes the general purpose, authority, and responsibility of the Office of Audit and Advisory Services.

### 2. APPLICABILITY

The *Internal Audit Charter* applies to all University employees, departments, and activities.

### 3. DEFINITIONS

**Business Affairs and Audit Committee:** Per the Radford University Board of Visitors Bylaws, a standing committee of the Board of Visitors that is generally responsible for reviewing and recommending action to the Board regarding the financial and business affairs of the University, including but not limited to, capital projects, grants, contracts, and the naming of facilities. This committee also oversees the internal audit function of the University, receives the annual financial audit report of the Auditor of Public Accounts, and performs studies of financial matters as directed by the Board.

**Internal Auditing:** An independent and objective assurance and consulting activity that is guided by a philosophy of adding value to improve the operations of an organization. Its mission is to enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

**Internal Control:** Based on the Internal Control – Integrated Framework (2013), published by the Committee of Sponsoring Organizations of the Treadway Commission, internal control is an ongoing process, effected by the Board of Visitors, management, and other University personnel designed to provide reasonable assurance regarding the achievement of objectives relating to operations, reporting, and compliance. Internal control consists of five major components: control environment, risk assessment, control activities, information and communication, and monitoring.

**Management:** The collective body of those who have the authority and responsibility to make decisions in order to manage or direct the various operations and business processes of the University. Management encompasses various levels of the organization including division heads, deans, directors, managers, and supervisors.

**University Auditor:** The senior position that is responsible for effectively managing the University's internal audit function in accordance with the *Internal Audit Charter* and the mandatory elements of the Institute of Internal Auditors (IIA) International Professional Practices Framework. The University Auditor is the Chief Audit Executive.

**University Employee:** Any person employed as a teaching faculty, administrative or professional faculty, classified employee, part-time or wage employee, student employee, work/study employee, or any other person paid through the University's payroll process.

#### 4. POLICY

- A. The University's Board of Visitors and the President are dedicated to supporting the internal audit function (i.e. the Office of Audit and Advisory Services), an integral part of the overall internal control structure of the University (see [Internal Control Policy](#)).
- B. As the University's internal audit function, the Office of Audit and Advisory Services must be independent from the University's management to operate effectively. In order to provide for the independence of the Office of Audit and Advisory Services:
  - 1. The Office of Audit and Advisory Services staff will report to the University Auditor who will be administratively responsible to the President and functionally accountable to the Business Affairs and Audit Committee of the Board of Visitors.
  - 2. The University Auditor will be provided unrestricted access to communicate and interact directly with the Business Affairs and Audit Committee.
  - 3. The University Auditor will confirm to the Business Affairs and Audit Committee, at least annually, the organizational independence of the Office of Audit and Advisory Services.
  - 4. Any decision to remove the University Auditor must be approved by the Business Affairs and Audit Committee.
- C. As its mission, the Office of Audit and Advisory Services will assist the Board of Visitors, the President, and senior management in accomplishing the University's strategic objectives by bringing a systematic, disciplined approach to evaluating and improving the effectiveness of governance, risk management, and control processes.
- D. The Office of Audit and Advisory Services will be authorized to:
  - 1. have full, free, and unrestricted access to all functions, records, property, and personnel of the University.
  - 2. allocate resources, set frequencies, select subjects, determine scopes of work, and apply the techniques required to accomplish audit objectives and issue reports.
  - 3. obtain assistance from the necessary personnel of the University, as well as other specialized services from within or outside the University, in order to complete their work.
- E. University employees must cooperate with the Office of Audit and Advisory Services in accordance with its authority.

- F. The Office of Audit and Advisory Services will not be authorized to:
1. perform any operational duties for the University or its affiliates.
  2. initiate or approve transactions external to the Office of Audit and Advisory Services.
  3. direct the activities of any University employee not employed by the Office of Audit and Advisory Services, except to the extent that such employees have been appropriately assigned to auditing teams, or to otherwise assist the audit team.
  4. develop or write policies or procedures that they may later be called upon to evaluate. Draft materials developed by management may be reviewed for propriety or completeness; however, ownership of, and responsibility for, these materials remains with management.

## 5. PROCEDURES

### A. Scope of Work

1. The scope of work for the Office of Audit and Advisory Services will be to ascertain that the system of internal control (see [Internal Control Policy](#)), as designed and represented by management, is adequate and functioning in a manner to provide reasonable assurance regarding the following:
  - a. Achievement of the University's strategic objectives
  - b. Effectiveness and efficiency of operations and programs
  - c. Reliability and integrity of financial and operational information
  - d. Safeguarding of assets
  - e. Compliance with policies, standards, procedures, contracts, and applicable laws and regulations
2. Reviews and evaluations of internal control by the Office of Audit and Advisory Services will be advisory in nature. The University's management will continue to be responsible for establishing and maintaining an adequate internal control system.
3. The Office of Audit and Advisory Services may also perform advisory and consulting services, provided the Office of Audit and Advisory Services does not assume management responsibility.

### B. Objectivity

1. All work performed by the Office of Audit and Advisory Services will be conducted in an objective manner.
2. The University Auditor will ensure that the Office of Audit and Advisory Services remains free from all conditions that threaten to impair the ability of audit staff to carry out their responsibilities in an unbiased manner, including matters of audit selection, scope, procedures, frequency, timing, and report content.
3. If such an impairment, either in fact or in appearance, is detected, the University Auditor will take the appropriate action to address and, if necessary, disclose the information to the appropriate parties.

4. The Office of Audit and Advisory Services staff will maintain an unbiased mental attitude that allows them to perform their work objectively and in such a manner that they will believe in their work product, that no quality compromises will be made, and that they will not subordinate their judgment on audit matters to others.
5. The Office of Audit and Advisory Services staff will have no direct operational responsibility or authority over any of the activities that they audit, nor will they have had any within the previous year.

**C. Responsibility**

The University Auditor and the Office of Audit and Advisory Services staff will have responsibility to:

1. develop a flexible annual audit plan, considering the input of senior management and the Business Affairs and Audit Committee. The plan will be developed using an appropriate risk-based methodology and presented to senior management and the Business Affairs and Audit Committee.
2. implement the annual audit plan, reviewing and adjusting it as necessary in response to changes in the University's business, risks, operations, programs, systems, and controls.
3. report to appropriate levels of management significant issues related to the processes for controlling the activities of the University, including potential improvements to those processes.
4. follow up with management to verify that corrective actions are taken on findings and recommendations, and report the results periodically to senior management and the Business Affairs and Audit Committee.
5. evaluate and assess significant merging/consolidating functions and new or changing systems, services, processes, operations, and control processes coincident with their development, implementation, and/or expansion.
6. perform special studies, reviews, or investigations requested by management.
7. perform consulting and advisory services related to governance, risk management, internal controls, or other areas of interest and concern.
8. conduct investigations of fraud, waste, and abuse, including those referred by the Office of the State Inspector General related to State Fraud, Waste, and Abuse Hotline cases. Results of these investigations will be communicated to management and the Business Affairs and Audit Committee, as appropriate.
9. coordinate with other control and monitoring functions and consider the scope of work of external auditors, as appropriate, to provide optimal audit coverage to the University at a reasonable overall cost.
10. periodically provide to the Business Affairs and Audit Committee information on the status and results of the annual audit plan and the results of activities and operations reviewed. Reports from "special request" audits may have more limited distribution.
11. ensure trends and emerging issues that could affect the University are considered and communicated to senior management and the Business Affairs and Audit Committee, as appropriate.

12. maintain a professional audit staff with sufficient knowledge, skills, and experience to meet the requirements of this *Internal Audit Charter*, and ensure that the principles of integrity, objectivity, confidentiality, and competency are applied and upheld. The impact of any resource limitations will be communicated to senior management and the Business Affairs and Audit Committee, as appropriate.
13. ensure emerging trends and successful practices in internal auditing are considered.
14. establish and ensure adherence to policies and procedures designed to guide the Office of Audit and Advisory Services.
15. ensure adherence to the University's relevant policies and procedures, unless such policies and procedures conflict with this *Internal Audit Charter*. Any such conflicts will be resolved or otherwise communicated to senior management and the Business Affairs and Audit Committee, as appropriate.

**D. Standards of Practice**

The Office of Audit and Advisory Services will conform to the mandatory elements of the Institute of Internal Auditors' International Professional Practices Framework, including the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, the International Standards for the Professional Practice of Internal Auditing (Standards), and the Definition of Internal Auditing.

**E. Quality Assurance and Improvement Program**

1. The Office of Audit and Advisory Services will maintain a quality assurance and improvement program that covers all aspects of the internal audit function. The program will include an evaluation of conformance with the Standards and application of the IIA's Code of Ethics.
2. The quality assurance and improvement program will include both internal and external assessments. Internal assessments will include ongoing monitoring and periodic assessments of the internal audit function. An external assessment will be performed at least once every five years by a qualified, independent assessor or assessment team.
3. The University Auditor will communicate results of the assessments to senior management and the Business Affairs and Audit Committee.

**6. EXCLUSIONS**

None

**7. APPENDICES**

None

**8. REFERENCES**

[State Fraud, Waste, and Abuse Hotline](#)

[The Institute of Internal Auditors International Professional Practices Framework \(IPPF\)](#)

[Internal Control – Integrated Framework \(2013\)](#), Committee of Sponsoring Organizations of the Treadway Commission

## 9. INTERPRETATION

The authority to interpret this policy rests with the President of the University and is generally delegated to the University Auditor.

## 10. APPROVAL AND REVISIONS

The *Internal Audit Charter* replaces and expands upon the *Charter* last adopted by the Board of Visitors on September 19, 2014. The newly developed *Internal Audit Charter* was developed in the University Policy Template, and was submitted to and approved by the President's Cabinet at the meeting held on January 8, 2018. The *Internal Audit Charter* was then submitted to and approved by the Radford University Board of Visitors at the meeting held on February 16, 2018. The President signed the *Internal Audit Charter* on February 22, 2018.

**For general information concerning University policies, contact the [Office of Policy Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.**



**RADFORD UNIVERSITY  
OFFICE OF ADVISORY AND SERVICES**

**DRAFT**

**Fiscal Year 2020 Activity Report**

**Projects During Past Year**

**AUDITS & INVESTIGATIONS - Completed**

E-Verify

Information Technology Audit - Contingency Planning - Backup & Recovery

State Hotline Investigations (two cases)

Other Investigations (one case)

**AUDITS & INVESTIGATIONS - In Process**

Contract Audit - Dining Services

Information Technology Audit - Vulnerability Management

Revenue Collection Point Audit - Intercollegiate Athletics

Sponsored Programs & Grants Management

State Hotline Investigations (one case)

**ANNUAL AUDIT PROJECTS - Completed**

Cash Counts (14 funds)

Fixed Asset Verifications (53 assets)

Payroll Reviews (4 quarters)

University Discretionary Fund Reviews (4 quarters)

Inventory - June 30, 2019

Quality Assurance & Improvement Program Review

Follow-up on Internal Audit Report Issues

Follow-up on Auditor of Public Accounts (APA) Comments

**OTHER AUDIT PROJECTS - Completed**

Indirect Audit Activities

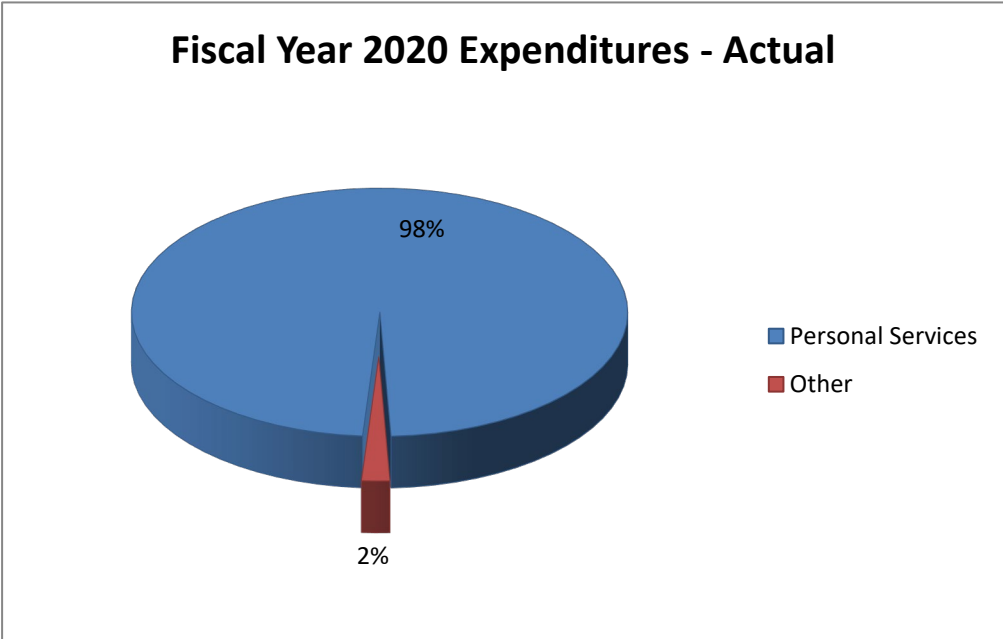
Coordination of APA Audit

Coordination of OSIG Audit

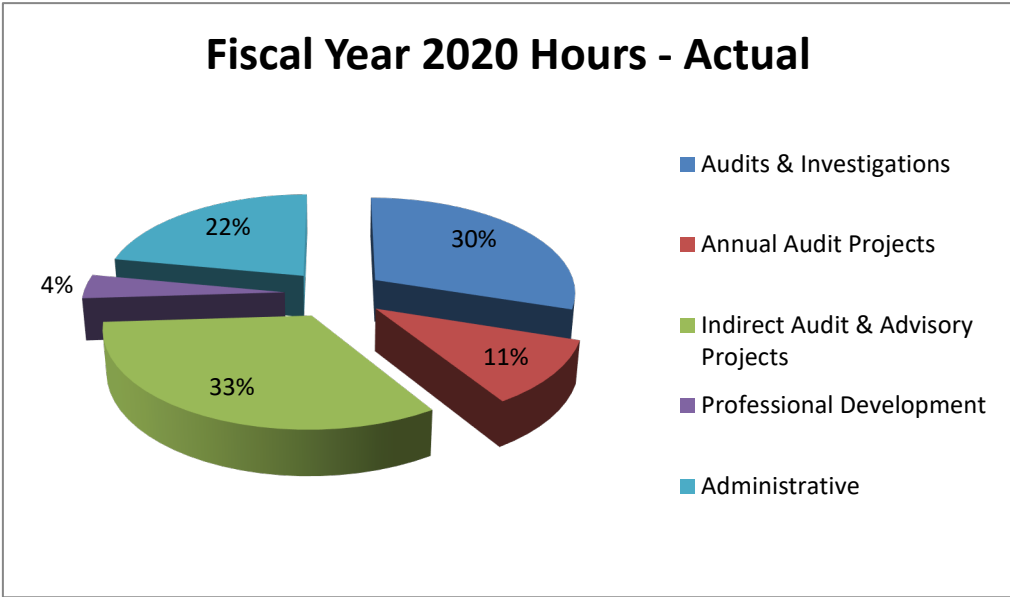
Over 70 University & Management Support Projects

**RADFORD UNIVERSITY  
OFFICE OF AUDIT AND ADVISORY SERVICES**

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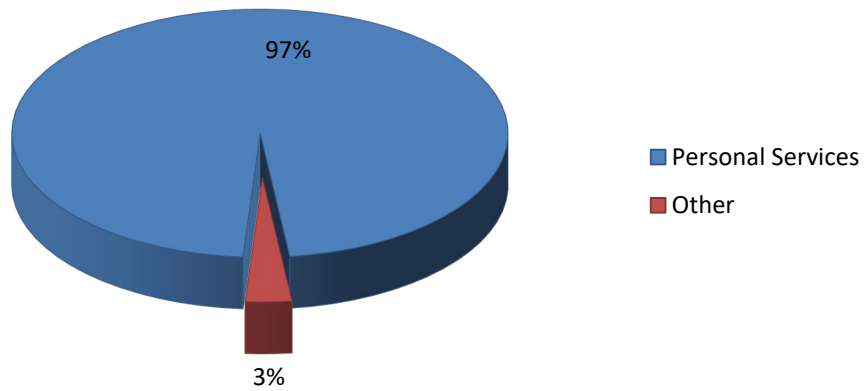
"Other" includes expenditures for travel, contractual services, printing/postage/copier, telecommunications, and supplies & materials.



**RADFORD UNIVERSITY  
OFFICE OF AUDIT AND ADVISORY SERVICES**

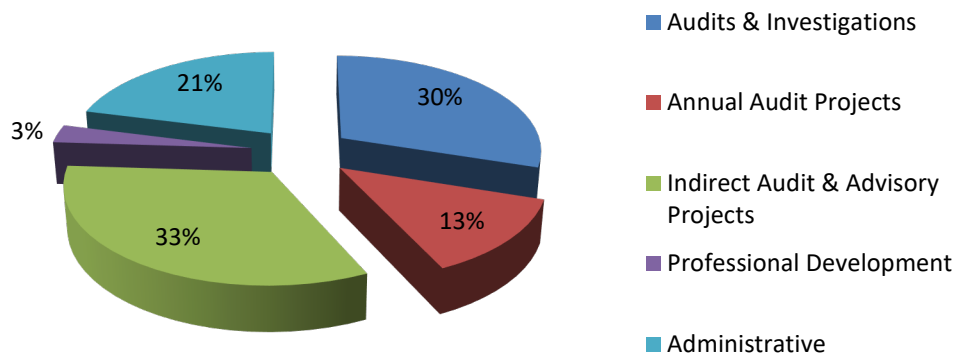
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**Fiscal Year 2021 Expenditures - Projected**



"Other" includes expenditures for travel, contractual services, printing/postage/copier, telecommunications, and supplies & materials.

**Fiscal Year 2021 Hours - Projected**



**RADFORD UNIVERSITY**  
**OFFICE OF AUDIT AND ADVISORY SERVICES**  
**BALANCED SCORECARD**  
**Fiscal Year 2020**  
**DRAFT**

#	Measurement Goal/Criteria	Goal	Results
<b>Personnel</b>			
1.	Maintain acceptable percentage of staff members with professional certifications or advanced degrees.	Between 75%-100%	67%
2.	Each staff member obtains an acceptable number of professional continuing education hours per calendar year.	Between 40-60 hours	65 hours
<b>Productivity</b>			
3.	Maintain an acceptable “administrative time” utilization ratio, based on hours worked.	25% or less	22%
<b>Reporting</b>			
4.	Provide the Business Affairs and Audit Committee with periodic status updates.	Between 3-4 times/year	3 times
5.	Maintain an average acceptable turnaround rate for distributing the draft report to management for signature (i.e. time between audit exit conference and distribution of draft report for signature).	10 business days	2 business days
<b>Quality and Effectiveness</b>			
6.	Maintain an acceptable percentage of business issues accepted by management.	Between 90%-100%	100%

**RADFORD UNIVERSITY  
OFFICE OF AUDIT AND ADVISORY SERVICES**

**DRAFT**

**Fiscal Year 2021 Audit Plan**

**AUDITS & INVESTIGATIONS**

Projects from Prior Year In Progress  
Information Technology Audit - Vulnerability Management  
Revenue Collection Point Audit - Intercollegiate Athletics  
Sponsored Programs Audit  
Contract Review Audit

CARES Act Audit  
IT Asset Management Audit

State Hotline Investigations

Other Investigations

**ANNUAL/ROUTINE AUDIT PROJECTS**

Cash Counts  
Inventory  
Payroll Reviews  
Fixed Asset Verifications  
University Discretionary Fund Reviews  
Follow-up on Internal Audit Report Issues  
Follow-up on Auditor of Public Accounts (APA) Comments

**OTHER AUDIT PROJECTS**

Indirect Audit Activities  
Auditor of Public Accounts Audit Coordination  
University & Management Support Projects

# OFFICE OF THE STATE INSPECTOR GENERAL

## Higher Education Institutions: Chemical Inventory Management

Performance Audit

March 2020



Michael C. Westfall, CPA  
State Inspector General  
Report No. 2020-PA-003



*COMMONWEALTH OF VIRGINIA*  
*Office of the State Inspector General*

Michael C. Westfall, CPA  
State Inspector General

P.O. Box 1151  
Richmond, VA 23218

Telephone 804-625-3255  
Fax 804-786-2341  
[www.osig.virginia.gov](http://www.osig.virginia.gov)

March 25, 2020

Governor Ralph Northam  
Office of the Governor  
P.O. Box 1475  
Richmond, VA 23219

Dear Governor Northam,

The Office of the State Inspector General (OSIG) completed an audit of Chemical Inventory Management in Higher Education Institutions. The final report is attached.

OSIG would like to thank President Jonathan R. Alger (James Madison University), President John R. Broderick (Old Dominion University) and President Brian O. Hemphill (Radford University) and their staff for their cooperation and assistance during the fieldwork phase of the audit. OSIG would also like to thank all of the presidents of Virginia's institutions of higher education and their staff for their cooperation and assistance during the planning phase of the audit.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Westfall".

Michael C. Westfall, CPA  
State Inspector General

CC: Mr. Clark Mercer, Chief of Staff to Governor Northam  
Mr. Atif Qami, Secretary of Education  
Senator L. Louise Lucas, Chair of the Senate Education and Health Committee  
Delegate Roslyn C. Tyler, Chair of the House Education Committee  
Mr. Robert A. Archer, Rector to the Board of Visitors for Radford University  
Ms. Maribeth D. Herod, Rector to the Board of Visitors for James Madison University  
Ms. Lisa B. Smith, Esq., Rector to the Board of Visitors for Old Dominion University  
Mr. Jonathan R. Alger, President of James Madison University  
Mr. John R. Broderick, President of Old Dominion University  
Dr. Brian O. Hemphill, President of Radford University

# Chemical Inventory Management in Higher Education Institutions

## *What OSIG Found*

### **First Responders Are Not Provided Access to Chemical Inventory**

Local first responders in the cities of Norfolk (Old Dominion University), Harrisonburg (James Madison University) and Radford (Radford University) are not regularly provided a chemical inventory to help them prepare for and react to emergencies.

### **Chemical Hazards and University Contact Information Is Not Posted on Laboratory Doors**

Old Dominion University (ODU) and Radford University (RU) have notification signs on laboratory doors as to what types of chemical hazards exist inside of the laboratory. James Madison University (JMU) did not have such notification signs.

### **Physical Chemical Inventory of the Integrated Science and Technology Department Does Not Match Inventory Records**

The chemical inventory for JMU's Integrated Science and Technology (ISAT) department does not accurately represent the chemicals on hand. Of 43 items judgmentally sampled, eight errors (19 percent) were identified. Inventories at ODU and RU accurately reflected items in the laboratories.

### **Acceptance of Donated Chemicals from Entities Outside of the University Is Not Formally Prohibited**

JMU inconsistently applied Environmental Health and Safety's verbal policy of not accepting chemical donations or donating chemicals. No accepting of or donating chemicals was identified at ODU and RU.

March 2020

## *HIGHLIGHTS*

### **Why OSIG Did This Audit**

The Commonwealth of Virginia has 39 publically supported higher education institutions, including 15 that offer at least a four-year bachelor's degree. This presents the potential for a large chemical inventory for use in teaching and research. OSIG conducted this performance audit to determine if institutions are effectively managing their chemical inventories to mitigate the risk of theft and misuse of chemicals, and to identify areas where safety and emergency preparedness might be enhanced.

While OSIG's audit scope only included ODU, JMU and RU, all higher education institutions should review the findings and recommendations for beneficial information that might assist efforts to manage chemicals used in teaching and research laboratories.

### **What OSIG Recommends**

- Higher education institutions should:
  - Regularly provide first responders with a complete and accurate chemical inventory.
  - Post chemical hazards and contact information on laboratory doors.
  - Conduct annual inventory counts of chemicals across all departments.
  - Develop and enforce formal policies prohibiting donating chemicals and receiving donated chemicals.





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## BACKGROUND

The Commonwealth of Virginia contains a vast number of diverse public higher education institutions consisting of:

- Fifteen institutions that award at least a four-year bachelor's degree.
- Two institutions that have Cooperative Extension operations that are considered separate educational institutions (Virginia Tech and Virginia State University).
- One two-year institution (Richard Bland College).
- Twenty-three community colleges with 40 physical campuses.

These institutions have various degree programs, instructional and research concentrations, and resources to accomplish their mission. One area that all institutions have in common is the use of chemicals in their instructional and research laboratories. The chemicals used in these laboratories range from low-risk, low-hazard to high-risk, high-hazard, and some chemicals must be reported to the U.S. Department of Homeland Security (DHS). While an institution's Environmental Health and Safety (EHS) organization can assist with managing chemicals, responsibility for monitoring chemicals used in a laboratory and chemical inventory management rests solely with the owner of that chemical such as the professor, researcher, instructor, etc. The basic mission of EHS at any higher education institution is to review and implement practical aspects of environmental protection and safety at work. Chemical inventory management is a small part of EHS responsibilities, but one that can contain significant risk that may be overlooked.

There are no regulatory requirements for a higher education institution to maintain a chemical inventory. The Occupational Safety and Health Administration (OSHA) addresses laboratory safety in various portions of Section 29 of U.S. Code of Federal Regulations (CFR), including appendices that are not mandatory but are considered to be best practices. These non-mandatory OSHA recommendations were based on the National Research Council's (NRC) publication of "Prudent Practices in the Laboratory: Handling and Management of Chemical Hazards." This reference, henceforth referred to as "Prudent Practices," is cited because of its wide distribution and acceptance and because of its preparation by recognized authorities in the laboratory community through the sponsorship of the NRC. One of the non-mandatory recommendations states, "Prudent management of chemicals in any laboratory is greatly facilitated by keeping an accurate inventory of the chemicals stored."

The Chemical Facility Anti-Terrorism Standards (CFATS) was authorized by Congress in 2007 and gave authority to regulate CFATS to DHS. Under CFATS, a chemical facility is any establishment or individual that possesses or plans to possess any chemicals of interest (COI). DHS has identified more than 300 COI with each chemical having an established screening

threshold quantity (STQ). DHS considers these chemicals high-risk and are categorized under three main risks:

- Release: Toxic, flammable or explosive chemicals or materials that can be released at a facility.
- Theft or diversion: Chemicals or materials that, if stolen or diverted, can be converted into weapons using simple chemistry, equipment or techniques.
- Sabotage: Chemicals or materials that can be mixed with readily available materials.

CFATS applies to facilities across many industries, including universities and laboratories. If a facility is at or above the established STQ for a COI, it must report its chemical holdings to DHS. If the facility is considered high-risk by DHS, it must develop a security plan that addresses three main security (risk) issues discussed above for the associated COI.

Five basic elements need to be recorded for each chemical in a chemical inventory management system:

- Name of the chemical.
- Chemical abstracts service (CAS) number.
- Quantity on hand.
- Location.
- Owner or contact information.

Some institutions might choose to not only use the five basic elements above, but also:

- Assign and affix a pre-printed barcoded numeric label that will be attached to the chemical container throughout the chemical lifecycle.
- List the vendor name of the chemical (e.g. Fisher Scientific, Sigma Aldrich, etc.).
- Assign sub-locations in the laboratory (e.g. flammables cabinet, refrigerator, bulk storage, acid cabinet, etc.).
- Enter the date the chemical was acquired.

In order to gain a better understanding of the chemical inventory management process at the Commonwealth's publicly supported higher education institutions, OSIG developed a survey that asked questions related to the chemical lifecycle (purchase, storage, use and disposal). The Chief Audit Executive at each institution provided an EHS contact for their respective institution that would receive and answer the survey. All institutions responded to the survey and for some institutions, not only did the EHS contact respond, laboratory managers also responded. Some notable survey results were:

- Chemicals are purchased by the individual departments (decentralized) and there is no centralized purchasing or receiving of chemicals.
- Chemicals can be purchased using the small purchase charge card (SPCC).
- Chemicals used in instructional labs are purchased in bulk quantities and are not diverse in the type of chemical used. Whereas, chemicals used in research labs are purchased in small quantities and are very diverse in the type of chemical used.
- Annual inventories, if conducted, are performed by the principal investigator.
- Written guidelines exist regarding the methods to be used for the labeling, accumulation and storage of hazardous waste.

## SCOPE

The audit scope covered chemicals used in instructional and research laboratories at Old Dominion University (ODU), James Madison University (JMU), and Radford University (RU) operations from July 1, 2015, through June 30, 2018. OSIG selected these universities to provide for testing at three different sized universities while taking into consideration any planned coverage by university internal auditors. Chemicals acquired for non-laboratory use (e.g. custodial and facility maintenance chemicals) were excluded from the scope of this audit.

While our audit scope only included ODU, JMU and RU, all higher education institutions should review our findings and recommendations for beneficial information that might assist them in their efforts to manage their chemicals used in teaching and research laboratories.

## OBJECTIVES

Objectives of this audit were to:

- Determine if university requirements for managing chemicals includes the purchase, approval and storage of the chemicals and is documented in their policies and procedures.
- Determine if inventory counts are performed and reconciled to the inventory system at least annually.
- Determine if Safety Data Sheets (SDS) are “readily accessible” in accordance with 29 C.F.R. 1910.1450(h)(1)(ii).
- Determine if periodic inspections of hazardous waste accumulation areas are being conducted and records of the inspections are maintained in accordance with applicable federal law.
- Determine if hazardous waste is disposed of timely according to C.F.R. §262.16(b)-(d) and that hazardous waste manifests are prepared and maintained in accordance with §262.20 and §262.40.

- Determine if the institution uses a chemical inventory management system to track chemicals through the chemicals' lifecycle on campus (chemical delivery through chemical disposal).
- Determine whether the likelihood of fraud by those directly responsible for the chemical (referred to as principal investigators or "PIs") or EHS personnel in the chemical lifecycle for laboratory or research chemicals is significant at selected universities.
- Determine if the institution has a process in place to assess its chemical inventory against DHS's Chemicals of Interest requirements.
- Determine if the institution provides its chemical inventory to authorized outside entities as part of its efforts "to make arrangements with the local police department, fire department, other emergency response teams" required in C.F.R § 262.16 (b)(8)(vi)(A).
- Determine if the institution has an established process to submit the Tier II form per Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

## METHODOLOGY

OSIG conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that OSIG plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. OSIG believes that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

OSIG applied various methodologies during the audit process to gather and analyze information pertinent to the audit scope and to assist with developing and testing the audit objectives. The methodologies included the following:

- Conducting interviews.
- Conducting observations and walk-throughs.
- Conducting surveys.
- Examining policies and procedures to gain an understanding of the review areas.
- Examining and assessing processes for efficiency and effectiveness.
- Collecting and analyzing relevant data.

The audit objectives and the methodologies applied during the audit process were the same for each of the three institutions listed in the scope section above.

# FINDINGS

## FIRST RESPONDERS ARE NOT PROVIDED ACCESS TO CHEMICAL INVENTORY

Applies to:

- ODU
- JMU
- RU

Local first responders in the cities of Norfolk (ODU), Harrisonburg (JMU) and Radford (RU) are not regularly provided a chemical inventory to help them prepare for and react to emergencies. Knowledge of the universities' chemicals is potentially shared with first responders only during annual campus tours or if first responders ask during an actual emergency response.

Firsthand knowledge of the chemicals that a school possesses affects what action should take place during an emergency. Access to a complete and accurate chemical inventory allows first responders to better prepare for and respond to emergencies at the universities.

While the specific reasons for not providing a chemical inventory to first responders vary by institution, common themes include not being asked by first responders to provide a chemical inventory and potential security concerns of providing this information.

Not providing a chemical inventory to local first responders can result in an ineffective response or delayed response to emergencies. This can further lead to destruction of property, bodily harm and even possibly death to first responders and members of the university community.

### **Recommendation(s):**

JMU, ODU and RU should regularly provide first responders with a complete and accurate chemical inventory. The exact nature and timing of inventory updates should be discussed between the universities and their respective first responders.

### ***James Madison University Response(s):***

JMU concurs with the recommendation and will provide inventory to first responders annually and at their request.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Annually JMU will provide a report from the chemical inventory database to the Harrisonburg Fire Department.

***Old Dominion University Response(s):***

First responders at ODU will be the ODU Police Department. Key personnel within the department will be given access to our online chemical inventory system and will be able to advise any other emergency responders who are called to the campus.

***Old Dominion University Corrective Action Plan:***

Appendix II contains ODU's corrective action plan received to address the above recommendation(s). In providing the plan, ODU stated the following:

Access to the Chemtracker software platform has been granted to ODU campus police and Communication staff.

***Radford University Response(s):***

RU and the Radford City Fire Department, which is also the regional HAZMAT team, have mutually agreed that access to the Chemical Inventory Management and Electronic Reporting Application (CHIMERA) database be granted to the Fire Chief and the three captains underneath the Chief. RU EHS is currently working with the fire department to establish the accounts and provide appropriate training for accessing the system.

***Radford University Corrective Action Plan:***

Appendix III contains RU's corrective action plan received to address the above recommendation(s). In providing the plan, RU committed to the following:

Granting access to the Chemical Inventory Management and Electronic Reporting Application (CHIMERA) database to the Fire Chief and Captains underneath the Chief.

## CHEMICAL HAZARDS AND UNIVERSITY CONTACT INFORMATION IS NOT POSTED ON LABORATORY DOORS

Applies to:

- JMU

ODU and RU have notification signs on laboratory doors as to what types of chemical hazards exist inside of the laboratory. ODU has chosen to use the Global Harmonized Symbols (GHS pictograms), while RU has chosen to use the National Fire Protection Association (NFPA) Hazard Identification System (NFPA four-colored diamond; red, yellow, white and blue) to identify chemical hazards in their laboratories. Both institutions list the appropriate contact information. JMU did not have such notification signs on laboratory doors.

Prudent Practices states, “To aid emergency responders, many laboratories also post contact information on the laboratory door, as well as information about the hazards within the laboratory.” Not listing the hazards and contact information on the outside of laboratories can cause a delayed or ineffective response in the event of emergencies.

### **Recommendation(s):**

OSIG recognizes the procedures by ODU and RU to post chemical hazards and contact information on laboratory doors as a potential best practice for other state universities and recommends these universities explore implementation.

### ***James Madison University Response(s):***

JMU concurs with the recommendation.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU’s corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Evaluate hazards annually in each lab and develop appropriate signage indicating the hazards and contact information.

Generate and post signs. Include a process in the chemical hygiene plan to ensure door signs will be accurately maintained.



## PHYSICAL CHEMICAL INVENTORY OF THE INTEGRATED SCIENCE AND TECHNOLOGY (ISAT) DEPARTMENT DOES NOT MATCH INVENTORY RECORDS

Applies to:

- JMU

The chemical inventory for JMU's Integrated Science and Technology (ISAT) department does not accurately represent chemicals on hand. Chemical inventories tested at ODU and RU as well as those tested in JMU's Biology, Geology and Chemistry departments accurately represented chemicals on hand. OSIG's limited inventory test counts consisted of using "list-to-floor" and "floor-to-list" methods. The inventory listings used were provided by EHS, which were obtained from the Vertére system. The inventory test counts were limited to the following areas within the ISAT-CS building:

- Chemicals where the ISAT Lab Coordinator listed as the owner.
- Chemicals in room 230, regardless of the listed owner.
- Chemicals in room 134, regardless of the listed owner.
- Chemicals where the listed owner was no longer at the university. (This was unknown to OSIG when this chemical owner was selected.)

OSIG's analysis revealed missing chemicals as shown in the table below:

<b>Total Available Chemicals In Areas Tested</b>	<b>Sample Selected for Testing</b>	<b>Missing From Sample</b>	<b>Percentage Missing From Sample</b>
883	43	8	19%

When questioned, ISAT personnel could not offer a viable explanation as to why the chemicals were missing.

In order for a chemical inventory to be useful, it must contain reasonably accurate information. An inaccurate chemical inventory can lead to excessive chemical orders and incorrect regulatory reporting. One way to ensure the accuracy of information is through periodic physical inventories. Lab personnel report that the last physical inventory in the ISAT department occurred in 2009.

**Recommendation(s):**

JMU needs to conduct a physical inventory of the chemicals in its ISAT department. JMU should annually conduct an inventory of the chemicals across all departments.

***James Madison University Response(s):***

JMU concurs with the recommendation.

***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Perform annual chemical inventory in all departments.

## ACCEPTANCE OF DONATED CHEMICALS FROM ENTITIES OUTSIDE OF THE UNIVERSITY IS NOT FORMALLY PROHIBITED

Applies to:

- JMU

PIs at JMU inconsistently apply EHS's verbal policy of not accepting chemical donations or donating chemicals. PIs at ODU and RU do not accept or donate chemicals. One JMU PI told OSIG that "receiving donated chemicals and/or donating chemicals is too risky and places too much liability on JMU." However, another JMU PI told OSIG in the presence of EHS personnel that he had accepted donated chemicals, they were stored in his office and he would not hesitate to receive donated chemicals because "research dollars are tight."

Prudent Practices states, "donated material can easily become a liability" and "do not donate entire chemical inventories to schools." Although EHS practices forbid accepting chemical donations or donating chemicals, a formal policy does not exist preventing the acceptance of donated chemicals or donating chemicals to other institutions.

The potential effects of allowing PIs to accept and/or donate chemicals include:

1. Greater liability on JMU if a chemical-related emergency happened at the accepting institution as a result of the donation.
2. Higher waste disposal cost if the accepted chemical cannot be used.
3. Misuse of state funds and/or grant dollars if the funds used to purchase the donated chemicals were provided for a specific purpose.

### **Recommendation(s):**

JMU should develop and enforce a formal policy prohibiting donating chemicals and receiving donated chemicals, then educate its PIs on this policy.

### ***James Madison University Response(s):***

JMU agrees with the observation presented and will address donating chemicals, receiving donated chemicals and educate its constituents.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Update all chemical hygiene plans (CHPs) to prohibit donating or receiving donated chemicals. CHPs are reviewed by all PIs.

## TIER II REPORT WAS NOT SUBMITTED

Applies to:

- JMU

JMU has not submitted a Tier II form to the Virginia Department of Environmental Quality (DEQ) for the period of 2012 – 2017. Section 312 of EPCRA requires that a Tier II form be submitted for the previous calendar year to the Local Emergency Planning Committee (LEPC), the State Emergency Response Commission (SERC) and the local fire department by March 1 of the current year. ODU and RU had submitted the Tier II forms as required.

JMU EHS staff prioritize tasks they deem to be high risk such as laboratory safety inspections and fire safety inspections. JMU EHS staff indicated they were unaware a Tier II form had not been submitted for each calendar year during the period of 2012 – 2017.

Not submitting this form can cause delays in or inappropriate responses to emergencies involving chemicals as well as daily fines by the Environmental Protection Agency (EPA). OSIG calculated a potential minimum and maximum penalty. As of July 23, 2019, the potential minimum fine is \$17,963 and the potential maximum fine is \$174,975.

### **Recommendation(s):**

JMU should collaborate with DEQ regarding the submission of a Tier II form to any combination of DEQ, LEPC, SERC or JMU's local fire department. Based on the results of the collaboration with DEQ, JMU should self-report any violation of Section 312 of the EPRCA to minimize any potential fines.

### ***James Madison University Response(s):***

JMU concurs with the recommendation. Facilities Management submitted a Tier II report in February 2019 to the DEQ, LEPC, LEPC fire department and SERC and will update and resubmit a report annually prior to March 1.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Submit Tier II report to the DEQ, LEPC, SERC, and Harrisonburg Fire Department.

## CAS NUMBERS ARE NOT ENTERED INTO CHEMICAL INVENTORY MANAGEMENT SYSTEM FOR TRACKING

Applies to:

- JMU

Universally recognized CAS numbers are not consistently recorded in JMU's Vertére system. Although OSIG was told by JMU staff that the easiest way to look up a chemical in Vertére was using the CAS number, auditors discovered the lack of the CAS number in all five locations tested at JMU. As discussed in JMU's response below, they do not use the field for mixtures but OSIG did not expect the mixtures to be in the inventory.

When a new chemical is entered into Vertére, a master record for that chemical is created. However, Vertére's master record does not require the chemicals' CAS numbers. These numbers, unique numerical identifiers assigned and maintained in a registry by CAS since 1957, currently identify more than 144 million unique organic and inorganic substances and 67 million protein and DNA sequences. The registry is updated with around 15,000 additional new substances daily. Both the ODU and RU chemical inventory systems used CAS numbers which were consistently recorded.

Prudent Practices states that a "chemical inventory should include the... Chemical Abstract Service number." Chemicals may have several names but will only have one CAS number. When a master record is created in Vertére, the system accepts a supplier and product number in lieu of a chemical's CAS number. Not requiring the CAS number in inventory can lead to the inability to identify specific chemicals JMU has on hand. This can result in regulatory noncompliance, increased safety risk and a potentially inaccurate inventory. Additionally, this can cause errors in system reports that rely on the CAS number to identify chemicals.

### **Recommendation(s):**

JMU should assign each new and existing chemical master record in Vertére with that chemical's appropriate CAS number.

### ***James Madison University Response(s):***

JMU concurs with the recommendation.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Enter CAS numbers into Vertére.

## SAFETY DATA SHEETS ARE NOT READILY ACCESSIBLE

Applies to:

- JMU

SDS at JMU were not readily accessible but were accessible at ODU and RU using online systems. SDS binders that were supposed to contain SDS were incomplete or misfiled. OSHA standard 1910.1450(h)(1)(ii) states that “employers shall maintain any safety data sheets that are received... and ensure that they are readily accessible.”

SDS binders are not always updated when a new chemical is introduced to a laboratory. Printing, hole-punching and alphabetically filing a new SDS every time a new chemical is added to a laboratory can be a time-consuming process. Additionally, the responsibility for updating and maintaining SDS binders when new chemicals are introduced to the laboratory was unclear. SDS not being readily accessible can cause delays in knowing critical chemical information contained when needed in the event of an emergency.

### **Recommendation(s):**

JMU should update SDS binders when a new chemical is received as required by OSHA. To augment the required physical binders, JMU should consider acquiring an online SDS solution to allow information to be readily accessible for all chemicals in the laboratory.

### ***James Madison University Response(s):***

JMU contracted with KHA Online SDS and is in alpha testing of the system at this date.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU’s corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Purchase electronic SDS system

Ensure electronic system contains SDSs for all chemicals on campus

Educate university personnel on the electronic system and its use

## SEPARATED EMPLOYEES ARE STILL LISTED AS CHEMICAL OWNER

Applies to:

- JMU

At the time of our audit, a former employee at JMU was listed as being responsible for 633 chemicals in the university's chemical inventory management system, Vertére. As a result, chemicals did not have a legitimate responsible party or "chemical owner" to ensure accurate representation in the institution's chemical inventory. Similar errors at ODU and RU were not identified as chemical inventories tested accurately represented items on hand.

No documented process exists to reassign chemicals to a new chemical owner and remove the former chemical owner from the institution's chemical inventory system after a chemical owner leaves the university. Without a legitimate chemical owner updating chemicals in the chemical inventory, the inventory will become obsolete and unreliable for internal use and compliance reporting purposes. This can result in additional safety risk and compliance exposure.

### **Recommendation(s):**

JMU EHS should establish a formal process for updating Vertére when a chemical owner leaves the university. This process should include reassigning chemicals to a new owner or disposing of the former owner's chemicals, removing the former chemical owner from the chemical inventory and removing the former chemical owner's access to the chemical inventory system.

### ***James Madison University Response(s):***

JMU concurs with the recommendation.

### ***James Madison University Corrective Action Plan:***

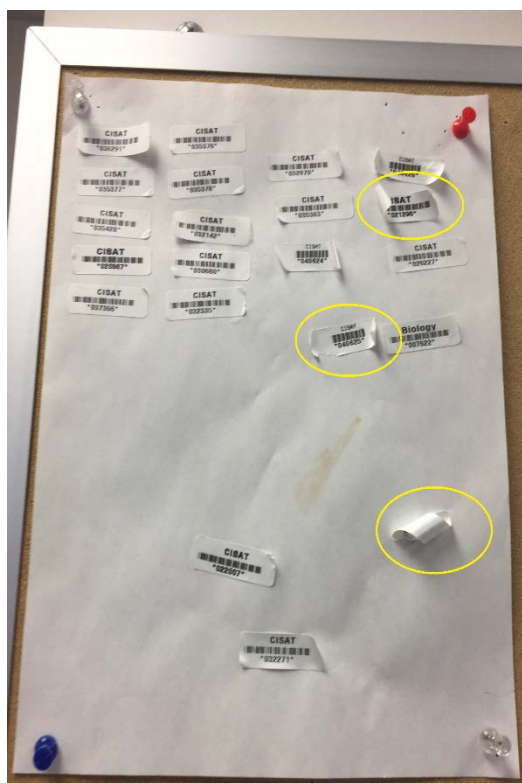
Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

When a new chemical owner is hired, they will be added to Vertére. When a current chemical owner is separated, they will be removed from the current chemical owner directory. The chemicals will be disposed of, reassigned, or returned to the stock room.

## PROCESS TO REMOVE CHEMICALS FROM INVENTORY IS INEFFECTIVE

Applies to:

- JMU



JMU's current process for removing consumed chemicals from the chemical inventory in the chemistry, biology and ISAT departments is not effective. This process relies on irregular collection of peeled off inventory labels from empty chemical containers by select individuals responsible for maintaining the inventory. In some instances, as shown in the picture, these inventory labels are peeled off a container and attached to a piece of paper on a bulletin board in the laboratory. In this picture, some labels are beginning to exhibit signs of curling up and falling into a hazardous waste receptacle located below. Processes at ODU and RU were more effective as they complete inventory removal forms.

Once chemicals are consumed, they should be removed from the chemical inventory promptly. Not having a process that reliably removes consumed chemicals from inventory results in an obsolete inventory for assessing JMU's compliance with various regulations.



**Recommendation(s):**

JMU should reassess the process it uses to identify how chemicals are ready to be removed from the chemical inventory in the chemistry, biology and ISAT departments. For instance, PIs could place empty chemical containers in a central location as is done in JMU's geology department.

***James Madison University Response(s):***

JMU concurs with the recommendation.

***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Consumed or disposed chemicals will be removed from the inventory by either providing the empty container to the appropriate inventory manager, placing the barcode label on a designated sheet and/or writing the barcode number on the designated sheet which will be processed at least monthly.

## SCREENING THRESHOLD QUANTITIES ARE NOT MONITORED FOR CHEMICALS OF INTEREST

Applies to:

- JMU
- RU

JMU and RU do not have a process to assess its COI against STQ established by DHS under CFATS. ODU has a process in place. While our audit did not test for STQ of a chemical, our results did reveal the physical existence of COI in the laboratory.

CFATS regulations require entities who store COI in excess of the established STQ to notify DHS within 60 days of possessing COI in excess of the STQ. EHS prioritizes tasks it deems to be high risk such as laboratory safety inspections and fire safety.

JMU and RU are exposing themselves to additional safety risks by not properly assessing whether its COI are at quantities deemed by DHS to require additional security measures. Additionally, if the universities failed to self-report in a timely manner after reaching the STQ for any COI, they would expose themselves to potential fines from DHS.

### **Recommendation(s):**

JMU and RU should use their chemical inventory management systems to identify whether COI in their chemical inventory are above DHS' STQ on a monthly basis and allow enough time to properly self-report to DHS should they exceed the STQ.

### ***James Madison University Response(s):***

JMU concurs with the recommendation and will run a monthly electronic Vertére report to verify that no laboratory chemicals on the COI list exceed DHS' STQ.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Run a monthly COI report from the chemical inventory database and verify that COIs are below the STQ as required by DHS.

***Radford University Response(s):***

RU is using CHIMERA, which can provide real-time information on COI. COI information will be pulled on a quarterly basis for comparison against established thresholds. Unless held quantities exceed these thresholds, the generated report will be filed for recordkeeping purposes only.

RU's process, prior to utilizing CHIMERA, for assessing COI involved EHS staff reviewing chemical purchases through the procurement flow (any COI being purchased would be followed up on by EHS for quantity, storage, use and disposal) and through regularly scheduled laboratory inspections. Our assessment consistently indicated that storage of COI has continued to be less than 10 percent of COI STQs. The process of reviewing chemical purchases and laboratory inspections will continue but now in conjunction with the capabilities within CHIMERA.

Given the small volume of COI the university has and given the controls EHS has in place for the procurement flow of chemical purchases, the university feels that running the report on a quarterly basis should be adequate. RU does not possess the quantity or volume of COI to justify monthly running of such a report. Should quantities of a COI at RU exceed 10 percent of the STQ, EHS will begin running monthly reports until the value drops under 10 percent for the specific COI.

***Radford University Corrective Action Plan:***

Appendix III contains RU's corrective action plan received to address the above recommendation(s). In providing the plan, RU committed to the following:

RU is using CHIMERA, which can provide real-time information on COI. COI information will be pulled on a monthly basis for comparison against established thresholds. The generated report will be filed for recordkeeping purposes only, unless STQ quantities are exceeded, in which case a report will be made to DHS.

## LABORATORY SAFETY INSPECTION DEFICIENCIES ARE NOT FOLLOWED-UP

Applies to:

- JMU

JMU EHS staff do not follow-up with laboratories that have deficiencies noted during laboratory safety inspections. Instead, the responsibility of correcting deficiencies is left to individual departments. ODU and RU EHS do follow up with the laboratories that have deficiencies noted during safety inspections.

Knowing whether deficiencies are being adequately addressed in a timely manner allows escalation of the matter, if needed. Without following-up on deficiencies, EHS does not know whether the deficiencies are addressed until the laboratories' next inspection.

### **Recommendation(s):**

JMU EHS staff should follow-up with laboratories that have noted deficiencies from its laboratory safety inspections. Further, they should document this process and its laboratory safety inspection process.

### ***James Madison University Response(s):***

JMU concurs with the recommendation.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Hire a Safety Manager to oversee lab safety that acts as a liaison between Risk Management and Academic Affairs.

Follow-up to inspection findings will now be conducted at most two weeks plus one day from EHS reports.

## PRUDENT PRACTICES IN CHEMICAL HYGIENE PLAN ARE NOT COMPLETE

Applies to:

- JMU
- ODU
- RU

The Prudent Practices lists several practices that are signs of a mature and effective chemical inventory management function. Policies at ODU, JMU and RU do not explicitly require the below practices:

1. Assessing surplus chemicals prior to ordering new chemicals.
2. Ordering the minimum amount of chemicals necessary.
3. Substituting less hazardous chemicals when feasible.
4. Assessing whether adequate storage space exists for chemicals and any waste that will be produced prior to purchasing chemicals.

The Prudent Practices are not explicitly documented in policies at the three universities because PIs at each university are expected by their management to follow the best practices of their field. Not explicitly requiring PIs to follow these prudent practices exposes the universities to unnecessary risks. This can result in additional cost to the university and increase the inherent safety risk associated with chemicals.

### **Recommendation(s):**

ODU, JMU and RU should amend their existing chemical inventory management policies so that these prudent practices are required.

### ***James Madison University Response(s):***

JMU will amend chemical hygiene plans to include these four best practices working with constituents to implement these best practices.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU's corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Update chemical hygiene plans with guidance from prudent practices.

***Old Dominion University Response(s):***

ODU will make an amendment to the chemical hygiene plan addressing these four best practices and notify all chemical inventory "owners" of the addition.

***Old Dominion University Corrective Action Plan:***

Appendix II contains ODU's corrective action plan received to address the above recommendation(s). In providing the plan, ODU stated the following:

The Chemical Hygiene Plan was revised to provide direction on prudent practices regarding chemical purchases.

***Radford University Response(s):***

RU is currently updating the university chemical hygiene plan and the update will include amended language to address the prudent practices mentioned. The updated chemical hygiene plan is expected to be finalized by June 30, 2020.

***Radford University Corrective Action Plan:***

Appendix III contains RU's corrective action plan received to address the above recommendation(s). In providing the plan, RU committed to the following:

RU is currently updating the university chemical hygiene plan and the update will include amended language to address the prudent practices mentioned. The updated chemical hygiene plan is expected to be finalized by June 30, 2020.

## UNIVERSITY HAS MULTIPLE CHEMICAL INVENTORY MANAGEMENT SYSTEMS

Applies to:

- RU

RU's Chemistry Department, Biology Department and Geology Department use separate chemical inventory management systems. To mitigate this issue, EHS has identified the need for one system that can be used by all departments. EHS is in the preliminary stage of reviewing various commercial off-the-shelf systems that will meet its requirements as well as identifying university resources needed for possible implementation. JMU and ODU use a single consolidated system.

A single system would allow more effective and efficient management of the university's chemical inventory. However, each department developed or acquired their own disparate systems ranging from a legacy system to freeware (software that requires no annual payment or licensing fee).

Using different chemical inventory management systems across departments:

- Weakens EHS' ability to consistently manage chemicals.
- Places a greater burden on IT to manage different systems.
- Complicates monitoring for regulatory compliance.
- Promotes inconsistency in chemical inventory management processes surrounding inventory.

### **Recommendation(s):**

RU should establish deadlines and expedite its selection, procurement and implementation of a university-wide chemical inventory management system.

### ***Radford University Response(s):***

RU is now using a single chemical inventory management system, CHIMERA. This system was fully activated on April 9, 2019, with the completion of current inventory upload to the system finalized on May 16, 2019.

### ***Radford University Corrective Action Plan:***

Appendix III contains RU's corrective action plan received to address the above recommendation(s). In providing the plan, RU committed to the following:

RU is now using a single chemical inventory management system, CHIMERA. This system was fully activated on April 9, 2019, with the completion of current inventory upload to the system finalized on May 16, 2019.

## ENVIRONMENTAL HEALTH AND SAFETY IS NOT NOTIFIED OF NEW HIRES AND SEPARATED EMPLOYEES

Applies to:

- JMU
- RU

ODU EHS staff are notified by their Human Resources department when new hires occur and when employees separate from the institution. In turn, EHS filters the listing provided their Human Resources department for employees who potentially need access or removal to/from their chemical inventory system. This practice also allows EHS to prepare for actions to set up or dispose of chemical inventories.

EHS is responsible for implementing practical aspects of environmental protection and safety at the institution, as well as promoting good working practices. One such practice is granting access to the chemical inventory management system for new hires and removing access for separating employees. Another such practice is to perform a “close-out” procedure of the laboratory used by the separating employee, including inventory of laboratory chemicals and possible disposal.

### **Recommendation(s):**

OSIG recognizes ODU’s procedure as a potential best practice for other state universities and recommends these universities explore implementation.

### ***James Madison University Response:***

Risk Management will either be allowed to run their own query or be provided the results of one performed by Human Resources indicating the employees who have been hired or separated from the university. For any separated employee who is listed as a chemical owner in the chemical inventory system, the AUH will determine the disposition of their chemicals. If the chemicals are not all offered for disposal, the AUH will select to whom they should be reassigned, which will be reflected in the electronic inventory record. New hires will be added upon request from the departmental purchasing agent if/when the new hire intends to purchase chemicals.

### ***James Madison University Corrective Action Plan:***

Appendix I contains JMU’s corrective action plan received to address the above recommendation(s). In providing the plan, JMU committed to the following:

Obtain notification from Human Resources of new hires and separated employees



***Radford University Response:***

EHS maintains all access to the chemical inventory system. EHS is informed of new staff hires from Human Resources and faculty hires from the College Dean's Office. EHS is made aware of all separations from the university and access is removed in accordance with the separation date. Awarding access to the system is recommended by the Dean or Department Chair and entered by EHS.

***Radford University Corrective Action Plan:***

Appendix III contains RU's corrective action plan received to address the above recommendation(s). In providing the plan, RU committed to the following:

EHS maintains all access to the chemical inventory system. Access will be granted based on the completion and approval of a system access request form. EHS is made aware of all separations from the university and access is removed in accordance with the separation date.

Awarding access to the system is determined by EHS in consultation with the Dean or Department Chair as necessary.

# AUDIT RESULTS

This report presents the results of our audit of chemical inventory management at the select higher education institutions of ODU, JMU and RU. The following audit testing was performed with immaterial, if any, discrepancies noted:

- Using information provided from interviews and walkthroughs, OSIG found that:
  - PIs are using established state contracts to purchase chemicals from suppliers and vendors. Many PIs stated this helped ensure chemicals were purchased at the lowest cost while not sacrificing quality.
  - Satellite waste accumulation areas located in the labs were clearly labeled as such and the accumulated waste containers themselves were labeled. Inspection logs are maintained in the accumulation area showing inspections are occurring on a regular basis by the PI.
  - Laboratory operations are visible to faculty, staff, students and the general public. To mitigate the risk of potential harmful chemicals that could be used for nefarious actions being visually identified outside of the lab, some PIs have chosen to turn the chemical container around where the label is not visible and/or hide the chemical behind a larger container.
  - All disposal costs for hazardous waste generated by the labs are incurred by EHS.
- Institutions are using some type of a chemical inventory management system, albeit a commercial off-the-shelf system or in an Excel spreadsheet format.

Based on the results and findings of the audit test work conducted of chemical inventory management at the select higher education institutions of ODU, JMU and RU, OSIG concluded that internal controls related to the audit objectives were operating properly, except as identified in the report findings.

## APPENDIX I - JMU CORRECTIVE ACTION PLAN

FINDING TITLE.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
First Responders Are Not Provided Access To Chemical Inventory	JMU, ODU and RU should regularly provide first responders with a complete and accurate chemical inventory. The exact nature and timing of inventory updates should be discussed between the universities and their respective first responders.	Annually JMU will provide a report from the chemical inventory database to Harrisonburg Fire Department	Excel spreadsheet	Jan 29, 2020. Current and ongoing annually before February 1 <sup>st</sup> .	Environmental Health Coordinator
Chemical Hazards And University Contact Information Is Not Posted On Laboratory Doors	OSIG recognizes the procedures by ODU and RU to post chemical hazards and contact information on laboratory doors as a potential best practice for other state universities and recommends these universities explore implementation.	Evaluate hazards annually in each lab and develop appropriate signage indicating the hazards and contact information.  Generate and post signs. Include a process in the chemical hygiene plan to ensure door signs will be accurately maintained.	Accurate signage  Updated chemical hygiene plan	September 30, 2020	Academic Unit Heads  Lab Coordinators  *Vivarium and Lab Safety Manager  *Vivarium and Lab Safety Assistant

<b>FINDING TITLE.</b>	<b>RECOMMENDATION</b>	<b>CORRECTIVE ACTION</b>	<b>DELIVERABLE</b>	<b>ESTIMATED COMPLETION DATE</b>	<b>RESPONSIBLE POSITION</b>
Physical Chemical Inventory Of The Integrated Science and Technology (ISAT) Department Does Not Match Inventory Records	JMU needs to conduct a physical inventory of the chemicals in its ISAT department. JMU should annually conduct an inventory of the chemicals across all departments.	Perform annual chemical inventory in all departments.	Annual inventory of chemicals	September 30, 2020	Academic Unit Heads  Lab Coordinators
Acceptance Of Donated Chemicals From Entities Outside Of The University Is Not Formally Prohibited	JMU should develop and enforce a formal policy prohibiting donating chemicals and receiving donated chemicals, then educate its PIs on this policy.	Update all chemical hygiene plans (CHPs) to prohibit donating or receiving donated chemicals. CHPs are reviewed by all PIs.	Updated chemical hygiene plans	September 30, 2020	Academic Unit Heads  Lab Coordinators
Tier II Report Was Not Submitted	JMU should collaborate with DEQ regarding the submission of a Tier II form to any combination of DEQ, LEPC, SERC or JMU's local fire department. Based on the results of the collaboration with DEQ, JMU should self-report any violation of Section 312 of the EPRCA to minimize any potential fines.	Submit Tier II report to the DEQ, LEPC, SERC, and Harrisonburg Fire Department	Tier II Report	February 11, 2019. February 29, 2020.  Current and ongoing annually prior to March 1 <sup>st</sup> .	Power Plant Manager, Facilities Management
CAS Numbers Are Not Entered Into Chemical	JMU should assign each new and existing chemical master record in Vertére	Enter CAS numbers into Vertére	Updated Vertére records	September 30, 2020	Academic Unit Heads

FINDING TITLE.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
Inventory Management System for Tracking	with that chemical's appropriate CAS number.				Lab Coordinators
Safety Data Sheets Are Not Readily Accessible	JMU should update SDS binders when a new chemical is received as required by OSHA. To augment the required physical binders, JMU should consider acquiring an online SDS solution to allow information to be readily accessible for all chemicals in the laboratory.	<p>Purchase electronic SDS system</p> <p>Ensure electronic system contains SDSs for all chemicals on campus</p> <p>Educate university personnel on the electronic system and its use</p>	<p>Electronic SDSs available online or via any mobile device</p> <p>JMU e-binder representing all JMU chemicals</p> <p>Knowledgeable personnel</p>	<p>July 22, 2019</p> <p>April 1, 2020</p> <p>Currently in process and ongoing</p>	<p>Environmental Health Coordinator</p> <p>Environmental Health Coordinator/KHA (vendor)</p> <p>Risk Management personnel/Chemical Hygiene Officers/Safety Coordinators</p>

FINDING TITLE.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
Separated Employees Are Still Listed As Chemical Owner	JMU EHS should establish a formal process for updating Vertére when a chemical owner leaves the university. This process should include reassigning chemicals to a new owner or disposing of the former owner's chemicals, removing the former chemical owner from the chemical inventory and removing the former chemical owner's access to the chemical inventory system.	When a new chemical owner is hired, they will be added to Vertére. When a current chemical owner is separated, they will be removed from the current chemical owner directory. The chemicals will be disposed of, reassigned, or returned to the stock room.	Updated Vertére database with only current JMU employees as chemical owners.	Currently verifying accuracy of chemical owners September 30, 2020	Academic Unit Heads  Lab Coordinators
Process To Remove Chemicals From Inventory Is Ineffective	JMU should reassess the process it uses to identify how chemicals are ready to be removed from the chemical inventory in the chemistry, biology and ISAT departments. For instance, PIs could place empty chemical containers in a central location as is done in JMU's geology department.	Consumed or disposed chemicals will be removed from the inventory by either providing the empty container to the appropriate inventory manager, placing the barcode label on a designated sheet and/or writing the barcode number on the designated sheet which will be processed at least monthly.	Process to ensure empty or disposed chemicals are removed from the chemical inventory system.  Updated chemical hygiene plan	September 30, 2020	Academic Unit Heads  Lab Coordinators
Screening Threshold Quantities Are Not	JMU and RU should use their chemical inventory management systems to	Run a monthly COI report from the chemical inventory database and verify that COIs are below the STQ as required	Monthly report	Prior to the 15 <sup>th</sup> of each month	Environmental Health Coordinator

FINDING TITLE.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
Monitored For Chemicals of Interest	identify whether COI in their chemical inventory are above DHS' STQ on a monthly basis and allow enough time to properly self-report to DHS should they exceed the STQ.	by DHS.		beginning February 2020. Current and on-going	
Laboratory Safety Inspection Deficiencies Are Not Followed-Up	JMU EHS staff should follow-up with laboratories that have noted deficiencies from its laboratory safety inspections. Further, they should document this process and its laboratory safety inspection process.	<p>Hire a Safety Manager to oversee lab safety that acts as a liaison between Risk Management and Academic Affairs.</p> <p>Follow-up to inspection findings will now be conducted at most two weeks plus one day from EHS reports</p>	<p>Vivarium and Lab Safety Manager position in the Office of Research Integrity (ORI)</p> <p>Vivarium and Lab Safety Assistant in the Office of Research Integrity (ORI)</p> <p>Documented process for laboratory safety inspections and follow-up.</p>	<p>September 19, 2019 (hired)</p> <p>January 6, 2020 (hired)</p> <p>March 2020</p>	<p>Academic Unit Heads</p> <p>Lab Coordinators</p> <p>*Vivarium and Lab Safety Manager</p> <p>*Vivarium and Lab Safety Assistant</p>

FINDING TITLE.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
Prudent Practices In Chemical Hygiene Plan Are Not Complete	ODU, JMU and RU should amend their existing chemical inventory management policies so that these prudent practices are required.	Update chemical hygiene plans with guidance from prudent practices	Updated chemical hygiene plans	September 30, 2020	Academic Unit Heads  Lab Coordinators  *Vivarium and Lab Safety Manager  *Vivarium and Lab Safety Assistant
Environmental Health And Safety Is Not Notified Of New Hires And Separated Employees	OSIG recognizes ODU's procedure as a potential best practice for other state universities and recommends these universities explore implementation.	Obtain notification from Human Resources of new hires and separated employees.	Reports of new hires and separated employees	Current and on-going. Risk Management receives daily reports from HR of new and separated employees	Risk Management Safety and Training Coordinator



## APPENDIX II - ODU CORRECTIVE ACTION PLAN

FINDING TITLE.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
First Responders Are Not Provided Access To Chemical Inventory	JMU, ODU and RU should regularly provide first responders with a complete and accurate chemical inventory. The exact nature and timing of inventory updates should be discussed between the universities and their respective first responders.	ODU Police Department First Responders have been granted access to the Chemtracker software platform. Twenty-six members of the ODUPD and Communication Room staff have full access to the secure website from their response vehicle and/or dispatch computers in the event of a reported emergency. They will be responding to all emergencies in conjunction with Norfolk Fire Department personnel and will provide chemical inventory information as necessary.	Attached is a list of ODUPD and Communication staff who have been granted access.	2-26-2020	Director, EHSO
Prudent Practices In Chemical Hygiene Plan Are Not Complete	ODU, JMU and RU should amend their existing chemical inventory management policies so that these prudent practices are required.	The Chemical Hygiene Plan was revised to provide direction on prudent practices regarding chemical purchases.	<a href="https://www.odu.edu/facultystaff/university-business/safety/programs">https://www.odu.edu/facultystaff/university-business/safety/programs</a> Click link to Chemical Hygiene Plan and see section 6, page 22, "Chemical Purchasing"	2-26-2020	Director, EHSO

## APPENDIX III - RU CORRECTIVE ACTION PLAN

FINDING TITLE.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
First Responders Are Not Provided Access To Chemical Inventory	JMU, ODU and RU should regularly provide first responders with a complete and accurate chemical inventory. The exact nature and timing of inventory updates should be discussed between the universities and their respective first responders.	Access to the Chemical Inventory Management and Electronic Reporting Application (CHIMERA) database is to be granted to the Fire Chief and Captains underneath the Chief.	The Fire Chief and Captains are able to view current inventory within the program.	Completed	Assistant Director, EHS
Screening Threshold Quantities Are Not Monitored For Chemicals of Interest	JMU and RU should use their chemical inventory management systems to identify whether COI in their chemical inventory are above DHS' STQ on a monthly basis and allow enough time to properly self-report to DHS should they exceed the STQ.	RU is using CHIMERA, which can provide real-time information on COI. COI information will be pulled on a monthly basis for comparison against established thresholds. The generated report will be filed for recordkeeping purposes only, unless STQ quantities are exceeded, in which case a report will be made to DHS.	COI inventory is tracked in real-time via CHIMERA. Monthly reports run by EHS.	Completed	Assistant Director, EHS
Prudent Practices In Chemical Hygiene Plan Are Not Complete	ODU, JMU and RU should amend their existing chemical inventory management policies so that these prudent practices are required.	RU is currently updating the university chemical hygiene plan and the update will include amended language to address the prudent practices mentioned. The updated chemical hygiene plan is expected to be finalized by June 30, 2020.	Updated CHP, expected to be completed June 30, 2020	Estimated Completion 6/30/2020	Assistant Director, EHS

FINDING TITLE.	RECOMMENDATION	CORRECTIVE ACTION	DELIVERABLE	ESTIMATED COMPLETION DATE	RESPONSIBLE POSITION
University Has Multiple Chemical Inventory Management Systems	RU should establish deadlines and expedite its selection, procurement and implementation of a university-wide chemical inventory management system.	RU is now using a single chemical inventory management system, CHIMERA. This system was fully activated on April 9, 2019, with the completion of current inventory upload to the system finalized on May 16, 2019.	CHIMERA is currently in use. All departments are currently utilizing the program for tracking inventory.	Completed Activated on 4/9/19 Inventory uploaded to the system finalized on 5/16/19	Assistant Director, EHS
Environmental Health And Safety Is Not Notified Of New Hires And Separated Employees	OSIG recognizes ODU's procedure as a potential best practice for other state universities and recommends these universities explore implementation.	EHS maintains all access to the chemical inventory system. Access will be granted based on the completion and approval of a system access request form. EHS is made aware of all separations from the university and access is removed in accordance with the separation date.  Awarding access to the system is determined by EHS in consultation with the Dean or Department Chair as necessary.	Access is requested via a system access request form. EHS is made aware of all separations from the University by IT and access is removed in accordance with the separation date.	Completed: Spring 2019	Assistant Director, EHS

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<b>Audit: IT – Building Automation Systems (BAS)</b>				
	Business Issue	Planned Action	Completion Date	Status
4.0	The IT Security Standard requires that the System Security Plan (SSP) for sensitive systems be updated at least every three years, and submitted to the Information Security Officer (ISO) for approval. The SSP for BAS was last updated in May 2013, which is outside of the required timeframe.	In 2018, the University’s Business Impact Analysis (BIA), Risk Assessment (RA), and Disaster Recovery Plans (DRP) are scheduled for review as part of the 3-year review cycle. During this engagement, DoIT will evaluate the types of documents required for systems, including the SSP. BAS will be included in the scope of the review and for documented updates.	June 1, 2019 Revised to January 31, 2020	Complete
6.1	<p>Controls over password management practices for BAS servers and applications need improvement to ensure a more secure environment and to comply with the Standard as follows:</p> <p>Change the ADX/ALC (server level) domain non-person password policy for (a) password expirations, (b) password history, and (c) screen saver lockout for inactivity.</p>	DoIT will check configuration settings and update appropriately for Standard compliance.	August 1, 2019 Revised to January 31, 2020	Complete
8.3	<p>Improvements are needed in the systems documentation for BAS. We were unable to obtain the following documentation required by the Standard:</p> <p>Annual self-assessment to determine the continued validity of risk assessment controls</p>	DoIT will create a risk self-assessment template for system owners to complete.	June 1, 2019 Revised to January 31, 2020	Complete

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Audit: IT – Contingency Planning Program – Backup and Recovery				
Business Issue		Planned Action	Completion Date	Status
1.1	<p>For every IT system that is identified as sensitive relative to availability, the Standard requires implementation of backup and recovery plans. Improvements are needed in the University’s current strategy. Specifically,</p> <p>1. The University has not documented the strategy for testing that IT system and data backups are functioning as expected and that the data is present in a usable form. Documentation of the strategy is required by the Standard.</p>	1.1 DoIT will document the strategy for testing backups.	July 1, 2020 Revised to October 1, 2020	In Process
2.1	<p>The University has identified systems that are necessary to recover essential business functions. Improvements are needed in the IT backup strategies for some of these business essential systems, for the physical server environment. Specifically, two servers rely on system replication alone as the backup strategy.</p>	1. DoIT will establish a backup location for the F5 load balancer.	February 1, 2020	Complete
		2. DoIT will establish a backup schedule for the RU Express database server.	February 1, 2020	Complete
2.2 2.3	<p>The University has identified systems that are necessary to recover essential business functions. Accordingly, the Standard requires that a Recovery Time Objective (RTO) and a Recovery Point Objective (RPO) must be assigned to each of these systems. Improvements are needed in the IT backup strategies for some of these business essential systems, specifically, for the physical server environment.</p> <p>These issues were communicated to management in a separate document marked Freedom of Information Act exempt under § 2.2-3705.2 of the Code of Virginia due to its sensitivity and description of security mechanisms.</p>	<p>2.2. Management provided a planned action under the same public disclosure exemption as noted in the business issue.</p> <p>2.3. Management provided a planned action under the same public disclosure exemption as noted in the business issue.</p>	<p>July 1, 2020 Revised to October 1, 2020</p> <p>July 1, 2020 Revised to October 1, 2020</p>	<p>In Process</p> <p>In Process</p>

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Audit: IT – Contingency Planning Program – Backup and Recovery				
	Business Issue	Planned Action	Completion Date	Status
3.1 3.2	<p>Improvements are needed related to infrastructure and network services operations:</p> <ol style="list-style-type: none"> <li>1. This issue was communicated to management in a separate document marked Freedom of Information Act exempt under § 2.2-3705.2 of the Code of Virginia due to its sensitivity and description of security mechanisms.</li> <li>2. This issue was communicated to management in a separate document marked Freedom of Information Act exempt under § 2.2-3705.2 of the Code of Virginia due to its sensitivity and description of security mechanisms.</li> </ol>	<p>2.1. Management provided a planned action under the same public disclosure exemption as noted in the business issue.</p>	<p>July 1, 2020 Revised to November 4, 2020</p>	<p>In Process</p>
		<p>2.2. Management provided a planned action under the same public disclosure exemption as noted in the business issue.</p>	<p>May 15, 2020 Revised to February 1, 2021</p>	<p>In Process</p>
4.1	<p>Improvements are needed in certain agreements. The University has a contract with a vendor to provide two separate dedicated fiber connections to the University’s alternate data storage site. However, the contract lacks measurable guarantees for network uptime. In the event of a service interruption, not having a minimum guaranteed uptime could hinder the University’s ability to meet backup and recovery availability requirements for business essential systems.</p>	<p>DoIT will review the contract, discuss updated terms with the vendor, and, for changes that are mutually agreeable, modify the contract accordingly.</p>	<p>July 1, 2020 Revised to October 1, 2020</p>	<p>In Process</p>

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Audit: IT – Contingency Planning Program – Backup and Recovery				
	Business Issue	Planned Action	Completion Date	Status
4.2 4.3	<p>Improvements are needed in certain agreements. The University has two memorandums of understanding (MOUs) with an entity for the alternate data storage site. One MOU addresses providing space, access, power, and environmental controls, and the other addresses providing network connection services for the University-owned server rack within the entity’s data center. Improvements are needed in these MOUs. Specifically,</p> <ul style="list-style-type: none"> <li>a. Neither MOU guarantees an expected level of infrastructure uptime, which could hinder the University’s ability to meet its availability requirements.</li> <li>b. The MOUs do not require a minimum lead time for the entity to notify DoIT staff before scheduled maintenance is performed. This could increase the risk of a service interruption resulting from scheduled maintenance.</li> <li>c. In each MOU, the entity’s contact list appears to have last been updated over three years ago. Similarly, in each MOU, the list of staff contacts provided by DoIT is outdated. Having outdated contact lists could result in delays during service interruption events.</li> <li>d. The terms of each MOU allow for either party to terminate the MOU within 180 days after written notice to the other party. If the entity was to terminate the MOU, this would create an inadequate window of time for DoIT to find an alternate solution for off-site data storage.</li> </ul>	<p>4.2. DoIT will identify issues, based upon risk, and discuss relevant updates to MOU terms with the entity.</p>	<p>February 1, 2020 Revised to July 1, 2020</p>	<p>Complete</p>
		<p>4.3. Where such updates are mutually agreeable by both parties, the MOUs will be modified accordingly. Where MOU updates are not feasible, DoIT will document alternate strategies or controls. Contact lists for each MOU will be updated as appropriate.</p>	<p>June 1, 2020 Revised to October 1, 2020</p>	<p>In Process</p>

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Audit: E-Verify			
Business Issue	Planned Action	Completion Date	Status
<p>1.0 Campus departments are completing Form I-9 for employees, although they have not been delegated the authority to do so by Human Resources.</p> <p>Specifically, we noted that although Financial Aid enters cases into E-Verify for financial aid-funded employees, the completion of Form I-9 is done by the employee’s supervisor in the department in which the employee will be working.</p> <p>Having unauthorized and untrained personnel verify employment eligibility increases the University’s risk of violating Federal laws related to employment verification.</p>	<p>Human Resources will ensure that personnel who verify employment eligibility are authorized and trained to do so by performing the following:</p> <ul style="list-style-type: none"> <li>• Formally delegate authority to each department in writing.</li> <li>• Provide mandatory training to personnel within each department.</li> <li>• Provide desktop procedures to each department.</li> </ul>	<p>January 31, 2020 Revised to April 30, 2020</p>	<p>Complete</p>
<p>2.1 Improvements are needed in the process of entering new hires into E-Verify. Specifically, during our testing, we noted that 18 out of 683 total new hires (3%) were not entered into E-Verify.</p> <ul style="list-style-type: none"> <li>• For 7 of these, this appeared to be due to not having a Form I-9 on file or not having a complete Form I-9 on file. We noted that for 4 of these, a Form I-9 could not be located; for 3 of these, a Form I-9 was located, but Section 2 (Employer Review and Verification) was blank.</li> <li>• For the remainder (11) of these, we were unable to determine why no E-Verify entry was done.</li> </ul> <p>To comply with Federal and State mandates, the University must fully complete Form I-9 for all new hires, retain the complete Form I-9 on file, and enter all new hires into E-Verify. Failure to do so could result in fines for the University.</p>	<p>Human Resources will ensure that formal training is provided to all areas with delegated authority to enter cases into E-Verify. Documentation of this training will be maintained in Human Resources.</p>	<p>January 31, 2020 Revised to April 30, 2020</p>	<p>Complete</p>



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Audit: E-Verify				
	Business Issue	Planned Action	Completion Date	Status
3.1 3.2 3.2.1	<p>Improvements are needed to ensure the timely entry of cases into E-Verify. As required by the E-Verify MOU, the University must create an E-Verify case for new employees within three employer business days after each employee has started working for pay. Cases created after that timeframe are considered late and require an explanation.</p> <p>Out of all 781 E-Verify cases entered during our review period, we noted 100 cases (13%) that were entered late with explanations that E-Verify does not deem as acceptable. Most significantly,</p> <ul style="list-style-type: none"> <li>• The explanation for 59 (59%) of those cases attributed the lateness to Human Resources not entering the cases timely. The majority of those noted "work overload" by Human Resources. Additionally, we noted that all of these 59 cases were for hire dates in August - September 2018, the beginning of a semester, which we identified as a peak hiring period for the University.</li> <li>• The explanation for 32 (32%) of those cases attributed the lateness to the new hire or the new hire's department not submitting required documents to Human Resources timely.</li> </ul> <p>Timely entry of cases into E-Verify is essential to ensure compliance with E-Verify rules and regulations. Noncompliance could result in penalties for the University or further investigation by USCIS, Immigration and Customs Enforcement, the Department of Justice, or other agencies.</p>	<p>1. Human Resources will request additional resources at peak hiring periods to ensure compliance with regulations.</p> <p>2. Human Resources will create a process to identify departments missing deadlines. This information will be forwarded to the appropriate Division Head to determine action to be taken, if necessary.</p> <p>2.1. HR will work with the Vice President for Finance &amp; Administration to document the University's position on whether or not to terminate employees who do not provide employment verification documentation in the required timeframe.</p>	<p>January 31, 2020 Revised to April 30, 2020</p> <p>January 31, 2020 Revised to April 30, 2020</p> <p>March 31, 2020 Revised to September 30, 2020</p>	<p>Complete</p> <p>Complete</p> <p>In Process</p>

**RADFORD UNIVERSITY  
OFFICE OF AUDIT AND ADVISORY SERVICES  
FOLLOW-UP AUDIT STATUS REPORT  
BUSINESS AFFAIRS AND AUDIT COMMITTEE  
SEPTEMBER 2020**

Audit: E-Verify				
Business Issue		Planned Action	Completion Date	Status
4.1	<p>Consistency and improved documentation are needed in the employment verification and E-Verify process for student employees funded by the Federal Work-Study (FWS) program.</p> <p>In our review of 40 E-Verify cases entered, four (10%) did not have a hire date that agreed to the Form I-9 on file. All of these were for student employees funded by the FWS program. If the first day of employment differs from what is documented on the Form I-9, the Form I-9 should be corrected, or documentation supporting the actual date should be attached to the Form I-9.</p>	Human Resources will ensure personnel verifying employment eligibility, including for student employees funded by the FWS program, are authorized and trained to do so. Authority will be formally delegated to the department in writing, mandatory training will be provided, and desktop procedures will be provided to the department.	January 31, 2020 Revised to April 30, 2020	Complete
6.1	<p>Improvements are needed in the granting and monitoring of access to the E-Verify system. Specifically,</p> <p>There is not a centralized process to grant access to the E-Verify system. Currently there are five program administrators that can grant access. Allowing multiple program administrators to grant system access without a centralized review process could result in (a) inconsistency in the criteria and documentation required for access, and (b) someone without a business need having access to the system. In our review of 11 employees with access to E-Verify, one current employee was determined to have no business need for access.</p>	Human Resources will limit the number of program administrators to two: one primary and one secondary. Both will be within Human Resources. Human Resources will also develop a form required to request/grant access to the E-Verify system.	January 31, 2020 Revised to April 30, 2020	Complete

**RADFORD UNIVERSITY  
OFFICE OF AUDIT AND ADVISORY SERVICES  
FOLLOW-UP AUDIT STATUS REPORT  
BUSINESS AFFAIRS AND AUDIT COMMITTEE  
SEPTEMBER 2020**

Audit: E-Verify			
Business Issue ( <i>continued</i> )	Planned Action	Completion Date	Status
<p>7.0 The display of two employment notices, the Notice of E-Verify Participation and the Notice of Right to Work, does not appear to meet the MOU's requirements. The notices must be displayed in a prominent place that is clearly visible to prospective employees and all employees who are to be verified through E-Verify.</p> <p>Although these notices are posted in the lobby of Human Resources and in the College of Graduate Studies &amp; Research, not all employees must go to one of these places. Therefore, these notices are not visible to all employees, resulting in noncompliance with the MOU.</p>	<p>Human Resources will determine additional locations where the employment notices should be posted to meet the requirements of the MOU and ensure that they are posted in those locations.</p>	<p>January 31, 2020</p>	<p>Complete</p>

Audit: Office of State Inspector General – Chemical Inventory Management			
Business Issue	Planned Action	Completion Date	Status
<p>3.0 Radford University should amend their existing chemical inventory management policies so that these prudent practices are required.</p>	<p>Radford University is currently updating the university chemical hygiene plan and the update will include amended language to address the prudent practices mentioned. The updated chemical hygiene plan is expected to be finalized by June 30, 2020.</p>	<p>June 30, 2020</p>	<p>Complete</p>

**RADFORD UNIVERSITY  
OFFICE OF AUDIT AND ADVISORY SERVICES  
FOLLOW-UP AUDIT STATUS REPORT  
BUSINESS AFFAIRS AND AUDIT COMMITTEE  
SEPTEMBER 2020**

Audit: Auditor of Public Accounts – FY 2018			
Business Issue	Planned Action	Completion Date	Status
<p>1.0 Radford University personnel did not report enrollment data accurately and/or timely to the National Student Loan Database System (NSLDS) during aid year 2018. The full cause of the noncompliance is indeterminate at this time and additional research will be necessary. After testing thirty-seven students that had graduated or withdrawn from the University, we noted the following:</p> <ul style="list-style-type: none"> <li>• Three students (8%) were reported with an incorrect enrollment status;</li> <li>• The effective date of the student status change for fifteen students (41%) was not accurate; and</li> <li>• The student status change for six students (16%) was not reported timely.</li> </ul> <p>The accuracy of Title IV enrollment data depends heavily on information reported by institutions. Untimely and inaccurate data submission to NSLDS can affect the reliance placed on the system by the Department of Education for monitoring purposes and other higher education institutions when making aid decisions. Noncompliance may also have implications on an institution’s participation in Title IV programs and can potentially impact loan repayment grace periods.</p> <p>Management should perform a comprehensive review of current enrollment reporting policies and procedures to improve accuracy of submissions to NSLDS. Management should implement corrective action to prevent future noncompliance and should consider implementing a quality control review (QCR) process to monitor the accuracy of submitted enrollment batches for both program and campus level reporting.</p>	<p>In the past, the University, along with the National Student Clearinghouse, has interpreted the required effective date as either the last date of attendance or the conferral date. As a result of this recommendations, the Registrar's Office has immediately begun using the conferral date for all students who are not enrolled in the term in which they graduate as standard practice.</p> <p>Other exceptions noted relate to the overriding of effective dates in the National Student Loan Data System (NSLDS) due to the submission of batch data. The Registrar's Office in conjunction with the Financial Aid Office are working diligently to further research this issue and determine the best policy and procedure to move forward in a compliant manner. The Registrar's Office is responsible for overseeing the corrective action.</p>	<p>April 30, 2019 Revised to September 30, 2019 Revised to May 31, 2020</p>	<p>Complete</p>

**RADFORD UNIVERSITY  
BOARD OF VISITORS BYLAWS**

**PREAMBLE**

The Board of Visitors of Radford University (“the Board”) adopts these Bylaws to provide for the orderly, consistent and efficient conduct of its business as the governing body of Radford University (“the University”).

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 the University. Much of this authority necessarily is delegated to the President, who serves as the agent of the Board and as Chief Executive Officer of the University.

It is acknowledged and understood that the University and the Board are at all times subject to the control and legislative enactments of the General Assembly of the Commonwealth of Virginia.

**Article I – The Board of Visitors**

**Section 1 – Legal Status, Composition, and General Operation**

**A. Legal Status and Composition.** The Board of Visitors of Radford University is created by Va. Code §23.1-2100. Membership of the Board, method and terms of appointment, and the method of filling vacancies are provided by statute (Va. Code §23.1-1300).

**B. General Operations.** The Board is required by law to, and does:

1. Strive to be transparent in its operations, and operate entirely openly to the extent required by law.
2. Comply with the Commonwealth of Virginia’s Freedom of Information Act (Code of Va. §2.2-3700, et seq.), including but not limited to the following:
  - a. Record minutes of each open meeting and post the minutes on the Board’s website in accordance with subsection 1 of §2.2-3707 and §2.2-3707.1;
  - b. Conduct all discussions and actions on any topic not specifically exempted by §2.2-3711 in open meeting;
  - c. Give public notice of all meetings in accordance with subsection C of §2.2-3707; and
  - d. Approve in open meeting any action taken in closed meeting before it can have any force and effect in accordance with subsection B of §2.2-3711.
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.

**C. Annual Executive Summary.** The Board is required by statute to submit 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.

**D. Removal of Board 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, and required by Virginia Code §23.1-1304 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. However, no member serving as of January 1, 2015 shall be removed for failing to attend the educational programs required by Virginia Code § 23-9.14:1 in the members first two years of membership if the member attends such training by January 1, 2016.

In accordance with Virginia Code §23.1-1300(C), 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 will be subject to confirmation by the General Assembly. The Governor will set forth, in a written public statement, the Governor's reasons for removing any member pursuant to this statute at the time the removal occurs. The Governor will be the sole judge of the sufficiency of the cause for removal as set forth in this statute.

**E. Resignation.** Any Board member may resign at any time by providing notice of the date of resignation to the Governor. Notice also shall be provided to the Rector 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 2 – Powers and Responsibilities**

Responsibilities of the Board include, but are not limited to, the following:

1. Control and expend funds of the University;
2. Establish fees, tuition, and other charges imposed on students;
3. Approve the University's budgets;
4. Appoint the President of the University;
5. Approve the strategic plans of the University;
6. Confer degrees;
7. Promote the purpose and mission of the University;
8. Adopt rules and regulations for governing employment and employees, and approve promotions, tenure, salaries of employees;
9. Name buildings and other major facilities;
10. Approve certain real property transactions; and
11. Adopt rules and regulations governing student conduct.

### Section 3 – Meetings

**A. Regular Meetings.** The Board meets in regular session four times each fiscal year, on dates established by the Board. The last regular meeting of each fiscal year is designated as the “annual meeting” of the Board.

**B. Special Meetings.** Special meetings may be called by the Rector or upon the request of any five voting members of the Board. Requests for a special meeting must be submitted to the Secretary to the Board (“Secretary”), who has the ministerial responsibility for making arrangements for the special meeting.

**C. Notice.** Notice of meetings must be published and provided to the Board and the public by the Secretary in accordance with these Bylaws and state law.

**D. Quorum and Votes.** A simple majority of the Board constitutes a quorum. Unless otherwise required by statute, actions of the Board are taken by simple majority of those present and voting.

#### **E. Member(s) Participation via Electronic Communications.**

1. A member can participate via electronic communication means from a remote location that is open to the public in accordance with the Code of Virginia §2.2-3708 and provided that:
  - a. A quorum of the Board is physically assembled at one primary location.
  - b. Notice of the meeting has been given at least three working days in advance of the date scheduled for the meeting in accordance with Virginia Code §2.2-3708(C).
  - c. The remote location from which the member is participating is open to the public. All agenda packets and, unless exempt, all materials that will be distributed to Board members shall also be made available to the public at the remote location.
  - d. Interruption in the telephonic or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access is restored.
2. A member may also participate via electronic communication means from a remote location that is not opened to the public in the event of an emergency, personal matter, or medical condition that prevents the member from attending in person, in accordance with the Code of Virginia §2.2-3708.1 and provided that:
  - a. If, on or before the day of the meeting, the member notifies the Rector that such member is unable to attend the meeting due to an emergency, personal matter, or medical condition that prevents the member’s physical presence, and the member identifies with specificity the nature of the emergency or personal matter.
  - b. The Board shall record the reason for the member to participate from a remote location together with the remote location from which the member participates in the minutes of the meeting.
  - c. There must be a quorum of the Board physically assemble at the primary location of the meeting.

- d. The Board shall make arrangements for the voice of the remote participant to be heard by all persons at the primary location.
- e. If any request for participation via electronic communication from a remote location is denied, the decision and rationale will be reflected in the minutes.

**F. Agenda.** The draft agenda for each meeting is to be prepared by the President or the President's designee, and approved by the Rector. Matters that any member requests to be placed on the agenda should be brought to the attention of the President as far in advance of the meeting as possible. The President may assign a matter to the chair of the appropriate committee of the Board for review prior to placement on the Board agenda. The agenda and other meeting materials are to be made public as required by law, and delivered to each member of the Board as far in advance of the meeting as feasible.

Matters which arise after publication of the agenda may be placed on the agenda at the President's discretion, after consultation with the Rector, or by the Board's amendment of the agenda. The first order of business at every meeting is approval of the agenda. Proposed amendments to the agenda may be considered at that time.

**G. Tuition Notice and Public Comment.** In accordance with Code of Virginia, §23.1-307(D) and (E), Radford University will provide public notice at least 30 days prior to considering an increase undergraduate tuition or mandatory fees. The Radford University Board of Visitors will announce a public comment forum prior to the vote. The procedures for the Public Comment Session are approved by the Board of Visitors and maintained on the Board of Visitors website.

#### **Section 4 – Officers**

**A. Officers.** The officers of the Board are Rector and Vice Rector.

**B. Election and Terms.** The officers are elected by the Board at the annual meeting of the Board and shall serve a term of one year.

1. **Nominating Committee.** The Governance, Administration and Athletics Committee acts as the Nominating Committee for officers of the Board. The Committee is to call for nominations from members of the Board annually, following the last regular meeting of the Board. Nominations from members are to be submitted in writing to the Chair no later than ten days after that call. The Committee will meet prior to the annual meeting to determine which nominations will be presented to the Board. The Committee may offer more than one nominee for an office.
2. **Nominations from the Floor.** Nominations from the floor will be taken.
3. **Term.** Newly elected officers assume office on July 1 following their election. Each officer holds office for a term of one year ending the following June 30 or until the successor is elected, whichever is later. Officers may serve up to two consecutive terms; however, there is no limitation on the number of non-consecutive terms an officer may serve. In the event the Vice Rector assumes the office of Rector for a period of 180 days or more, that period will count as a full term.

**C. Rector.** The Rector is charged with promoting a level of interest, involvement and activity among the members of the Board as will best contribute to (1) the establishment of proper policies, (2) wise planning, (3) intelligent and considerate observance of the rights of the faculty, administration, staff, and student body, and (4) the maintenance of the independence of the Board, all of which will enhance the future welfare of the University.



Specific responsibilities include presiding at Board meetings; appointing all committees, unless otherwise provided in the Bylaws or directed by the Board; acting as the Board's primary spokesperson or representative; and performing such other duties as are generally expected of the presiding officer or are imposed by statute, Bylaws, or action of the Board.

**D. Vice Rector.** If the Rector is temporarily absent or unavailable, the Vice Rector presides over meetings and assumes all powers, duties and functions 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.

## **Section 5 -- Advisory Representatives**

**A. Appointments.** The Board is to appoint one faculty member and one student as non-voting, advisory representatives to the Board. Representatives are appointed at the annual meeting which is the last meeting of the fiscal year, and serve one-year terms commencing July 1 following their appointment and ending June 30.

The faculty representative shall be the President of the Radford University Faculty Senate (Faculty Senate President), provided that said individual shall serve no more than two consecutive terms as faculty representative to the Board of Visitors. If the same individual shall serve more than two consecutive terms as Faculty Senate President, the faculty representative to the Board shall be appointed from a list of three faculty members submitted by the Faculty Senate. Should the faculty representative resign as faculty senate president during his/her term on the Board of Visitors, the new faculty senate president shall fill the remaining term on the Board of Visitors of the individual who resigned; in the event an individual assumes the role as faculty representative for a period of 180 days or more, that period will count as one full term.

The student representatives are appointed from a list of three students submitted by the President after consultation with appropriate members of the administration and such other individuals as the President deems necessary. The three nominees for student representative shall make a brief presentation to the Board of Visitors at the annual meeting at which the student representative will be appointed.

**B. Responsibilities.** Advisory representatives have the responsibility to support the best interests of the University and to work with members of the Board for the continuing operation and development of the institution as a comprehensive state university. They are expected to participate in all regular meetings of the Board. Each advisory representative will be appointed as a non-voting member of at least one standing committee, but may not chair a committee. Advisory representatives may submit agenda items for discussion and information to be considered by the Board by presenting them to the President in advance of meetings, but may not make motions or introduce new items at meetings. Advisory representatives may not attend closed meetings except by invitation of the Board.

## **Section 6 – Committees**

**A. Executive Committee.** The Executive Committee is comprised of the Rector, the Vice Rector, and the chairs of the standing committees. The immediate past Rector serves as an ex-officio member. The Rector serves as Chair of the Committee.

1. The Executive Committee is authorized and required to:
  - a. Develop and recommend to the Board a statement of governance setting forth the Board's role;

- b. Periodically review the Board's Bylaws and recommend amendments;
  - c. Provide advice to the Board on committee structure, appointments, and meetings;
  - d. Develop an orientation and continuing education process for Board members that includes training on the Virginia Freedom of Information Act;
  - e. Create, monitor, oversee, and review compliance by Board members with the University's Code of Ethics, adopted August 23, 2007, which Code is equally applicable to Board members as well as other members of the University community;
  - f. Develop a set of qualifications and competencies for membership on the Board for approval by the Board and recommendation to the Governor.
  - g. Conduct an annual evaluation of the President as required by these Bylaws in a closed meeting and present its findings and recommendations to the Board.
2. Additionally, the Executive Committee is 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.

A simple majority constitutes 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 Secretary to the Board is to inform promptly all members of the Board of any action taken by the Executive Committee. The Rector is to report actions taken by the Executive Committee at the next full meeting of the Board.

**B. Standing Committees.** Each standing committee is comprised of the Rector and Vice Rector plus not fewer than three additional Board members appointed by the Rector during or after the annual meeting. The Rector designates the chair and vice-chair of each committee and, on recommendation of the President, appoints an administrative assistant to staff each committee.

A simple majority of the members of a committee constitutes a quorum. In the event that 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.

Matters may be referred to standing committees by the President, the President's designee, the Rector, or the full Board. 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.

The standing committees are:

1. **Business Affairs and Audit.** This committee is generally responsible for reviewing and recommending action to the Board regarding the financial and business affairs of the University, including but not limited to, capital projects, grants, contracts, and the naming of facilities. This committee is responsible for reviewing recommendations and offering motions to the Board on matters and policies pertinent to information technology, including implementation of new technologies and systems affecting the University's computer systems, websites and telephone systems. This committee also oversees the internal audit function of the University; receives the annual financial audit report of the Auditor of Public

Accounts; and performs studies of financial matters as directed by the Board.

2. **Student Success.** This committee is generally responsible for reviewing and recommending action to the Board on matters pertaining to students, including but not limited to, student retention, student support services and activities, student health and safety, student conduct and disciplinary standards, residential life, student organizations and activities, and the general quality of student life.
3. **Academic Excellence and Research.** The committee provides guidance to the Board on matters essential to academic quality. This committee is generally responsible for reviewing and recommending action to the Board on matters regarding the University's academic mission, purpose, plans, and programs, including, but not limited to the creation or elimination of academic programs and of colleges and schools and academic departments within the University; faculty appointments, and the policies and procedures governing the award of tenure; academic standards and policies for student admissions, progression and graduation; and the conferring of meritorious awards and honorary degrees.
4. **Governance, Administration, and Athletics.** This committee is generally responsible for considering and recommending action to the Board on policy matters pertaining to the administrative operations of the University, including personnel matters, and shall advise and consult with the President of the University on matters of human resources policy in regard to classified employees, university staff and other non-instructional faculty members employed by the University.

~~The committee shall also conduct an annual evaluation of the President as required by these Bylaws in a closed meeting and present its findings and recommendations to the Board.~~

~~This committee is responsible for reviewing recommendations and offering motions to the Board on matters and policies pertinent to the Division of Information Technology including implementation of new technologies and systems affecting the University's computer systems, websites and telephone systems.~~

~~This committee is responsible for considering and recommending actions that cultivate and foster strategic partnerships, increase and strengthen the talent pipeline, and inspire and encourage innovative solutions, which ultimately provide greater opportunities for students and position Radford University as a leader of economic development in the region, Commonwealth of Virginia and beyond.~~

~~This committee is also responsible for reviewing recommendations and offering motions to the Board on matters pertaining to all aspects of University intercollegiate athletics including, but not limited to, recruitment of personnel, development of new athletic programs, and maintenance and/or construction of athletic facilities.~~

5. **University Advancement, University Relations and Enrollment Management.** This committee is generally responsible for oversight of programs that promote private donations for, and alumni support of, the University, including related activities undertaken by the University directly and by affiliated foundations on the University's behalf. It also oversees the University's public and community relations programs, which are designed to enhance the University's stature and reputation, and its efforts to publicly disseminate news about the University. This committee is also responsible for reviewing recommendations and offering motions to the Board on matters and policies pertinent to the university's enrollment management strategy.

**C. Special Committees.** Special or *ad hoc* committees are established by the Board or the Rector for an expressed purpose and limited duration. Special committees may have no fewer than four members appointed by the Rector, who may change the membership at any time. The Rector designates the Chair of special committees.

## **Section 7 – Policies and Procedures.**

Subject to state law and these Bylaws, the Board may adopt rules and regulations and may establish specific policies or procedures for the operation of the University and, to the extent not inconsistent with these Bylaws, for the Board's own governance. All such policies and procedures in existence on the date of the adoption of these Bylaws, and all policies and procedures subsequently adopted by the Board must be published and are binding on all affected university constituents. The President shall be responsible for the publication and implementation of all policies and procedures of the Board.

## **Article II – Employees**

### **Section 1 – The President**

The President serves at the pleasure of the Board of Visitors or pursuant to contract with the Board. The President is the Chief Executive Officer of the University and oversees the overall operation of the University. The President is expected to provide leadership to the University community in the development of its mission and programs. The President directs the University's administration, faculty and staff, and oversees the financial affairs of the University and the use and maintenance of its physical facilities. The President supports the fund-raising and advancement efforts of public and private entities on behalf of the University and serves as the University's representative and official spokesperson. The President must act in accord with the policies and direction of the Board. The President must perform the duties and exercise the authority of the office in accordance with all applicable federal and state laws and regulations.

The President may delegate specific duties, in whole or in part, to other employees of the University. However, the President remains responsible for the performance of the delegate as to all matters within the President's authority.

The Board shall meet with the President, at least annually, in a closed meeting, and deliver an evaluation of the President's performance. A preliminary evaluation report is to be submitted by the Governance, Administration and Athletics Committee to the Board, which report serves as the initial basis for the Board's review and evaluation. Objectives for the coming year will also be presented to the Board by the President at the time of the evaluation.

Any changes to the President's contract shall be made only by vote of a majority of all members of the Board.

### **Section 2 – Provost, Vice Presidents, Vice Provosts, and Direct Reports to the President**

The Provost, Vice Presidents, Vice Provosts, and all direct reports to the President are selected by the President, subject to approval by the Board, and serve at the pleasure of the President, or upon such other terms as agreed by the employee, the President, and the Board.

### **Section 3 – University Auditor**

The University Auditor is responsible for the University's internal audit function, which provides independent appraisals and reviews of University operations. The University Auditor is administratively

responsible to the President, but is functionally accountable to the Board of Visitors. The University Auditor is appointed by, and reports to, the Board or a Board committee, as directed by the Board. In addition to the general responsibilities of the position, the University Auditor performs such duties incidental to the office as assigned by the Board or the President.

### **Article III – Miscellaneous**

#### **Section 1 – Suspension or Amendment of Bylaws**

These Bylaws may be suspended or amended in whole or in part at any meeting of the Board of Visitors.

#### **Section 2 – Parliamentary Authority**

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

**Radford University Board of Visitors  
Resolution**

**Amendment to the Bylaws**

**Now Therefore Be it Resolved**, the Board of Visitors hereby amends the Radford University Board of Visitors Bylaws **Section 6. Committees**, as follows:

- A. Executive Committee - *add*
  - g. Conduct an annual evaluation of the President as required by these Bylaws in a closed meeting and present its findings and recommendations to the Board.
- B. 1. Business Affairs and Audit Committee – *add*

This committee is responsible for reviewing recommendations and offering motions to the Board on matters and policies pertinent to information technology, including implementation of new technologies and systems affecting the University’s computer systems, websites and telephone systems.
- B.4. Governance, Administration and Athletics Committee - *delete*

~~The committee shall also conduct an annual evaluation of the President as required by these Bylaws in a closed meeting and present its findings and recommendations to the Board.~~

~~This committee is responsible for reviewing recommendations and offering motions to the Board on matters and policies pertinent to the Division of Information Technology including implementation of new technologies and systems affecting the University’s computer systems, websites and telephone systems.~~
- B.4. Governance, Administration and Athletics Committee - *add*

This committee is responsible for considering and recommending actions that cultivate and foster strategic partnerships, increase and strengthen the talent pipeline, and inspire and encourage innovative solutions, which ultimately provide greater opportunities for students and position Radford University as a leader of economic development in the region, Commonwealth of Virginia and beyond.
- B.5. Change name to Advancement, University Relations and Enrollment Management

Adopted: September 11, 2020

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Robert A. Archer  
Rector  
Radford University Board of Visitors

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Karen Castelee  
Secretary to the Board of Visitors  
Radford University

<b>Policy Title: Gift Acceptance Policy</b>	<b>Effective Date: TBD</b>
<b>Policy Number: ADV-PO-1600</b>	<b>Date of Last Review: NEW</b>
<b>Oversight Department: Office of the Vice President for University Advancement</b>	<b>Next Review Date: TBD</b>

### 1. PURPOSE

The *Gift Acceptance Policy* for Radford University (University) provides direction for the acceptance of gifts by Radford University Foundation, Inc. (RUF) for the benefit of the University.

### 2. APPLICABILITY

The *Gift Acceptance Policy* applies to all faculty, staff, and programs of the University.

### 3. DEFINITIONS

**Gift:** Any donation, gift, or other private philanthropic support made by a donor without expectation or receipt of an economic benefit commensurate with the money or property transferred and to which no commitment of resources or services has been made.

**Gift Agreement:** A written document executed between the donor and the RUF. The agreement identifies the donor and establishes the donor's financial commitment. The gift agreement is intended to clarify donor intent and expectations and to provide the information necessary to determine the acceptability of the gift as prescribed by this policy. The gift agreement is maintained by the RUF and considered an official RUF document thereof. The document also includes:

- Donor purpose and intent
- Scholarship/award criteria
- Any donor terms and conditions accepted by the University
- Payment schedule if one is to be created
- Provisions for future gifts
- Recognition by the University/RUF
- Allowance for future changes
- Process for agreement modification

**Gift Instrument:** Gifts may take many forms, including, but not limited to, the following:

- Business interests – Closely held stock and partnership interest
- Cash and cash equivalents – Cash, checks, credit card, debit card, wire, automated clearing house (ACH) transfers, or other means of electronic transfer
- Planned gifts (irrevocable) – Life income agreements including charitable gift annuities, charitable remainder unitrusts, charitable remainder annuity trusts, charitable lead trusts, life insurance, retirement account distributions, and retained life estate
- Planned gifts (revocable) – Bequest or devise by will, life insurance beneficiary, and retirement plan beneficiary
- Pledges – Promises to give and intentions to give, pledges represent a signed statement of intent and include and can be unconditional pledges or challenge/conditional pledges
- Real property and related revenue – Personal residence, land, life estate agreements; and undivided remainder interests in property, oil, gas and mineral interests and related royalties
- Securities (marketable) – Public equities, corporate and government bonds
- Gifts in Kind – Collections of art, books, coins or movies; cars, boats and aircraft; food or other items used for hosting dinners, etc.; hardware, software, software licenses; long-lived assets; equipment; materials; and printed materials
- Third-party distributions – Donor-advised funds, private foundations, qualified charitable Individual Retirement Account (IRA) distributions and corporate matching gifts

#### **4. POLICY**

- A.** The University and the RUF are legally obligated to adhere to the terms and conditions of each gift. Consequently, donor intent and gift terms must be evaluated to be sure they are feasible, do not unduly hamper the usefulness and desirability of the gift, and are in conformity with University and RUF policies.
- B.** The acceptance of all gifts, irrespective of the gift instrument, is conditioned upon consistency with the University's mission and strategic interests as well as the acceptability of donor restrictions. Donor restrictions that violate federal or state laws, Internal Revenue Service (IRS) regulations, or University and RUF ethical standards; or call for inappropriate or illegal discrimination based on age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation, or veteran status will be deemed unacceptable.
- C.** Development officers and/or University administrators will handle gifts in accordance with the procedures outlined in Section 5.
- D.** The following gifts (defined as Category III gifts in section 5.B.3.) must be reviewed and approved by the Gift Acceptance Committee (see section 5.D.) prior to acceptance:
  - 1.** Gifts that direct academic decision making
  - 2.** Gifts of a \$1 million or more that impose a new obligation on the University, excluding gifts for scholarships or other financial aid
- E.** Donor identity is not confidential unless specifically requested by the donor. The donor must request anonymity to ensure their identity remains confidential.



## 5. PROCEDURES

### A. Review of Gifts

In order to administer the acceptance of a broad array of gifts, and to follow established policies and procedures in an efficacious manner, gifts will be reviewed based on the category and amount of the gift.

### B. Gift Categories

#### 1. **Category I – No review necessary:**

Category I largely incorporates cash gifts and marketable securities to existing gift accounts. Gifts in this category are processed immediately by the Office of Advancement Services.

#### 2. **Category II – Moderate review:**

- a. Category II gifts include all those gifts requiring the establishment of a new gift account as well as other contributions from sources such as, but not limited to, Donor-Advised Funds, Qualified Charitable IRA Distributions, and payments from Private Foundations. A written gift agreement may be developed.
- b. Gifts in this category require review by the Associate Vice President for Advancement, the Director for Advancement Services, and related subject matter experts as appropriate.

#### 3. **Category III – Full review:**

- a. Category III gifts include all complex major gifts and/or complex planned gifts as determined by the Vice President of University Advancement, especially if there is considerable financial impact on the institution.
- b. Gift terms that direct academic decision-making and gifts of \$1,000,000 or more that impose a new obligation on the University, excluding gifts for scholarships or other financial aid, are included in this category.
- c. This review will consider a proposed gift in the context of the *Gift Acceptance Policy* and will require an affirmative written approval by the Gift Acceptance Committee.
- d. A written gift agreement will be developed.
- e. For gifts in paragraph b. above, documentation of the terms and conditions will be maintained in compliance with the Virginia Public Records Act (Code of Virginia § 42.1-76 et seq.) and will be subject to the provisions of the Virginia Freedom of Information Act (Code of Virginia § 2.2-3700 et seq.).

### C. Gift Acceptance Considerations

1. Once a determination is made that a proposed gift is consistent with the University's mission and strategic interests as well as the RUF's standards, the proposed gift will then be evaluated based on its immediate utility or its liquidity.
2. While there may be occasions when a proposed gift might be held for investment or strategic purposes, generally, a gift should be either useful to the RUF/University in the form it is offered, or easily converted by the RUF to cash.

3. The RUF and the University affirmatively reserve the right to not accept gifts that have no immediate utility, from which little or no financial gain may be realized, or which may be accompanied by significant financial or other burdens prior to liquidation.

**D. Gift Acceptance Committee**

1. The Gift Acceptance Committee is co-chaired by the Chief Executive Officer (CEO) of the RUF and the Vice President for University Advancement.
2. The Vice President for University Advancement is the final authority regarding pledge terms (length and amount) and to ensure gifts align with University mission, vision and values.
3. The RUF CEO is the final authority on matters related to the fiduciary responsibility.
4. In addition to the RUF CEO and the Vice President for University Advancement, the committee is comprised of the following:
  - a. The Associate Vice President for Advancement
  - b. The Director for Advancement Services
  - c. A University appointee from the Division of Finance and Administration, who is appointed by the Vice President for Finance and Administration
  - d. Subject matter experts, as needed, from relevant departments

**6. EXCLUSIONS**

None

**7. APPENDICES**

None

**8. REFERENCES**

[Code of Virginia § 2.2-3700 et seq.](#), “Virginia Freedom of Information Act.”

[Code of Virginia, § 23.1-1304.1](#), “Governing boards; additional duties; policy; acceptance of terms and conditions associated with donations, gifts, and other private philanthropic support.”

[Code of Virginia § 42.1-76 et seq.](#), “Virginia Public Records Act.”

**9. INTERPRETATION**

The authority to interpret this policy rests with the President of the University and is generally delegated to the Vice President for University Advancement.

**10. APPROVAL AND REVISIONS**

The Board of Visitors originally approved the University’s *Gift Acceptance Policy* on \_\_\_\_\_, 2020.

For general information concerning University policies, contact the [Office of Policy and Tax Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.

**RADFORD UNIVERSITY BOARD OF VISITORS**

**Resolution  
September 11, 2020**

Approval of Gift Acceptance Policy

**WHEREAS**, Radford University recognizes the importance of building and maintaining productive and respectful relationships with the philanthropic community; and

**WHEREAS**, the Gift Acceptance Policy establishes the terms and conditions associated with accepting any donation, gift, or other private philanthropic support, including an administrative process for reviewing, accepting, and documenting terms and conditions associated with (i) gifts that direct academic decision-making and (ii) gifts of \$1,000,000 or more that impose a new obligation on the University, excluding gifts for scholarships or other financial aid; and

**WHEREAS**, Radford University shall retain documentation of such terms and conditions in compliance with the Virginia Public Records Act and such documentation shall be subject to the provisions of the Virginia Freedom of Information Act;

**NOW, THEREFORE, BE IT RESOLVED** that the Radford University Board of Visitors values the role that donors have in providing opportunities for students and faculty and advancing the mission of the University, and hereby approves the Gift Acceptance Policy.

Adopted: September 11, 2020

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Robert A. Archer  
Rector  
Radford University Board of Visitors

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Karen Castele  
Secretary to the Board of Visitors  
Radford University

# Finance and Administration Update

RADFORD  
UNIVERSITY

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# Property Acquisition

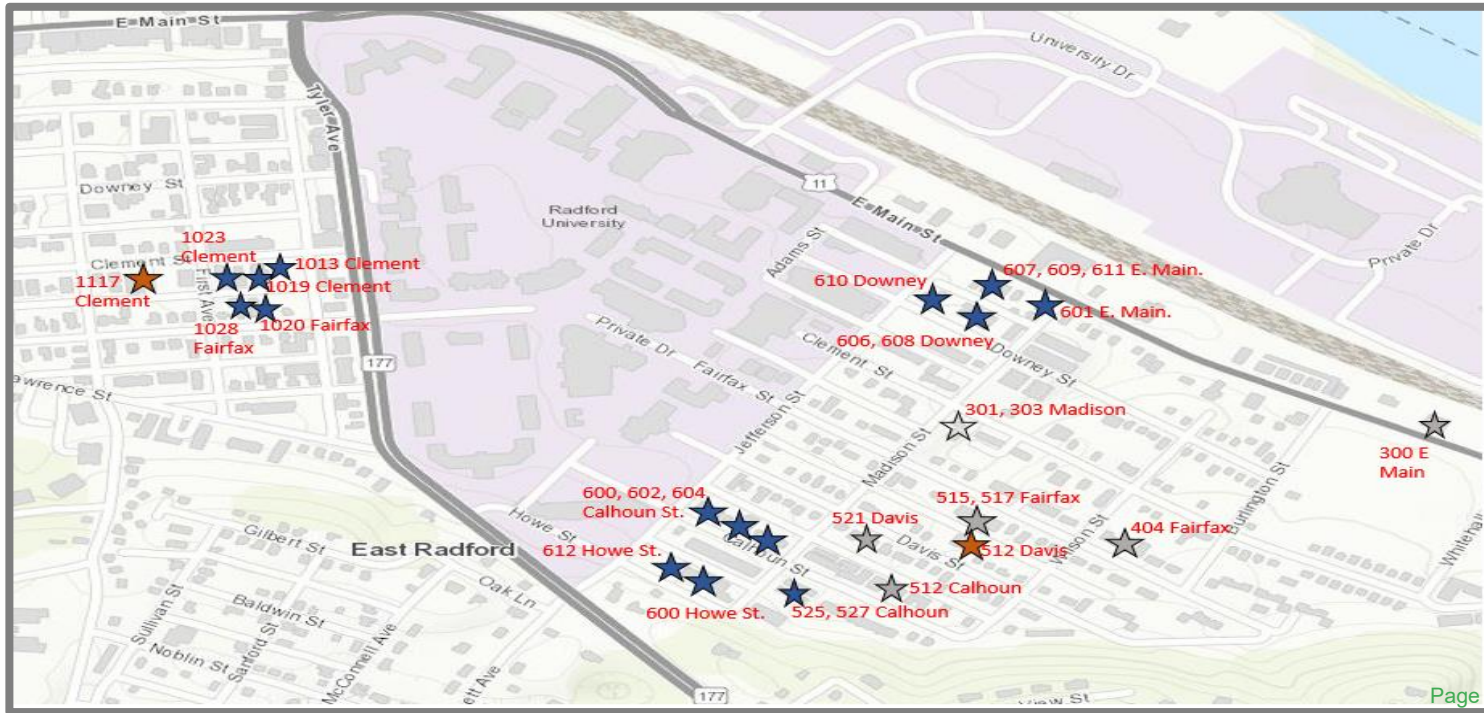


# Off-Campus Housing Expansion Background

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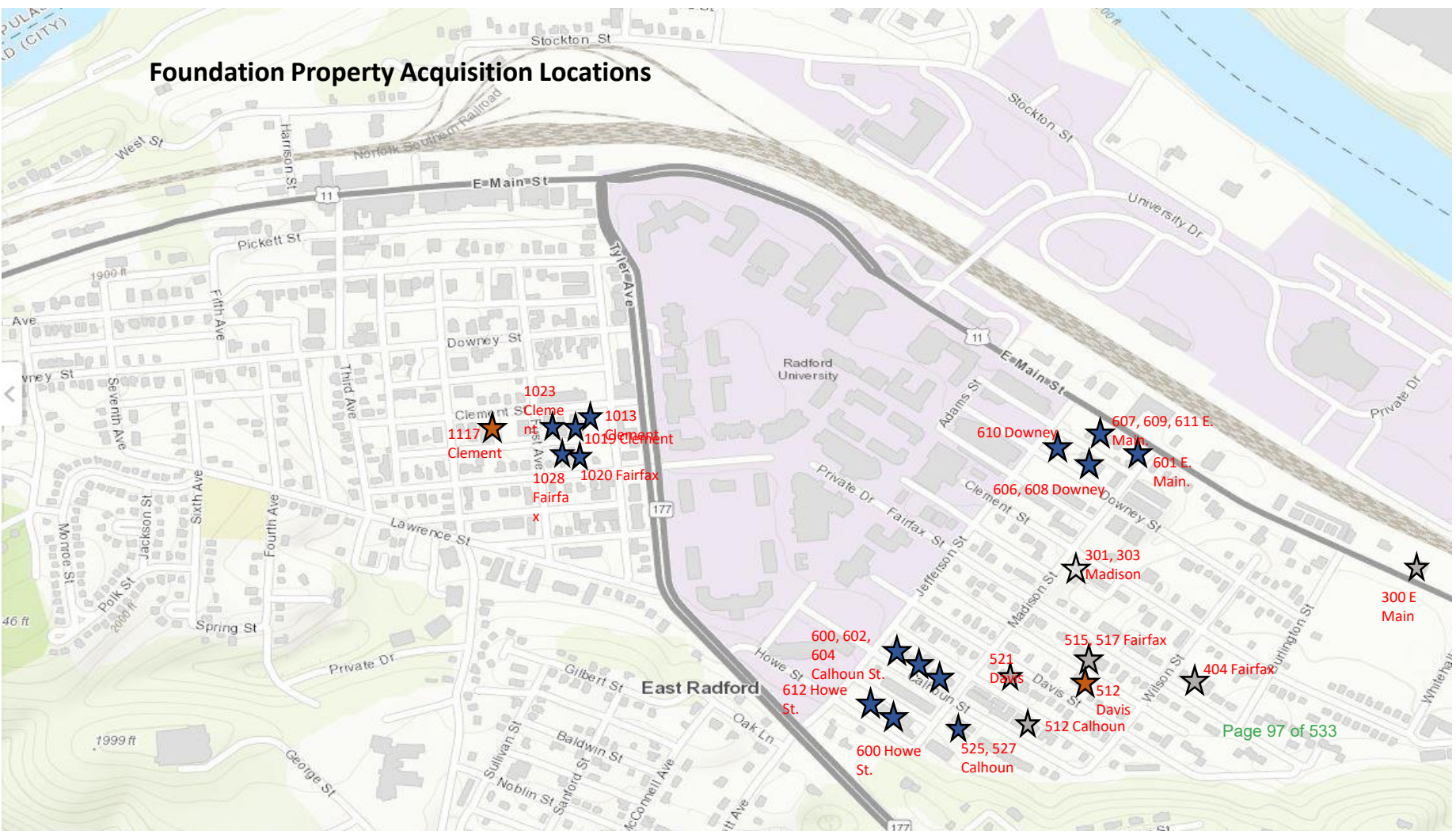
- In Spring 2018, Radford University Foundation purchased multiple properties that accounted for over 760 beds.
- Off-campus properties included several different sizes and types of housing, including townhouses, houses and apartment complexes.
- At a purchase price of \$32 million, the Foundation entered into two taxable term loans.
- The loans are supported by a Capital Lease with the University, where payments equal the actual debt service with the intent for the University to purchase the properties from the Foundation over time.

# Property Acquisition





# Foundation Property Acquisition Locations



**RADFORD UNIVERSITY BOARD OF VISITORS**  
**September 11, 2020**

**Action Item**  
**Acquire Property (Project Number 17851) General Obligation Bond Program**  
**9(c) Financing**

**Item:**

Adoption of a Resolution declaring Radford University's intentions to issue bonds for the property acquisition of student residential housing, through the issuance of the 9(c) Higher Education General Obligation (GO) Bond Program. This certification is required by the Commonwealth of Virginia Department of Treasury prior to an institution participating in a bond sale.

**Background:**

The expansion of student residential housing has been in the University's master plans and capital outlay initiatives for the last decade. The acquisition of properties in 2018 by the Radford University Foundation (RUF) provided an opportunity for the University to expand its residential housing along with strategic land acquisition. Upon acquisition of the properties by the RUF, the University entered a long-term capital lease that accounted for over 760 beds with the intent to acquire several of the properties within two years.

The University has strategically defined the first acquisition of approximately \$22.5 million. \$17.5 million is being requested to be financed through the issuance of 9(c) debt while the remaining \$5.0 million will utilize auxiliary reserves. This will realign Radford University's current capital lease to bond financing and transfer operations/ownership from the Foundation to the University. This will allow Radford University to leverage the Commonwealth's favorable financing options to acquire the property. The proposed financing of this project conforms to the guidelines set forth in Radford University's approved Debt Management Policy.

This project will expand the limits of campus and assist in satisfying the growing on-campus housing need. Student success is a fundamental mission for Radford University. University-operated student housing serves a significant role in facilitating the success of our students through increased connectedness to campus, the benefits of which include proven increased student retention and graduation rates.

This required resolution requests issuance of 9(c) bonds through the Treasury Board on behalf of the University, and pledges net revenues of the residence hall room fee to the payment of the debt service. Other covenants include furnishing the Treasury Board with the University's financial statements, paying our proportional share of expenses in connection with the sale of bonds, and complying with the appropriate arbitrage and private use guidelines.

The Commonwealth of Virginia requires a Resolution to be passed by the participating governing body prior to the Commonwealth's sale of the revenue bonds, typically scheduled for late fall to early winter.

**Action:**

Radford University Board of Visitors adoption of the Resolution declaring the intention to issue 9(c) bonds for the Acquire Property, Capital Outlay Project #17851 through the Higher Education General Obligation (GO) Bond Program.

## RESOLUTION OF THE RADFORD UNIVERSITY BOARD OF VISITORS

WHEREAS, there have been passed by the General Assembly of Virginia and signed by the Governor acts entitled “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2020” (the “2020 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2019” (the “2019 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2018” (the “2018 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2017” (the “2017 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2016” (the “2016 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2015” (the “2015 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2014” (the “2014 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2013” (the “2013 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2012” (the “2012 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2011” (the “2011 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2010” (the “2010 Act”), “Commonwealth of Virginia Parking Facilities Bond Act of 2009” (the “2009 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2009” (the “2009 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2008” (the “2008 Act”), “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2007” (the “2007 Act”), and “Commonwealth of Virginia Higher Educational Institutions Bond Act of 2006” (the “2006 Act” and, together with the 2007 Act, 2008 Act, 2009 Acts, 2010 Act, 2011 Act, 2012 Act, 2013 Act, 2014 Act, 2015 Act, 2016 Act, 2017 Act, 2018 Act, 2019 Act and the 2020 Act, the “Acts”);

WHEREAS, pursuant to the Acts, the Treasury Board of the Commonwealth of Virginia (the “Treasury Board”) is authorized, by and with the consent of the Governor, to sell and issue bonds or bond anticipation notes of the Commonwealth of Virginia (the “Commonwealth”) for the purpose of providing funds, together with other available funds, for paying the cost of acquiring, constructing, renovating, enlarging, improving and equipping certain revenue-producing capital projects at certain institutions of higher learning of the Commonwealth and for paying issuance costs, reserve funds and other financing expenses (the “Financing Expenses”), all in accordance with the provisions of Section 9(c) of Article X of the Constitution of Virginia;

WHEREAS, for Radford University (the “Institution”), such revenue-producing capital projects include Acquire Property for Campus Expansion (17851) (each individually, a “Project” and, collectively, the “Projects”); and

WHEREAS, the Treasury Board is proposing to sell and issue bonds or bond anticipation notes pursuant to the Acts for such revenue-producing capital projects, in one or more series;

NOW, THEREFORE, BE IT RESOLVED BY THE RECTOR AND VISITORS OF Radford University:

Section 1. The Board of Visitors of the Institution (the “Board”) requests the Treasury Board to sell and issue bonds (the “Bonds”) or bond anticipation notes (“BANs”) in an aggregate principal amount not to exceed \$17,500,000 to finance all or a portion of the costs of each Project plus Financing Expenses (for each individual Project, the “Individual Project Bonds” or “Individual Project Notes” and, collectively, the “Individual Project Borrowing” and for all Projects, the “Project Bonds” or “Project Notes” and, collectively, the “Project Borrowings”). The Individual Project Borrowings will be identified by amount by the State Treasurer upon issuance of any Bonds or BANs.

Section 2. With respect to each Project, the Board (a) covenants to fix, revise, charge and collect a room fee and other rates, fees and charges, for or in connection with the use, occupation and services of such Project and (b) pledges such rates, fees and charges remaining after payment of (i) the expenses of operating such Project and (ii) the expenses related to all other activities funded by the room fee (“Individual Project Net Revenues”) to the payment of the principal of, premium, if any, and interest on the Individual Project Borrowing relating thereto. The Board further covenants that it will fix, revise, charge and collect such rates, fees and charges in such amounts so that Individual Project Net Revenues will at all times be sufficient to pay, when due, the principal of, premium, if any, and interest on the related Individual Project Borrowing and on any other obligations secured by such Individual Project Net Revenues (such payments collectively the “Required Payments”). Each Individual Project Borrowing shall be secured on a parity with other obligations secured by the Individual Project Net Revenues relating to such Individual Project Borrowing (other than any obligations secured by a prior right in Individual Project Net Revenues). Any Individual Project Net Revenues pledged herein in excess of the Required Payments for an Individual Project Borrowing may be used by the Institution for any other lawful purpose.

Section 3. It is hereby found, determined and declared that, based upon responsible engineering and economic estimates and advice of appropriate officials of the Institution, as shown on the Financial Feasibility Studies attached hereto as Exhibit A, with respect to each Project, the anticipated Individual Project Net Revenues pledged herein will be sufficient to pay the Required Payments for such Project so long as the aggregate amount of net debt service on the Individual Project Borrowing for such Project actually payable in any bond year does not exceed the amounts assumed in the Financial Feasibility Study relating thereto.

Section 4. The Board covenants that the Institution will furnish the Treasury Board its general purpose financial statements, within 30 days of their issuance and receipt, audited by a firm of certified public accountants or the Auditor of Public Accounts which shall include a schedule of revenues and expenditures for auxiliary enterprise systems. If Individual Project Net Revenues for any Project are insufficient to pay Required Payments for such Project during such period, the Institution shall provide evidence of a plan to generate Individual Project Net Revenues for such Project sufficient to make such Required Payments in the future.

Section 5. The Board covenants that so long as any of the Project Notes are outstanding, the Institution will pay to the State Treasurer, not less than 30 days before each interest payment date, an amount estimated by the State Treasurer to be due and payable on such date as interest on the Project Notes. The Board covenants that so long as any of the Project Bonds are outstanding, the Institution will pay to the State Treasurer, not less than 30 days before each interest or principal

payment date, the amount certified by the State Treasurer to be due and payable on such date as principal of, premium, if any, and interest on the Project Bonds.

Section 6. The Board covenants that the Institution will pay from time to time its proportionate share of all expenses incurred in connection with the sale and issuance of any series of Bonds that includes Project Bonds or Project Notes and all expenses thereafter incurred in connection with the Bonds, including without limitation the expense of calculating any rebate to the United States of the earnings derived from the investment of gross proceeds of the Bonds, all as certified by the State Treasurer to the Institution.

Section 7. The Board covenants that the Institution will not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the “Code”), or otherwise cause interest on the Bonds to be includable in the gross income of the owners thereof for federal income tax purposes under existing laws. Without limiting the generality of the foregoing, the Institution will pay from time to time its proportional share of any rebate to the United States of the earnings derived from the investment of the gross proceeds of the Bonds.

Section 8. The Board covenants that the Institution will proceed with due diligence to undertake and complete the Projects and that the Institution will spend all of the available proceeds derived from the sale of the Project Borrowings for costs associated with the Projects and appropriated for the Projects by the General Assembly.

Section 9. The Board covenants that the Institution will not permit the proceeds of each Individual Project Borrowing to be used in any manner that would result in (a) 5% or more of such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds being used with respect to any output facility within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code. The Institution need not comply with such covenants if the Institution obtains the written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income of the owners thereof for federal income tax purposes.

Section 10. The Board covenants that for so long as any of the Bonds are outstanding the Institution will not enter into any operating lease, management contract or similar agreement with any person or entity, other than a state or local governmental unit, for all or any portion of any of the Projects without first obtaining the written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that entering into such agreement will not cause the interest on the Bonds to be included in the gross income of the owners thereof for federal income tax purposes.

Section 11. The Board covenants that for so long as any of the Bonds are outstanding, the Institution will not sell or dispose of all or any part of any of the Projects without first obtaining the

written approval of the State Treasurer and an opinion of nationally recognized bond counsel acceptable to the Treasury Board that such sale or disposition will not cause interest on the Bonds to be included in the gross income of the owners thereof for federal income tax purposes.

Section 12. The officers of the Institution are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the sale and issuance of the Bonds.

Section 13. The Board acknowledges that the Treasury Board will rely on the representations and covenants set forth herein in issuing the Bonds, that such covenants are critical to the security for the Bonds and the exclusion of the interest on the Bonds from the gross income of the owners thereof for federal income tax purposes, that the Board will not repeal, revoke, rescind or amend any of such covenants without first obtaining the written approval of the Treasury Board, and that such covenants will be binding upon the Board so long as any of the Bonds are outstanding.

Section 14. This resolution shall take effect immediately.

The undersigned Secretary of the Board of Visitors of Radford University does hereby certify that the foregoing is a true and correct copy of a resolution adopted at a meeting of the Board of Visitors of Radford University duly convened and held on September 11, 2020 at which a quorum was present and voting, and that such resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of

\_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Secretary, Board of Visitors of Radford University

\_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Rector, Board of Visitors of Radford University

# FINANCIAL FEASIBILITY STUDY

For the Biennial Budget for 2020 – 22

Submission Date 8/13/2020

Name of Agency/Institution Radford University Agency Code 217

Project Name Acquire Property for Campus Expansion Project Code 17851

Project Amount \$17,500,000

Proposed Financing Arrangement: Bond  Capital Lease  Other (specify) \_\_\_\_\_

Requested Type of Financing  **9(c) \*- Obligations secured by project revenues (e.g., dormitory, dining) and the full faith and credit of the Commonwealth. Submit to Treasury.**  
 **9(d) \* - Any other financing arrangement. Submit to SCHEV.**

Submitted by: Name Stephanie J. Jennelle

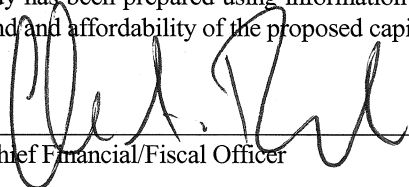
Title Associate Vice President for Finance & University Controller

E-mail sjennelle@radford.edu

Telephone Number (540) 831-6239

Fax Number (540) 831-6471

The attached Financial Feasibility Study has been prepared using information and projections believed to be reliable and accurate for the purpose of estimating the demand and affordability of the proposed capital project.

  
\_\_\_\_\_  
Chief Financial/Fiscal Officer

**Feasibility Studies may be submitted via e-mail to:**

**9(c) Feasibility Studies**

Department of the Treasury  
leslie.english@trs.virginia.gov  
debora.greene@trs.virginia.gov  
DUE DATE: August 14, 2020

**9(d) Feasibility Studies**

State Council of Higher Education for Virginia  
felixsam@schev.edu  
DUE DATE: August 14, 2020



## Key Terms

**9(c) Debt** – Refers to bonds or other obligations authorized under the provisions of Article X, Section 9(c) of the *Constitution of Virginia*. Such debt is secured by (i) net project revenues and (ii) the full faith and credit of the Commonwealth (i.e., a general obligation pledge). Consequently, only revenue-producing capital projects are eligible (e.g., dormitories, dining facilities, etc.). Authorization for 9(c) bonds requires an affirmative vote of two-thirds of the members elected to each house of the General Assembly. Further, prior to its authorization by the General Assembly, and again prior to its issuance, the Governor must certify that the anticipated net revenues of the project will be sufficient to pay principal and interest on the debt. The FFS is a critical part of this determination. 9(c) bonds are issued by the Treasury Board.

**9(d) Debt** – Refers to bonds or other obligations authorized for issuance under the provisions of Article X, Section 9(d) of the *Constitution of Virginia*. Such debt may or may not be secured by state funds. Project authorization must be provided in the Appropriation Act or other Act of the General Assembly. A financial feasibility study should be completed for any project expected to be supported in whole or in part from project revenues or general revenues of the agency or institution. This includes projects to be financed under the Virginia College Building Authority (VCBA) Pooled Bond Program. The project may or may not be revenue producing. Capital leases and other obligations are included in this category

FFS's for 9(d) projects must be submitted to State Council of Higher Education for Virginia by August 15<sup>th</sup> of each year. The State Council of Higher Education shall identify the impact of all projects requested by the institutions of higher education on the current and projected costs to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairman of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

**Capital Lease** – Capital leases are considered long-term obligations for accounting purposes. The State Comptroller defines capital leases as leases which meet any one (or more) of the following criteria:

- 1) transfer of ownership of the property to the lessee at the end of the lease term;
- 2) bargain purchase option at the end of the lease term;
- 3) lease term equal to 75% or more of the estimated economic life of the leased property; and
- 4) present value of the net minimum lease payments equal to or exceeding 90% of the fair market value of the property.

**Capitalized Interest** – Interest to be paid on the bonds during the period of construction that is financed as part of the bond issue. Capitalizing interest increases the overall cost of borrowing, but may be necessary in cases where project revenues are to be used to pay debt service. Conversely, where revenues are already being collected (i.e., a fee or fee increase has already been implemented), capitalized interest may not be appropriate.

**General Revenue Pledge** – A pledge of all general operating revenues of the institution of higher education (as opposed to a pledge of a specific revenue or revenue stream). The general revenue pledge is generally stronger than a specific revenue pledge. A general revenue pledge is required for the VCBA Pooled Bond Program. General operating revenues include: total gross university sponsored overhead, unrestricted endowment income, tuition and fees, indirect cost recoveries, auxiliary enterprise revenues, general fund appropriations and other revenues not required by law to be used for another purpose.

**Incremental Annual Operating Expenses** – The increase in annual operating costs attributable to the project.

**Non-recurring costs** – One-time project costs (e.g., land acquisition, special utility fees, permits, etc.) required for project completion.

**Private Use** – means any use by a trade or business that is carried on by persons or entities other than state or local governmental entities. Such use could involve ownership; management, service or incentive payment contracts, research agreements, leases, subleases, loans, or any other arrangement that conveys special legal entitlements or economic benefit to the non-governmental entity from the beneficial use of the project.

**Reserve Fund** – An amount set aside, usually from project revenues or bond proceeds, to mitigate the impact of fluctuations or interruptions in the flow of revenues to pay debt service. The presence of a reserve fund may enhance the credit. For the purposes of the feasibility study, reserve funds are generally for debt service and are funded from project or institutional revenues. 9(c) projects are expected to generate sufficient net revenues to fund a reserve at an amount equal to approximately 10% of the amount financed.

## **Section 1 - General Information – To be completed for all projects.**

1. Describe the project in sufficient detail so that an uninformed reader has a clear understanding of the project. Indicate whether the project involves new construction or is a renovation/addition to an existing facility.

Radford University (RU) has been actively considering building new residence halls for several years to improve retention and to meet the needs of our current student population. In Spring of 2018 the University entered into a capital lease with the Radford University Foundation for 17 properties that accounted for over 760 beds. The University entered into the lease with the intent to buy the property in the near future. This project will allow for the University to acquire the property from the Foundation.

2. Describe how the project is essential to fulfilling the institution's/agency's mission. What alternatives are available?

Acquiring property to expand student residential housing is of the utmost importance to the University as in the current state there are insufficient beds on campus to accommodate student demand and to enforce the existing four-semester residence requirement. Expanding student residential housing is a strategic initiative that directly ties to increasing student success and retention. Students living in campus housing are provided with additional programmatic options, oversight, and general support that translates into increased success in the classroom thereby increasing retention.

Other alternatives to meet housing demand include constructing a new residence hall or lease space from local housing providers. By acquiring this property, this is the most beneficial option that allows the University to maintain the properties to our standards and provide consistent and appropriate level of housing.

3. Was the project part of the agency's capital outlay submission? If so, include a copy of the project narrative.

The expansion of student residential housing has been in the University's master plan and capital outlay initiatives for the last decade. It will continue to be a central part of the outlay as the University enters the planning phase of the 2020-30 master plan. In advance of the upcoming General Assembly session the University anticipates requesting the existing capital project 17851 appropriation be realigned from Higher Education Operating to Debt Service.

4. Describe the effect the project will have on those students or users who will financially support the project.

For students, this will help to satisfy the additional demand for living in University owned housing. Currently, the University does not have the capacity to execute its existing residential policies. The increase in housing availability would allow underclassmen to fulfill their four semester requirement and help satisfy additional demand for upper classmen to occupy university housing. Radford University's student population has a growing reliance on University housing. The residential experience provides an increased connectedness to campus and has proven to increase student retention and graduation.

In addition, students will be billed through their University accounts and will not need to manage third party relationships for residential services (i.e. utilities). It provides a balances approach by leveraging on-campus residential operating efficiencies with off-campus facilities. The cost to student will be in line with current University owned apartments.

5. Describe the probable effects of the project on the community and environment, including changes to the value of property as a result of the project.

Effects on the community and environment of the project were communicated during the capital lease process. The properties acquired would now be maintained under the same standards as is required for main campus, and thus increasing the value of the properties. The University will inspect the units as part of standard room inspections limiting inappropriate activities in the residence, as well as the RU police presence will be increased in the applicable areas.

6. Explain how the project and its impact have been conveyed to local officials and their reaction/response.

This project was communicated to local officials during the capital lease process. When the properties were acquired by the Foundation, it was communicated that this is repurposing existing housing, and would not require the construction of a new building that would take away from current housing providers. It was also noted that tax assessments around the perimeter of campus and adjoining property should improve, as well as the City will improve collections of water, sewer, trash and electric bills as they will be dealing with the University directly. This project was well received and the multiple benefits were noted.

7. Describe any other positive or negative aspects of the project.

The project will expand the limits of campus and assist in satisfying the growing housing need. As stated meeting housing needs directly ties to student retention and success.

8. Briefly describe the financing proposal. Indicate if this proposal is for a bond financing, a capital lease, or some alternative financing arrangement.

The project is requesting \$17,500,000 of 9(c) bond financing, with a standard twenty year repayment schedule. This will realign our current capital lease to bond financing and transfer operations/ownership from the University's Foundation to the University. This will allow the University to leverage the Commonwealth's favorable financing options to acquire the property.

9. Are specific revenues planned to support debt service or lease payments? (If so, you will need to complete Section 3.)

Yes, the revenue generated from utilizing the purchased properties as University owned student-housing will be sufficient in meeting the obligation of debt service payments. As required, Section 3 has been completed below.

10. Describe how the financing fits within your debt management policy?

The proposed financing of this project conforms to the guidelines set forth in the University's approved Debt Management Policy. The Board of Visitors annually certifies the University is in compliance with its Debt Management Policy. As stated in question 11 below, this financing is within the means of the University's debt management policy.

11. Provide your institution's debt ratios as estimated under your debt management policy:

- (a) as of June 30, 2020, including any authorized and unissued estimated debt; and  
(b) including the financing of this project.

The debt burden ratio is the maximum annual debt service as a percentage of total operating expenses and shall not exceed 7%. The University's projected ratio as of June 30, 2018 based on estimates is 2.21% and is estimated to be, including this project, 2.49%.

### Private Use

12. Will any person or entity other than the governmental unit provide (directly or indirectly) any part of debt service on the portion of the bonds issued for the project? For example, will a private foundation or federal agency be required (or expected) to make an annual contribution toward the payment of debt service.

Yes  No. If yes, please identify the person or entity and the percent of debt service to be provided.

13. Do you anticipate that any person or entity other than the state institution/agency will have a contractual right, different from the rights available to the general public or students, to use any part of the project or to use or buy goods or services produced

at the project? For instance, have you contracted parking spaces in a parking deck to a nearby corporate office?

Yes  No If yes, briefly summarize the planned contractual agreement.

14. Do you contemplate any part of the project being managed or operated by any person or entity other than the state institution/agency under a management or service contract, incentive payment or other "privatized" arrangement? Examples include contracts for food service, parking service, dormitory management, bookstore management, etc.

Yes  No If yes, summarize the anticipated contractual arrangement (i.e., contract term, renewal options, compensation arrangements, etc.).

Note: These arrangements may impact whether the project is eligible for tax-exempt financing. Once tax-exempt bonds have been issued, entering into this type of contract or arrangement may affect the bond's tax-exempt status. **So long as the bonds are outstanding**, the terms of any such arrangement must be reviewed and approved by the State Treasurer prior to the execution of any contract.

**Section 2 – Cost Information (complete for all projects)**

15. Do you anticipate the need for capitalized interest on any bond financing (i.e., to pay interest during construction)? If so, explain.  
No

16. Itemize the capital costs of the project. Estimate the costs of issuance at 2% of the cost of the project. Please subtotal project costs net of the 2% cost of issuance and then show a gross cost of project including the cost of issuance. Note that the total cost should be used as the AMOUNT BORROWED field of the worksheet. Attach the CO-2 estimate or further estimate of project cost, if available.

A & E	0
Land Acquisition	17,500,000
Sitework/Utilities	0
Construction	0
Equipment/Furnishings	0
Contingencies and Other Costs	0
Subtotal	17500000
Costs of Issuance (2% of Subtotal)	350,000
Capitalized Interest (Estimate)	
Total	17850000

17. What is the anticipated useful life of the project?  
25-30 years

18. List and describe any initial **Non-Recurring Costs** related to the project and the source of funding for each of these items.  
N/A

19. List and estimate the **Incremental Annual Operating Expenses**. Provide any supporting documentation and illustrate how your estimate was made. These expenses include personnel costs, utilities, contractual services, supplies and materials, indirect costs, equipment, etc.

Please reference the Financial Feasibility Study Part II for the breakout of annual operating expenses. These are estimates based upon the anticipated costs to operate and maintain the purchased properties. This includes, but is not limited to, residential housing personnel, custodial staff, and maintenance professionals.

Using **2.0%** as the rate for investment of the Reserve Fund (reinvestment rate) and the following borrowing assumptions, complete Spreadsheet #1 – Cost Components

**The current Borrowing Rates are provided by the Department of the Treasury.**

<b><u>Term</u></b>	<b><u>9(c) Borrowing Rate</u></b>	<b><u>9(d) Borrowing Rate</u></b>
25 years	3.30%	3.41%
20 years	2.98%	3.09%
15 years	2.56%	2.65%
10 years	2.11%	2.20%
7 years	N/A	2.17%

**Section 3 Revenue Information. (Complete for all revenue-producing projects)**

20. Describe the Revenue Sources that will be used for payment of debt service and the expenses associated with these revenues. Consider what other expenses are planned to be supported by the revenues, and how much revenue will actually be available for debt service.

Radford University's auxiliary enterprise revenue (i.e. room/apartment rates) and revenues from operations will be used for payment of debt service. Funds collected upon property occupancy will be utilized for annual debt service payments.

21. If revenues will be derived from a group of similar facilities (a system) and an increase in system revenues will be used to support the debt, provide justification for any system contribution and any marginal increase in system-wide fees.

Radford University's auxiliary enterprise revenue (i.e. room/apartment rates) and revenues from operations will be used for payment of debt service. Funds collected upon property occupancy will be utilized for annual debt service payments.

22. If revenues will be derived from just one facility of several similar facilities in a campus system, show all fees for all similar facilities and justify any differential in pricing between the facilities.

Radford University has a tiered housing structure. On-campus housing is broken into pricing tiers based upon occupancy, amenities, and phase of renovations. Off-campus University owned apartments are uniformly structured at a single rate. The revenues associated with the purchased properties will align with current apartment pricing structure. Fees will not be increased as a result of this issuance.

23. Will project revenues or revenues pledged to the payment of debt service be available prior to completion of the project? Describe the timing of revenues and when they will be available and sufficient to begin servicing the debt.

Yes, the apartment fee will be assessed in advance of project completion. It is expected that space utilization will generate sufficient funding for timely debt service payments

24. What studies have been completed to demonstrate the demand for the facility and the reliability of the revenue stream? (Attach copies if available.)

The FFS identifies the revenue needed to cover the debt service will be generated from residential user fees.

25. If any portion of the revenues are already pledged or otherwise committed to other debt service payments, provide a schedule of debt service payments (by issue). Identify the portion of the revenue source that is committed or being used to pay debt

The University currently has debt service on residential facilities for the Washington Hall and the Residential Umbrella projects. The funds expected to fulfill the requested debt obligation are based upon the expanded housing availability from the purchased properties, not current residential facility revenues.

26. If any revenues are projected to increase, explain how the projections were calculated. Do not use an automatic growth rate.

Upon completion of the purchase, the apartment rate structure will be aligned with current University owned apartments. Additional revenue will be calculated using the rate multiplied by the increase in the number of newly available beds.

27. If institutional reserves are to be used to service the debt, include the source of funds, balances for the last five years, and impact on future balances. Identify the authorization for using these funds to pay debt service and other costs.

N/A

28. If any amounts currently used for debt service are expected to be available and used for debt service on this project (i.e., the existing debt will be retired), provide the project(s), the bond series, and the annual amount to be available. Address the status of the existing facility's physical condition and plans for repair or maintenance. Conversely, explain why any such amounts scheduled to be available are not planned for use for debt service on this project.

(N/A), however as noted above this will reduce the obligation currently owed under the capital lease arrangement.

Using the information described above, complete Spreadsheet #2 – Revenue Components

**Section 4 General Financial Condition - Complete this section for all projects**

29. Provide the following FTE enrollment and admissions information.

Enrollment	Last 5 years				
	2019-20	2019-18	2018-17	2017-16	2016-15
Undergraduate	7,757	7,750	8,141	8,296	8,679
Graduate & 1st Prof.	1,685	996	905	869	808
Total	9,442	8,746	9,046	9,165	9,487
On-Campus	6,425	7,127	7,588	7,888	8,210
Off-Campus	3,017	1,619	1,458	1,278	1,277
<b>Admissions</b>					
Applications Received	14,852	15,758	16,361	9,397	9,291
Applications Accepted	13,893	12,122	12,654	7,707	7,951
Students Enrolled	2,579	2,545	2,702	2,711	2,969

30. Provide the annual Per Student Fee(s) to be assessed to support the project

Student Level	Domicile	
	Virginian	Nonvirginian
Undergraduate	7,099	7,099
First Professional	-	-
Graduate	7,099	7,099
Unclassified	-	-

31. Provide the Total Annual Student Fee(s) Revenue assessed to support the project

Student Level	Domicile	
	Virginian	Nonvirginian
Undergraduate	3,024,174,	191,673
First Professional	-	-
Graduate	291,059	42,594
Unclassified	-	-

**Section 5 Capital Lease Projects – Complete Items 32 through 35 only if the financing involves a capital lease.**

32. Discuss the alternatives that were considered before deciding that the capital lease structure was the best option.

N/A

33. Who is the Lessor? Who is the Lessee?

N/A

34. Who will manage the facility during and after construction?

N/A

35. Who will be issuing bonds or otherwise financing the project? Will it be tax-exempt debt?

N/A

Financial Feasibility Study - Part II  
 Spreadsheet 1 - Cost Components  
 Radford University  
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		Debt Service	Principal	Interest	Reserve Fund Payment	Reserve Fund Balance	Total Debt Service	Annual Expenses	Non Recurring Initial Outlays	Total Cost
	2021									0
1	2022	1,174,101	652,601	521,500	117,410	117,410	1,291,511	659,399	0	1,950,910
2	2023	1,174,101	672,048	502,052	117,410	235,994	1,291,511	659,399		1,950,910
3	2024	1,174,101	692,075	482,025	117,410	355,764	1,291,511	659,399		1,950,910
4	2025	1,174,101	712,699	461,402	117,410	476,732	1,291,511	659,399		1,950,910
5	2026	1,174,101	733,938	440,163	117,410	598,909	1,291,511	659,399		1,950,910
6	2027	1,174,101	755,809	418,292	117,410	722,309	1,291,511	659,399		1,950,910
7	2028	1,174,101	778,332	395,769	117,410	846,942	1,291,511	659,399		1,950,910
8	2029	1,174,101	801,527	372,574	117,410	972,821	1,291,511	659,399		1,950,910
9	2030	1,174,101	825,412	348,689	117,410	1,099,960	1,291,511	659,399		1,950,910
10	2031	1,174,101	850,009	324,092	117,410	1,228,369	1,291,511	659,399		1,950,910
11	2032	1,174,101	875,340	298,761	117,410	1,358,063	1,291,511	659,399		1,950,910
12	2033	1,174,101	901,425	272,676	117,410	1,489,054	1,291,511	659,399		1,950,910
13	2034	1,174,101	928,287	245,814	117,410	1,621,354	1,291,511	659,399		1,950,910
14	2035	1,174,101	955,950	218,151	117,410	1,750,000	1,291,511	659,399		1,950,910
15	2036	1,174,101	984,437	189,664	0	1,750,000	1,174,101	659,399		1,833,500
16	2037	1,174,101	1,013,774	160,327	0	1,750,000	1,174,101	659,399		1,833,500
17	2038	1,174,101	1,043,984	130,117	0	1,750,000	1,174,101	659,399		1,833,500
18	2039	1,174,101	1,075,095	99,006	0	1,750,000	1,174,101	659,399		1,833,500
19	2040	1,174,101	1,107,133	66,968	0	1,750,000	1,174,101	659,399		1,833,500
20	2041	1,174,101	1,140,125	33,976	0	1,750,000	1,174,101	659,399		1,833,500
21	2042	0	0	0	0	0	0	0		0
22	2043	0	0	0	0	0	0	0		0
23	2044	0	0	0	0	0	0	0		0
24	2045	0	0	0	0	0	0	0		0
25	2046	0	0	0	0	0	0	0		0
26	2047	0	0	0	0	0	0	0		0
27	2048	0	0	0	0	0	0	0		0
28	2049	0	0	0	0	0	0	0		0
29	2050	0	0	0	0	0	0	0		0
30	2051	0	0	0	0	0	0	0		0
		23,482,018	17,500,000	5,982,018	1,643,741		25,125,759	13,187,980	0	38,313,739
PV @2.98%		17,500,000			1,328,083		18,828,083	9,828,357	0	28,656,440

(1) DEBT INFORMATION		(2) ANNUAL OPERATING EXPENSES	
Borrowing Year	2021	Personal Services	281,685
Amount Borrowed	17,500,000	Contractual Services	136,941
Borrowing Rate	2.98%	Supplies and Materials	149,303
Term (Years)	20	Indirect Cost	53,970
Reinvestment Rate	1.00%	Utilities	37,500
Reserve Fund Target	1,750,000	Equipment	0
		Other	0
		Total Annual Expenses	659,399



Financial Feasibility Study - Part II  
 Spreadsheet 2 - Revenue Components  
 Radford University  
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	User Fees	Part Time User Fees	Other Student Fees	Indirect Cost Recoveries	Revenue From Operations	Institutional Reserves	Retirement of Existing Debt	Other	Total Revenues
2021									
2022	3,549,500	0	0	0	0	0	0	0	3,549,500
2023	3,549,500	0	0	0	0	0	0	0	3,549,500
2024	3,549,500	0	0	0	0	0	0	0	3,549,500
2025	3,549,500	0	0	0	0	0	0	0	3,549,500
2026	3,549,500	0	0	0	0	0	0	0	3,549,500
2027	3,549,500	0	0	0	0	0	0	0	3,549,500
2028	3,549,500	0	0	0	0	0	0	0	3,549,500
2029	3,549,500	0	0	0	0	0	0	0	3,549,500
2030	3,549,500	0	0	0	0	0	0	0	3,549,500
2031	3,549,500	0	0	0	0	0	0	0	3,549,500
2032	3,549,500	0	0	0	0	0	0	0	3,549,500
2033	3,549,500	0	0	0	0	0	0	0	3,549,500
2034	3,549,500	0	0	0	0	0	0	0	3,549,500
2035	3,549,500	0	0	0	0	0	0	0	3,549,500
2036	3,549,500	0	0	0	0	0	0	0	3,549,500
2037	3,549,500	0	0	0	0	0	0	0	3,549,500
2038	3,549,500	0	0	0	0	0	0	0	3,549,500
2039	3,549,500	0	0	0	0	0	0	0	3,549,500
2040	3,549,500	0	0	0	0	0	0	0	3,549,500
2041	3,549,500	0	0	0	0	0	0	0	3,549,500
2042	0	0	0	0	0	0	0	0	0
2043	0	0	0	0	0	0	0	0	0
2044	0	0	0	0	0	0	0	0	0
2045	0	0	0	0	0	0	0	0	0
2046	0	0	0	0	0	0	0	0	0
2047	0	0	0	0	0	0	0	0	0
2048	0	0	0	0	0	0	0	0	0
2049	0	0	0	0	0	0	0	0	0
2050	0	0	0	0	0	0	0	0	0
2051	0	0	0	0	0	0	0	0	0
	70,990,000	0	0	0	0	0	0	0	70,990,000
PV @2.98%	52,905,376	0	0	0	0	0	0	0	52,905,376

USER FEE INFO		NET REVENUES FROM OPERATIONS	
# of Units	500	Net Sales	
Session Fee	7,099	Cost	
Rate increase years 1-4	0.000%	Profit	0
Rate increase years 5+	0.000%	Operating Expenses	
<b>SUMMER/PARTIME USER FEES</b>		Selling	
# of Units	0	General Administrative	
Session Fee	0	Lease Payment	
Rate increase years 1-4	0.000%	Gross Operating Income	0
Rate increase years 5+	0.000%	Rate increase years 1-4	0.000%
		Rate increase years 5+	0.000%

Financial Feasibility Study - Part II  
 Spreadsheet 3 - Net Revenues/Coverage  
 Radford University  
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	Total Cost	Reserve Fund Payment	Adjusted Total Cost	Total Revenues	Net Revenues	Coverage Percent
2021	0					
2022	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2023	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2024	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2025	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2026	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2027	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2028	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2029	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2030	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2031	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2032	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2033	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2034	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2035	1,950,910	117,410	1,833,500	3,549,500	1,716,000	193.59%
2036	1,833,500	0	1,833,500	3,549,500	1,716,000	193.59%
2037	1,833,500	0	1,833,500	3,549,500	1,716,000	193.59%
2038	1,833,500	0	1,833,500	3,549,500	1,716,000	193.59%
2039	1,833,500	0	1,833,500	3,549,500	1,716,000	193.59%
2040	1,833,500	0	1,833,500	3,549,500	1,716,000	193.59%
2041	1,833,500	0	1,833,500	3,549,500	1,716,000	193.59%
2042	0	0	0	0	0	0.00%
2043	0	0	0	0	0	0.00%
2044	0	0	0	0	0	0.00%
2045	0	0	0	0	0	0.00%
2046	0	0	0	0	0	0.00%
2047	0	0	0	0	0	0.00%
2048	0	0	0	0	0	0.00%
2049	0	0	0	0	0	0.00%
2050	0	0	0	0	0	0.00%
2051	0	0	0	0	0	0.00%
	38,313,739	1,643,741	36,669,998	70,990,000	34,320,002	

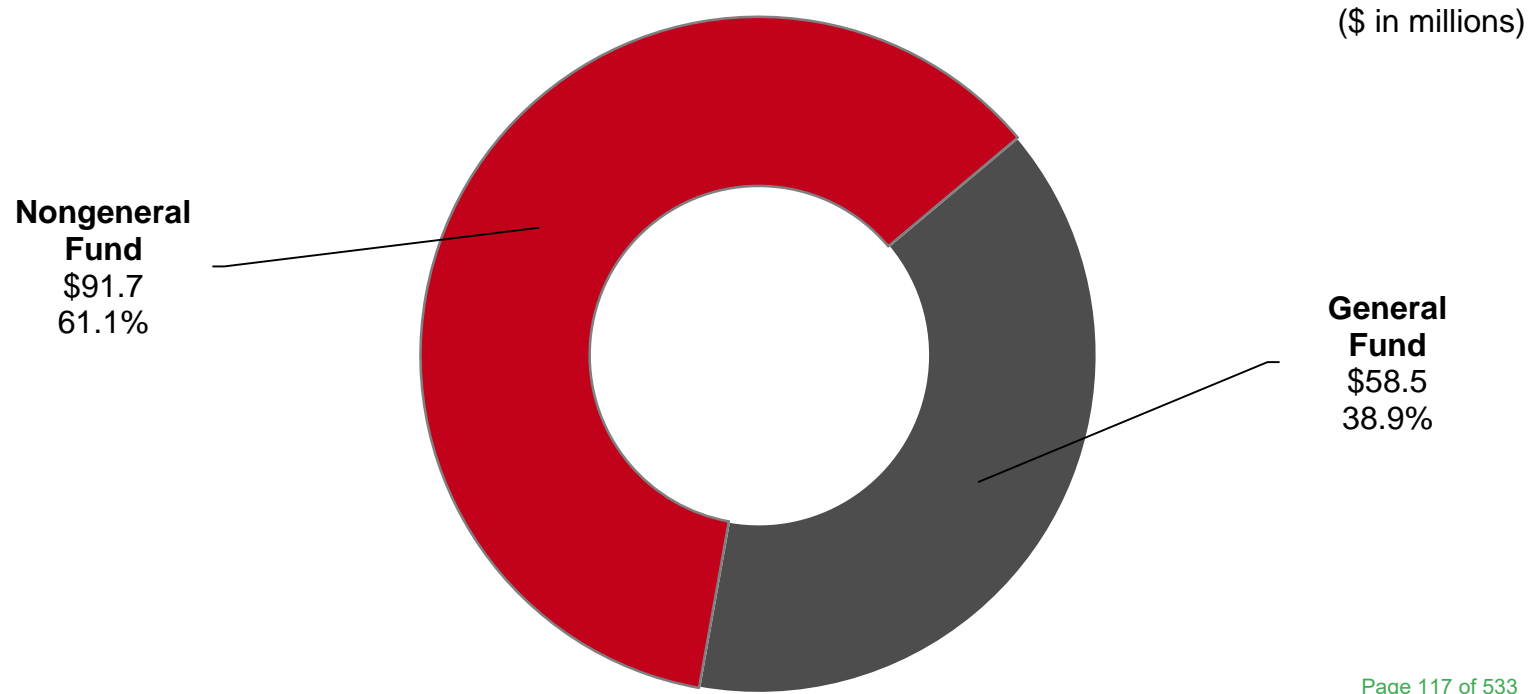
# 2019-20 Financial Performance Report



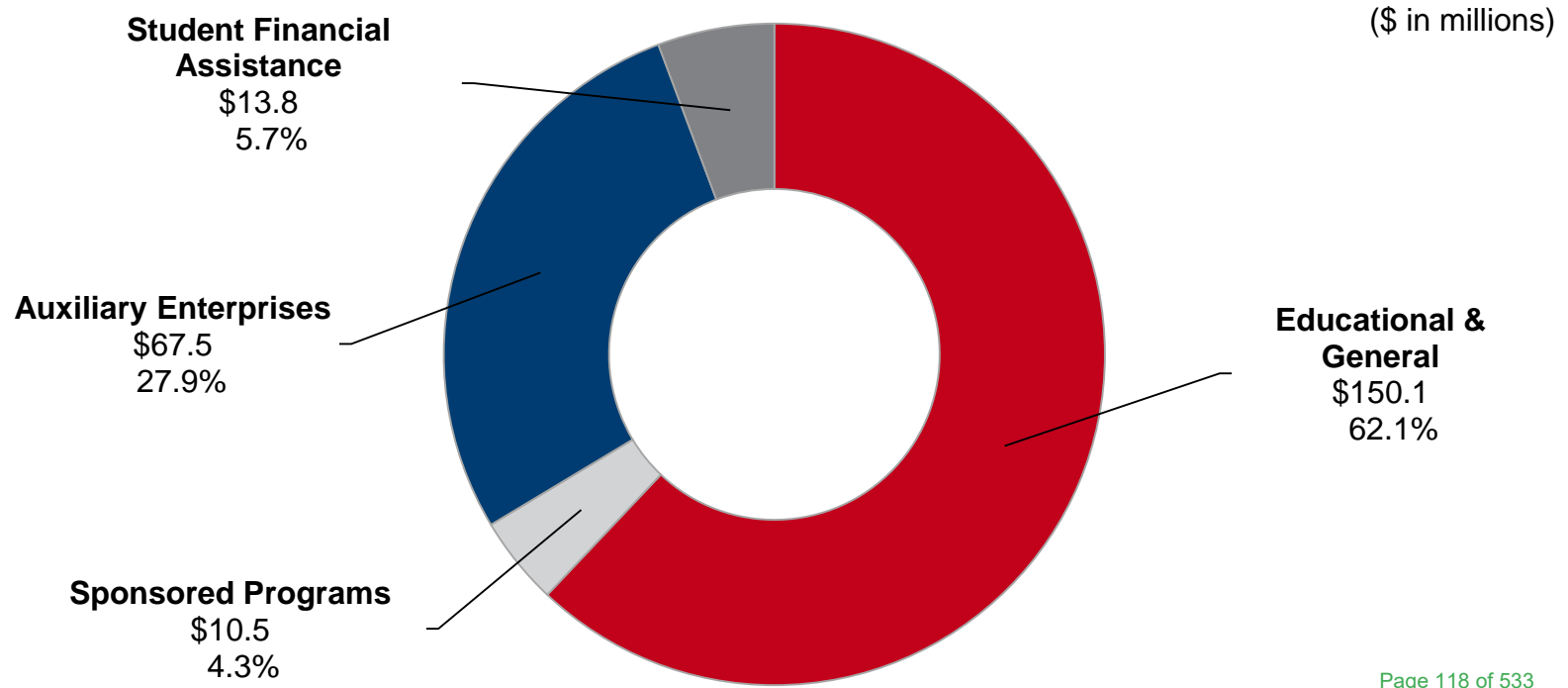
# 2019-20 Financial Performance Summary

	Budget (\$ in Thousands)			Actual (\$ in Thousands)		
	Revenue	Expense	Surplus/(Deficit)	Revenue	Expense	Surplus/(Deficit)
<b>University Operating</b>						
Education & General	\$151,476	(\$151,476)	\$0	\$150,141	(\$150,064)	\$76
Student Financial Assistance	13,768	(13,768)	0	13,768	(13,768)	(0)
Sponsored Programs	10,361	(10,361)	0	10,533	(10,001)	532
Auxiliary Enterprise	74,597	(66,762)	7,835	67,490	(55,419)	12,071
<b>Total University</b>	<b>\$250,202</b>	<b>(\$242,367)</b>	<b>\$7,835</b>	<b>\$241,931</b>	<b>(\$229,252)</b>	<b>\$12,679</b>

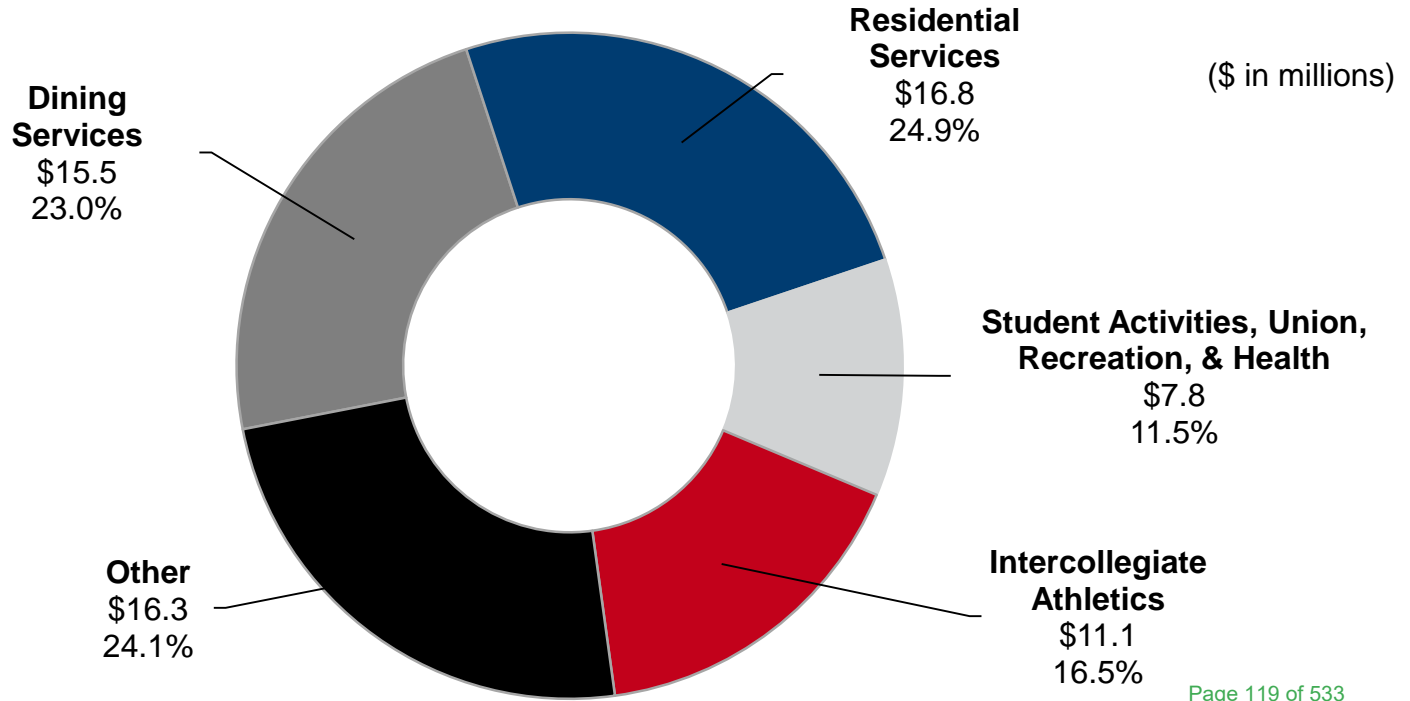
# 2019-20 Actual Revenue: General v. Nongeneral Split



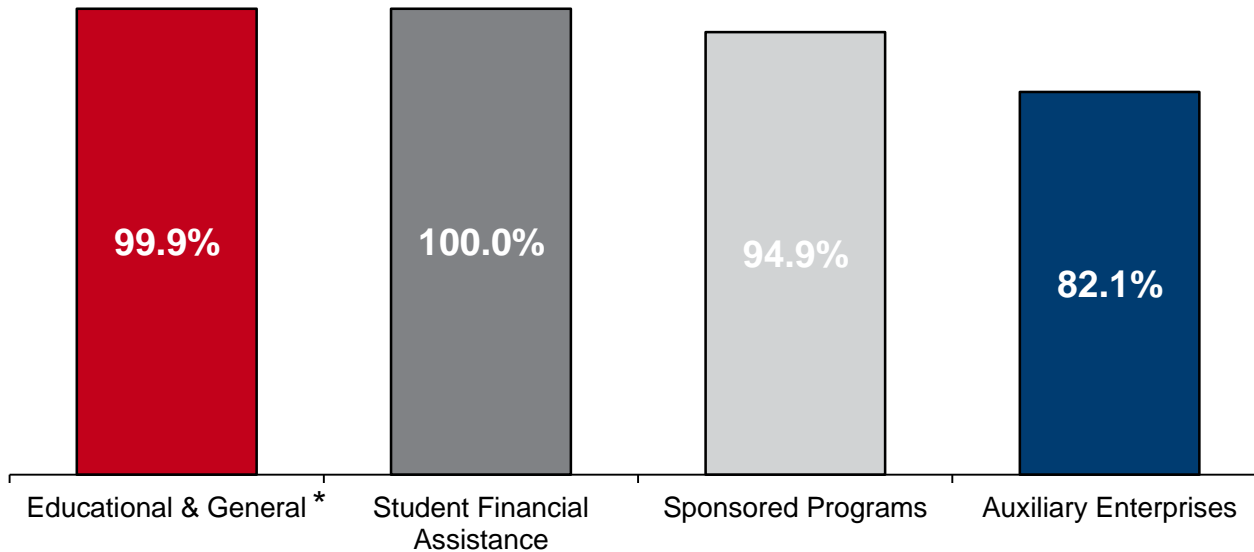
# 2019-20 Actual Revenue: All Programs and Funds



# 2019-20 Actual Revenue: Auxiliary Enterprise



# 2019-20 Percent of Revenue Expended



**Sponsored Programs** operation is cyclical and revenue is dependent on when expenditures are reimbursed.

**Auxiliary Enterprises** operation should not fully expend all revenue because it must be self-supporting and include reserve fund deposits.

*\* Includes an institutionally planned E&G carryforward.*

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# 2020-21 Proposed Operating Budget



# 2020-21 Resource Allocation: Revenue

	Main Campus			RUC			Total University		
	<i>Original</i>	<i>Proposed</i>	<i>Total</i>	<i>Original</i>	<i>Proposed</i>	<i>Total</i>	<i>Original</i>	<i>Proposed</i>	<i>Total</i>
	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change
<b>REVENUE</b>									
<b>General Fund Changes</b>									
2020-21 Tech Talent Funding	\$891,993	\$891,993	\$0	\$0	\$0	\$0	\$891,993	\$891,993	\$0
2020-21 Minimum Wage	15,210	15,210	0	0	0	0	15,210	15,210	0
2020-21 Fringe Rate Changes	236,155	236,155	0	0	0	0	236,155	236,155	0
2020-21 Central Systems & Other Changes	(1,342)	(1,342)	0	0	0	0	(1,342)	(1,342)	0
<b>Total GF Change</b>	<b>\$1,142,016</b>	<b>\$1,142,016</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,142,016</b>	<b>\$1,142,016</b>	<b>\$0</b>
<b>Nongeneral Fund Changes</b>									
Tuition Policy Change - 18 CH	\$250,000	\$250,000	\$0	\$0	\$0	\$0	\$250,000	\$250,000	\$0
Tuition Alignment	(7,047,327)	(6,355,241)	692,086	(2,166,049)	(2,166,049)	0	(9,213,376)	(8,521,290)	692,086
Sales & Services	(30,234)	(234)	30,000	0	0	0	(30,234)	(234)	30,000
Private Support	(276,653)	(276,653)	0	0	0	0	(276,653)	(276,653)	0
DPT Transfer	(1,581,544)	(1,581,544)	0	1,581,544	1,581,544	0	0	0	0
Need Based Scholarships	(1,240,102)	(1,240,102)	(1)	300,000	300,000	0	(940,102)	(940,102)	(1)
<b>Total NGF Changes</b>	<b>(\$9,925,860)</b>	<b>(\$9,203,774)</b>	<b>\$722,086</b>	<b>(\$284,505)</b>	<b>(\$284,505)</b>	<b>\$0</b>	<b>(\$10,210,365)</b>	<b>(\$9,488,279)</b>	<b>\$722,086</b>
<b>Total Revenue Changes</b>	<b>(\$8,783,844)</b>	<b>(\$8,061,758)</b>	<b>\$722,086</b>	<b>(\$284,505)</b>	<b>(\$284,505)</b>	<b>\$0</b>	<b>(\$9,068,349)</b>	<b>(\$8,346,263)</b>	<b>\$722,086</b>

# 2020-21 Resource Allocation: Expense

	Main Campus			RUC			Total University		
	<i>Original</i>	<i>Proposed</i>	<i>Total</i>	<i>Original</i>	<i>Proposed</i>	<i>Total</i>	<i>Original</i>	<i>Proposed</i>	<i>Total</i>
	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change
<b>EXPENSES</b>									
<b>Non-Discretionary Cost Increases</b>									
<b>Mandatory Costs</b>									
<b>Salary Adjustments</b>									
2020-21 FLSA	\$2,360	\$2,360	\$0	\$290	\$290	\$0	\$2,650	\$2,650	\$0
2020-21 Minimum Wage	25,350	25,350	0	2,917	2,917	0	28,267	28,267	0
2020-21 Pay Band	9,943	9,943	0	14,915	14,915	0	24,858	24,858	0
<b>Fringe Adjustments</b>									
2020-21 Fringe Rate Changes	\$434,931	\$434,931	\$0	\$48,786	\$23,786	(\$25,000)	\$483,717	\$458,717	(\$25,000)
<b>Central Cost Commitments</b>									
AA Promotion & Tenure	\$237,853	\$237,853	\$0	\$0	\$0	\$0	\$237,853	\$237,853	\$0
Contracts & Compliance	51,666	51,666	0	108,000	108,000	0	159,666	159,666	0
Tech Talent	670,904	670,904	0	0	0	0	670,904	670,904	0
Commonwealth Transfer Initiative	181,865	181,865	0	0	0	0	181,865	181,865	0
<b>Sub-Total Central Commitments</b>	<b>\$1,614,872</b>	<b>\$1,614,872</b>	<b>\$0</b>	<b>\$174,908</b>	<b>\$149,908</b>	<b>(\$25,000)</b>	<b>\$1,789,780</b>	<b>\$1,764,780</b>	<b>(\$25,000)</b>

# 2020-21 Resource Allocation: Expense

	Main Campus			RUC			Total University		
	<i>Original</i>	<i>Proposed</i>	<i>Total</i>	<i>Original</i>	<i>Proposed</i>	<i>Total</i>	<i>Original</i>	<i>Proposed</i>	<i>Total</i>
	<b>June 2020 Assumptions</b>	<b>Sept. 2020 Budget</b>	<b>Dollar Change</b>	<b>June 2020 Assumptions</b>	<b>Sept. 2020 Budget</b>	<b>Dollar Change</b>	<b>June 2020 Assumptions</b>	<b>Sept. 2020 Budget</b>	<b>Dollar Change</b>
<b>Division Recurring Requirements</b>									
Academic Affairs	(\$1,581,544)	(\$1,581,544)	\$0	\$1,601,544	\$1,581,544	(\$20,000)	\$20,000	\$0	(\$20,000)
University Relations	0	0	0	50,000	50,000	0	50,000	50,000	0
Enrollment Management	0	0	0	50,000	50,000	0	50,000	50,000	0
<b>Sub-Total Division Requirements</b>	<b>(\$1,581,544)</b>	<b>(\$1,581,544)</b>	<b>\$0</b>	<b>\$1,701,544</b>	<b>\$1,681,544</b>	<b>(\$20,000)</b>	<b>\$120,000</b>	<b>\$100,000</b>	<b>(\$20,000)</b>
<b>Total Non-Discretionary Cost Increases</b>	<b>\$33,328</b>	<b>\$33,328</b>	<b>\$0</b>	<b>\$1,876,452</b>	<b>\$1,831,452</b>	<b>(\$45,000)</b>	<b>\$1,909,780</b>	<b>\$1,864,780</b>	<b>(\$45,000)</b>

# 2019-20 Resource Allocation: Expense

	Main Campus			RUC			Total University		
	<i>Original</i>	<i>Proposed</i>	<i>Total</i>	<i>Original</i>	<i>Proposed</i>	<i>Total</i>	<i>Original</i>	<i>Proposed</i>	<i>Total</i>
	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change	June 2020 Assumptions	Sept. 2020 Budget	Dollar Change
<b>Division Savings</b>									
Academic Affairs	(\$5,061,399)	(\$5,037,249)	\$24,150	\$0	\$0	\$0	(\$5,061,399)	(\$5,037,249)	\$24,150
Finance & Administration	(1,144,289)	(1,144,289)	0	0	0	0	(1,144,289)	(1,144,289)	0
Information Technology	(634,542)	(634,542)	0	0	0	0	(634,542)	(634,542)	0
Central Administration	(114,878)	(114,878)	0	(1,586,287)	(1,586,287)	0	(114,878)	(114,878)	0
Student Affairs	(89,214)	(89,214)	0	0	0	0	(89,214)	(89,214)	0
University Relations	(208,855)	(208,855)	0	0	0	0	(208,855)	(208,855)	0
University Advancement	(241,809)	(241,809)	0	0	0	0	(241,809)	(241,809)	0
Enrollment Management	(363,078)	(363,078)	0	0	0	0	(363,078)	(363,078)	0
<b>Total Divisional Budgets</b>	<b>(\$7,858,064)</b>	<b>(\$7,833,914)</b>	<b>\$24,150</b>	<b>(\$1,586,287)</b>	<b>(\$1,586,287)</b>	<b>\$0</b>	<b>(\$7,858,064)</b>	<b>(\$7,833,914)</b>	<b>\$24,150</b>
Central Resources	(\$959,108)	(\$261,172)	\$697,936	\$0	\$0	\$0	(\$2,545,395)	(\$1,847,459)	\$697,936
<b>Total Savings Strategies</b>	<b>(\$8,817,172)</b>	<b>(\$8,095,086)</b>	<b>\$722,086</b>	<b>(\$1,586,287)</b>	<b>(\$1,586,287)</b>	<b>\$0</b>	<b>(\$10,403,459)</b>	<b>(\$9,681,373)</b>	<b>\$722,086</b>
<b>Total Base Budget</b>	<b>(\$8,783,844)</b>	<b>(\$8,061,758)</b>	<b>\$722,086</b>	<b>\$290,165</b>	<b>\$245,165</b>	<b>(\$45,000)</b>	<b>(\$8,493,679)</b>	<b>(\$7,816,593)</b>	<b>\$677,086</b>
<b>SURPLUS/(DEFICIT)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$574,670)</b>	<b>(\$529,670)</b>	<b>\$45,000</b>	<b>(\$574,670)</b>	<b>(\$529,670)</b>	<b>\$45,000</b>
<b>One-time - Lease Prepayment</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$574,670)</b>	<b>(\$529,670)</b>	<b>\$45,000</b>	<b>(\$574,670)</b>	<b>(\$529,670)</b>	<b>\$45,000</b>
<b>SURPLUS/(DEFICIT)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

# 2020-21 Proposed Budget Summary

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	Revenue (\$ in Thousands)			Expense (\$ in Thousands)		
	Base	One-Time	Total	Base	One-Time	Total
<b>University Operating</b>						
Education & General	\$144,306	\$1,745	\$146,051	\$144,835	\$1,215	\$146,051
Student Financial Assistance	13,542	0	13,542	13,542	0	13,542
Sponsored Programs	8,962	0	8,962	8,962	0	8,962
Auxiliary Enterprise	69,854	(1,585)	68,269	64,902	(78)	64,824
<b>Total University</b>	<b>\$236,663</b>	<b>\$160</b>	<b>\$236,824</b>	<b>\$232,241</b>	<b>\$1,137</b>	<b>\$233,378</b>

# 2020-21 Proposed Budget Summary by Major Program

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<i>(\$ in Thousands)</i>	<u>Proposed Revenue</u>	<u>Proposed Expenditure</u>	<u>Proposed Cont/(Draw)</u>
<b>University Operating</b>			
Education & General	\$146,051	\$146,051	\$0
Student Financial Assistance	13,542	13,542	0
Sponsored Programs	8,962	8,962	0
Auxiliary Enterprise	68,269	64,824	3,446
<b>Total University</b>	<b><u>\$236,824</u></b>	<b><u>\$233,378</u></b>	<b><u>\$3,446</u></b>

# 2020-21 Proposed Budget Summary by Auxiliary Subprogram

(\$ in Thousands)

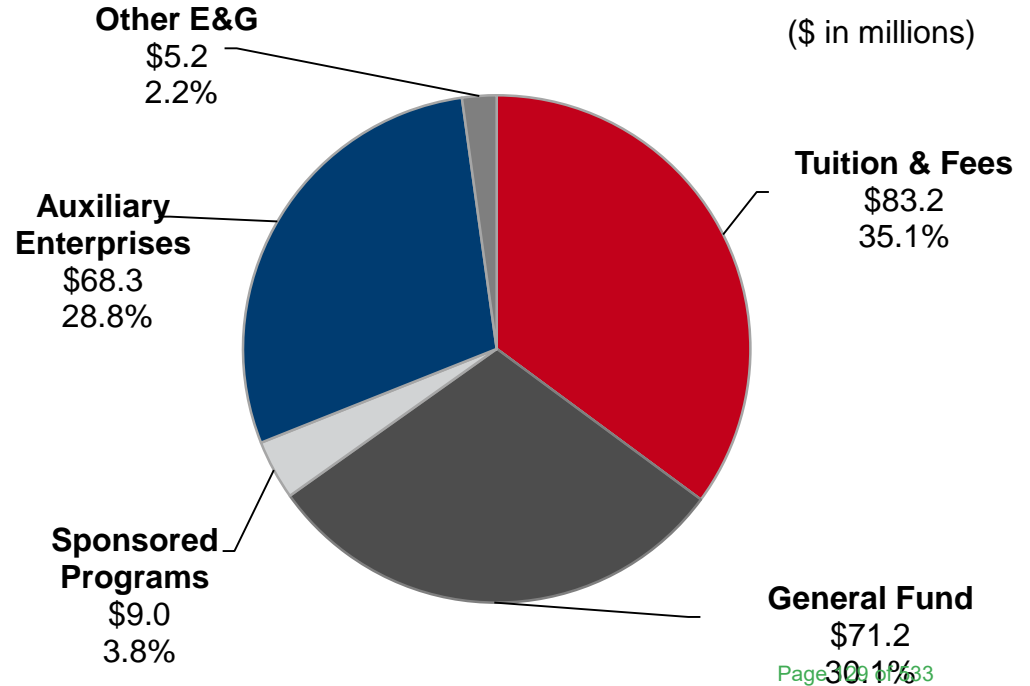
	<u>Proposed Revenue</u>	<u>Proposed Expenditure</u>	<u>Proposed Cont/(Draw)</u>
<b>Auxiliary Operating</b>			
Dining Services	\$15,245	\$15,122	\$122
Bookstore	285	272	13
Residential Services	19,095	17,639	1,456
Parking & Transportation	1,828	1,695	134
Telecommunications	560	529	31
Student Health Services	2,815	2,599	215
Student Union & Recreation	6,418	6,081	337
Student Activities	1,106	1,135	(29)
Other Auxiliary	9,736	8,422	1,314
Intercollegiate Athletics	11,181	11,329	(148)
<b>Total Auxiliary</b>	<b><u>\$68,269</u></b>	<b><u>\$64,824</u></b>	<b><u>\$3,446</u></b>

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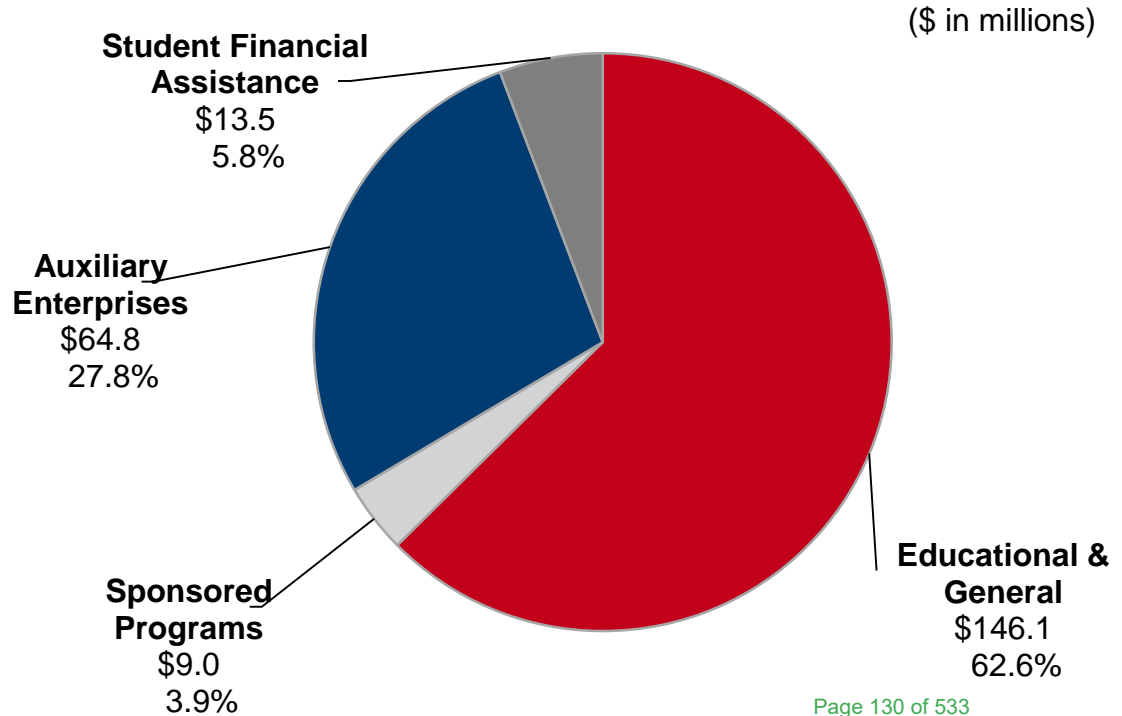
# 2020-21 Projected Total Operating Revenue

Using projected revenues, Radford University's proposed total annual operating revenue budget is **\$236.8 million**.



# 2020-21 Projected Total Operating Expenditures

Using projected expenditures, Radford University's proposed total annual operating expenditure budget is **\$233.4 million.**



**RADFORD UNIVERSITY BOARD OF VISITORS**  
**September 11, 2020**

**Information Item**  
**Financial Performance Report for the Year Ending June 30, 2020**

**Item:**

Summary of fiscal year 2019-20 revenue and expenditures as of June 30, 2020.

**Background:**

The Financial Performance Report includes Schedules A and B which provides a summary of unaudited revenue and expenditure activity for the year ending June 30, 2020. The Financial Performance Report is generated from annual budget projections and actual accounting data recorded in Banner Finance that has been reconciled with the Commonwealth's Accounting System (Cardinal). The actual accounting data is recorded using a modified accrual basis of accounting which recognizes revenue when received rather than when earned and expenditures when posted rather than when payment is issued.

The Original Budget was approved by the Board of Visitors at the September 2019 meeting. The Revised Budget is inclusive of any technical adjustments made throughout the year as well as a 2019-20 third quarter adjustment to account for actual enrollment levels impacting tuition and fee collections.

For the year ending June 30, 2020, revenues and expenditures were at projected levels, but were lower due to factors associated with COVID-19. Schedule A provides a summary of revenue and expenditure activity by major program. Schedule B provides a summary of revenue, expenditure and reserve draw/(deposit) by major auxiliary enterprise unit. Footnotes are included in each schedule to explain variances between the Original Budget, Revised Budget, and year-end Actuals.

The contribution to the auxiliary reserve is required to meet the State Council of Higher Education for Virginia (SCHEV) guidelines for on-going operations, equipment renewal and replacement, and future capital projects.

**Summary:**

No action required; information item only.

**Radford University**  
**Financial Performance Report**  
**For the Period Ending June 30, 2020**

Schedule A

Dollars in Thousands

	<b>Annual Budget for 2019-20</b>			<b>July 1, 2019 to June 30, 2020</b>	
	<b>Original (a)</b>	<b>Adjustments (b)</b>	<b>Revised (c)</b>	<b>Actuals (d)</b>	<b>Variance</b>
<b>Educational and General Programs</b>					
<u>Revenues</u>					
General Fund	\$57,708	\$754	\$58,462 (1)	\$58,462	(0)
Tuition and Fees	93,701	(7,913)	85,788 (2)	86,828	1,039 (9), (10)
All Other Income	3,617	3,610	7,226 (3)	4,851	(2,375) (9), (11)
<b>Total Revenues</b>	<b>\$155,025</b>	<b>(\$3,549)</b>	<b>\$151,476</b>	<b>\$150,141</b>	<b>\$1,335</b>
<u>Expenditures</u>					
Instructional & Academic Support	(\$98,033)	(\$399)	(\$98,432) (1), (2), (4)	(\$96,198)	\$2,234 (9)
Public Service Programs	(600)	(150)	(750) (3), (5)	(505)	\$245 (9)
All Other Support Programs	(56,393)	4,099	(52,294) (1), (2), (3), (4)	(53,361)	(\$1,067) (9), (12)
<b>Total Expenses</b>	<b>(\$155,025)</b>	<b>\$3,549</b>	<b>(\$151,476)</b>	<b>(\$150,064)</b>	<b>(\$1,412)</b>
Reserve Draw (Deposit)	0	(0)	(0)	(76)	(\$76) (9), (13)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Student Financial Assistance</b>					
Revenue	\$13,542	\$226	\$13,768 (6)	\$13,768	\$0
Expenditures	(13,542)	(226)	(13,768) (6)	(13,768)	(0)
Reserve Draw (Deposit)	0	0	0	0	0
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Sponsored Programs</b>					
Revenue	\$8,962	\$1,399	\$10,361 (7)	\$10,533	\$172 (9), (14)
Expenditures	(8,962)	(1,399)	(10,361) (7)	(10,001)	360 (9)
Reserve Draw (Deposit)	0	(0)	(0)	(532)	(532) (9), (14)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Auxiliary Enterprises</b>					
Revenues	\$77,976	(\$3,379)	\$74,597 (8)	\$67,490	(\$7,108) (8), (9)
Expenditures	(69,677)	2,915	(66,762) (8)	(55,419)	11,343 (8), (9)
Reserve Draw (Deposit)	(8,299)	463	(7,835) (8)	(12,071)	(4,236) (8), (9)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total University</b>					
<b>Revenues</b>	<b>\$255,505</b>	<b>(\$5,303)</b>	<b>\$250,202</b>	<b>\$241,931</b>	<b>(\$8,271)</b>
<b>Expenses</b>	<b>(247,206)</b>	<b>4,839</b>	<b>(242,367)</b>	<b>(229,252)</b>	<b>13,115</b>
<b>Reserve Draw (Deposit)</b>	<b>(8,299)</b>	<b>463</b>	<b>(7,835)</b>	<b>(12,679)</b>	<b>(4,844)</b>
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Notes:**

(a) Original Budget - Reflects the projected 2019-20 Operating Budget as of July 1, 2019 which was approved by the Board at the September 2019 meeting. Both recurring and one-time operating budgets are included.

(b) Adjustments - Reflects changes that have been made to the 2019-20 Operating Budget between July 1, 2019 and June 30, 2020. Both recurring and one-time operating budgets

(c) Revised Budget - Reflects the current 2019-20 Operating Budget as of June 30, 2020. Both recurring and one-time operating budgets are included.

(d) Activity Through Fourth Quarter - Reflects the projected actual annual activity as of June 30, 2020.

**Radford University**  
**Financial Performance Report - Notes**  
For the Period Ending June 30, 2020

- 1) The General Fund (GF) revenue budget was increased by \$753,732. The increase was attributable to several factors including: \$501,080 Tech Talent Investment Program Allocation; \$16,540 VIVA Allocation; \$6,000 SCHEV Grant; \$235,775 Interest Earnings and Credit Card Rebates; and (\$5,667) PMIS Charges. All related expense budgets were adjusted accordingly.
- 2) The Tuition & Fee revenue budget was adjustment to account for current year enrollment levels in traditional undergraduate and graduate programs at both the Main Campus and RUC and to reallocate funding to GF for the Interest Earnings and Credit Card rebates. All related expense budgets were also adjusted accordingly.
- 3) The All Other Income revenue budget was increased for funds received under the Coronavirus Aid, Relief, and Economic Security (CARES) Act Higher Education Emergency Relief Fund and Commonwealth of Virginia Relief Fund. The increase in revenue budget was partially offset slightly by a projected decrease in current year sales and service revenues. All related expense budgets were adjusted accordingly.
- 4) A portion of the Instructional and Academic Support budget was temporarily reallocated to the All Other Support Programs due to turnover and vacancy savings.
- 5) The Public Service Programs revenue and expenditure budget for Radford University Carilion (RUC) was adjusted from All Other Support Programs to account for projected activity.
- 6) The Student Financial Assistance revenue and expense budgets were adjusted to account for appropriation increases for the VA Military Survivors & Dependents Program, the Two-Year Commonwealth Transfer Grant Program and deferred graduate financial aid funds.
- 7) The Sponsored Programs revenue and expense budget was increased to account for additional anticipated grant activity related to the Appalachian Support for Specialized Education Training (ASSET) funding and the SCHEV Cyber Security Initiative Grant.
- 8) The budget adjustments and projection variances are detailed in the Auxiliary Enterprises section of this report.
- 9) Revenues and Expenditures were impacted by COVID-19 Pandemic factors including: campus closure, transition to online instruction, travel stoppage, early spend cut-off, and increases to turnover and vacancy rates.
- 10) The Tuition & Fees revenue is greater than anticipated due higher than projected IMPACT program tuition receipts.
- 11) The All Other Income revenue is less than projected due a institutionally planned E&G Reserve Fund deposit for 2020-21, to achieve full funding 6% of the E&G Reserve.
- 12) The expenses in All Other Support Programs were higher than projected due to a state authorized Auxiliary Indirect recovery reduction to Educational and General (E&G) approved in House Bill 29 Chapter 1283. This factor was partially offset through the allocation of returned support from RUC.
- 13) The Reserve Deposit in the E&G Programs budget is reflective of Surplus Property and Recycling Proceeds
- 14) The Sponsored Programs revenue and expense budget is based on authorized state appropriation and is not necessarily reflective of anticipated fiscal year activity. Externally sponsored programs are initiated and finalized on an individual basis without fiscal year consideration, thus the actual fiscal year activity will vary from the projected revenue and expense budgets. The Reserve Deposit reflects the timing of expense reimbursements from the grantor.

**Radford University**  
**Auxiliary Enterprise**  
**Financial Performance Report**  
For the Period Ending June 30, 2020

Dollars in Thousands

	Annual Budget for 2019-20			July 1, 2019 to June 30, 2020	
	Original (a)	Adjustments (b)	Revised (c)	Actual (d)	Variance
<b>Residential &amp; Dining Programs</b>					
Revenues	\$41,015	(1,354)	\$39,662 (1)	\$32,320	(\$7,342) (8), (9)
Expenditures	(36,717)	1,337	(35,380) (1)	(30,290)	\$5,090 (8), (10)
Reserve Draw (Deposit)	(4,299)	17	(4,281)	(2,030)	\$2,251 (8), (9), (10)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Bookstore</b>					
Revenues	\$365	(151)	\$214 (2)	\$194	(\$20) (8)
Expenditures	(272)	151	(120) (2)	(111)	\$10 (8)
Reserve Draw (Deposit)	(93)	0	(93)	(83)	\$10 (8)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Parking &amp; Transportation</b>					
Revenues	\$2,076	(84)	\$1,992 (3)	\$1,882	(\$110) (8)
Expenditures	(1,657)	84	(1,573) (3)	(988)	\$585 (8), (11)
Reserve Draw (Deposit)	(419)	0	(419)	(894)	(\$475) (8), (11)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Telecommunications</b>					
Revenues	\$560	0	\$560	\$556	(\$4) (8)
Expenditures	(502)	0	(502)	(398)	\$103 (8), (12)
Reserve Draw (Deposit)	(58)	0	(58)	(158)	(\$99) (8), (12)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Student Health Services</b>					
Revenues	\$3,145	(217)	\$2,928 (3)	\$2,907	(\$21) (8)
Expenditures	(2,950)	217	(2,733) (3)	(2,375)	\$358 (8), (13)
Reserve Draw (Deposit)	(195)	0	(195)	(532)	(\$336) (8), (13)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Student Programming</b>					
Revenues	\$8,238	(458)	\$7,780 (3)	\$7,765	(\$15) (8)
Expenditures	(7,898)	146	(7,752) (3), (4)	(6,539)	\$1,213 (8)
Reserve Draw (Deposit)	(340)	312	(29) (4)	(1,225)	(\$1,197) (8)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Building &amp; Facilities</b>					
Revenues	\$3,206	(202)	\$3,005 (3)	\$2,855	(\$150) (8)
Expenditures	(1,492)	113	(1,379) (3), (5)	(844)	\$535 (8), (14)
Reserve Draw (Deposit)	(1,715)	89	(1,626) (5)	(2,011)	(\$385) (8), (14)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Other Enterprise Functions</b>					
Revenues	\$7,558	(362)	\$7,196 (3)	\$7,882	\$686 (8), (15)
Expenditures	(6,323)	294	(6,029) (3), (6)	(2,157)	\$3,872 (8), (16)
Reserve Draw (Deposit)	(1,235)	68	(1,167) (6)	(5,725)	(\$4,558) (8), (15), (16)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Intercollegiate Athletics</b>					
Revenues	\$11,812	(550)	\$11,261 (3), (7)	\$11,130	(\$132) (8), (16)
Expenditures	(11,867)	573	(\$11,294) (3), (7)	(11,717)	(\$422) (8), (17), (18)
Reserve Draw (Deposit)	55	(23)	33 (7)	587	\$554 (8), (16)
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Auxiliary Enterprise</b>					
<b>Revenues</b>	<b>\$77,976</b>	<b>(\$3,379)</b>	<b>\$74,597</b>	<b>\$67,490</b>	<b>(\$7,107)</b>
<b>Expenses</b>	<b>(69,677)</b>	<b>2,915</b>	<b>(66,762)</b>	<b>(55,419)</b>	<b>11,342</b>
<b>Reserve Draw (Deposit)</b>	<b>(8,299)</b>	<b>463</b>	<b>(7,835)</b>	<b>(12,071)</b>	<b>(4,236)</b>
<b>NET</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Notes:**

(a) Original Budget - Reflects the projected 2019-20 Operating Budget as of July 1, 2019 which was approved by the Board at the September 2019 meeting. Both recurring and one-time operating budgets are included.

(b) Adjustments - Reflects changes that have been made to the 2019-20 Operating Budget between July 1, 2019 and June 30, 2020. Both recurring and one-time operating budgets are included.

(c) Revised Budget - Reflects the current 2019-20 Operating Budget as of June 30, 2020. Both recurring and one-time operating budgets are included.

(d) Activity Through Fourth Quarter - Reflects the projected actual annual activity as of June 30, 2020.

**Radford University**  
**Auxiliary Enterprise**  
**Financial Performance Report - Notes**  
For the Period Ending June 30, 2020

- 1) The Residential and Dining Programs revenue and expense budgets were adjusted to account for expected dining meal plan sales based on actual fall 2019 enrollment levels.
- 2) The Bookstore revenue and expense budgets were adjusted to account for the revised 2019-20 sales forecast.
- 3) Comprehensive Fee revenue and expense budgets were adjusted to account for current year enrollment levels in traditional undergraduate and graduate programs on Main Campus.
- 4) The Student Programming expense budget was increased to support the Highlander Discovery Institute.
- 5) The Building and Facilities expenditure budget was increased to account for one time costs related to the design of the River Campus.
- 6) The Other Enterprise Functions expense budget was increased due to an initial plan for higher than projected Conference Services events.
- 7) The Intercollegiate Athletics expenditure budget was adjusted to account for projected personnel savings from Athletics' restructuring.
- 8) Revenues and Expenditures were impacted by COVID-19 Pandemic factors including: campus closure, transition to online instruction, travel stoppage, early spend cut-off, and increases to turnover and vacancy rates.
- 9) The Residential and Dining Program revenues were lower than anticipated due to COVID-19 related factors including: residential housing refunds, the elimination of Chartwells Commission payments, and the curtailment of dining services.
- 10) The Residential and Dining Program expenses were lower than anticipated due to the COVID-19 curtailment of the Residential and Dining Program operations.
- 11) The Parking and Transportation expenses were less than projected due to lower than anticipated transit costs to Radford City.
- 12) Telecommunication expenses were less than anticipated due to the timing of phone software contractual payments.
- 13) The Student Health Services expenses were lower than anticipated due to the timing of contractual payments to Carilion Health Systems.
- 14) The Building and Facilities expenses were lower than projected due to lower than anticipated lease and maintenance costs.
- 15) The Other Enterprise revenues were higher than anticipated due to an increase in Auxiliary Interest earnings.
- 16) The Other Enterprise expenses were lower than anticipated due the strategic utilization of Auxiliary Indirect recoveries as part of the state authorized Auxiliary Indirect recovery reduction to Educational and General (E&G) approved in House Bill 29 Chapter 1283. This factor was partially offset by higher than anticipated Auxiliary Scholarships.
- 17) The Intercollegiate Athletics revenue was less than anticipated due to the timing associated with Foundation reimbursements.
- 18) The Intercollegiate Athletics expenditures were more than anticipated due lower than anticipated turnover and vacancy savings and higher than projected personal services and operating costs.

# **RADFORD UNIVERSITY BOARD OF VISITORS**

**September 11, 2020**

## **Action Item**

### **Approval of the Radford University 2020-21 Operating Budget**

#### **Item:**

Board of Visitors approval of the Radford University 2020-21 operating budget.

#### **Executive Summary:**

Each year, the Vice President for Finance and Administration and Chief Financial Officer is responsible for presenting Radford University's (the University) projected annual operating budget to the Board of Visitors for the upcoming fiscal year. The 2020-21 operating budget was developed in consideration of projected enrollment levels, actions taken by the Governor and General Assembly during the 2020 session, Board-approved tuition and fee rates, the strategic goals of the University, and the economic outlook.

This budget development cycle has been heavily burdened with the COVID-19 pandemic that will leave lasting effects on our University and global economy. The University's planning efforts focused heavily on creating an environment for our students to learn and engage safely in programs that prepare them for the future.

Since the rollout of the 2018-2023 Strategic Plan: *Embracing the Tradition and Envisioning the Future*, a conscious effort has been underway to align institutional resources in support of strategic plan objectives. The collaborative process of budget development has helped provide the framework for which all divisions review operating priorities and align their actions with strategic goals of the University. The information collected during this process is also instrumental in the development of the University's Six-Year Plan submission to the Commonwealth and further helps to frame the strategic direction of the institution.

The Commonwealth's financial outlook was promising as the Governor's Biennial Budget was introduced in December 2019 and as the 2020 General Assembly session ended in March. The Commonwealth's unemployment rate was 2.6% in February 2020, the sixth lowest in the nation, and the state's revenue forecast was strong for the balance of 2019-20 (3.2% forecasted with year-to-date revenues growing at 6.2%). The positive financial outlook provided the Governor the ability to include significant investments to address funding for: housing affordability, early childhood education, K-12 education, and multiple higher education initiatives including increased funding for undergraduate financial aid and institution specific funding. The General Assembly also proposed an increase to the minimum wage rate, compensation increases for state employees, and an increase to the Commonwealth's total reserve funding.

As COVID-19 began to escalate in mid-March, it became apparent there would be substantial and lasting economic impact. Without a clear understanding of the effect on the current or proposed biennial budget, Governor Northam recommended numerous amendments which unallotted general fund support for most new initiatives included in the Biennial Budget Bill. The University was impacted by amendments that unallotted tuition moderation funding, additional need-based student financial assistance, and operational support for RUC. In addition, the amendments



deferred implementation of the minimum wage increase from January 1 to June 1, 2021. The proposed compensation increases were also effectively eliminated as they were tied to revenue targets that will clearly not materialize in the post-COVID-19 environment.

The University evaluated the impact of the removal of the previously allotted funding by the Commonwealth and updated the financial outlook for 2020-21 based on the revised fund estimates. Most other cost increases were also deferred, but other traditional unavoidable cost increases such as promotion and tenure compensation adjustments, safety and security factors, and scholarship commitments could not.

Giving full consideration to the aforementioned items, the 2020-21 operating budget demonstrates a conservative use of University resources. The proposed budget identifies key operating efficiencies that help to address mandatory and unavoidable cost increases while maximizing funding opportunities for strategic plan initiatives.

### **Six-Year Planning Processes and 2020-21 Budget Development:**

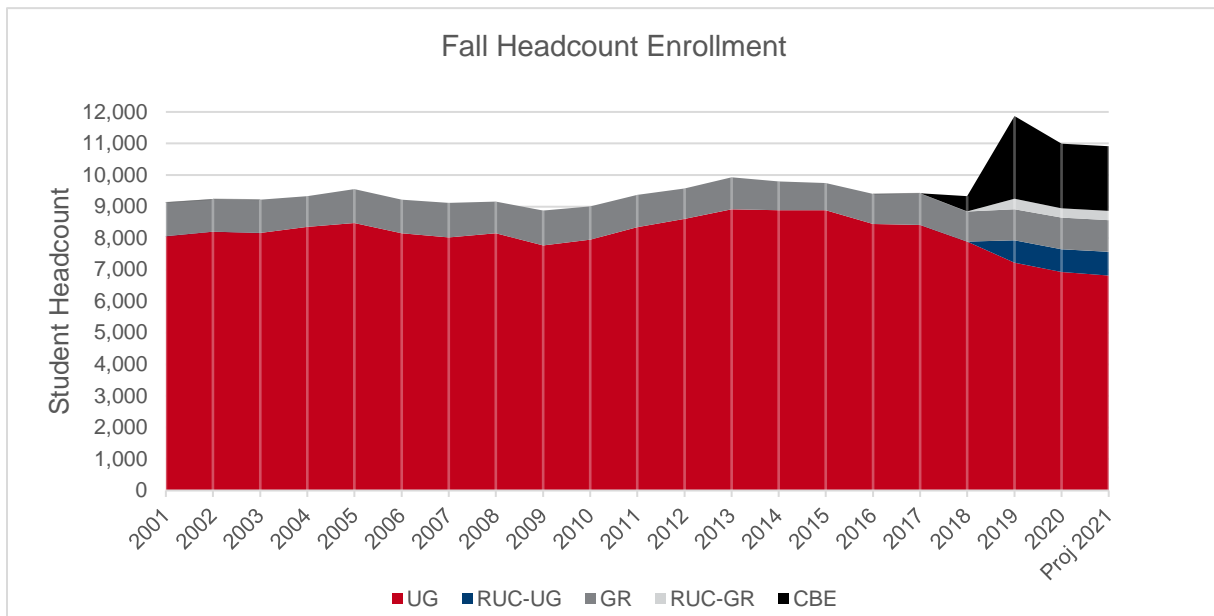
The Virginia Higher Education Opportunity Act of 2011 (TJ21) was passed by the 2011 General Assembly and is based on recommendations from the Governor's Commission on Higher Education Reform, Innovation and Investment, which was formed through Executive Order No. 9 issued in March 2010. The TJ21 legislation requires institutions of higher education to prepare and submit a "Six-Year Plan" by July 1<sup>st</sup> each year in accordance with criteria outlined by the Higher Education Advisory Committee (HEAC).

As an integral part of the six-year planning process, the University's internal annual budget development cycle provides the opportunity to reevaluate the essential needs for the upcoming fiscal year and outline divisional priorities for the outlying years. The budget development review engages key personnel, and provides a consistent mechanism to prioritize funding requests and strategically align the institution's long-range goals with projected resources.

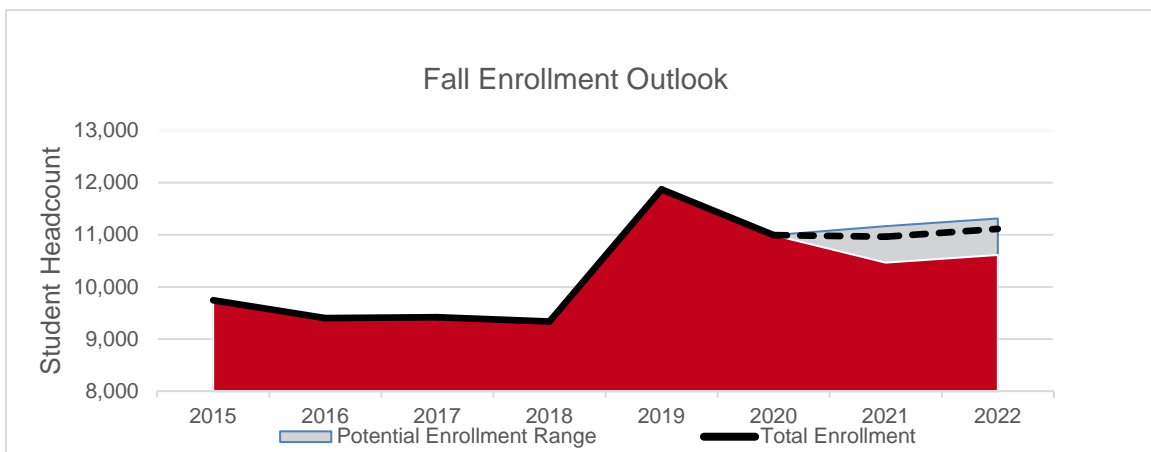
Due to the COVID-19 pandemic, SCHEV submitted a request on behalf of all institutions of higher education to request the submission of preliminary amendments to, or affirmations of, Six Year Plans be delayed as allowed under budget language found in § 4-8.01. SCHEV received approval from the Governor on June 7, 2020. Additional information was requested from institutions but no final determination has been made related to an update to the plans for 2020.

### **Enrollment Trend:**

The University significantly increased enrollment in Fall 2019 through success of the Competency Based Education program and the addition of Radford University-Carilion (RUC) allied health programs. While total student enrollment has increased, the in-state undergraduate student population on Radford main campus has not increased in recent years. This shift in enrollment classifications is illustrated in the following chart. The University remains focused on increasing undergraduate student enrollment through innovative transfer options, such as the Bridge Program, as well as increasing enrollment in high demand Health Sciences programs offered on both main campus and at RUC.



Enrollment for 2020-21 on main campus is conservatively projected below prior year levels. This is reflective of the downward trend for in-state undergraduate admissions and transfers. Similarly, enrollment for RUC is projected slightly lower than 2019-20 to remain conservative as the newly formed site continues its integration into the Radford University family. Since impacts of the COVID-19 pandemic remain unclear, the following chart shows budgeted enrollment with an estimate of potential positive and negative impacts to enrollment.



**Mandatory Cost Increases:**

**2020 General Assembly Session Action**

As previously mentioned, the 2020 General Assembly Session was largely focused on making strategic investments in the Commonwealth. The economy was stable and growing, but now remains uncertain as the economic effects of the COVID-19 pandemic are unclear. The Governor signed the 2020-22 Biennial Budget on June 21, 2020 and will continue to work with the General Assembly to craft budget and legislative responses to the pandemic’s effect on the Commonwealth.

Due to an anticipated surplus in state revenue, the proposal by the General Assembly provided an additional increase in base funding for 2020-21 to assist with in-state undergraduate affordability through the Tuition Moderation initiative. Institutions were allocated a specific amount based on several factors as submitted in their institutions six-year plans. Radford University's share was anticipated to be \$2.1 million. The budget also included additional need-based financial aid for public institutions of higher education, of which \$2.5 million was earmarked for additional support to Radford University in 2020-21. As previously stated, these new initiatives have been unallotted in the approved Biennial Budget and are not currently included in the 2020-21 general fund allocation for the University. The approved budget includes a bonus for all state employees of three percent effective November 25, 2020; however given the dependency on meeting revenue projections, this increase is unlikely to materialize and has been removed from anticipated 2020-21 general funds for the University.

The following schedule reflects funding from the 2020 General Assembly Session providing additional general fund support for the University in 2020-21:

**2020-21 General Assembly Funding Summary:**

	<b>Pre-Covid-19 Proposed Funding</b>	<b>Post-Covid-19 Proposed Funding</b>
<b>E&amp;G - Educational &amp; General</b>		
Tech Talent	\$891,993	\$891,993
Employee Bonus*	1,398,839	0
Minimum Wage Increase*	15,210	15,210
Fringe Rate Changes*	236,155	236,155
Central System & Other Charges*	(1,342)	(1,342)
RUC Operating Support	2,000,000	0
Tuition Moderation	2,100,000	0
<b>Total E&amp;G General Fund Recommendations</b>	<b>\$6,640,855</b>	<b>\$1,142,016</b>
<b>SFA - Student Financial Assistance</b>		
In-State Undergraduate Financial Aid	2,538,400	0
<b>Total E&amp;G and SFA (combined) General Fund</b>	<b>\$9,179,255</b>	<b>\$1,142,016</b>

Notes:

(\*) Central Appropriation amounts are not included in the University's line item appropriation. Instead, they are held centrally by the state and allocated after the start of the fiscal year. For this reason, estimates have been provided.

***Other Mandatory Costs***

In addition to the state-mandated items, the University must also address teaching and research faculty promotion and tenure contractual commitments, operation and maintenance of new and existing facilities, contractual escalators for technology and maintenance contracts, escalating utilities, and committed costs for previously approved projects. These initiatives, referred to as central cost commitments, combine to total \$1,250,288 for main campus and \$108,000 for RUC. For additional details, Attachment II provides a breakdown of the mandatory cost requirements for each site.

### ***Division Program Requirements***

After an extensive review of division programmatic activities and requests that were submitted by each Vice President, no divisional initiatives were funded for main campus. In light of current cost pressures and uncertainty, it was deemed necessary to establish division-wide savings strategies from all operating divisions for 2020-21, which total \$9,681,373 for main campus. RUC received \$100,000 for divisional initiatives related to enrollment and retention, and established saving strategies of \$1,586,287.

### **Funding Sources and Cost Drivers:**

Radford University main campus is very reliant upon state general fund support due to the significant number of in-state undergraduate students served (93 percent as of Fall 2019). SCHEV’s calculation identifies that the University’s E&G program should be funded 62 percent from state general fund support and 38 percent through institutional nongeneral fund sources (i.e. tuition, E&G fees, etc.). Currently, institutional general fund support for E&G programs is projected to be 40.8 percent in the 2020-21 fiscal year.

As demonstrated in Figure 1, the 2020-21 projected E&G general fund split is significantly below the Commonwealth’s policy of 67 percent. The difference reflects funding of essential programmatic needs to support the University’s in-state student population.

**Figure 1: E&G General Fund Appropriation Historical Trend**

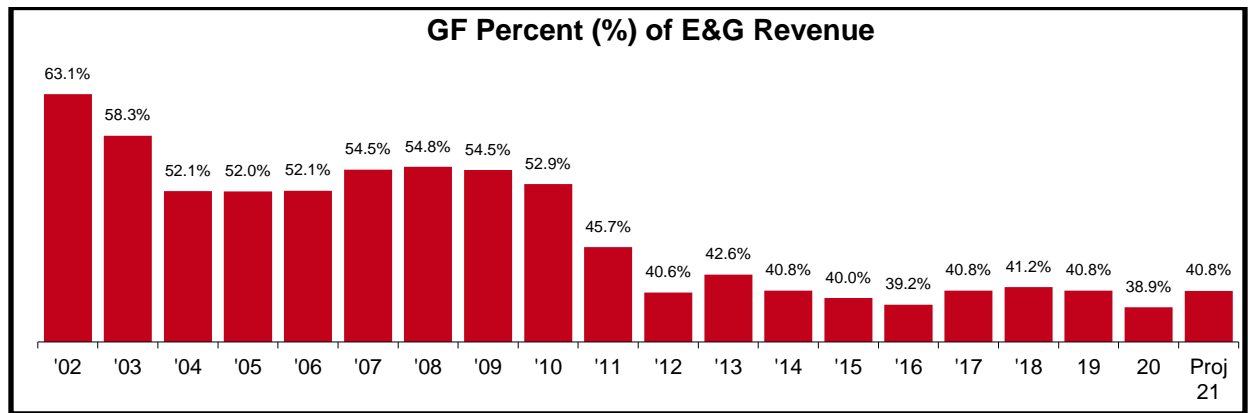
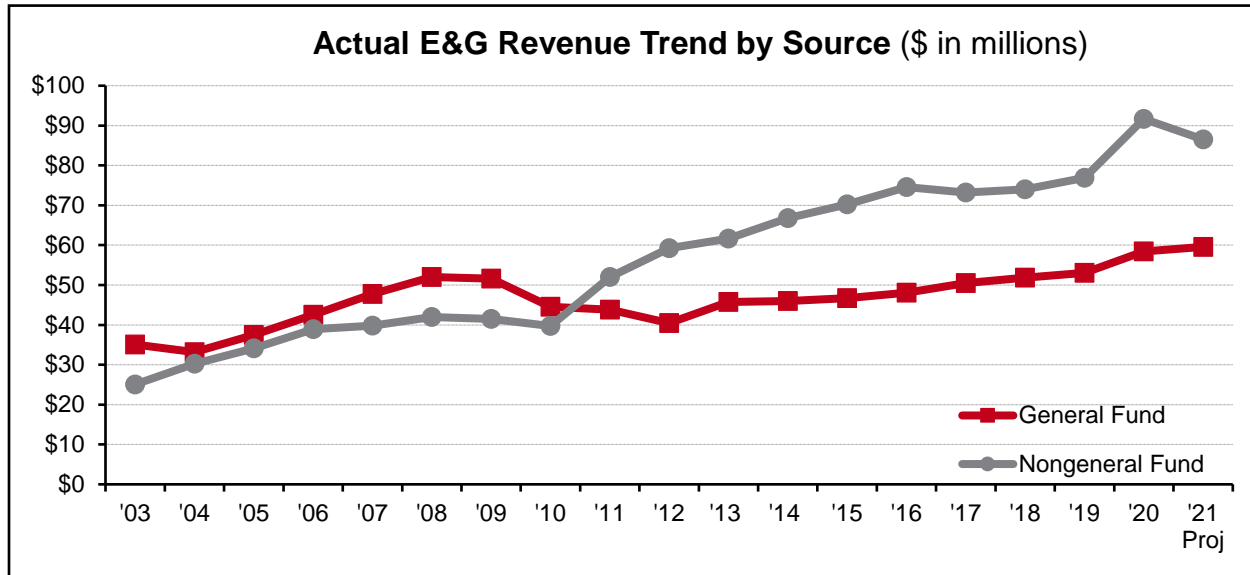


Figure 2 displays the E&G general fund and nongeneral fund trends between 2002 and 2021 (projected). In 2010, as a result of the economic downturn and the sustained loss of general fund support, students and their families began funding the majority of the cost of education. The increase in nongeneral funds for 2020 relates primarily to the merger with JCHS and the related \$20.6 million in Tuition and Fee revenue associated with the new RUC site. There is also an increase in general funds related to the \$1.7 million allocation to RUC, as well as, infusion of support for Tuition Moderation Funding and other mandatory cost increases.

**Figure 2: E&G General Fund/Nongeneral Fund Split Historical Trend (Nominal Dollars)**



## Proposed Budget

### 2020-21 Projected Total Revenue

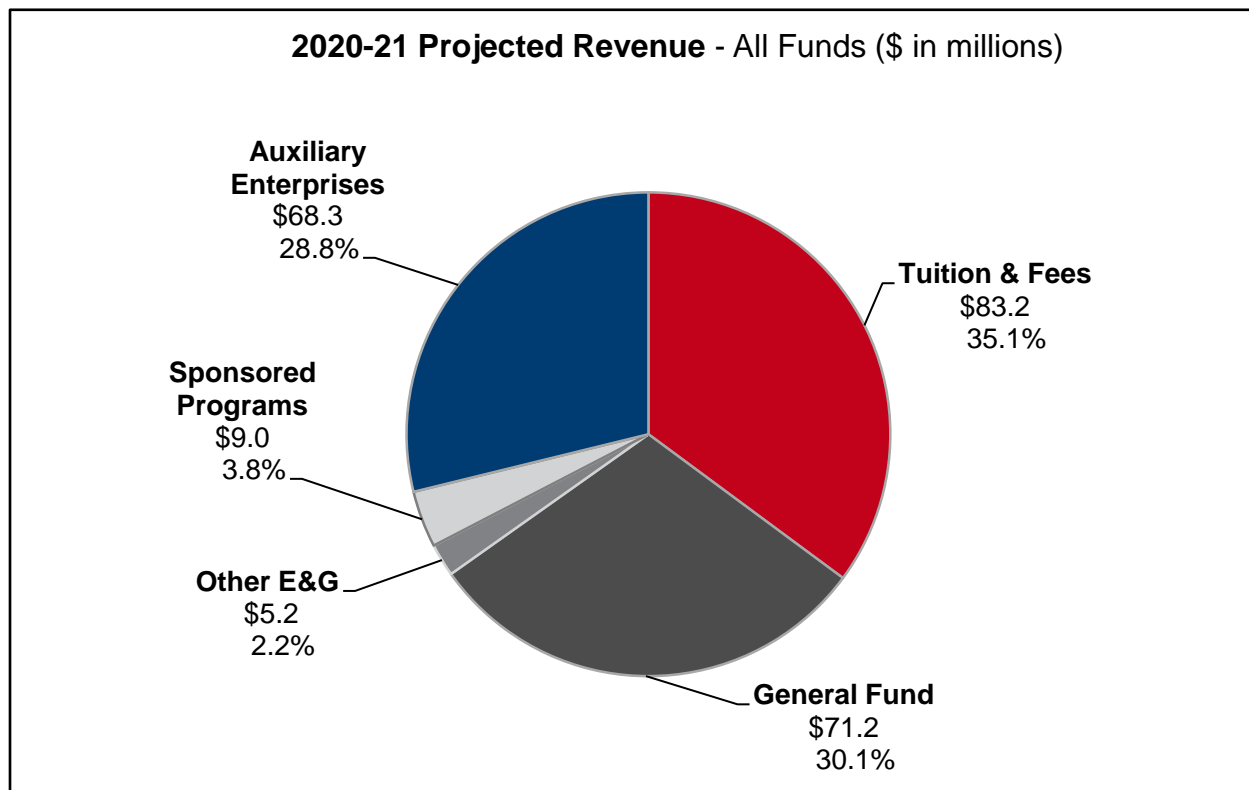
Radford University's institutional budget is derived from two fund sources:

- **General Fund (GF)** – Virginia tax dollars (unrestricted), distributed through the Commonwealth's budget process and documented through the Virginia Acts of Assembly (i.e. Appropriations Act).
- **Nongeneral Fund (NGF)** – tuition, mandatory (technology and comprehensive) fees, user (room and board) fees, other E&G and auxiliary enterprises fees, grants/contracts/research, federal student work study, and commissions (e.g. dining services, bookstore, laundry, etc.).

For fiscal year 2020-21 the University is projecting revenue of \$236.8 million. This reflects a 5.35 percent decrease from the 2019-20 Adjusted Total Budget. The decrease is attributable to decreases in general fund operating support, projected overall enrollment declines, and decreases in undergraduate in-state tuition and fees for RUC.

The majority of the University's total operating budget (61.7 percent) is supported through nongeneral fund sources. The remaining 38.3 percent is supported through the general fund. Figure 3 displays the breakdown of projected revenue by major funding sources.

**Figure 3: 2020-21 Projected Total Revenue (All Sources and Programs)**



**2020-21 Projected Total Expenditures**

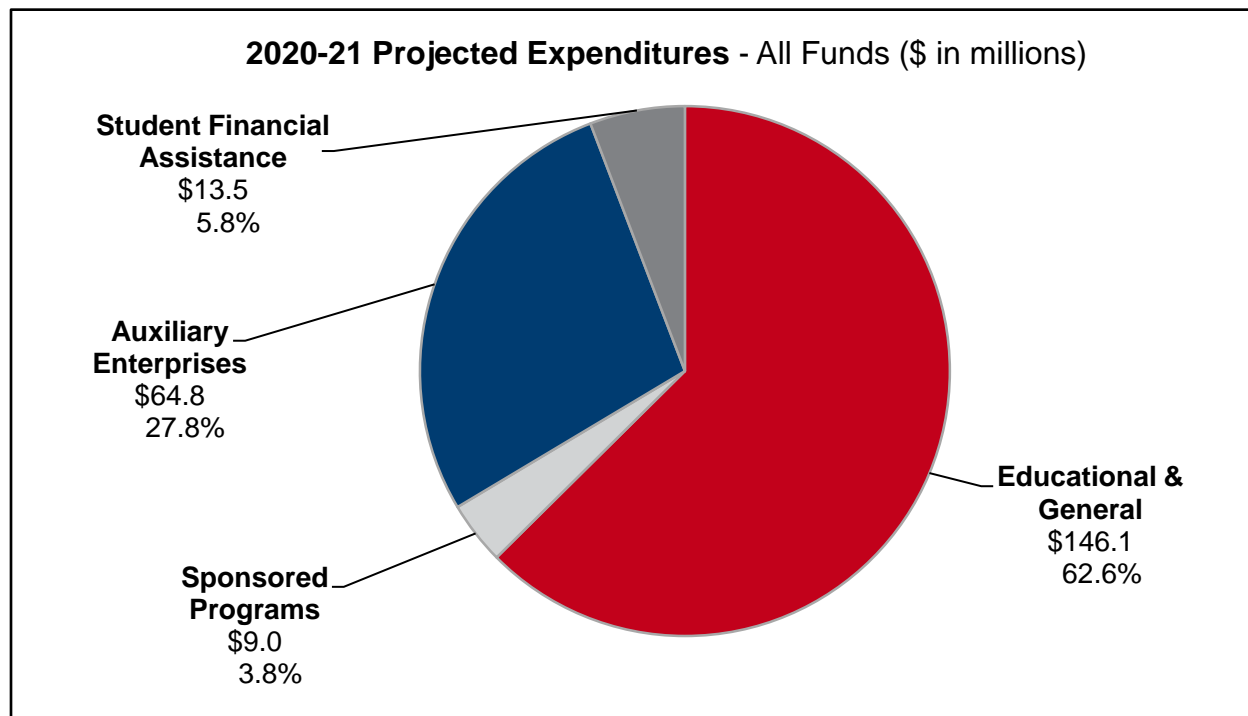
Expenditures are expected to total \$233.4 million for 2020-21. Projected expenditures are set less than projected revenues due to required Auxiliary Enterprises reserve fund deposits that must be generated to meet the SCHEV guidelines for operating, equipment renewal and replacement, and capital projects.

Figure 4 illustrates projected expenditures for each of the major programs which include:

- **Educational & General (E&G):** Activities to provide instruction, research, public service, academic support (e.g., library, deans), student support services (e.g., admissions, financial aid, registrar), and program support (e.g., administration, institutional support, physical plant) services.
- **Student Financial Assistance:** Activities to provide financial assistance to Virginia students.
- **Financial Assistance for Educational and General Services Program (Sponsored Programs, Grants and Contracts):** Activities to provide additional resources for educational and general services through third-party grants, contracts, and research.
- **Auxiliary Enterprises:** Self-supporting activities to provide goods or services to students, faculty, staff, and visitors (e.g. residence halls, dining services, bookstore, athletics, student activities, etc.).

The E&G program represents 62.6 percent of the expenditures budgeted while Auxiliary Enterprises accounts for 27.8 percent. The remaining 9.6 percent is split between Student Financial Assistance and Sponsored Programs.

**Figure 4: 2020-21 Projected Expenditures by Major Program**



Attachment I and Schedules A and B provide an overview of the University’s proposed 2020-21 operating budget by major program. Attachment I details the 2020-21 Funded E&G Initiatives by Division, Schedule A provides an overview of the 2020-21 Total University Operating Budget, and Schedule B reflects the 2020-21 Auxiliary Enterprise Budget by major program area.

The following is a narrative description by major program to complement the financial information presented in Attachment I and Schedules A and B.

***Educational & General (E&G) Program***

The Educational and General (E&G) program supports instruction, academic support, libraries, public service, student services, institutional support, and operation/maintenance of the physical plant. The proposed 2020-21 E&G operating budget (base and one-time) totals \$146.1 million. The projected decrease in E&G revenue is primarily derived from decreases in projected tuition revenue due to enrollment declines.

In 2020-21, the percentage of the E&G budget supported by general funds is projected to be 40.8 percent. The University is anticipated to receive \$1.1 million in new general funds over the previous year for central appropriation adjustments, mandated minimum wage increase, and investment in Tech Talent. Projected E&G nongeneral fund revenue is derived primarily from tuition and fees at \$82.5 million with all other E&G revenue totaling \$3.9 million.

## **Resource Allocations**

During the June 2020 Board of Visitors meeting, programmatic priorities were outlined and incorporated into the proposed 2020-21 budget. Attachment I provides an overview of the E&G base budget initiatives funded in 2020-21. In addition, Attachment II illustrates the initial budget assumptions provided to the Board in June 2020, as well as, any changes that occurred prior to finalization of the actual 2020-21 operating budget.

### ***Student Financial Assistance Program***

Commonwealth support from the general fund is appropriated for scholarships and fellowships to undergraduate and graduate students. The authorized general fund appropriation for fiscal year 2020-21 is \$13.5 million, which is the same as fiscal year 2019-20. In addition to general fund support, the University continues to commit \$1.9 million from institutional nongeneral fund resources to support undergraduate need-based financial aid.

### ***Financial Assistance for Educational and General Services Program (Grants/Contracts)***

The University receives external funding for grants and contracts from a variety of federal, state, private, and local sources. For fiscal year 2020-21, estimated annual activity for Sponsored Programs is projected at \$8.9 million.

### ***Auxiliary Enterprises Program***

The Auxiliary Enterprises program supports student service activities such as residential life, dining, athletics, recreation, student health, and transportation. Funding for this program is generated from contract commissions and fees assessed to students and/or users. The Commonwealth requires Auxiliary Enterprises to be financially self-supporting. For this reason, general fund support and tuition revenue cannot be allocated to these activities.

For fiscal year 2020-21, the revenue budget for Auxiliary Enterprises is projected to be \$68.3 million. It should be noted that all auxiliary budgets were adjusted to account for decreased revenue from enrollment declines, increases in fringe benefit and minimum wage rates, and utility changes, as necessary.

It is projected that approximately \$3.4 million will be generated in 2020-21 for reserve fund contributions which can be used for future debt service, maintenance reserve projects, and construction and/or renovation costs associated with future capital projects. The following are future considerations for auxiliary reserve balances: residence hall improvements, athletic complex renovations, equipment renewal and replacement, and land acquisition.

### **Action:**

Radford University Board of Visitors approval of the 2020-21 operating budget as presented in Schedule A for Total Operating Budget and Schedule B for Auxiliary Enterprises.



**RADFORD UNIVERSITY BOARD OF VISITORS**

**Resolution**

**September 11, 2020**

**Approval of the Radford University 2020-21 Operating Budget**

**BE IT RESOLVED**, the Radford University Board of Visitors approves the fiscal year 2020-21 operating budget as presented in Schedule A for Total Operating Budget and Schedule B for Auxiliary Enterprises.

**Radford University**  
**E&G Initiatives by Division**  
**2020-21**

Division	Dollars in Thousands (\$)			Resources Total
	Mandatory	Programmatic	Division Reallocations	
<b>Academic Affairs</b>				
Doctorate of Physical Therapy (To RUC)			\$1,581.5	\$1,581.5
Doctorate of Physical Therapy (From Main Campus)			(1,581.5)	(1,581.5)
Promotion & Tenure	237.9			237.9
Savings Strategies - Personnel			(3,419.7)	(3,419.7)
Savings Strategies - Operating			(1,617.5)	(1,617.5)
<b>Academic Affairs Total</b>	<b>\$237.9</b>		<b>(\$5,037.2)</b>	<b>(\$4,799.3)</b>
<b>Central Administration</b>				
Savings Strategies - Operating			(\$114.9)	(\$114.9)
<b>Central Administration Total</b>			<b>(\$114.9)</b>	<b>(\$114.9)</b>
<b>Central Resources</b>				
<b>Salary Increases</b>				
Pay Band Adjustments	\$24.9			\$24.9
FLSA Adjustment	2.7			2.7
Minimum Wage	28.3			28.3
Total Salary Adjustments	\$55.8			\$55.8
<b>Fringe Benefits</b>				
VRS/VaLORS Retirement Rate Changes	\$376.3			\$376.3
Other Fringe Adjustments	82.5			82.5
Total Fringe Adjustments	\$458.7			\$458.7
<b>Other Increases</b>				
Commonwealth's Tech Talent Program		\$670.9		\$670.9
Central Systems (PBS, CRDNL, PMIS, VITA)	(24.5)			(24.5)
Contracts & Compliance (Insurance, Lease)	184.1			184.1
Savings Strategies - Operating			(1,847.5)	(1,847.5)
<b>Central Resources Total</b>	<b>\$674.2</b>	<b>\$670.9</b>	<b>(\$1,847.5)</b>	<b>(\$502.4)</b>
<b>Information Technology</b>				
Savings Strategies - Personnel			(\$328.9)	(\$328.9)
Savings Strategies - Operating			(305.6)	(305.6)
<b>Information Technology Total</b>			<b>(\$634.5)</b>	<b>(\$634.5)</b>
<b>Finance &amp; Administration</b>				
Savings Strategies - Personnel			(\$996.3)	(\$996.3)
Savings Strategies - Operating			(148.0)	(148.0)
<b>Finance &amp; Administration Total</b>			<b>(\$1,144.3)</b>	<b>(\$1,144.3)</b>
<b>Student Affairs</b>				
Savings Strategies - Personnel			(\$81.9)	(\$81.9)
Savings Strategies - Operating			(7.3)	(7.3)
<b>Student Affairs Total</b>			<b>(\$89.2)</b>	<b>(\$89.2)</b>
<b>Enrollment Management</b>				
Transfer Initiative		\$181.9		\$181.9
Marketing and Branding		50.0		50.0
Savings Strategies - Personnel			(216.3)	(216.3)
Savings Strategies - Operating			(146.8)	(146.8)
<b>Enrollment Management Total</b>		<b>\$231.9</b>	<b>(\$363.1)</b>	<b>(\$131.2)</b>
<b>University Advancement</b>				
Savings Strategies - Personnel			(\$173.1)	(\$173.1)
Savings Strategies - Operating			(68.7)	(68.7)
<b>University Advancement Total</b>			<b>(\$241.8)</b>	<b>(\$241.8)</b>
<b>University Relations</b>				
Marketing and Branding		\$50.0		\$50.0
Savings Strategies - Personnel			(208.9)	(208.9)
<b>University Relations Total</b>		<b>\$50.0</b>	<b>(\$208.9)</b>	<b>(\$158.9)</b>
<b>University Total</b>	<b>\$912.0</b>	<b>\$952.8</b>	<b>(\$9,681.3)</b>	<b>(\$7,816.5)</b>

**Radford University  
Resource Allocation  
2020-21**

	<b>Main Campus</b>		
	<i>Original June 2020 Assumptions</i>	<i>Proposed Sept. 2020 Budget</i>	<b>Dollar Change</b>
<b>REVENUE</b>			
<b>General Fund Changes</b>			
2020-21 General Fund Adjustment	\$0	\$0	\$0
2020-21 Tuition Moderation Funding	0	0	0
2020-21 Tech Talent Funding	891,993	891,993	0
2020-21 Minimum Wage	15,210	15,210	0
2020-21 Fringe Rate Changes	236,155	236,155	0
2020-21 Central Systems & Other Changes	(1,342)	(1,342)	0
<b>Total GF Change</b>	<b>\$1,142,016</b>	<b>\$1,142,016</b>	<b>\$0</b>
<b>Nongeneral Fund Changes</b>			
Tuition Policy Change - 18 CH	\$250,000	\$250,000	\$0
Tuition Alignment	(7,047,327)	(6,355,241)	692,086
Sales & Services	(30,234)	(234)	30,000
Private Support	(276,653)	(276,653)	0
DPT Transfer To RUC Campus	(1,581,544)	(1,581,544)	0
Need Based Scholarships	(1,240,102)	(1,240,102)	(1)
<b>Total NGF Changes</b>	<b>(\$9,925,860)</b>	<b>(\$9,203,774)</b>	<b>\$722,086</b>
<b>Total Revenue Changes</b>	<b>(\$8,783,844)</b>	<b>(\$8,061,758)</b>	<b>\$722,086</b>
<b>EXPENSES</b>			
<b>Non-Discretionary Cost Increases</b>			
<b>Mandatory Costs</b>			
<b>Salary Adjustments</b>			
2020-21 FLSA Adj	\$2,360	\$2,360	\$0
2020-21 Minimum Wage Adj	25,350	25,350	0
2020-21 Pay Band Adj	9,943	9,943	0
<b>Fringe Adjustments</b>			
2020-21 Fringe Rate Changes	\$434,931	\$434,931	\$0
<b>Central Cost Commitments</b>			
AA Promotion & Tenure	\$237,853	\$237,853	\$0
Contracts & Compliance	51,666	51,666	0
Tech Talent	670,904	670,904	0
Transfer Initiative	181,865	181,865	0
<b>Sub-Total Central Commitments</b>	<b>\$1,614,872</b>	<b>\$1,614,872</b>	<b>\$0</b>
<b>Division Recurring Requirements</b>			
Academic Affairs	(\$1,581,544)	(\$1,581,544)	\$0
<b>Sub-Total Division Requirements</b>	<b>(\$1,581,544)</b>	<b>(\$1,581,544)</b>	<b>\$0</b>
<b>Total Non-Discretionary Cost Increases</b>	<b>\$33,328</b>	<b>\$33,328</b>	<b>\$0</b>
<b>SURPLUS/(DEFICIT)</b>	<b>(\$8,817,172)</b>	<b>(\$8,095,086)</b>	<b>\$722,086</b>
<b>REALLOCATION SCENARIOS</b>			
<b>Division Savings</b>			
Academic Affairs	(\$5,061,399)	(\$5,037,249)	\$24,150
Finance & Administration	(1,144,289)	(1,144,289)	0
Information Technology	(634,542)	(634,542)	0
Central Administration	(114,878)	(114,878)	0
Student Affairs	(89,214)	(89,214)	0
University Relations	(208,855)	(208,855)	0
University Advancement	(241,809)	(241,809)	0
Enrollment Management	(363,078)	(363,078)	0
<b>Total Divisional Budgets</b>	<b>(\$7,858,064)</b>	<b>(\$7,833,914)</b>	<b>\$24,150</b>
Central Resources	(959,108)	(261,172)	697,936
<b>Total Savings Strategies</b>	<b>(\$8,817,172)</b>	<b>(\$8,095,086)</b>	<b>\$722,086</b>
<b>Total Base Budget</b>	<b>(\$8,783,844)</b>	<b>(\$8,061,758)</b>	<b>\$722,086</b>
<b>SURPLUS/(DEFICIT)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Radford University  
Resource Allocation  
2020-21**

	<b>Radford University Carilion (RUC)</b>		
	<i>Original</i> <b>June 2020 Assumptions</b>	<i>Proposed</i> <b>Sept. 2020 Budget</b>	<b>Dollar Change</b>
<b>REVENUE</b>			
<b>General Fund Changes</b>			
2020-21 General Fund Adjustment	\$0	\$0	\$0
<b>Total GF Change</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Nongeneral Fund Changes</b>			
Tuition & Fee Decrease	(\$2,166,049)	(\$2,166,049)	\$0
DPT Transfer from Main Campus Tuition	1,551,544	1,551,544	0
DPT Transfer from Main Campus Course Fee	30,000	30,000	0
Tuition Waiver Decrease	300,000	300,000	0
<b>Total NGF Changes</b>	<b>(\$284,505)</b>	<b>(\$284,505)</b>	<b>\$0</b>
<b>Total Revenue Changes</b>	<b>(\$284,505)</b>	<b>(\$284,505)</b>	<b>\$0</b>
<b>EXPENSES</b>			
<b>Non-Discretionary Cost Increases</b>			
<b>Mandatory Costs</b>			
<b>Salary Adjustments</b>			
2020-21 FLSA Adj	\$290	\$290	\$0
2020-21 Minimum Wage Adj	2,917	2,917	0
2020-21 Pay Band Adj	14,915	14,915	0
<b>Fringe Adjustments</b>			
2020-21 Fringe Rate Changes	\$48,786	\$23,786	(\$25,000)
<b>Central Cost Commitments</b>			
Contracts & Compliance	\$108,000	\$108,000	\$0
<b>Sub-Total Central Commitments</b>	<b>\$174,908</b>	<b>\$149,908</b>	<b>(\$25,000)</b>
<b>Division Recurring Requirements</b>			
Academic Affairs	\$1,601,544	\$1,581,544	(\$20,000)
University Relations	50,000	50,000	0
Enrollment Management	50,000	50,000	0
<b>Sub-Total Division Requirements</b>	<b>\$1,701,544</b>	<b>\$1,681,544</b>	<b>(\$20,000)</b>
<b>Total Non-Discretionary Cost Increases</b>	<b>\$1,876,452</b>	<b>\$1,831,452</b>	<b>(\$45,000)</b>
<b>SURPLUS/(DEFICIT)</b>	<b>(\$2,160,957)</b>	<b>(\$2,115,957)</b>	<b>\$45,000</b>
<b>REALLOCATION SCENARIOS</b>			
<b>Operational Strategies</b>			
Eliminate Returned Support	(\$1,586,287)	(\$1,586,287)	\$0
<b>Total Operational Strategies</b>	<b>(1,586,287)</b>	<b>(1,586,287)</b>	<b>0</b>
Central Resources	0	0	0
<b>Total Savings Strategies</b>	<b>(\$1,586,287)</b>	<b>(\$1,586,287)</b>	<b>\$0</b>
<b>Total Base Budget</b>	<b>\$290,165</b>	<b>\$245,165</b>	<b>(\$45,000)</b>
<b>SURPLUS/(DEFICIT)</b>	<b>(\$574,670)</b>	<b>(\$529,670)</b>	<b>\$45,000</b>
<b>One-time - Lease Prepayment</b>	<b>(\$574,670)</b>	<b>(\$529,670)</b>	<b>\$45,000</b>
<b>SURPLUS/(DEFICIT)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

# September 2020 Meeting Reports

**RADFORD UNIVERSITY**

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Board of Visitors

# Academic Affairs Report

## Radford University Board of Visitors

September 2020

Members of the Radford University Board of Visitors:

Thank you for this opportunity to update you on recent events in the Division of Academic Affairs. My first 2 ½ months as the Provost at Radford University have been eventful and remarkable. I have established meetings with my direct reports and have started meeting with departments and schools. I will be meeting with more than 30 departments on campus this semester, to learn more about our majors, programs, and faculty. It has been a true pleasure getting to know my new colleagues and having experienced such a warm welcome to this community.

### **REAL Update**

Approximately 60% of departments have submitted courses and/or program curriculum proposals to implement the REAL Curriculum. The remaining departments continue to work to complete the submission processes this fall and begin to prepare for the recruitment and support of new students intending enrollment in Fall 2021. All departments in the College of Visual and Performing Arts and Davis College of Business and Economics have submitted proposals, with dozens of other departments across campus engaged as well.

Many departments have considered innovative curriculum revisions and development of additional programming in the form of minors to make the most of the flexibility and autonomy afforded to students under the new curriculum. These are exciting credentialing opportunities for our students and ways to engage them across the disciplines in our colleges and departments.

As we near the completion of the curriculum process, our faculty and staff in many units are beginning to develop and implement marketing, recruitment, and support elements to ensure students are successful. Transfer students are a specific area of focus for these efforts as we consider how the REAL Curriculum opens up degree completion opportunities and expands the credentialing available to all Radford University students.

### **Update on Academic Success Center (ASC)**

In February 2020, President Hemphill made a campus-wide announcement regarding the creation of the Academic Success Center (ASC) at Radford University. On July 1, 2020, Corey H. Cassidy, Ph.D., professor in the Department of Communication Sciences and Disorders and former Associate Dean of the Waldron College of Health and Human Services, was hired as Executive Director of the ASC. The remodel of the 3<sup>rd</sup> and 4<sup>th</sup> floors of Young Hall was completed in mid-July and the ASC officially opened its doors to students on July 28, 2020.

The current composition of the ASC team includes 15 faculty and staff:

- 1 executive director;
- 1 receptionist/administrative assistant;
- 4 professional academic advisors (representing 4 of the 6 undergraduate colleges);
- 3 professional academic advisors from the Advising Center for Major Exploration;

- 3 staff/academic advisors from the Office of New Student and Family Programs; and
- 3 staff/academic advisors from the Office of Student Success.

Based on the Student Retention Predictor data provided by Ruffalo Noel Levitz and with a focus on incoming, first-year students, ASC advisors were each assigned a caseload and have provided centralized, holistic, individualized academic advising to the following cohort:

- 1,015 students
- 755 first-year (freshman) students enrolled in programs across all six undergraduate colleges; and
- 250 Major Exploration (pre-major) students, including first-year and second-year students.

Between July 28 and August 28, the ASC has served students through 513 recorded touchpoints, including in-person individual sessions, Zoom meetings, and telephone consultations. These connections have addressed a variety of student needs, ranging from academic improvement, change of major or minor, course withdrawal, questions about the student's current program, and schedule adjustments.

In addition to serving students directly, the ASC team has completed 16 hours of structured professional development and cross-training over the past four weeks. Professional development has focused on the following areas:

- Mechanics of academic advising;
- Evidence-based practice and application of the case management model;
- Developmental, proactive advising approach; and
- Awareness of and access to university and community resources.

The ASC team will continue to engage in three to six hours of training per week throughout the 2020-2021 academic year.

In 2021-2022 (Phase II), the ASC will be fully staffed (at 32) when all professional academic advisors from each of the colleges join the team in Young Hall. A fully integrated student experience will be implemented for all incoming students, beginning with Quest (Radford University student orientation) in the summer of 2021. At that time, all incoming students, including freshman and transfer students, will also be assigned to and served by the ASC team and co-faculty advisors. Sophomores (from the 2020-2021 incoming student cohort) will also continue to be provided with direct advising services by the ASC team.

Beginning prior to, throughout, and beyond Quest, faculty advising liaisons, faculty advisors and mentors, and the ASC team will work together to create intentional and multiple touchpoints with freshman and sophomore students in their respective programs to ensure connections are made and relationships are built between students and faculty from the very beginning of each student's journey at Radford University.

As students enter into their third year at Radford University, faculty advisors and mentors in the students' major will transition from co-advisors to primary academic advisors to our students. Also, within this phase, ASC services for Radford University Carilion students and faculty will be finalized and implementation will be initiated.

### **Introduction of New Dean**

The Division of Academic Affairs welcomes Johnnie Sue Wijewardane, Ph.D. as the new Dean in the School of Nursing. She started on August 3 and has already been a delightful addition to the Leadership Team. Dr. Wijewardane received a Bachelor of Science in Nursing, a Master of Science in Nursing with an emphasis in emergency and trauma management, and a Doctor of Philosophy in Nursing with additional focus in psychometrics and evaluation, family and child obesity, and self-efficacy from the University of Mississippi Medical Center.

### **New Faculty for Fall 2020**

Radford University welcomed 21 new faculty to the 2020-2021 academic year. These faculty represent a number of disciplines and come from as far away as Utah, California and Florida. We wish them a successful year and welcome them to the Highlander family. A number of the new faculty are our own alumni who have stated they are excited to be back on campus as faculty members!

Respectfully submitted,  
Carolyn Ringer Lepre, Ph.D.  
Provost and Vice President for Academic Affairs



**RADFORD UNIVERSITY BOARD OF VISITORS  
ACADEMIC AFFAIRS REPORT  
INFORMATION ITEM**

**EMERITUS FACULTY**

September 11, 2020

Based on recommendations from the Department Personnel Committee, the Department Chair, the College Dean, and the Provost, President Hemphill has awarded emeritus status to the following retired faculty members:

Professor Halide Salam	Department of Art
Professor Elizabeth “Betty” Dore	School of Teacher Education and Leadership
Professor Edward Okie	School of Computing and Information Sciences

Criteria for the awarding of emeritus faculty status are:

- A minimum of ten years of service to Radford University;
- Evidence of effective teaching; and
- Significant professional contributions.

The privileges and responsibilities attached to emeritus status include:

- Use of the library;
- Use of those athletic facilities available to regular faculty;
- Use of a university computer account;
- A Radford University identification card and special event discounts available with it; and
- Attendance at University functions that are open to all regular faculty.

# Faculty Representative Report

Radford University Board of Visitors

September 2020

Members of the Radford University Board of Visitors:

## **Summer 2020 Summary**

The summer of 2020 was among the most active in Faculty Senate's history. Faculty Senate met on June 26 to consider a series of motions in response to the Board of Visitors' motion regarding budget reduction strategies. Between June 12 and June 26, President Hemphill met with faculty via online forums on three occasions. Over the course of a record-setting meeting, we ultimately passed four motions

(<https://www.radford.edu/content/dam/departments/administrative/faculty-senate/Motions/2020-2021/20-21MotionBook.pdf>).

I wish to commend our stellar faculty representatives for modeling their commitment and dedication to shared governance and Radford University during this meeting. On a personal note, I want to recognize the Board of Visitors' amendment to the June 12 motion regarding budget reduction strategies that was made during their recent August meeting. The effort of the Board of Visitors to acknowledge and respond to faculty concerns regarding the original motion is appreciated. The Faculty Senate looks forward to opportunities in the future to work proactively with the Board of Visitors on matters of shared governance.

Along with the six members of the Faculty Senate Executive Council, Kurt Gingrich, Ph.D. was appointed as the College of Humanities and Behavioral Sciences representative to the Academic Strategic Budgeting Advisory Group. To support us in this work, an ad-hoc group of faculty quickly mobilized and collected and organized their departments and colleges' efforts to provide additional supporting materials to the group's pending analysis. I want to thank the faculty from the six undergraduate colleges and the library who served on this ad-hoc group. Also, thank you to the Program Area Leaders, Chairs, Directors, and faculty who contributed information to those reports in such a quick timeframe during the summer. The information they provided proved invaluable as we considered recommendations.

The Academic Strategic Budgeting Advisory Group began by first reviewing the Strategic Plan and discussed who we are as an institution. At our core, we are student-centered and our mission is to serve our students. These goals and values informed the criteria that we designed and then applied to programs, departments, and units across Academic Affairs to arrive at a set of data-informed recommendations. The seven faculty, along with Vice Presidents Ashley Schumaker, Chad Reed and Wendy Lowery, Dean Tammy Wallace, and Provost Lepre submitted our recommendations on August 3, 2020. We anticipate sharing our recommendations with the Leadership Council in the near future. Faculty keenly await the President and BOV determinations of the budget recommendations.

## **REAL Update**

Over the summer, the REAL Council reviewed 484 course proposals, including Virginia Community College System (VCCS) transfer equivalencies and has processed 82 program proposals. The first of the program proposals are beginning to make their way through Faculty Senate. We are currently on track to complete 95% of the initial REAL Curriculum work by

the start of the new year, which will facilitate the transition to REAL in Fall 2021. In addition to this curriculum work, a working group of six faculty and staff are currently in the process of designing the university-wide assessments that will be used for REAL Studies minors. The plan is to pilot the assessments in Spring 2021 with an analysis of the resulting data to ensure quality assessment for the launch in Fall 2021.

This fall semester, the Academic Policies and Procedures Committee will also consider adjustments in academic policies and procedures related to transfer and degree completion intended to increase the University's ability to attract and support transfer students. These changes are designed to improve both the process of transfer generally and the application of transfer credits to majors, minors, and certificates under the REAL Curriculum.

The entire university is gearing up to support the REAL Curriculum. Communication and marketing plans are in development and will highlight the excellent academic programming available on our campus with the goal of demonstrating the unique nature of the REAL Curriculum. University Relations, Information Technology Services, and academic support areas of Academic Affairs have all begun to plan for the Fall 2021 launch of the REAL Curriculum. These plans will aid academic departments and schools' abilities to demonstrate how the study of their disciplines fuel student success and lifelong contributions to the world around us. From websites to marketing videos, Radford University is preparing to step into a new future with REAL as our focus on student success.

### **Upcoming and Current Work**

This fall, the Governance Committee will shepherd motions through Faculty Senate related to changes to the Teaching and Research Faculty Handbook and the Academic Governance documents necessitated by the reorganization of Waldron College of Health and Human Services that resulted from the merger.

Several Faculty Senate committees will examine the impacts of the COVID-19 pandemic on a variety of faculty issues, such as student evaluations of faculty and tenure and promotion recommendations. Many faculty have reported that their professional contributions have been negatively impacted by the pandemic. Additionally, questions have been raised about how teaching should be evaluated in such changing, unfamiliar conditions.

### **Conclusion**

To close, I would like to commend the dedicated faculty and staff at Radford University, as we have flexibly adapted to support our students within the frequently changing environment. Whether it is faculty attempting to toggle simultaneously between the face-to-face classroom and online Zoom environments, or staff going above and beyond to connect students to services and support, I daily hear stories of faculty and staff doing their absolute best to help students be successful. And together, we do all of this while trying to keep ourselves, our families, and the students safe and healthy. In these challenging times, I have never been prouder to be a member of Radford University's faculty.

Respectfully submitted,

Katie Hilden, Ph.D.  
Faculty Senate President  
Professor of Literacy Education

## Information Item

### Write off of Past Due Accounts Update

#### Item:

A report of all past due accounts written off in the previous fiscal year is presented annually at the September meeting of the Board of Visitors.

#### Background:

The Virginia Department of Accounts Commonwealth Accounting Policies and Procedures (CAPP) Manual, Topic 20505, *Accounts Receivable*, states that delinquent accounts should be written off an agency's financial accounting records when all collection procedures, including those procedures required by the Office of the Attorney General (OAG), have been conducted without results and management deems the accounts uncollectible. Accounts are deemed uncollectible if the collection account is over one year old and no payments have been received. The OAG accounts are deemed uncollectible if no payment has been made in one year from the time it is placed with the OAG. Accounts are written off effective the last day of the quarter in which this time period applies.

When accounts are written off, they are removed from an agency's financial accounting records. Writing off the debt for accounting purposes does not discharge the debt. The debt is still owed to the Commonwealth, but is no longer reported on the agency's books as a receivable. Eligible written off receivables must continue to be submitted to the Commonwealth's debt setoff program.

In 2006, the Radford University Board of Visitors delegated authority to write off uncollectible accounts under the amount of \$25,000 per quarter to the Vice President for Finance and Administration and Chief Financial Officer. To meet financial reporting standards in a timely manner, the Board of Visitors revised the write-off delegation in 2014 to authorize the Vice President for Finance and Administration and Chief Financial Officer to write off all uncollectible accounts meeting State and University guidelines at the end of the reporting quarter, regardless of amount and provide an annual report of the previous year-ending activity at the September Business Affairs and Audit Committee meeting.

Below is a summary of the accounts written off by type of charge that have been returned by one of the University's third party collection agencies as uncollectible, or referred to the OAG, and were deemed uncollectible during the fiscal year ending June 30, 2020:

Classification	Quarter	Quarter	Quarter	Quarter	FY	FY
	Ending	Ending	Ending	Ending	2020	2020
	9/30/2019	12/31/2019	3/31/2020	6/30/2020	Total \$	Total Count
Tuition & Fees	\$48,653	\$26,003	\$52,202	\$22,870	\$57,301	81
Parking & Fines	2,226	3,793	5,406	6,099	15,214	216
Residential Life	384	0	717	90	783	24
Returned Items	50	0	100	150	300	5
Discharged Litigation Cost	748	2,553	5,526	0	4,300	11
<b>Total Approved Write-offs</b>	<b>\$51,797</b>	<b>\$32,350</b>	<b>\$64,500</b>	<b>\$60,636</b>	<b>\$209,283</b>	<b>337</b>

**Action:** None. Informational only.

## Information Item

### Capital Projects Update

**Item:** Facilities Planning and Construction update on capital projects.

**Background:** Currently, the University has **no active capital projects** in progress, and **four upcoming capital projects**. Following is an update and project summary:

#### 1. Center for Adaptive Innovation and Creativity

Project Budget ----- \$4,000,000  
(Detailed Planning only)

Architect/Engineer Firm----- Hord Coplan and Macht

Construction Manager----- Skanska

The Center for Adaptive Innovation and Creativity project was approved for Detailed Planning in July 2018, as described in the RU six-year capital plan submission to the state in December of 2017.

The Center will address an array of significant existing programmatic and building deficiencies across a number of academic colleges. The approximately 178,000-square-foot multi-story building will include state-of-the-art instruction, laboratory, maker, studio, computer, and collaborative spaces that integrate the arts and health sciences, along with office and other academic support functions. Specialty spaces will include an instructional auditorium and support spaces, health science clinical lab spaces, painting and drawing studio spaces, and music and dance studio spaces. The project will be located in a prominent area of campus directly adjacent to East Main Street, and will respond aesthetically to the existing buildings along this important campus corridor.

The project scope will generally provide for demolition of the existing Porterfield East and West Halls and McGuffey Hall and construction of the new building and building systems and components including HVAC, plumbing, electrical, fire alarm and detection, fire suppression, lightning protection, and elevators. The project will replace existing facilities and building systems nearly 50 years old that are inadequate for today's learning environment and technologies. Significant utility impacts will be accommodated, along with erosion/sediment control and stormwater management requirements. The impact of required swing spaces are being investigated during the preliminary design phases of the project.

The solicitation for design services was advertised on May 1, 2018, and the firm of Hord, Coplan and Macht was selected and the design began in July. The initial Programming effort has been completed, and early building schemes were developed and approved by RU. Geotechnical investigations and site/utility surveying are complete. The state's Department of Historic Resources has approved the proposed demolition, and the Environmental Impact Report has been approved by DEQ. The demolition package has been approved by AARB, along with final approval of the new building design package by AARB as well. The Schematic Design Package was submitted to DEB in November, with subsequent approval in December. The Preliminary Design Package and Estimate was submitted to DEB in May 2019, with subsequent approval in July.

RU's request to utilize the Construction Management-at-Risk delivery method was approved by DEB, and the solicitation for CM-at-Risk services was advertised on July 22, 2018. Qualifications packages were received on August 21, with RFP proposals and interviews in mid-September. The contract for pre-construction services was awarded to Skanska on October 8, and their team provided pre-construction services for the project.

The Capital Budget Request for the project was submitted in June 2019, and was included in the approved 2021-22 biennial budget bond package; however, the budget is awaiting final execution due to the COVID-19 situation. If funding is approved in August/September, the final design would get underway, with demolition in Summer 2021 and project completion ready for classes in Fall 2024. The project estimate is currently \$97,800,000.

## **2. Tyler-Norwood Renovation**

The Master Plan identifies Norwood Hall and Tyler Hall as the next on-campus residence halls to be renovated. The renovation scope will provide for the replacement of plumbing piping, fixtures, HVAC systems, fire alarm systems, electrical upgrades, accessibility improvements, and asbestos abatement, similar to the renovation scopes recently completed for the Moffett Quad residence halls in 2016. In addition to the above project scopes, the buildings will incorporate living-learning community components, possibly for the Honors College. These transforming features will give vibrant new life to these buildings built in the 1930's.

A request for proposal (RFP) has been solicited for the architect and engineering (AE) design firm and the Building Committee has been selected. Proposals were received in February, but the project solicitation has been placed on hold for the time being. The target date for the start of construction has not been established and is under review in the Post COVID-19 environment. The project has a total budget of \$17,000,000.

## **3. Hotel**

The Radford University Foundation and the City of Radford have identified the property location at the corner of Tyler Avenue and Lawrence/Calhoun Streets for a hotel/conference center. The Foundation and the City are working with Jones Lang LaSalle, a commercial real estate firm, for this development opportunity. The hotel is planned to have approximately 125 rooms and a rooftop restaurant, along with a conference center and adjacent parking. The project is planned to be completed in 2022/2023.

The Foundation and the University jointly prepared and submitted an application for rezoning to the City of Radford Planning Commission. City Council endorsed and approved the Planning Commission's recommendation for rezoning on August 24, 2020.

#### **4. River Campus**

The Master Plan identified development of the River Campus on University and City of Radford properties adjacent to the New River. Stakeholder meetings have taken place, including academic and student affairs, and an initial visioning document has been compiled. The visioning document will serve to identify initial projects for execution, and planning and prioritization of further River Campus development projects.

The overall River Campus development includes zones for higher density public activities such as an amphitheater, event space, food and beverage areas, and associated support spaces; for quieter academic and passive recreation spaces; and for highly active recreation and student engagement areas.

Initial projects will likely include greenway extension and trails, outdoor seating and gazebos, riverside boardwalks, and event areas. Further development projects include more significant public projects such as the amphitheater and food services, along with more recreation-based projects such as access to the river for people and boats, climbing walls and bouldering, and zip lines and ropes courses.

The development of the River Campus will need to be carefully executed with the cooperation of the City, and will also need to be coordinated with all regulatory and permit requirements.



## Information Item

### Information Technology Services Update

#### Item 1:

Information Technology Services Organization Update

#### Background

Upon the retirement of Vice President for Information Technology and Chief Information Officer Danny M. Kemp, Radford University's Division of Information Technology became an integral part of the Division of Finance and Administration. The mission and function of Information Technology Services, formally Division of Information Technology, remained unchanged; however, a new organizational framework was implemented to be consistent with many other higher education institutions in the Commonwealth of Virginia and across the nation.

#### Overview of Changes

Effective June 25, 2020, the Division of Information Technology was renamed Information Technology Services. Ed Oakes oversees the area as the Associate Vice President for Information Technology Services and Chief Information Officer reporting directly to the Vice President for Finance and Administration and Chief Financial Officer, Chad Reed. Mr. Oakes earned a Bachelor of Science in Computer Science and a Master of Science in Education with a concentration in technology from Radford University. In addition, Mr. Oakes has over 25 years of information technology experience with the University. Mr. Oakes provides day-to-day leadership for the Information Technology Services function and staffing. Mr. Oakes direct reports include:

- Randa McDonald – Senior Director of Information Technology Services
- Lisa Blackwell – Director of Enterprise Systems
- Lisa McDaniel - Director of Technology Support Services
- Todd Joyce – Director of Information Technology Infrastructure
- Andrew Travis – Information Security Officer
- Scott Shull – Director of Electronic Engineering & Communication Services
- Sandy Schronce – Administrative Assistant & Customer Service Specialist
- Wendy Bowman – Business Manager

Ed Oakes and Lisa Blackwell also serve as representatives on the Finance and Administration Leadership Team.

## **Item 2:**

### OneCampus Portal Implementation

#### **Background**

The MyRU portal is the hub where students, faculty and staff access dozens of campus directories, notifications, applications and useful information relevant to daily campus life. MyRU allows users to navigate commonly used tools, such as email, Handshake, Desire 2 Learn (D2L) and the newly implemented COVID-19 Symptom Tracker. Currently, students use MyRU to access and manage their student responsibilities such as: register for Quest, manage their financial aid, register for classes, review their student account, etc. Currently, MyRU uses older technology that is no longer being enhanced by the vendor and will be replaced by a new portal from rSmart, named OneCampus.

#### **System Features and Timeline**

OneCampus is a modern, mobile-friendly online portal that will streamline the ways users access and connect with many of the University's campus services. OneCampus has a modern and manageable interface, as well as a powerful search capability. It is hosted on Amazon Web Services – a secure and widely used hosting platform. OneCampus system features include:

- Cloud hosted by vendor to simplify management and provide continual updates;
- Streamlined access to campus services;
- Allows users to identify and save “favorites” for easy access;
- Allows users to search by keyword to locate a systems and services;
- Includes Direct links to many systems and services reducing the number of clicks required; and
- Responsive and mobile friendly design.

At present, MyRU and OneCampus are running concurrently. OneCampus will become the default for all users in mid-fall, and MyRU will be decommissioned this winter.

Members of the Radford University Board of Visitors:

Our vision is to contribute to the overall economic growth of the Commonwealth of Virginia by fostering strategic partnerships, developing robust talent pipelines and providing innovative workforce development solutions to positively impact the region in which we serve. We achieve this through the symbiotic relationship between the Vinod Chachra IMPACT Lab, the Center for Career and Talent Development, and Economic Development and Corporate Partnership initiatives.

### **Vinod Chachra IMPACT Lab**

The Vinod Chachra IMPACT Lab provides competency-based education to adult learners. Since its inception, the Vinod Chachra IMPACT Lab has provided self-paced, online and asynchronous courses to thousands of learners in the areas of Cybersecurity, Geo-Spatial Intelligence and K-12 Education.

- Enrollment - Achieved 71% of enrollment goal, 1,815 learners (as of Sept.1), inclusive of Cybersecurity, Geospatial Intelligence and ASSET Programs. Successfully achieved enrollment goal for ASSET grant for the three year period (+5,000 students) and as a result have exhausted federal funding to support additional enrollment goals for the grant period.
- Revenue Generation
  - Signed new strategic partnership agreements with Healthfirst, Civilian Cyber, Stamattina, NCI, Rockingham County Schools and Langley Federal Credit Union.
  - Submitted a variety of grant proposals valued at \$26 million to the Department of Education, National Science Foundation and the Intel Corporation.
- Innovation and Program Development
  - ASSET micro-credentials are effective as documented by an external evaluator, Rockman et al, in efficacy studies with 630 educators using Randomized Controlled Trials (RCT).
  - ASSET micro-credentials received Quality Matters and Online Learning Consortium (OLC) certification.
  - Data Science courses of study, including Data Curation and Data Visualization are in initial stage of development. The target launch date is January 2021.

### **Center for Career and Talent Development**

- The Center for Career and Talent Development welcomed Blake Gore as the new director in July. He brings decades of experience with career coaching, employer relation cultivation, industry partnerships and a proven track record for helping students successfully land their first job out of college. He previously served as the Director of Learning Experience and Design at the Owen School of Business at Vanderbilt University.

- The Center for Career and Talent Development was awarded a \$25,000 grant in the third round of the SCHEV Innovative Internship Grant Competition. The grant will be used to support a Presidential Taskforce that will outline a comprehensive approach to experiential learning for Radford University and our employer partners in the region. This is the first grant that the Center for Career and Talent Development at Radford University has received in over a decade.

**Economic Development and Partnerships**

- Attended inaugural meeting of the regional innovation and entrepreneurship steering group that will inform the work that the Valleys Innovation Council is conducting as part of the Regional Entrepreneurship Initiative in service to GO Virginia Region 2.

Respectfully submitted,

Angela Joyner, Ph.D.

Special Advisor to the President for Partnerships and Chief Innovation Officer



# **INTERCOLLEGIATE ATHLETICS REPORT**

**RADFORD UNIVERSITY BOARD OF VISITORS**





2018 & 2019 BIG SOUTH WOMEN'S SOCCER CHAMPIONS

# BACK 2 BACK

B I G S O U T H C H A M P I O N S



8TH NCAA APPEARANCE IN PROGRAM HISTORY



BEN SOHRABI  
4-TIME BIG SOUTH  
COACH OF THE YEAR



# ACADEMIC EXCELLENCE

## SPRING 2020 SEMESTER

The 2019-20 academic year concluded with 58 deserving student-athletes receiving their undergraduate degrees from Radford University. Most notably, the spring semester delivered one of the best academic performances in department history, including all 16 programs earning a 3.0 or better.

- JACOB WILKINSON** | Second Team CoSIDA Academic All-American  
MEN'S SOCCER | Big South's Christenberry Award for Academic Excellence
- HUNTER MUNDY** | Big South Scholar-Athlete of the Year  
SOFTBALL | VaSID Academic All-State Selection
- BRITTANY RINALDI** | Big South Scholar-Athlete of the Year  
W. LACROSSE | Big South's Christenberry Award for Academic Excellence
- NCAA APR AWARD** | Men's Basketball, Women's Basketball and Men's Golf
- BASEBALL TEAM** | ABCA Team Academic Excellence Award
- WOMEN'S TRACK & FIELD** | Named USTFCCA All-Academic Team Award & Ranked 44th of 264 programs with a 3.60 team GPA
- VaSID ACADEMIC ALL-STATE** | Natacha Rangel-Ribiero (WSOC), Hunter Mundy (SB), Jen Falconer (WBB), Stephanie Neast (VB), Brittany Rinaldi (WLAX), Jacob Wilkinson (MSOC)

**82%**  
ON BIG SOUTH HONOR ROLL (3.0 OR HIGHER)

**67%**  
ON DEAN'S LIST (3.4 OR HIGHER)

**75**  
ATHLETES WITH A PERFECT 4.0 GPA

**16/16**  
TEAMS EARNING A 3.0 GPA OR BETTER

**58**  
STUDENT-ATHLETES RECEIVING THEIR DEGREE



# COMPETITIVE EXCELLENCE

## 2019-20 REVIEW

### BASEBALL

Higgerson, Mundy and Gerber all named VaSID All-State Selection.

Bruce Hudson named to NCBWA Stopper of the Year Watch List.

Straton Podaras named to Buster Posey Award Watch List.

5-1 record at home, averaging 11.7 runs per game in home contests.

### MEN'S BASKETBALL

2019-20 Big South Regular Season Champions, back-to-back regular season champions for the first time in program history.

Carlík Jones was named Big South Player of the Year.

Automatic bid to the National Invitation Tournament (NIT), first appearance in program history.

Posted non-conference wins over James Madison, Northwestern and Richmond.

Tallied 15 Big South victories, which ties the program record for most conference wins in a season.

Recorded five Big South Players of the Week.

### WOMEN'S BASKETBALL

Finished second in the Big South Conference standings.

Khiana Johnson was named First Team All-Conference.

Sydney Nunley was named Second Team All-Conference.

Secured the number 2 seed and host for the 2020 Hercules Tires Big South Conference Women's Basketball Tournament.

### MEN'S & WOMEN'S CROSS COUNTRY

Both programs grabbed top 5 finishes at the Big South Championships.

Caitlin Apps named Big South Freshman of the Year after being the top-finishing freshman and third overall.

### MEN'S GOLF

Closed the season with consecutive top-five finishes, including a third-place finish at the Pinehurst Intercollegiate.

Peter Gasperini had four top-10 finishes, ranked sixth in the Big South in stroke average (72.00) and had 10 rounds of even-par or under-par scoring.

1

**BIG SOUTH REGULAR SEASON CHAMPIONSHIP**

1

**BIG SOUTH TOURNAMENT CHAMPIONSHIP**

1

**NCAA TOURNAMENT APPEARANCE**

2

**BIG SOUTH PLAYERS OF THE YEAR**



### WOMEN'S GOLF

Broke school record for 54-hole score at the William & Mary Fall Invitational (904).

Four top-five finishes, including runner-up at the William & Mary Fall Invitational and third at the Oyster Shuck Match Play.

Jayde Dudley (13th, 75.35) and Sidney Walker (18th, 76.85) ranked inside the top 20 in the Big South for stroke average.

### WOMEN'S LACROSSE

Grace Gleason led the team with 16 points and tallied 15 goals on just 31 shots.

Ended the season with back-to-back victories, outscoring the competition 30-19.

Bella Signorello named Big South Freshman of the Week on Mar. 10.

Maddie Bowman set new program record for saves in a game at La Salle (20 saves).

### MEN'S SOCCER

Earned a spot in the Big South Tournament for the 26th consecutive season, extending the longest active streak in the conference.

Victor Valls and Octavio Ocampo named Second Team All-Big South, Ocampo and Mouhameth Thiam named to Big South All-Freshman Team.

Thiam named to VaSID All-State Team.

### WOMEN'S SOCCER

Posted an 8-1 record at Cupp Stadium and tied a school record with 16 wins for the second consecutive season.

2019 Big South Tournament Champions for the seventh time in program history & NCAA Tournament Participant for the 8th time in program history.

With the NCAA Tournament appearance, the Highlanders claimed the most appearances of any current or former Big South member.

Kayla Thomas was named Big South Defensive Player of the Year, becoming the third player in program history to win the award for the program's fifth time overall.

Nelia Perez was named Big South Tournament MVP.

### SOFTBALL

Began the season 13-3 and ended the season on an 8-game win streak.

Jessie Marvin threw first no-hitter since 2010 in a 14-0 win over George Mason.

Hunter Mundy tabbed as Big South Scholar Athlete of the Year.

### WOMEN'S TRACK & FIELD

La'Tisha Chambers placed third in the 200m event at the Big South Indoor Championships.

### MEN'S TENNIS

Began the season with a 10-1 record, including a 10-match win streak that lasted through the end of the season.

Was the only school in the Big South to reach 10 wins.

Radford swept the doubles competition at the Big South Hidden Duals, placing both teams in the finals, and Yevhen Sirous was the runner-up in the singles portion of the tournament.

Demi Taramonlis and Andres Silva were selected as a First Team VaSID All-State doubles pairing after finishing the season with a 15-1 record as a pairing.

Taramonlis was also selected as the ITA's Atlantic Region Rookie of the Year.

### VOLLEYBALL

On opening day of the 2019 season, former head coach Marci Byers posted her 200th win at Radford.

Freshman Mackenzie Meehan was placed on the All-Freshman team and senior Stephanie Neast earned Big South All-Conference Second Team.



# HIGHLANDER CLUB

## 2019-20 FUND DRIVE

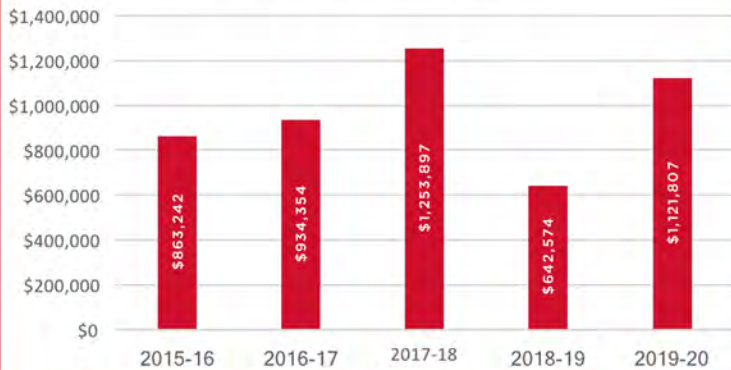
TOTAL GIFTS  
& NEW PLEDGES  
**\$1,121,807**

UNRESTRICTED FUNDS  
**\$169,483**

HIGHLANDER  
CLUB MEMBERS  
**1,110**



TOTAL GIFTS & NEW PLEDGES



### FIVE YEAR FUND DRIVE COMPARISON

# HIGHLANDER CLUB

## 2020-21 GOALS & PRIORITIES

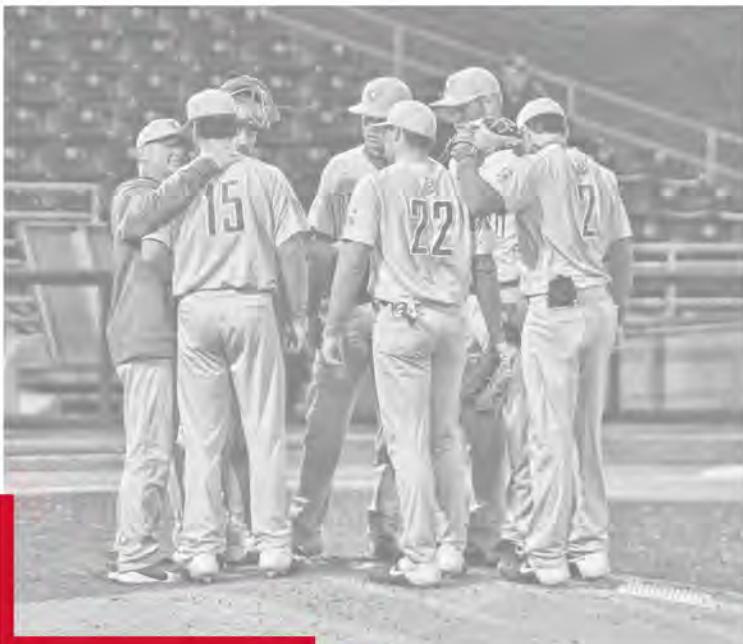
Total New Gifts/Pledges:  
**\$1,200,000**

Unrestricted:  
**\$300,000**

Number of Donors:  
**1,350**

### PRIORITIES MOVING FORWARD

1. Establish a Strategic Plan specific for the Highlander Club
2. Primary focus on unrestricted giving
3. Increase personal touch-points with donors throughout the year
4. Stand-alone Athletics Giving Day (February)
5. Education student-athletes on what the Highlander Club is and its importances



# WOMEN'S SPORTS LEADERSHIP FUND

Radford Athletics' female student-athletes make up 61% of the 2020-21 student-athlete population. They have a rich tradition of success in the classroom and in competition, and they represent the University in the highest manner.

The newly established **Women's Sports Leadership Fund (WSLF)** was created to support all 10 women's sports in the areas of scholarships, academic development and enrichment programs. Goals for the fund are as followed:

- 1** Empower the incredible young female student-athletes through specialized learning and leadership opportunities.
- 2** Deliver additional and necessary resources for Radford's women's sport programs.
- 3** Champion and development of female student-athletes on and off the playing field.

Donations towards the WSLF will directly support all current Highlander female student-athletes.

To contribute, please visit [TheHighlanderClub.com/give](http://TheHighlanderClub.com/give) and make sure to chose "Women's Sports Leadership Fund" in the Fund dropdown.



## DATES TO REMEMBER

### RED & WHITE SCHOLARSHIP AUCTION

Thursday, October 1, 2020 (Virtual)  
<http://RedWhiteAuction.Givesmart.com>

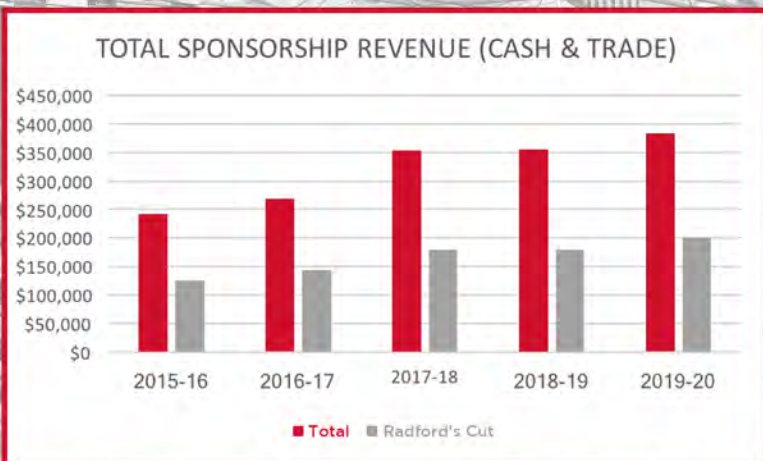
### HIGHLANDER OPEN GOLF TOURNAMENT

Friday, April 23, 2021  
 Pete Dye River Course (Radford, VA)

### HIGHLANDER HALF MARATHON & 5K

Saturday, May 1, 2021  
 Radford, VA  
[https://Runsignup.com/Highlanderhalf\\_5k](https://Runsignup.com/Highlanderhalf_5k)

## FIVE YEAR SPONSORSHIP COMPARISON



## SPONSORSHIP REVENUE

2019-20



2019-20 TOTAL REVENUE

**\$384,050**

2019-20 TOTAL CASH

**\$277,100**

2019-20 TOTAL TRADE

**\$106,950**



# Student Government Association Report

Radford University Board of Visitors

September 2020

Members of the Radford University Board of Visitors:

## **Executive Board Plans**

- During these unprecedented times, one of the main missions of the Student Government Association (SGA) is to continue spreading the word about “Slow the Spread, Do the Five.” SGA understands the importance of each person consistently following the health and safety guidelines in order for the University to maintain in-person classes and keep everyone here on campus.
- I have been asked by Radford City Police Chief, Jeffrey Dodson to serve on a panel as the student body representative to help build the bridge between the students and Radford City’s officers. This is way for us to help build community and trust between students and police officers. We currently are coming up with some ways for officers and students to make those connections and help each other.
- We are creating a student engagement tracker to determine how many students are engaging with us on social media and develop strategies to get more students engaged.
- Recruiting members is SGA’s top priority this year. Elections and recruitment of cabinet and staff members will be through RUInvolved. Interviews and candidate speeches will be held via Zoom.

## **Senate Plans**

- Become more active at RUC. We have our RUC Senator reporting back to us with some ideas and concerns that RUC students are expressing. Therefore, SGA will take the initiative to connect with the RUC students.
- Work closely with Open Education Resources (OER). It’s a program on campus that is redesigning classes to make them based on online textbooks or faculty members providing their own textbooks. Therefore, students can get their textbook for less than \$50. We want to help spread the word and take the initiative to receive feedback from the students and then get that feedback to faculty members.
- Black Lives Matter Resolution – This resolution will express the importance of being aware of students with diverse backgrounds. SGA is taking the initiative to raise awareness and create positive change on campus.
- Collaborate with Facilities Management to provide more recycling outlets for students who live off campus.
- What Do You Want Wednesday’s will be held virtually this semester. Student surveys will be on our social media pages. This allows us to still be able to connect with the students and become aware of some new challenges that they are facing.

## **Cabinet/Staff Plans**

- Our town hall meetings will be held via Zoom this year. This is a way for our students to still connect with us and express their concerns and ideas.
- Promote SGA through UNIV 100 classes. Also, this another outlet for students to get the chance to speak with us and provide feedback on new challenges they may be facing.
- Connect with students through social media. We want to stay engaged by doing some fun social media challenges that expresses the highlander pride in our community.
- Encourage students to vote and help them register to vote.

Respectfully submitted,  
Christopher Davis, SGA President

# Student Affairs Report

## Radford University Board of Visitors

September 2020

Members of the Radford University Board of Visitors:

### **Overview**

This year, the Division of Student Affairs provided virtual programming and activities to promote community building throughout the summer, as well as engaged in planning our students' return to campus. Adjustments have been made in service provision and programming to offer in-person, hybrid and virtual opportunities to ensure students can access the resources and opportunities they are seeking. While this semester is moving forward in a different way than in previous years or as many would consider "normal," our students are making the transition well, being creative in their thinking and continuing to engage in clubs and organizations.

### **Student Success and Retention**

In June, members of the Academic Success Center called Fall 2019 new freshman and new transfer students whose Free Application for Federal Student Aid (FAFSA) had not been processed due to missing documentation and unsubmitted academic progress appeals. The calls were critical in alerting these students to the need to submit this documentation so their FAFSA could be processed prior to classes starting. As in previous years, members of the Division of Student Affairs and the Office of Student Success also called students who were at risk for having their classes dropped due to nonpayment.

Positive progress was made in our retention outcomes for the Fall 2019 cohorts. There were gains in our 2019 new freshmen, sophomores, juniors, and seniors.

	2018 Cohort	2019 Cohort	Difference
New Freshmen	71.3%	74.7%	+ 3.4%
Sophomores	84.7%	84.9%	+ 0.2%
Juniors	81.1%	81.6%	+ 0.5%
Seniors	18.8%*	20.0%*	+1.2%

*\*Represents seniors returning to finish degree. 73.7% of seniors graduated. Total positive outcomes for seniors was 93.7%*

### **Center for Diversity and Inclusion**

The Center for Diversity and Inclusion has launched several fall programs to bring together faculty, staff and students to have authentic dialogue in community. The Center continues the strong tradition of conversation circles with student groups again this fall. The laptop loaner program has grown significantly based on a much appreciated gift to help meet student demand. The program now has 147 laptops for distribution.

### **Student Involvement**

Student Involvement launched a strategic initiative for advertising, assessment and engagement. The Virtual Events and Communications Team (VECT) is a student-led marketing

and events team created to provide virtual engagement opportunities for students. A data sample is below:

March-July 2020:

- 20 Trivia Thursday events
- 7 Meditation Mondays
- 2 Lip Sync Battles
- 13 Instagram Takeovers
- 12 virtual socials for new students during Quest
- 1,000 Instagram reach
- 17,744 Impressions

**Dean of Students Office**

In addition to the regular services provided, a number of COVID-19 reopening functions have been managed by Dean of Students Office with support from staff across the Division of Student Affairs, as well as other divisions. The additional service functions include symptom tracker management, alternate learning request processing, and coordination of services to students who are quarantining and isolating.

**Student Counseling Services**

New to Student Counseling Services (SCS) this fall is concise counseling sessions, which will be 25–30 minutes. Concise sessions are an offshoot of a similar model of care that Brown University started offering about five years ago, with very positive results in terms of quality and efficiency. In addition, students have the choice of engaging in counseling either in person or virtually through telemental health. A student must be clinically appropriate for telemental health and have access to reliable technology, as well as meet several other basic requirements. Unfortunately, SCS group capacity is limited due to COVID-19 physical distancing restrictions, but groups will once again be a primary form of treatment for our students. Finally, Let’s Talk returns to campus for its second year in 2020–2021 and will be offered at four different locations across campus Monday through Thursday, 3–5 p.m.

**Substance Abuse and Violence Education Services**

Substance Abuse and Violence Education Services’ (SAVES) full catalog of educational programming continue to be offered this fall in person, as possible/allowable under physical distancing requirements, and virtually, as requested or when in-person delivery is not possible. Students needing/seeking RU Aware, advocacy and voluntary substance use services will have the choice of engaging in these services either in person or virtually through tele-sessions; a student must be appropriate for tele-sessions and have access to reliable technology, as well as meet several other basic requirements. SAVES is working hard to continue to grow the University’s Collegiate Recovery Community, this will be aided with news that an additional two years of funding is expected from the Recovery Grant the University was awarded in 2019.

**Housing and Residential Life**

The Office of Housing and Residential Life completed a rebranding of the Residential Curriculum. This revamped approach utilizes unique strategies to educate and engage our residential students in the midst of this pandemic. The revamped curriculum is TREK (Tartan Residential Education Kit). The educational priority of the Residential Curriculum is: “to cultivate communities that encourage student achievement and personal development while fostering community engagement and cultural responsibility.” The learning goals being targeted

this year are: Student Achievement, Cultural Responsibility, Community Engagement, and Personal Development.

Student Achievement:

Radford University's approach to student achievement emphasizes student success and retention. Housing and Residential Life assists in accomplishing this by providing co-curricular opportunities that allow for creativity, collaboration and critical thinking through reflection and transformative learning. The goal is to support students' efforts and to celebrate their achievements.

As a result of living on campus, students will be able to:

- Select campus partners and resources appropriate for their academic success;
- Identify their own achievements and success; and
- Demonstrate critical thinking skills.

Cultural Responsibility:

Cultural responsibility will be to develop students' worldview and create engaged citizens through a framework of civility. This framework requires them to understand themselves, encounter and navigate differences and experience personal growth. Through empathy and understanding others, both their contributions to and relationships within their communities will be positive and meaningful.

As a result of living on campus, students will be able to:

- Analyze elements of their own identity;
- Recognize differences of culture and identity;
- Reflect on their unique sociocultural experiences; and
- Demonstrate the ability to understand the feelings of another.

Community Engagement:

Housing and Residential Life staff will encourage student engagement and active participation by upholding Radford traditions and values. This will allow for the development of the skills needed to be a positive community influence. Relationship building will focus on creation and maintenance of lifelong connections within the Highlander family.

As a result of living on campus, students will be able to:

- Create connections within their communities;
- Demonstrate healthy relationship skills; and
- Assess the effects of their behaviors and actions on their community.

Personal Development:

Residents will be challenged to develop skills needed for physical and emotional wellness, as well as resilience when facing adversity. To this end, Housing and Residential Life will support students as they problem-solve everyday issues and reflect on their growth.

As a result of living on campus, students will be able to:

- Utilize resources available to support wellness;
- Navigate everyday issues and challenges;
- Reflect on personal experiences; and
- Assess the impact of behaviors on their wellness.



### **Center for Accessibility Services**

By providing consistent service and continually looking for innovative opportunities, the Center for Accessibility Services (CAS) continues to strive to help students with disabilities achieve success in a university setting. Whether it is through academic, testing, or other University accommodations, approximately 8% of the student population has received some type of service through the office. When the spring semester transitioned to virtual learning, CAS began a bi-monthly online student publication called *CAS Connections*. The piece targeted three areas of interest to students: studying and motivation, time management and noteworthy campus news. Optional surveys were also included. This was an effort to capture the CAS student online learning experience and understand other student life concerns. Survey questions posed were related to academic needs, as well as coping strategies and identifying struggles. There was a 10% survey response rate and this data will be used to help guide efforts going forward.

Respectfully submitted,

Susan Trageser, Ed.D.  
Vice President for Student Affairs

## July - August 2020 Highlights

Radford University Board of Visitors

September 2020

### Alumni Relations

The Alumni Relations team continues to focus on creative engagement strategies to connect alumni to the University and to one another in light of the pandemic. Through their webinars, virtual coffee hours and an interactive Homecoming experience, the Alumni Relations team has experienced great participation rates and enthusiasm from their volunteers.

- **Highlander Wisdom Webinars:** Weekly through July and monthly going forward (22 provided during the pandemic)
- **Virtual Book Club:** Quarterly with August - November timeline
- **National Capital Region Golf Tournament:** Held on August 13 with 76 registrants
- **Chapter Activity:** Personal outreach, Zoom chapter activity and new chapter in south Florida
- **Alumni Directory Project:** Updated 5,172 emails, 5,458 employers, 6,577 job titles and 4,847 cell phone numbers



## Annual Giving

The Annual Giving team continues to focus on best practices in mass solicitations, audience engagement and response rates and tools to help communicate broadly. Evaluations have led to a change in their crowdfunding platform, delivery of services and implementation of a methodical review of outcomes and success rates. An increased focus on faculty, staff and students will be at the core of their work this year.

- **Telephone Outreach Program:** Calling began September 1 and runs through the end of the semester (12 callers per day - 2 shifts, 6 callers working at a time); calling is also planned for February - May 2021
  - **Highlighted Crowdfunding Initiatives:** Greek Challenge, December 20 for 20 Challenge and Build the Hive
  - **Campaign Champions:** Faculty/staff engagement in preparation for public launch of the capital campaign
- 

## Advancement Communications

The Communications team serves the entire Advancement operation through review of all collateral materials used to interact with both internal and external audiences. Over the past several months, a heightened focus on the development of the capital campaign website remains a priority and will add great value as we transition to the public launch of the campaign.

- **Virtual Homecoming:** Communications and website
  - **Radford University Magazine:** Alumni feature stories and class notes section
  - **Web Development for the Capital Campaign Site**
- 

## Capital Campaign

The Capital Campaign continues to progress positively, and we are close to reaching 60% of our goal as of June 30, 2020.

- **Capital Campaign Steering Committee:** October 13, 2020 via Zoom
- **The Gala:** A Grand Celebration for Radford University has been scheduled for April 24, 2021 at The Hotel Roanoke

### Major Gifts

Since late March, the Major Gifts team conducted a thorough review of portfolios, developed strategies per prospect and developed a work plan designed to meet their individual engagement and solicitation goals for FY21. Meetings with Deans and Athletics were held to reflect on FY20 performance and prepare for continued growth in FY21.

- Total number of prospects in team portfolios: 1,169
- FY21 fundraising target: \$12 million

### University Relations

University Relations contracted with VisionPoint Marketing, a firm designed to assist with strategy development, enrollment marketing and brand enhancement. The team continues to focus on quality customer service across campus, pivoting to respond to creative communication mediums in light of the pandemic and managing responses and relationships with multiple media outlets nationwide.

- Student Convocation Video
- New Brand Guide
- Highlanders Rise Series
- COVID-19 Efforts

#### *Performance by Media Channel*

Media Channel	Cost	Impressions	CPM	Conversions
TV	\$85,000	13,622,884	\$6.24	n/a
OOH	\$69,460	10,668,964	\$6.51	n/a
Paid Social	\$67,461	22,268,511	\$3.03	n/a
Paid Search	\$57,880	905,436	\$63.92	7,075
Display	\$53,099	10,534,396	\$5.04	14,302
OTT	\$54,000	1,701,131	\$31.74	885
Pre-Roll Video	\$22,899	368,099	\$62.21	632
Rich Media	\$26,207	4,137,683	\$6.33	1,354
<b>Totals</b>	<b>\$436,006</b>	<b>64,207,104</b>	<b>\$6.79</b>	<b>24,248</b>

# Giving Overview

## Radford University - University Advancement

### Comparative Giving Report by Fiscal Year

	FY 2019-2020		FY 2018-2019		FY 2017-2018		FY 2016-2017		FY 2015-2016	
<b>Fiscal Year-End Giving:</b>	Final		Final		Final		Final		Final	
New Pledges	\$	3,955,582	\$	10,040,001	\$	11,039,677	\$	7,855,710	\$	1,504,726
New Planned Gifts	\$	1,391,622	\$	539,964	\$	1,565,555	\$	1,192,050	\$	5,090,000
Outright Cash Gifts	\$	1,934,134	\$	1,856,843	\$	1,751,071	\$	1,563,936	\$	1,178,318
Gifts-in-kind	\$	15,812	\$	31,902	\$	336,320	\$	128,299	\$	223,955
Gifts of Real Estate	\$	-	\$	-	\$	590,000	\$	-	\$	-
Sponsored Programs	\$	192,319	\$	42,130	\$	57,490	\$	52,485	\$	10,000
<b>Total Giving</b>	<b>\$</b>	<b>7,489,470</b>	<b>\$</b>	<b>12,510,840</b>	<b>\$</b>	<b>15,340,113</b>	<b>\$</b>	<b>10,792,480</b>	<b>\$</b>	<b>8,006,999</b>
<b>Total Number of Donors</b>		<b>3,303</b>		<b>4,758</b>		<b>5,262</b>		<b>5,253</b>		<b>4,435</b>
<b>Total Number of New Donors</b>		<b>981</b>		<b>1,978</b>		<b>2,018</b>		<b>2,090</b>		<b>1,350</b>

	FY 2020-2021		FY 2019-2020		FY 2018-2019		FY 2017-2018		FY 2016-2017	
<b>Fiscal Year-to-Date Giving:</b>	(7/1/20 - 8/31/20)		(7/1/19 - 8/31/19)		(7/1/18 - 8/31/18)		(7/1/17 - 8/31/17)		(7/1/16 - 8/31/16)	
New Pledges	\$	55,955	\$	659,542	\$	4,115	\$	705,049	\$	8,497
New Planned Gifts	\$	-	\$	68,167	\$	34,964	\$	1,028,821	\$	-
Outright Cash Gifts	\$	287,286	\$	273,943	\$	274,981	\$	204,772	\$	73,604
Gifts-in-kind	\$	13,350	\$	3,932	\$	4,904	\$	15,636	\$	-
Gifts of Real Estate	\$	-	\$	-	\$	-	\$	-	\$	-
Sponsored Programs	\$	-	\$	165,900	\$	-	\$	13,700	\$	26,095
<b>Total Giving</b>	<b>\$</b>	<b>356,591</b>	<b>\$</b>	<b>1,171,485</b>	<b>\$</b>	<b>318,963</b>	<b>\$</b>	<b>1,967,978</b>	<b>\$</b>	<b>108,196</b>
<b>Total Number of Donors</b>		<b>255</b>		<b>498</b>		<b>338</b>		<b>467</b>		<b>257</b>
<b>Total Number of New Donors</b>		<b>16</b>		<b>139</b>		<b>182</b>		<b>193</b>		<b>21</b>



Noteworthy Items  
September 8, 2020

1 The first board meeting of the new academic year will be held on September 25<sup>th</sup>.

2 Total assets on the June 30<sup>th</sup> pie chart are just over \$121 Million. The Foundation's annual audit is currently winding down, and we believe this amount is very close to what the final total assets will be.

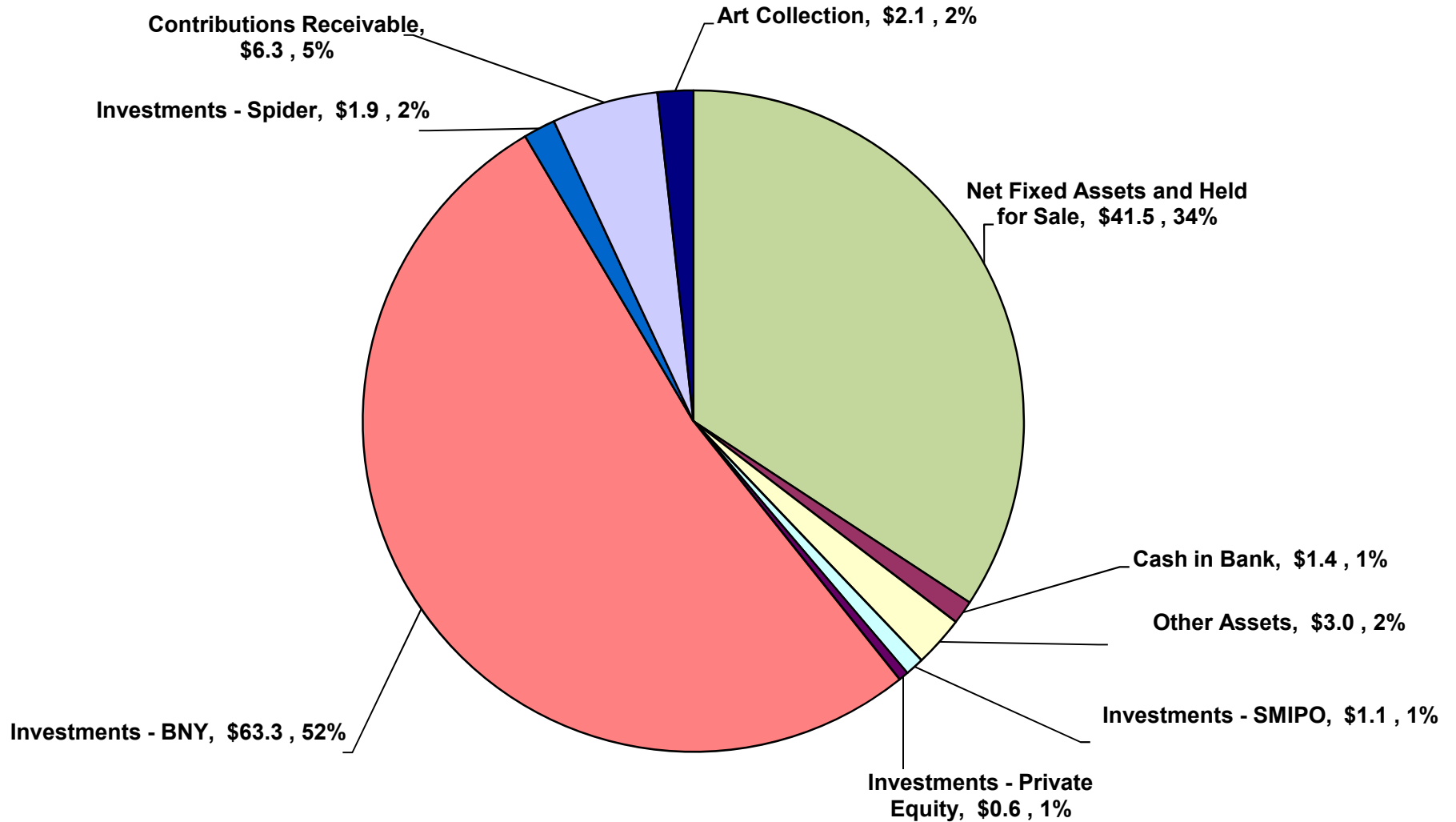
3 The Foundation's investment portfolio took a large hit in March of 2020. During the period from April 1<sup>st</sup> through June 30<sup>th</sup>, we made most of those losses back. We expect to finish the fiscal year with modest gains from our investments.

4 To date, Spider has transferred over \$60 Million to BNY Mellon. Spider held back a small balance until Spider's audit is finished. We expect that the final total transferred will be approximately \$62 Million.

5 Activity at RU Corporate Park is picking up, but the building is currently closed to the public.

6 The Hotel project is still proceeding.

# Radford University Foundation Asset Composition as of 6/30/20



(in millions)  
**Total Assets: \$121.2M**

# June 2020 Minutes

**RADFORD UNIVERSITY**

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Board of Visitors



# RADFORD UNIVERSITY

Board of Visitors

## QUARTERLY MEETING

1:00 P.M.

JUNE 12, 2020

MARY ANN JENNINGS HOVIS MEMORIAL BOARD ROOM  
AND ELECTRONIC COMMUNICATION  
THIRD FLOOR, MARTIN HALL, RADFORD, VA

### **DRAFT** **MINUTES**

#### **BOARD MEMBERS PARTICIPATING IN BOARD ROOM**

Mr. Robert A. Archer, Rector  
Dr. Thomas Brewster  
Dr. Rachel D. Fowlkes  
Mr. Mark S. Lawrence  
Ms. Georgia Anne Snyder-Falkinham

#### **BOARD MEMBERS PARTICIPATING BY ELECTRONIC COMMUNICATION**

Mr. James R. Kibler, Jr., Vice Rector  
Dr. Jay A. Brown  
Mr. Gregory A. Burton  
Ms. Krisha Chachra  
Dr. Susan Whealler Johnston  
Dr. Debra K. McMahan  
Ms. Karyn K. Moran  
Ms. Nancy A. Rice  
Mr. David A. Smith  
Ms. Lisa Throckmorton  
Dr. Jason Fox, Faculty Representative (Non-voting Advisory Member)  
Mr. Breon Case, Student Representative (Non-voting Advisory Member)

#### **OTHERS PRESENT**

Dr. Brian O. Hemphill, President  
Ms. Karen Castele, Secretary to the Board of Visitors and Special Assistant to the President  
Mr. Craig Cornell, Vice President for Enrollment Management (For Presentation)  
Mr. Chad A. Reed, Vice President for Finance and Administration and Chief Financial Officer (For Presentation)  
Dr. Joseph Scartelli, Interim Provost and Vice President for Academic Affairs (For Presentation)  
Ms. Ashley Schumaker, Chief of Staff and Vice President for University Relations  
Mr. Allen T. Wilson, Assistant Attorney General, Commonwealth of Virginia (Electronic Communication)

## **CALL TO ORDER AND OPENING COMMENTS**

Rector Robert A. Archer called the quarterly meeting of the Radford University Board of Visitors to order at 1:00 p.m. from the Mary Ann Jennings Hovis Memorial Board Room on Third Floor in Martin Hall. Rector Archer began his comments by welcoming the Board members to the first Radford University Board of Visitors virtual meeting and thanked those who were present in Radford, along those who joined virtually. Rector Archer acknowledged that we are operating under very difficult circumstances, both personally and as a University, due to the impact of the COVID-19 pandemic. Additionally, the nation has become focused on, and rightly so, the issue of racism and hatred.

Rector Archer recognized President Hemphill and his team, along with faculty and staff, for working tirelessly on preparing the University to open on July 27, 2020 under these very difficult conditions and focusing on the safety of students, faculty and staff. Rector Archer continued by saying that the negative economic impact due to the COVID-19 pandemic has required that difficult decisions be made on behalf of our students and other stakeholders to ensure the safety of all, as well as the continued operation of the University. The Board of Visitors must work hard to ensure good decisions that will guarantee the mission of the University and support the administration as it works hard to steer us through this and future difficult times.

Rector Archer congratulated the Board members who were recently reappointed by Governor Northam to an additional term on the Board of Visitors. In addition to Rector Archer, the reappointed members include Dr. Jay Brown, Dr. Deb McMahon, Dr. Rachel Fowlkes and Ms. Georgia Anne Snyder-Falkinham. Rector Archer added that he believed the continuity and skill set of the current Board will serve the University well. In closing, Rector Archer thanked the Board members for their hard work and commitment to Radford University.

## **APPROVAL OF AGENDA**

Rector Archer asked for a motion to approve the Board of Visitors meeting agenda for June 12, 2020, as published. Mr. Mark Lawrence so moved, Dr. Thomas Brewster seconded, and the motion carried by roll call vote. (Ayes: Archer, Brewster, Brown, Burton, Chachra, Fowlkes, Johnston, Kibler, Lawrence, McMahon, Moran, Rice, Smith, Snyder-Falkinham and Throckmorton; Nays: None)

## **APPROVAL OF MINUTES**

Rector Archer asked for a motion to approve the February 14, 2020 minutes of the Board of Visitors meeting. Ms. Georgia Anne Snyder-Falkinham so moved, Mr. Lawrence seconded, and the motion carried by roll call vote. (Ayes: Archer, Brewster, Brown, Burton, Chachra, Fowlkes, Johnston, Kibler, Lawrence, McMahon, Moran, Rice, Smith, Snyder-Falkinham and Throckmorton; Nays: None)

## **PRESIDENT'S REPORT**

President Brian O. Hemphill, Ph.D. began his report by thanking the Board of Visitors members for the opportunity to provide updates and share his perspectives as the University has completed the Spring 2020 semester and preparing for the Fall 2020 semester.

President Hemphill shared that, during the mid-point of the Spring 2020 semester, Radford University transitioned to a virtual environment due to the COVID-19 global health pandemic. He expressed his appreciation for the world-class faculty and dedicated staff who worked diligently to ensure the online delivery of coursework and continued engagement with students. President Hemphill shared that he joined a number of classes via Zoom and heard time and time again from the students regarding the invaluable support provided by the faculty. He added that the University owes a tremendous debt of

gratitude to the many individuals, including students, faculty and staff, for their flexibility, patience and understanding as we completed a challenging and historic semester.

President Hemphill continued by sharing that another significant function of the campus has been the discussion and work of the COVID-19 Contingency Planning Group, which was convened on April 23, 2020. The 24-member cross-functional team was tasked with developing a series of broad-based scenarios regarding the continued operation and reopening of the University in light of the ongoing global health pandemic. The group was provided a 45-day timeline to complete this important work and developed a robust meeting schedule in order to engage in detailed planning and in-depth discussions. President Hemphill acknowledged each member for their tireless effort, as well as Chief of Staff and Vice President for University Relations Ashley Schumaker and Vice President for Student Affairs Susan P. Trageser for their leadership.

President Hemphill shared details of the University's Early Opening Plan, including the campus reopening on July 27, 2020 with move-in beginning on August 1, 2020 and the first day of classes on August 12, 2020. The early opening will enable the University to complete the semester, including classes, final exams and Commencement ceremonies, prior to Thanksgiving Break.

President Hemphill continued by informing the Board members that, following an accomplished career spanning five decades, Radford University is celebrating the dedicated service of Danny M. Kemp, Vice President for Information Technology and Chief Information Officer, who recently announced his retirement effective June 24, 2020. Leading Radford University's technology enterprise since December 2006, Vice President Kemp has a long list of successful projects and collaborative efforts that are reflective of his strong leadership and warm personality. President Hemphill said that his expertise and knowledge in the technology industry are incredible, but come second to his everlasting appreciation for and unwavering commitment to his team and the entire Radford family.

In closing, President Hemphill expressed his appreciation to Dr. Joseph P. Scartelli as he prepares to complete his most recent service as Interim Provost and Vice President for Academic Affairs. Provost Scartelli has served in this critical role multiple times, and his hard work and lasting contributions have been instrumental for the entire campus community. A copy of the report is attached hereto as *Attachment A* and is made a part hereof.

### **ENROLLMENT MANAGEMENT UPDATE**

Vice President for Enrollment Management Craig Cornell provided enrollment trends and observations for the incoming classes at Radford University and Radford University Carilion (RUC). He shared that at this point in time, the vast majority of new freshman applications have been received and total 14,859. This led to 11,799 admitted students, which is a 79.5% admit rate at main campus and 65.3% at RUC, both greater than the previous year.

Vice President Cornell shared many of the new recruitment initiatives that shifted to a virtual environment and the ways in which all of the Division of Enrollment Management pulled together to create many new unprecedented initiatives for student recruitment this year. A series of barrier-removing approaches to incoming students ranging from extension of deadlines, to the development of a "no-cost commitment" and single room options were discussed. Additional highly personalized recruitment efforts were shared, including the development of a complete virtual tour program for academic and residence halls with significant help from University Relations and Information Technology, as well as Facilities Management. Vice President Cornell also shared how Virtual

Highlander Days received significant interest from students and families and how all of these initiatives created tangible changes throughout the student commitment cycle. Additionally, updates to Quest, the Radford orientation program, were provided which is now developed into a fully virtual program with pathways for students and parents.

In closing, Vice President Cornell shared an overview of the \$4,546,102 federal CARES Act program awarding parameters and plans for Radford students to begin being disbursing the week of June 15. A copy of the report is attached hereto as *Attachment B* and is made a part hereof.

### **ACADEMIC AFFAIRS UPDATE**

Interim Provost Scartelli introduced four resolutions to the Board of Visitors and provided details for each one. The resolutions presented were:

- Recommendation to Approve Teaching and Research Faculty Tenure for 2020-2021;
- Recommendation to Approve Changes to the *Teaching & Research Faculty Handbook*, Section 1.3.1.3, Appointment Terms;
- Recommendation to Approve Changes to the *Teaching & Research Faculty Handbook*, Section 1.4.1.3, Student Evaluations of Faculty; and
- Recommendation to Approve Changes to the *Teaching & Research Faculty Handbook*, Section 1.4.1.4.1 Evaluation Procedures for Tenured and Tenure-Track Faculty.

Rector Archer asked for a motion to approve all four resolutions as a block. Mr. Lawrence so moved, Ms. Snyder-Falkinham seconded, and the motion carried by roll call vote. (Ayes: Archer, Brewster, Brown, Burton, Chachra, Fowlkes, Johnston, Kibler, Lawrence, McMahon, Moran, Rice, Smith, Snyder-Falkinham and Throckmorton; Nays: None) A copy of each resolution is attached hereto as *Attachment C-F, respectively*, and is made a part hereof.

### **DISCUSSION AND APPROVAL OF 2020-2021 TUITION AND FEES**

Rector Archer stated that, on April 1, 2020, Radford University provided notice that the Board of Visitors would vote on tuition and fees at the May 1, 2020 meeting, which was later postponed until June 12, 2020 due to the COVID-19 pandemic. The Board of Visitors also hosted a Budget Overview and Public Comment Session on April 17, 2020 providing an opportunity for comments regarding tuition and fees. Rector Archer invited Vice President for Finance and Administration and Chief Financial Officer Chad A. Reed to provide an updated budget overview and tuition and fees recommendation.

Vice President Reed began his presentation by reviewing the 2020-2021 strategic budgeting priorities, including: student affordability; strategic plan implementation; mandatory cost increases; and operations and alignment of tuition and fee rates for RUC. Vice President Reed continued by providing additional information on the factors impacting the fiscal considerations for Radford University's academic year 2020-2021, including the current economic outlook, legislative actions by the General Assembly, enrollment projections and market pricing. Vice President Reed further provided 2021 fiscal allocations with current revenue and expense assumptions, as well as the estimated impact of COVID-19.

Following the budget overview, Vice President Reed presented the 2020-2021 tuition and fee rate proposals that included no tuition increase for main campus and a 10% reduction in tuition and fees for RUC in-state undergraduate students. Vice Rector James Kibler expressed his appreciation to Vice President Reed and his team for the thoughtful presentation and hard work that went into establishing

the tuition and fees proposal. Following discussion, Rector Archer asked for a motion to approve the tuition and fees for the 2020-2021 academic year, as reflected in the Summary of Proposed 2020-2021 Tuition and Fees. Ms. Nancy Rice so moved, Mr. Lawrence seconded, and the motion carried by roll call vote. (Ayes: Archer, Brewster, Brown, Burton, Chachra, Fowlkes, Johnston, Kibler, Lawrence, McMahon, Moran, Rice, Smith, Snyder-Falkinham and Throckmorton; Nays: None) A copy of the presentation and resolution are attached hereto as *Attachment G and H, respectively*, and is are made a part hereof.

### **CLOSED SESSION**

Rector Archer requested a motion to move into closed session. Dr. Brewster made the motion that the Radford University Board of Visitors convene a closed session pursuant to **Section 2.2-3711 (A) Items 1, 2, 6, 7, 8 and 29** under the Virginia Freedom of Information Act for the discussion of personnel matters; discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student; discussion or consideration of the investment of public funds where competition or bargaining is involved; consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; consultation with legal counsel regarding specific legal matters pertaining to personnel requiring the provision of legal advice by such counsel; and discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract. Ms. Snyder-Falkinham seconded the motion. The Board of Visitors went into closed session at 2:58 p.m.

### **RECONVENED SESSION**

Following closed session, public access to the meeting was reconnected. Rector Archer called the meeting to order at 4:10 p.m. On motion made by Dr. Brewster and seconded by Mr. Lawrence, the following resolution of certification was presented.

### **Resolution of Certification**

**BE IT RESOLVED**, that the Radford University Board of Visitors certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under this chapter 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 by which the closed session was convened were heard, discussed or considered by the Board. The resolution of certification was adopted by roll call vote. (Ayes: Archer, Brewster, Brown, Burton, Chachra, Fowlkes, Johnston, Kibler, Lawrence, McMahon, Moran, Rice, Smith, Snyder-Falkinham and Throckmorton; Nays: None)

### **ACTION ITEMS**

#### **Approval of Evaluation**

Rector Archer proposed to combine the Performance Plan Update and Performance Plan Approval resolutions into one block vote and asked Mr. Lawrence to read the resolutions. Rector Archer asked for a motion to approve the Performance Plan Update for 2019-2020 and the Performance Plan Approval for 2020-2021. Mr. Lawrence so moved, Ms. Snyder-Falkinham seconded, and the motion carried unanimously by roll call vote. (Ayes: Archer, Brewster, Brown, Burton, Chachra, Fowlkes, Johnston, Kibler, Lawrence, McMahon, Moran,

Rice, Smith, Snyder-Falkinham and Throckmorton; Nays: None) A copy of each resolution is attached hereto as *Attachment I and J, respectively*, and is made a part hereof.

### **Election of Rector and Vice Rector for 2020-2021**

Rector Archer turned the floor over to Dr. Jay Brown, Chair of the Governance, Administration and Athletics Committee.

Dr. Brown began by stating that the Governance, Administration and Athletics Committee also serves as the Nominating Committee, in accordance to the Radford University Board of Visitors Bylaws. Dr. Brown continued by stating that as Chair of the Governance, Administration and Athletics Committee, it was his honor to bring forward the slate of officers for 2020-2021. Mr. Robert A. Archer was nominated for a second term as Rector, and Mr. James R. Kibler was nominated to serve a second term as Vice Rector. Dr. Brown asked for additional nominations from the floor, hearing none, he proposed that the two nominations be combined into one motion. Dr. Brown asked for a motion to reelect Mr. Robert A. Archer as Rector and Mr. James R. Kibler as Vice Rector for the 2020-2021 term of the Radford University Board of Visitors. Ms. Karyn Moran so moved, Dr. Rachel Fowlkes seconded, and the motion carried by roll call vote. (Ayes: Brewster, Brown, Burton, Chachra, Fowlkes, Johnston, Lawrence, McMahon, Moran, Rice, Smith, Snyder-Falkinham and Throckmorton; Nays: None)

### **OTHER BUSINESS**

#### **Report on the Radford University Foundation**

Rector Archer asked Ms. Snyder-Falkinham, the Board liaison to the Radford University Foundation, to provide a Foundation update. Ms. Snyder-Falkinham stated that the Foundation had its final Board meeting of the academic year on May 22, 2020, and the Board elected Chris Huther as the new Chair. New Board members include Mark Rader, Radford University Class of 1989, and Lynne Robinson, Radford University Class of 1990. Ms. Snyder-Falkinham discussed the asset summary report, attached hereto as *Attachment K* and is made a part hereof.

#### **Faculty Representative to the Board of Visitors Introduction**

Rector Archer began by acknowledging Dr. Jake Fox who has served as the Faculty Representative to the Board of Visitors since 2017. Rector Archer expressed his appreciation for the outstanding work that Dr. Fox did on behalf of the faculty and his service to the Board and the University. Dr. Fox also expressed his gratitude to the Board members for their support during his time as Faculty Representative.

Rector Archer continued by stating that, during the last Faculty Senate meeting, Dr. Katie Hilden-Clouse, professor in the School of Teacher Education and Leadership, was elected as Faculty Senate President for the upcoming academic year. Consistent with the Board of Visitors Bylaws, the Faculty Senate President becomes the Faculty Representative to the Board of Visitors. Rector Archer introduced Dr. Hilden-Clouse who joined the meeting remotely, and she shared information about herself and her time at Radford.

#### **Student Representative to the Board of Visitors Update**

Rector Archer stated that we are saying goodbye to Breon Case who served as Student Representative to the Board of Visitors during the past year. Rector Archer expressed that it has been a pleasure to have Breon on the Board. Rector Archer announced that Breon has been awarded the Rector Mark S. Lawrence Student Scholarship, in the amount of \$2,000 for the upcoming academic year. Mr. Case

thanked the Board members for their support and mentorship. Rector Archer added that the Student Representative for the 2020-2021 academic year would be determined at the September meeting.

### **Resolution**

Rector Archer stated that, due to the obvious negative economic impact of the COVID-19 pandemic, as well as directives from the State of Virginia, it is clear that an expedited process must be used in order to insure future success of Radford University. In exercising its fiduciary responsibilities, among others, the Board considers the proposed resolution essential in moving effectively and quickly on behalf of the University and related stakeholders. The proposed resolution that focuses on the Teaching and Research Faculty Handbook as relates to changes due to emergency situations, would authorize the administration to propose budgetary, structural and programing changes to the Board of Visitors for consideration on a timely basis. The scope of the resolution is temporary in nature and covers Fiscal Years 2021 and 2022. Rector Archer asked Vice Rector Kibler to read the resolution. Following discussion, Rector Archer asked for a motion to approve the resolution as read by Vice Rector Kibler. Ms. Snyder-Falkinham so moved, Ms. Lisa Throckmorton seconded, and the motion carried by roll call vote. (Ayes: Archer, Brewster, Brown, Burton, Chachra, Fowlkes, Johnston, Kibler, Lawrence, McMahon, Moran, Rice, Smith, Snyder-Falkinham and Throckmorton; Nays: None) A copy of the resolution is attached hereto as *Attachment L* and is are made a part hereof.

### **ANNOUNCEMENTS**

Rector Archer announced the upcoming meeting dates:

August 4-5, 2020 Retreat

September 10-11, 2020

December 3-4, 2020

Rector Archer shared that he would begin working with Board members on committee assignments and to please let him know if Board members have any particular interests.

Rector Archer shared that it has been an honor and privilege to serve as Rector during the past year and stated that he appreciates the confidence the members have in him to serve another year as Rector.

### **ADJOURNMENT**

With no further business to come before the Board, Rector Archer adjourned the meeting at 4:36 p.m.

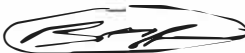
Respectfully submitted,

Karen Castele

Secretary to the Board of Visitors and Special Assistant to the President

**RADFORD  
UNIVERSITY**Brian O. Hemphill, Ph.D.  
President

TO: Members of the Board of Visitors

FROM: Brian O. Hemphill, Ph.D.   
President

DATE: June 12, 2020

RE: President's Report

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I want to thank you for the opportunity to update you and share my perspectives about our University as we have completed the Spring 2020 semester and are preparing for the Fall 2020 semester.

**Online Transition**

During the mid-point of the Spring 2020 semester, Radford University transitioned to a virtual environment due to the COVID-19 global health pandemic. I would be remiss if I did not take this opportunity to express my everlasting appreciation for our world-class faculty and the dedicated staff that supported them. They worked diligently to ensure the online delivery of coursework and continued engagement with students. As I joined a number of classes via Zoom, I heard time and time again from our students regarding the invaluable support provided by the faculty. This University owes a tremendous debt of gratitude to the many individuals, including students, faculty, and staff, for their flexibility, patience, and understanding as we completed a challenging and historic semester. A highlight of the semester was the spirit in which the May graduating class completed their Highlander journey. Although they were unable to join together in the traditional Commencement format, they made the most of their Radford experience by celebrating from a distance with their families and friends. If you have not watched the Class of 2020 degree conferral and tribute video, I encourage you to visit <https://www.radford.edu/content/2020/home.html>.

**Continued Work**

With the implementation of modified operations for our University, there are a number of individuals who continued to report to work on a daily basis to carry out essential functions that must be completed in-person. Additionally, students, faculty, and staff have engaged remotely in order to fulfill their responsibilities and further our mission.

Another significant function of our campus has been the discussion and work of the COVID-19 Contingency Planning Group. Convened on April 23, 2020, the 24-member cross-functional team was tasked with developing a series of broad-based scenarios regarding the continued operation and reopening of Radford University in light of the ongoing global health pandemic. The group was provided a 45-day timeline to complete this important work and developed a robust meeting schedule in order to engage in detailed planning and in-depth discussions. As the group has nearly



completed their charge, the final in-person meeting will be held this coming Tuesday, but will be brought back together if the need arises. I would like to acknowledge each and every member for their tireless effort, as well as Chief of Staff and Vice President for University Relations Ashley Schumaker and Vice President for Student Affairs Susan P. Trageser, Ed.D. for their sound leadership.

### **Early Opening**

On June 1, 2020, I was pleased to announce our early opening and release an executive summary of the Early Opening Plan, of which you received a copy. Our campus will re-open on July 27, 2020 with move-in beginning on August 1, 2020 and the first day of classes on August 12, 2020. The early opening will enable us to complete the semester, including classes, final exams, and Commencement ceremonies, prior to Thanksgiving Break, a time in which our students traditionally depart campus for a week and then return to campus in order to complete the semester.

Highlights from the Early Opening Plan are as follows. Early opening will include physical distancing in classrooms, laboratories, and shared spaces. It will also include the distribution and wearing of personal protective equipment, or PPE, such as cloth masks. Most buildings will have a singular point of entry and exit that will help with the flow of traffic in and out of buildings. Directional signage, messaging, and education will be key. Enhanced disinfecting practices, which will remain in place and include reoccurring and thorough sanitizing protocols. For large classes, those with capacities 50 and above, the delivery platform will be online.

As our campus reopens and our community returns, we will engage in broad-based testing for students, faculty, and staff. The first wave of early returns will mainly include student-athletes and RAs. Following initial testing, prevalence testing will be utilized. This includes testing students and others from "hot spot or high prevalence" areas. We are currently working with a colleague from the University of Virginia to develop an algorithm and determine "hot spot/high prevalence" definitions for testing frequency and protocols. We will also implement an application-based software for symptom tracking and utilize contact tracing.

Messaging and education will be key. Communication will be important as we provide ongoing education for students, faculty, and staff, as well as local community members, to be aware of the expectations and current guidelines of the Commonwealth of Virginia in addition to Radford University. Education and culture change will be important and start before students, faculty, and staff return to campus. While face coverings will be required in public and shared spaces, there may be a health or other reason why someone cannot wear a face covering. That reason may not always be obvious or appropriate to be disclosed. Grace, support, and positive intentions will be a focus in our educational and outreach initiatives, which will occur over the summer months through online forums and electronic communication, such as emails, videos, and website updates. The basis and details of the Early Opening Plan were informed by many experts and dedicated partners. The University has been working closely with the New River Health District through the insightful guidance of Director Noelle Bissell, M.D., as well as the active engagement of Epidemiologist Jason Deese. From a statewide perspective, I applaud Governor Northam for his forward thinking and strong leadership throughout this pandemic. He acted swiftly to implement broad measures across the Commonwealth to limit the spread, which proved successful for our University and our community. The Governor also provided clear direction for education,

including public higher education institutions. Through the formation and work of the COVID-19 Education Work Group, guidelines were developed and provided to institutions like Radford. Also, I would like to share that there has been a great deal of collaboration and communication among the Commonwealth's public colleges and universities. We have been united in our effort to discuss information, share resources, and develop plans.

### **Next Steps**

At Radford University, nothing is more important than the health, safety, and well-being of our students, faculty, staff, and the community. This has remained first and foremost in all of our planning and decision making thus far and that will remain true as we approach the Fall 2020 semester and beyond. And, as we move forward, the University is committed to finalizing details, implementing plans, and resolving issues by working together and finding our new normal in the wake of the COVID-19 pandemic.

### **Fond Farewells**

Following an accomplished career spanning five decades, Radford University is celebrating the dedicated service of Danny M. Kemp, Vice President for Information Technology and Chief Information Officer, who recently announced his retirement effective June 24, 2020. A creative, enthusiastic, results-driven professional with extensive experience leading people and project teams, Danny oversaw technology initiatives and programs, such as implementation of the Banner ERP system, multiple upgrades to the online portal and web presence, and introduction of mobile web presence and application, and administered technology budgets at Radford University, while demonstrating an in-depth understanding of emerging technologies and their applicability to higher education.

Leading Radford University's technology enterprise since December 2006, Danny has a long list of successful projects and collaborative efforts that are reflective of his strong leadership and warm personality. His expertise and knowledge in the technology industry are incredible, but come second to his everlasting appreciation for and unwavering commitment to his team and the entire Radford family.

Danny was one of the first individuals to welcome me when I began my tenure in 2016. Very quickly, I witnessed first-hand Danny's expertise in technology and commitment to Radford. During his time at Radford, he has gained the respect of the campus and the community, while making a profound impact on the University's technology capabilities and service functions. With progressive responsibilities across his long-standing, technology-based career, ranging from systems development to various administrative roles, Danny has a proven record of planning and directing activities that lead to innovative and productive information technology solutions.

It is difficult to accurately capture the unbelievable impact Danny had on Radford University, its people, and its programs. The Radford family extends its deepest appreciation and heartfelt gratitude to Danny for his exemplary leadership and outstanding service during his long-standing tenure at Radford University and throughout his accomplished career in the technology industry. I want to assure the Board that we will join together during the Fall 2020 semester to provide a fitting tribute and fond farewell!

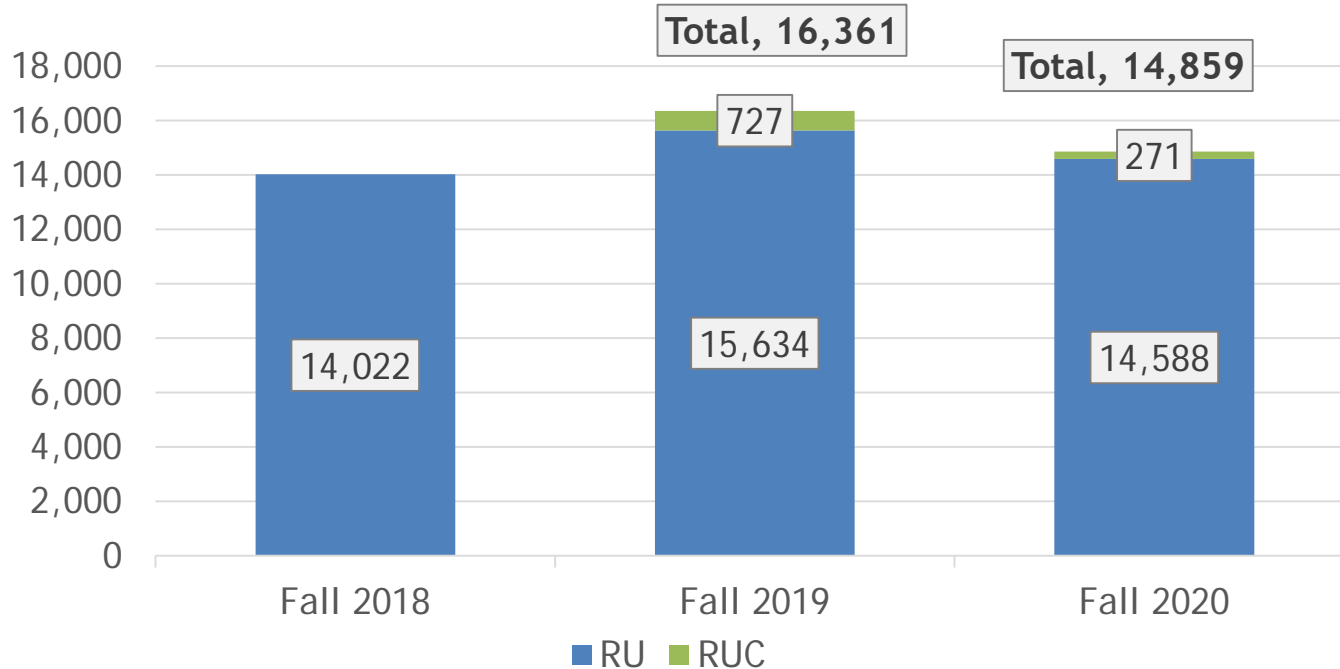
In closing, I would also like to express my sincere appreciation and everlasting gratitude to Joseph P. Scartelli, Ph.D. as he prepares to complete his most recent service as Interim Provost and Vice President for Academic Affairs. Provost Scartelli has served in this critical role multiple times, and his hard work and lasting contributions have been instrumental for our entire campus community. He will now re-enter retirement for which he is so deserving!

This concludes my report.

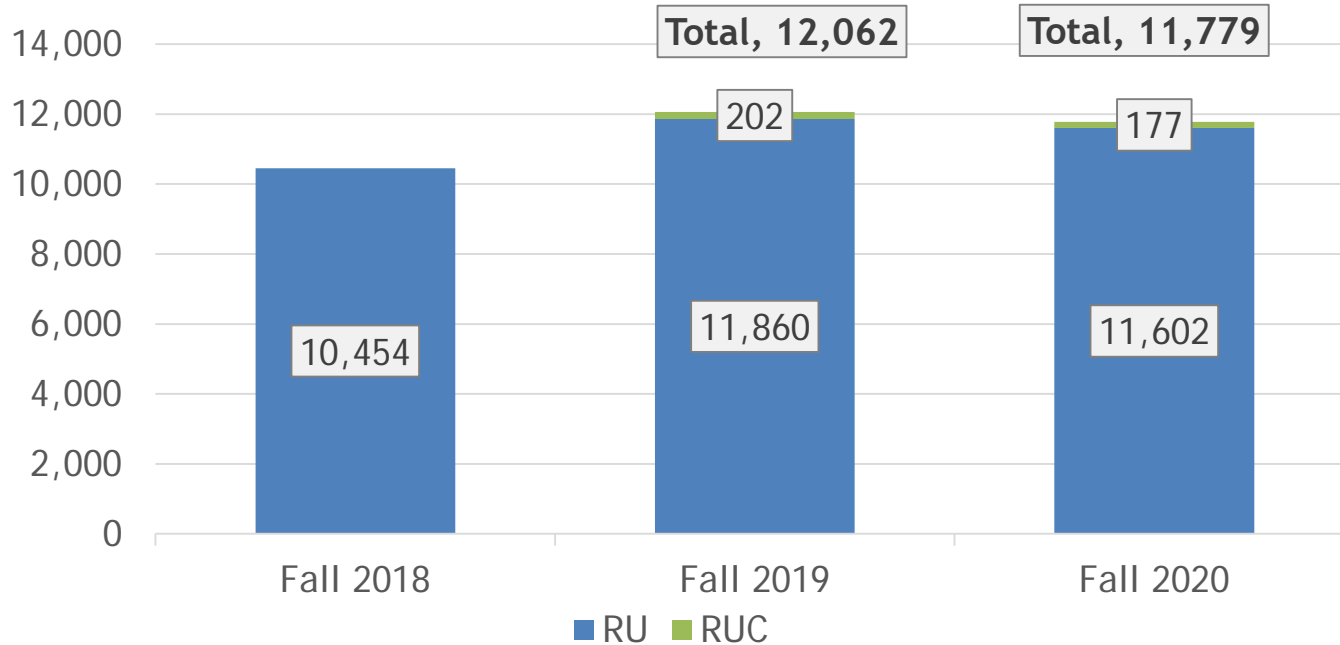
# Enrollment Management Update

RADFORD  
UNIVERSITY

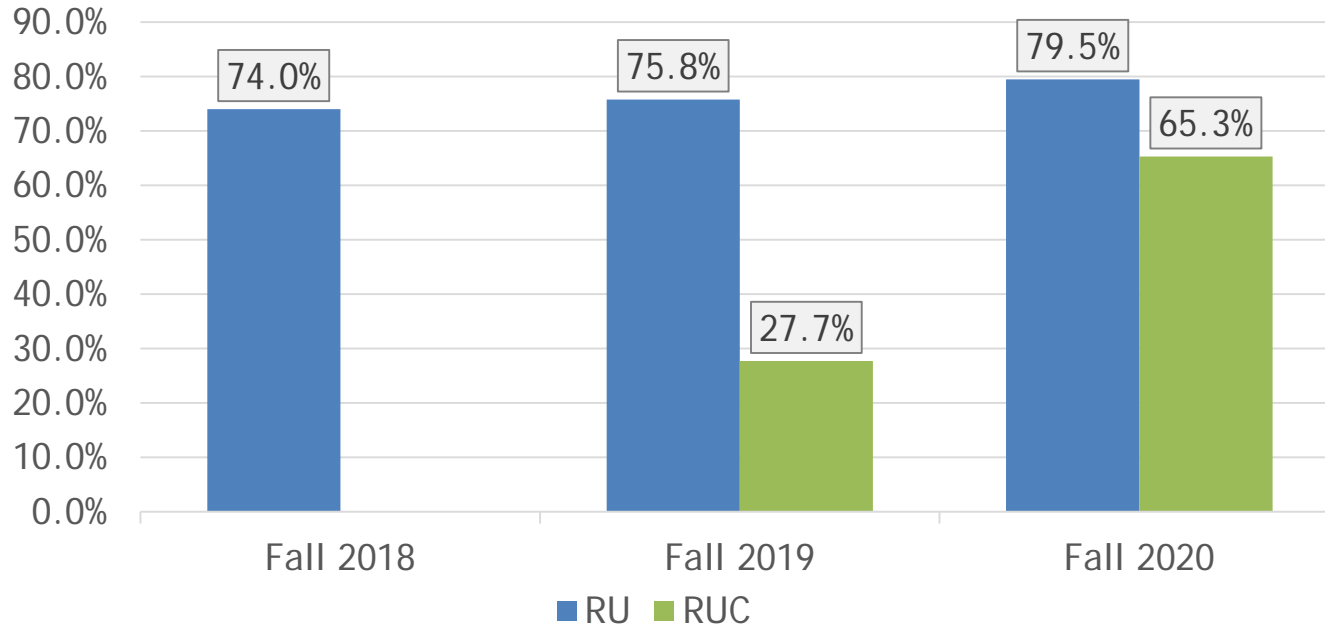
# New Freshman Applications (June 9th)



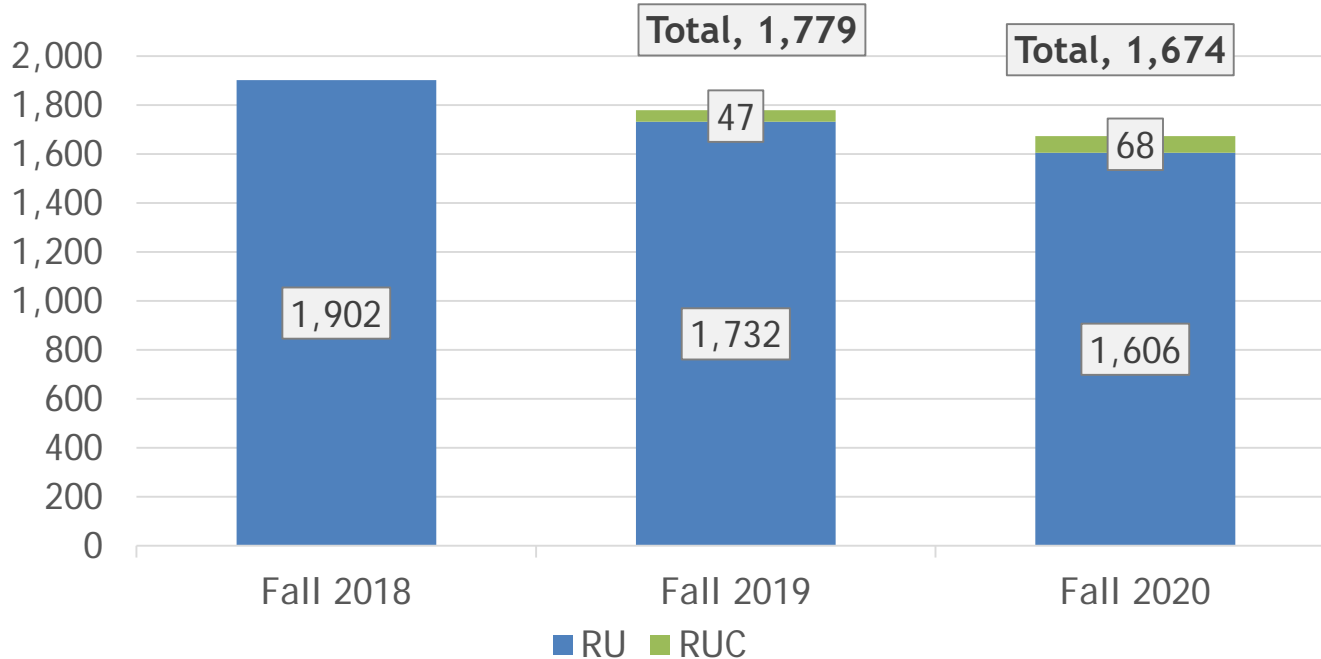
# New Freshman Admitted (June 9th)



# New Freshman Admit Percent (June 4th)

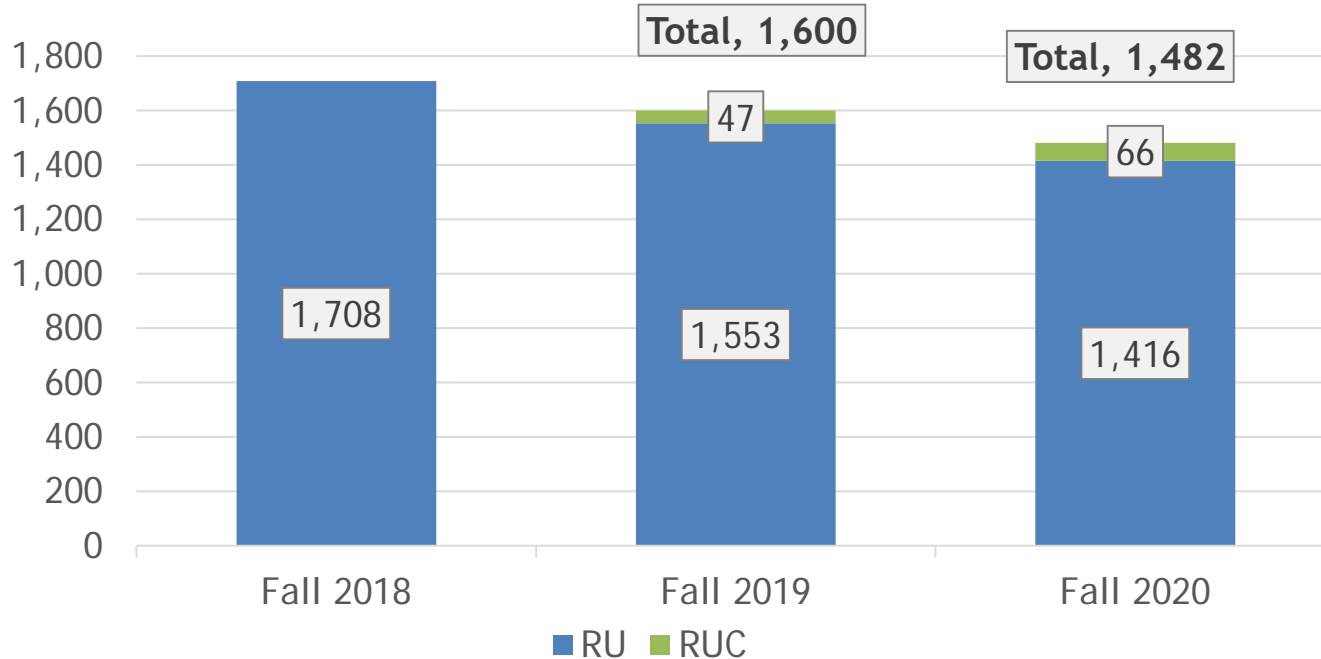


# New Freshman Deposits (June 9th)

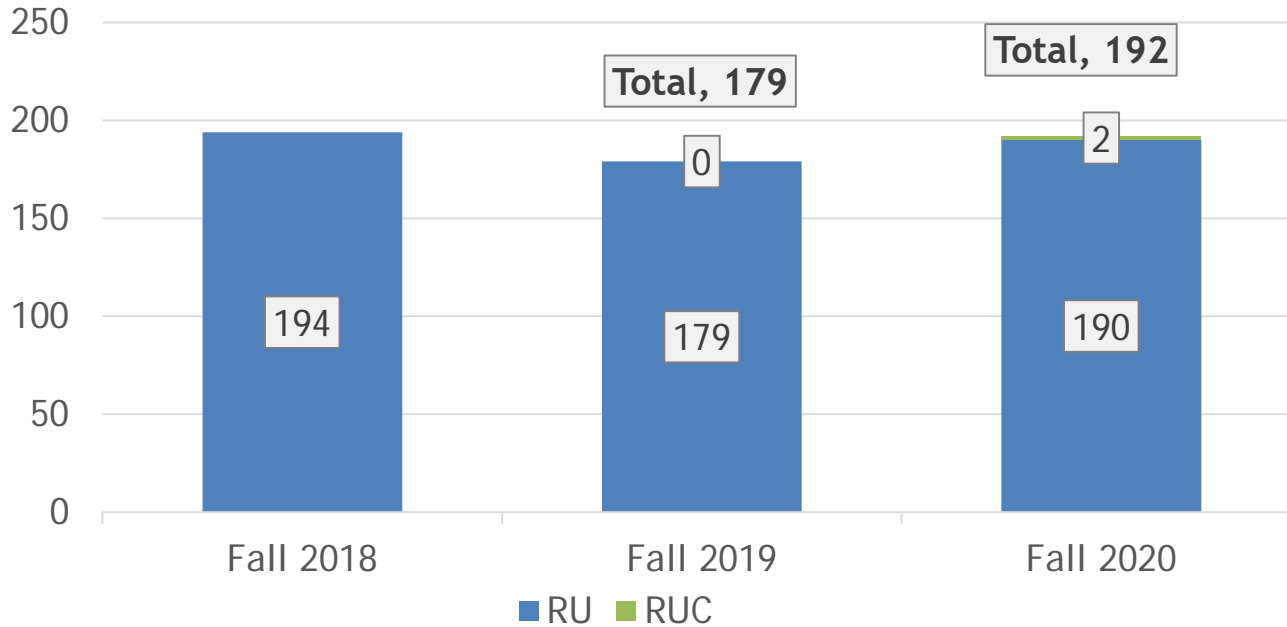




# New Freshman In-State Deposits (June 9th)

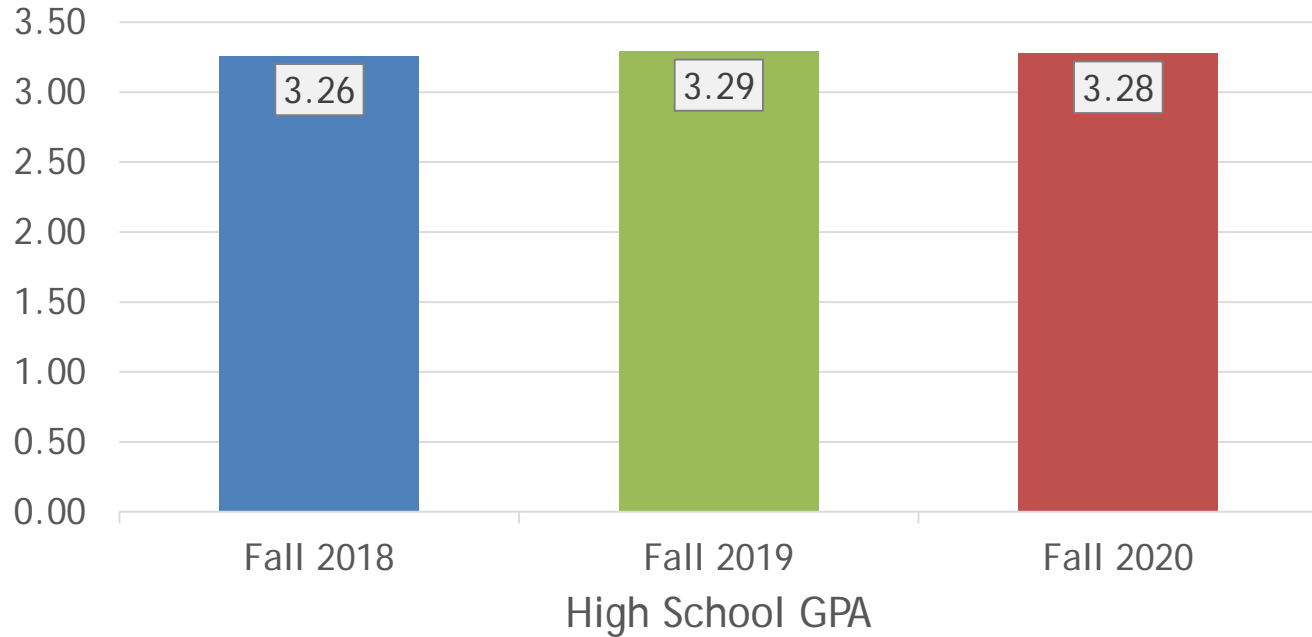


# New Freshman Out-of-State Deposits (June 9th)



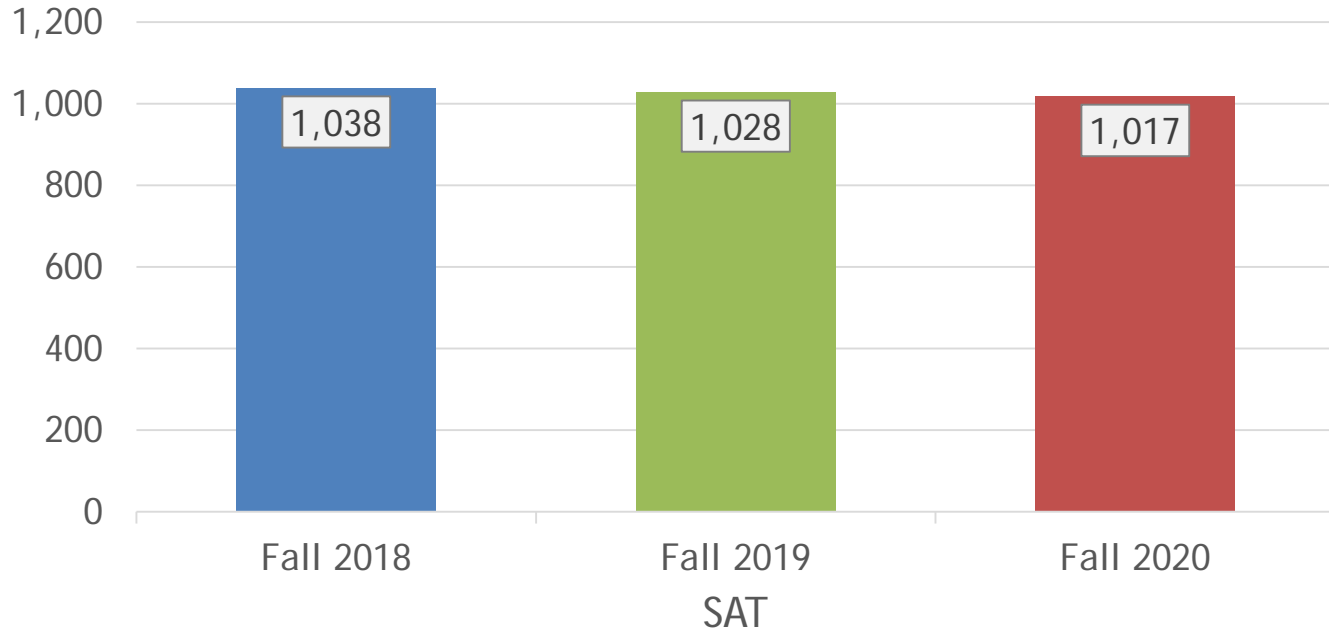
# New Freshman Deposits (June 9th)

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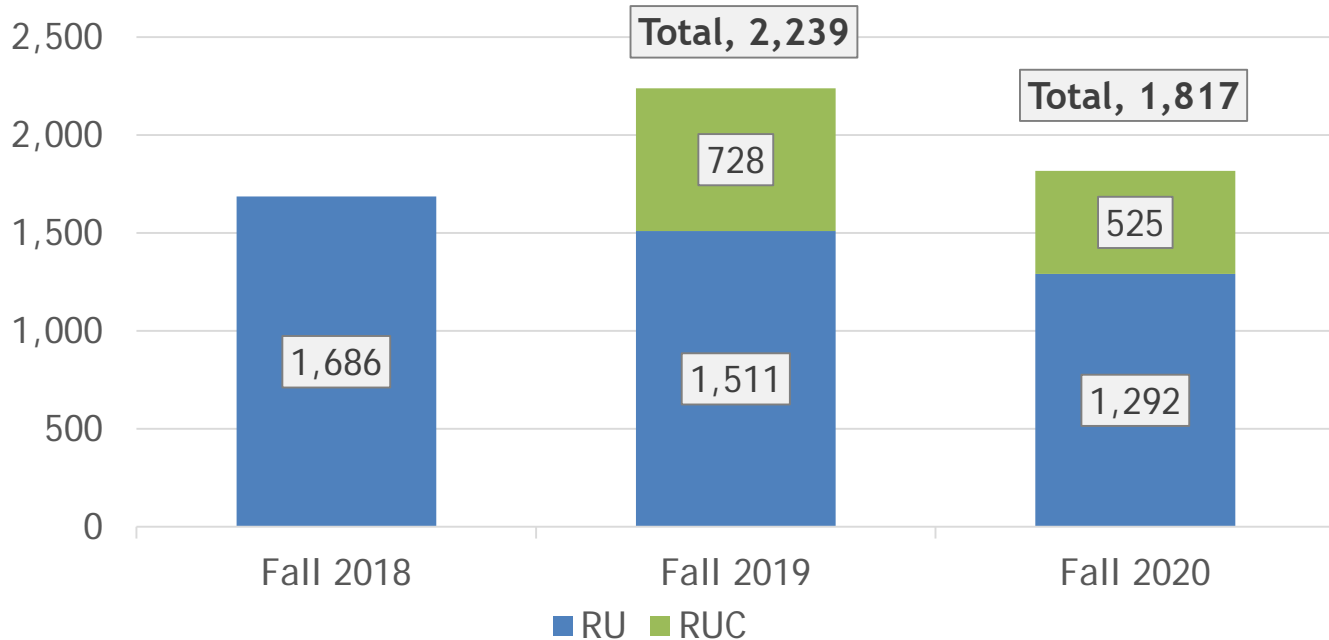


# New Freshman Deposits (June 9th)

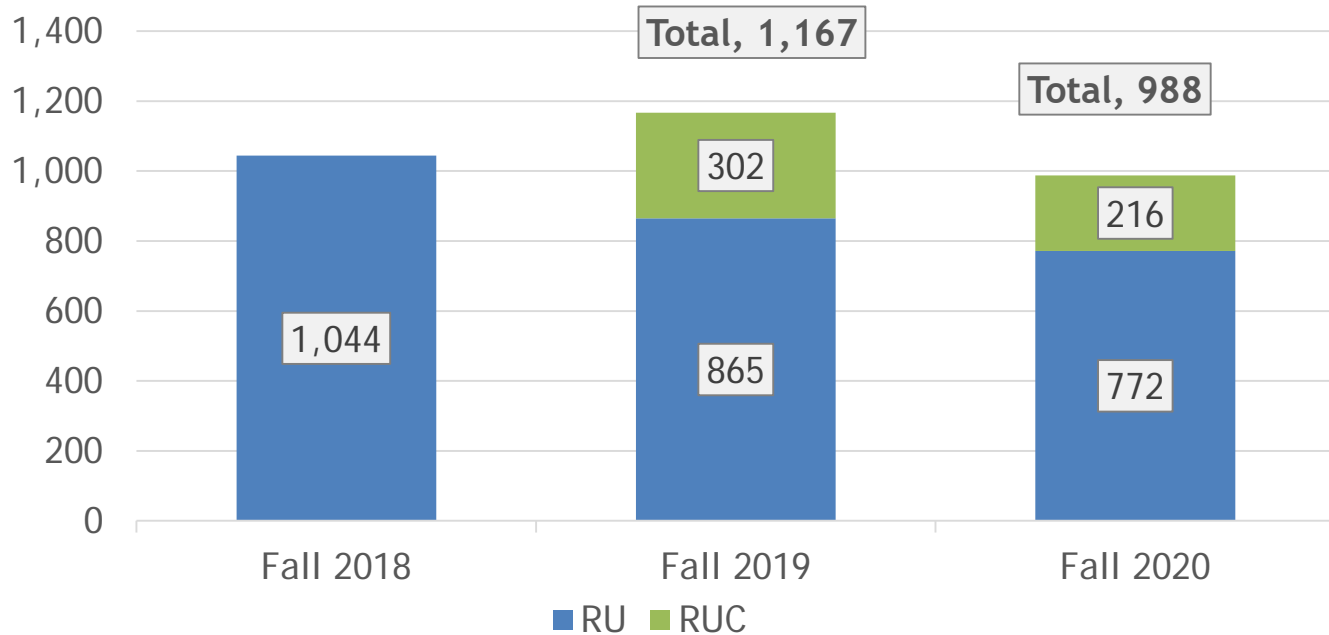
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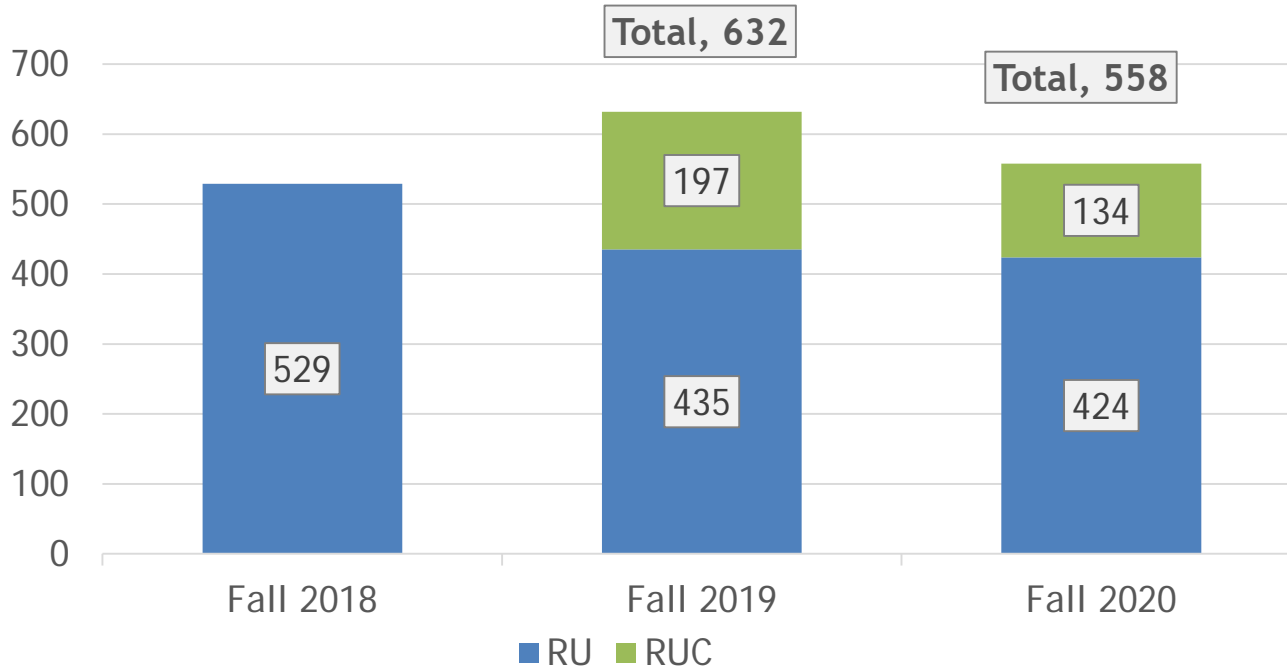
# New Transfer Applications (June 9th)



# New Transfer Admitted (June 9th)

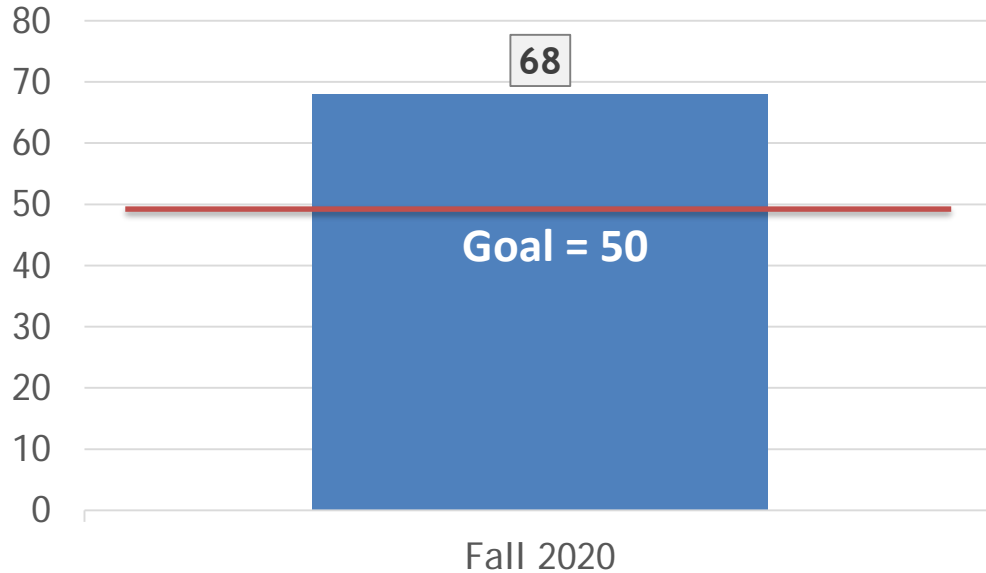


# New Transfer Deposits (June 9th)



# Bridge Program Commitments (June 9th)

Bridge Student Commitments





# Student Recruitment Initiatives, Fall 2020+

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With the onset of the Coronavirus pandemic we instituted a series of initiatives to remove any barriers to students' application process. We called these the "The Big 4". We were one of the first institutions to do these:

- ✓ Changed commitment date from May 1<sup>st</sup> to June 1<sup>st</sup>
- ✓ Initiated the "No Cost Commitment"
- ✓ Adjusted test score optional program to align to historic decisions
- ✓ Implemented self-reported transcript option for students

+1 - Single room options for incoming students!



# Student Recruitment Initiatives, Fall 2020+

## Initiatives Implemented:

- We have done everything we can to personalize the process and take Radford to our applicants, including:
  - ✓ Personalized Gift Boxes
  - ✓ Admissions and Financial Aid staff available at all times via phone and appointments
  - ✓ “Transfer Thursday”
  - ✓ RUC “Open Houses,” Veterans’ Recruitment Event, and online virtual fairs by academic program



Page 209 of 533

# Student Recruitment Initiatives, Fall 2020+

## Initiatives Implemented:

- Created Highlander Digital Experience program (Virtual Highlander Day)
  - ✓ 6 Events; 1,389 registrants total (92% of last year)
  - ✓ Added new initiatives each program as we built them out:
    - President and Deans Welcome Videos, College-Based Break-Out Sessions and Student Panels, scholarship drawings, t-shirts
- Implemented a new Campus Virtual Tour with UR, IT and Student Affairs
  - ✓ Buildings, quads and sites of interest
  - ✓ Housing videos
  - ✓ Graphical overlay with campus map

RADFORD UNIVERSITY

Connect with the Radford University community in a variety of ways during the April 24-25 Highlander Digital Experience! Event registrants will gain access to Zoom information sessions as well as links to connect with Admissions staff, make Financial Aid appointments, and a live Facebook event where you can continue the conversation.

Register now at [www.radford.edu/admitted](http://www.radford.edu/admitted) to access the interactive Academic College Zoom sessions below and more.

College of Education and Human Development  
Friday at 1 PM  
Saturday at 10 AM

Health and Human Performance, Nutrition and Dietetics; Recreation, Parks and Tourism; School of Teacher Education and Leadership, including licensure programs in Deaf and Hard of Hearing, Early Childhood special Education, Elementary Education, Middle School Education, and Secondary Education

Advising Center  
for Major  
Exploration  
Friday at 10 AM

RADFORD UNIVERSITY

SEARCH

Artis College of  
Science and Technology  
Friday at 2 PM  
Saturday at 1 PM

CAMPUS VIRTUAL TOUR



Science and Technology  
Biology; Chemistry;  
Environmental Science; Geology;  
Mathematics; Physics  
and Statistics

Humanities and  
Social Sciences  
Friday at 11 AM  
Saturday at 10 AM

Arts; Criminal Justice;  
International Language and  
Literature; Mass Studies;  
Religious Studies;  
Psychology; Sociology

CAMPUS VIRTUAL TOUR

Governor's Quad



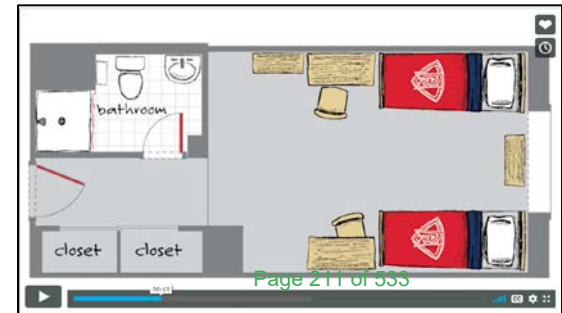
Governor's Quad  
RADFORD UNIVERSITY

Page 210 of 533

# Quest Orientation Planning

Like our Admissions Process, we have also re-tooled our entire orientation program to an online platform that started June 11<sup>th</sup>

- ✓ Parent and Student Pathways
- ✓ Personalized academic advising opportunities for all attendees
- ✓ Online Photo Submission and specialized mailing for the ONE Card.
- ✓ Full housing tours, including room layouts
- ✓ Students' schedules pre-built upon orientation
- ✓ Unique sessions ranging from Financial Aid, to Campus Safety, to Student Life





# Discussion

**RADFORD UNIVERSITY BOARD OF VISITORS  
ACADEMIC AFFAIRS ACTION ITEM**

**RESOLUTION**

**Approval of Teaching and Research Faculty Tenure for 2020-2021  
June 12, 2020**

**WHEREAS**, the tenure-track faculty are appointed initially on one-year contracts and throughout the probationary period, which is normally six years, they are subject to reappointment annually upon recommendation by the Department Personnel Committee, the Department Chair, the College Dean, the Provost, and the President, and

**WHEREAS**, no later than the beginning of the fall semester of the sixth year of full-time appointment, tenure-track faculty are notified by their Department Chairs of their eligibility for consideration for award of tenure and candidates for tenure must submit to their Department Personnel Committees pertinent information regarding their qualification for tenure, including a statement justifying the granting of tenure, all past performance evaluations, including a summary of student evaluations and any peer evaluations, a current curriculum vita, and any other relevant documentation, and

**WHEREAS**, criteria for the award of tenure include: the continuing need for the individual's expertise; the individual's teaching effectiveness; effectiveness as an advisor; professional development; participation in University co-curricular activities; committee work; cooperation with colleagues; and contributions towards the objectives of the department, college, and University, and

**WHEREAS**, upon consideration of the candidate's achievement of the above criteria, the Department Personnel Committee submits its recommendation to the Department Chair, who in turn submits his or her recommendation to the College Dean. The Dean submits his or her recommendation to the Provost, and the Provost submits his or her recommendation in each case to the President. At each stage, the recommendation is added to the previous recommendations, and all are transmitted to the next level. Copies of each recommendation, together with justification, are sent to the faculty member, who has the right to appeal negative recommendations to the Faculty Grievance Committee, and

**WHEREAS**, the final authority for awarding or denying tenure lies with the Board of Visitors and all of the faculty members listed below have met the criteria for award of tenure,

**ARTIS COLLEGE OF SCIENCE AND TECHNOLOGY**

<u>Name</u>	<u>Department</u>
Sarah B. Redmond	Department of Biology
George N. Harakas	Department of Chemistry
Sarah A. Kennedy	Department of Chemistry

**COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT**

<u>Name</u>	<u>Department</u>
Darryl L. Corey	School of Teacher Education and Leadership
Roofia Galeshi	School of Teacher Education and Leadership
Melissa W. Lisanti	School of Teacher Education and Leadership

**COLLEGE OF HUMANITIES AND BEHAVIORAL SCIENCES**

<u>Name</u>	<u>Department</u>
Margaret Catherine Pate	Department of Criminal Justice
Riane Miller Bolin	Department of Criminal Justice
Amy E. Rubens	Department of English
Amanda Kellogg	Department of English
Benjamin Biermeier-Hanson	Department of Psychology

**COLLEGE OF VISUAL AND PERFORMING ARTS**

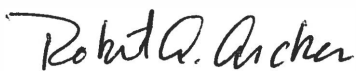
Brent Webb	Department of Art
Jennifer S. McDonel	Department of Music

**WALDRON COLLEGE OF HEALTH AND HUMAN SERVICES**

<u>Name</u>	<u>Department</u>
Katie Snider Redden Katz	School of Nursing

**THEREFORE, BE IT RESOLVED,** it is recommended that the Board of Visitors approve the faculty Tenure recommendations listed above to become effective the beginning of the 2020-2021 academic year.

Adopted: June 12, 2020



\_\_\_\_\_  
Robert A. Archer  
Rector  
Radford University Board of Visitors



\_\_\_\_\_  
Karen Castele  
Secretary to the Board of Visitors  
Radford University



**RADFORD UNIVERSITY BOARD OF VISITORS  
ACADEMIC AFFAIRS ACTION ITEM**

**RESOLUTION**

**Approval to Amend the Teaching and Research Faculty Handbook, Section 1.3.1.3,  
Appointment Terms**

**June 12, 2020**

**WHEREAS**, All proposed changes to the *Teaching and Research Faculty Handbook* must be managed in accord with §5.0 of that handbook, and

**WHEREAS**, the authority to amend or revise the Faculty Handbook lies with the Board of Visitors. However, proposals for revising the Handbook may be initiated by faculty, administrators, the President, or members of the Board of Visitors. Revisions fall into two categories: (1) those required to ensure that the University is in compliance with state policies and mandates, and (2) those within the purview of the decision-making processes within the University, and

**WHEREAS**, revisions required to ensure that the University is in compliance with state policies and mandates, and that do not require a decision by University personnel, will be effected through an administrative update, with faculty being informed of the change and the reasons for it, and

**WHEREAS**, revisions within the purview of the decision-making processes in the University Internal Governance system will be considered by appropriate committees as defined by the Internal Governance system. Proposals for changes will be made in the form of text intended to replace a portion of the Teaching and Research Faculty Handbook, noting new language and striking out the old language, and

**WHEREAS**, it will be the Faculty Senate's responsibility to ensure that the general faculty is provided time and opportunity to review the proposed change so faculty can communicate with their senators prior to any action by the Faculty Senate.

**WHEREAS**, the Faculty Senate's recommendations on proposed revisions to the Teaching and Research Faculty Handbook will be forwarded to and approved by the President. The Provost will forward the Faculty Senate's recommendations to the Academic Excellence and Research Committee who will in turn make recommendations to the member of the full Board of Visitors.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Visitors of Radford University hereby approve in accordance with §5.0 of the *Teaching and Research Faculty Handbook*, **Section 1.3.1.3: Appointment Terms** of the *Teaching and Research Faculty Handbook* is hereby amended. Said sections are to now read as follows (additions are in **red**):

---

[19-20.14 Motion to Change the T & R Handbook Language Concerning Calendar Year Faculty Appointments](#)

**Referred by:** Faculty Issues Committee

**Motion:**

Faculty Senate approves changing the language of the T&R Handbook in Section 1.3.1.3 in regard to appointment terms.

#### Calendar Year Appointments

Faculty members may be assigned responsibilities that extend throughout the calendar year. Such faculty members will be on a calendar year appointment for 11 months or for 12 months with provisions for annual leave. Such terms will be set forth by appointment and reappointment letters issued to faculty members each year.


Proposed change: replace the last sentence as follows:


**Calendar year T&R faculty follow the A&P Faculty Handbook leave policies unless otherwise designated in their contracts.**

#### **Rationale:**

12-month T&R faculty are eligible for leave pay-out, just as AP faculty are. This change recognizes the reality of using the same process for all 12-month faculty eligible for leave payout. The FIC worked with HR on this proposal and has their approval for the new wording.

Adopted: June 12, 2020

  
\_\_\_\_\_  
Robert A. Archer  
Rector  
Radford University Board of Visitors

  
\_\_\_\_\_  
Karen Castele  
Secretary to the Board of Visitors  
Radford University

**RADFORD UNIVERSITY BOARD OF VISITORS  
ACADEMIC AFFAIRS ACTION ITEM**

**RESOLUTION**

**Approval to Amend the Teaching and Research Faculty Handbook Section 1.4.1.3,  
Student Evaluations of Faculty**

**June 12, 2020**

**WHEREAS**, All proposed changes to the *Teaching and Research Faculty Handbook* must be managed in accord with §5.0 of that handbook, and

**WHEREAS**, the authority to amend or revise the Faculty Handbook lies with the Board of Visitors. However, proposals for revising the Handbook may be initiated by faculty, administrators, the President, or members of the Board of Visitors. Revisions fall into two categories: (1) those required to ensure that the University is in compliance with state policies and mandates, and (2) those within the purview of the decision-making processes within the University, and

**WHEREAS**, revisions required to ensure that the University is in compliance with state policies and mandates, and that do not require a decision by University personnel, will be effected through an administrative update, with faculty being informed of the change and the reasons for it, and

**WHEREAS**, revisions within the purview of the decision-making processes in the University Internal Governance system will be considered by appropriate committees as defined by the Internal Governance system. Proposals for changes will be made in the form of text intended to replace a portion of the Teaching and Research Faculty Handbook, noting new language and striking out the old language, and

**WHEREAS**, it will be the Faculty Senate's responsibility to ensure that the general faculty is provided time and opportunity to review the proposed change so faculty can communicate with their senators prior to any action by the Faculty Senate.

**WHEREAS**, the Faculty Senate's recommendations on proposed revisions to the Teaching and Research Faculty Handbook will be forwarded to and approved by the President. The Provost will forward the Faculty Senate's recommendations to the Academic Excellence and Research Committee who will in turn make recommendations to the member of the full Board of Visitors.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Visitors of Radford University hereby approve in accordance with §5.0 of the *Teaching and Research Faculty Handbook*, **Section 1.4.1.3: Student Evaluations of Faculty** of the *Teaching and Research Faculty Handbook* as hereby amended. Said sections are to now read as follows (additions are in **red**):

---

[Motion to Revise the Student Evaluation of Faculty Language in the Teaching and Research Handbook](#)

**Referred by:** Governance Committee

**MOTION:**

The Faculty Senate recommends changing the language of the procedures of the Student Evaluations of Faculty Section of the T&R Faculty Handbook (1.4.1.3) to read:

## Procedures:

- ~~1. Student evaluations for full-semester courses, regardless of method delivery, shall be conducted between the thirteenth and fourteenth weeks of the semester; for half-semester courses they are conducted during the sixth week of the course. If all students in a course are not scheduled to meet simultaneously in the same place with an instructor or proctor between the thirteenth and fourteenth weeks of the semester, then the student evaluation may be administered electronically. In the case of evaluations, of online courses, the faculty member may designate a 24-hour period within the specified window during which evaluations will take place.~~
1. Student evaluations for full-semester courses shall be conducted during the last two weeks of classes. For any course shorter than a full semester, student evaluations shall be conducted during the last week of [that] classes, prior to the day of the final exam. In the case of evaluations of online courses, the faculty member may designate a 24-hour period during the course evaluation time frame.
2. The department personnel committee or course supervisor shall determine who is responsible for administering the evaluations in classes and online. Under no circumstances shall the actual instructor of the course administer his or her own evaluations.
3. ~~It is recommended that the evaluation be administered at the beginning of class to ensure that the students have adequate time to prepare thoughtful comments.~~ For evaluations administered in the classroom, the packet of evaluations given to faculty must include the standard university wide instruction statement (see below). All administrators of the evaluations must read the statement aloud. The statement addresses the conditions under which the evaluations are conducted, how they should be completed by students, and why they are important.
- ~~4. For evaluations administered in the classroom, the packet of evaluations given to faculty must include the standard university wide instruction statement (see below). All administrators of the evaluations must read the statement aloud. The statement addresses the conditions under which the evaluations are conducted, how they should be completed by students, and why they are important.~~


## RATIONALE:

The proposed language is more flexible and accounts for a range of course schedules beyond the 7 and 14-week period.

Adopted: June 12, 2020



Robert A. Archer  
Rector  
Radford University Board of Visitors



Karen Castele  
Secretary to the Board of Visitors  
Radford University

**RADFORD UNIVERSITY BOARD OF VISITORS  
ACADEMIC AFFAIRS ACTION ITEM**

**RESOLUTION**

**Approval to Amend the Teaching and Research Faculty Handbook 1.4.1.4.1 Evaluation Procedures  
for Tenured and Tenure-Track Faculty**

**June 12, 2020**

**WHEREAS**, All proposed changes to the *Teaching and Research Faculty Handbook* must be managed in accord with §5.0 of that handbook, and

**WHEREAS**, the authority to amend or revise the Faculty Handbook lies with the Board of Visitors. However, proposals for revising the Handbook may be initiated by faculty, administrators, the President, or members of the Board of Visitors. Revisions fall into two categories: (1) those required to ensure that the University is in compliance with state policies and mandates, and (2) those within the purview of the decision-making processes within the University, and

**WHEREAS**, revisions required to ensure that the University is in compliance with state policies and mandates, and that do not require a decision by University personnel, will be effected through an administrative update, with faculty being informed of the change and the reasons for it, and

**WHEREAS**, revisions within the purview of the decision-making processes in the University Internal Governance system will be considered by appropriate committees as defined by the Internal Governance system. Proposals for changes will be made in the form of text intended to replace a portion of the Teaching and Research Faculty Handbook, noting new language and striking out the old language, and

**WHEREAS**, it will be the Faculty Senate's responsibility to ensure that the general faculty is provided time and opportunity to review the proposed change so faculty can communicate with their senators prior to any action by the Faculty Senate.

**WHEREAS**, the Faculty Senate's recommendations on proposed revisions to the Teaching and Research Faculty Handbook will be forwarded to and approved by the President. The Provost will forward the Faculty Senate's recommendations to the Academic Excellence and Research Committee who will in turn make recommendations to the member of the full Board of Visitors.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Visitors of Radford University hereby approve in accordance with §5.0 of the *Teaching and Research Faculty Handbook*, **Section 1.4.1.4.1: Evaluation Procedures for Tenured and Tenure-track Faculty** of the *Teaching and Research Faculty Handbook* as hereby amended. Said sections are to now read as follows (additions are in **red**):

---

19-20.27: Motion Regarding Personnel Timeline Change for the Submission of Faculty Annual Reports

**Referred by:** Faculty Issues Committee

**Motion:** Faculty Senate recommends changing the Faculty Annual Report submission date reflected in the Teaching and Research Handbook, 1.4.1.4.1, from August 22 to August 15.

1.4.1.4.1 Evaluation Procedures for Tenured and Tenure-track Faculty.

1. ~~By August 22, By August 10\*~~, By August 15, each returning faculty member shall submit to the Department Chair a Faculty Annual Report, which includes specific information concerning the faculty member's significant activities for the past academic year in the areas of teaching, professional contributions, and university service, and a brief statement of what the faculty member hopes to accomplish in each area for the upcoming academic year. A brief description of the workload of the faculty member, including factors which might influence faculty performance, such as overloads, number of class preparations, graduate hours taught, independent studies, supervision of interns, off campus assignments, etc. should be included.

**Rationale:**

The Council of Chairs passed a motion that highlights the single change under consideration. No other changes to the personnel timeline or the FARs are under consideration in this motion. The Faculty Issues Committee reviewed the matter and brings it to the Senate for consideration.

The current timeline for review of Faculty Annual Reports by Department Chairs coincides closely with the beginning of the fall semester, which is also the time Chairs need to be available to students and faculty. Moving the due date of Faculty Annual Reports to August 10th will allow Chairs to complete faculty reviews before the beginning of the semester so that they can focus their attention on time-sensitive business of the department (schedule problems, student or faculty issues, students needing courses, etc.).

*\* The original date was August 22, which was changed to August 10. In discussion with the Council of Chairs, August 15 was selected and as part of the attached motion.*

Adopted: June 12, 2020



Robert A. Archer  
Rector  
Radford University Board of Visitors



Karen Casteel  
Secretary to the Board of Visitors  
Radford University

# 2020-2021 Tuition and Fees

RADFORD  
UNIVERSITY

# 2020-21 Fiscal Priorities





# 2020-21 Strategic Budgeting Priorities

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- **Student Affordability** - the University is tasked with further leveraging funding sources to moderate the growing cost of education.
- **Implementation of Strategic Plan** - development sought to align divisional priorities with the efforts identified in the 2018-2023 strategic plan.
- **Addressing Mandatory Cost Increases** - in addition to state mandated items, the University must also address mandatory cost pressures including contractual commitments, operation and maintenance of facilities, etc.
- **Radford University Carilion** - improve operations and continue alignment of tuition and fee rates with Main Campus.

# 2020-21 Strategic Budgeting Factors

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- **Economic Outlook** - staying abreast of the overall national and global economic impact and the specific impact on higher education.
- **Legislative Actions** - monitoring and incorporating legislative requirements.
- **Enrollment** - projecting enrollment based on national trends, market dynamics, and diversified program offerings.
- **Market Pricing** - managing the University's commitment to student affordability given our student demographic while factoring support provided by the Commonwealth.

# Economic Outlook

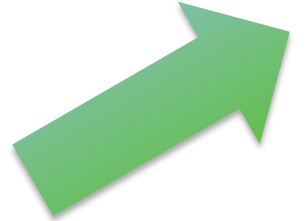


# Economic Outlook

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## Pre-COVID-19:

- Favorable economic conditions
- Commonwealth's unemployment rate was 2.6% (sixth lowest in the nation)
- Strong state revenue forecast for the balance of FY2020 (3.2% forecasted with year-to-date revenues growing at 6.2%)



## Post-COVID-19:

- Evolving and unknown
- Economic recession is expected
- Potential shortfall of at least \$1.8 billion is anticipated for FY2021



# Commonwealth Revenue Outlook

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- April Revenue Report is the first report that demonstrates the significant impact of COVID-19.
- Total general fund revenue collections fell 26.2 percent in April, mainly a result of the June 1 deadline extension granted for individual and corporate income tax.
- The decrease is consistent with the estimated \$1 billion reduction in the fourth quarter of fiscal year 2020 related the impacts of COVID-19.
- While on a fiscal year-to-date basis, total revenue collections have increased 1.4 percent through April, it is 3.1 percent below the annual forecast growth.

# Legislation Actions

**RADFORD**  
UNIVERSITY

# 2020-21 General Assembly Funding Summary

	Pre-COVID-19 Proposed Funding	Post-COVID-19 Proposed Funding
<b>E&amp;G - Educational &amp; General</b>		
Tech Talent	\$891,993	\$891,993
Employee Bonus	1,398,839	0
Minimum Wage Increase	15,210	15,210
Fringe Rate Changes	236,155	236,155
Central System & Other Charges	-1,342	-1,342
RUC Operating Support	2,000,000	0
Tuition Moderation	2,100,000	0
<b>Total E&amp;G General Fund Recommendations</b>	<b>\$6,640,855</b>	<b>\$1,142,016</b>
<b>SFA - Student Financial Assistance</b>		
In-State Undergraduate Financial Aid	2,538,400	0
<b>Total E&amp;G and SFA (combined) General Fund</b>	<b>\$9,179,255</b>	<b>\$1,142,016</b>

# Enrollment

**RADFORD**  
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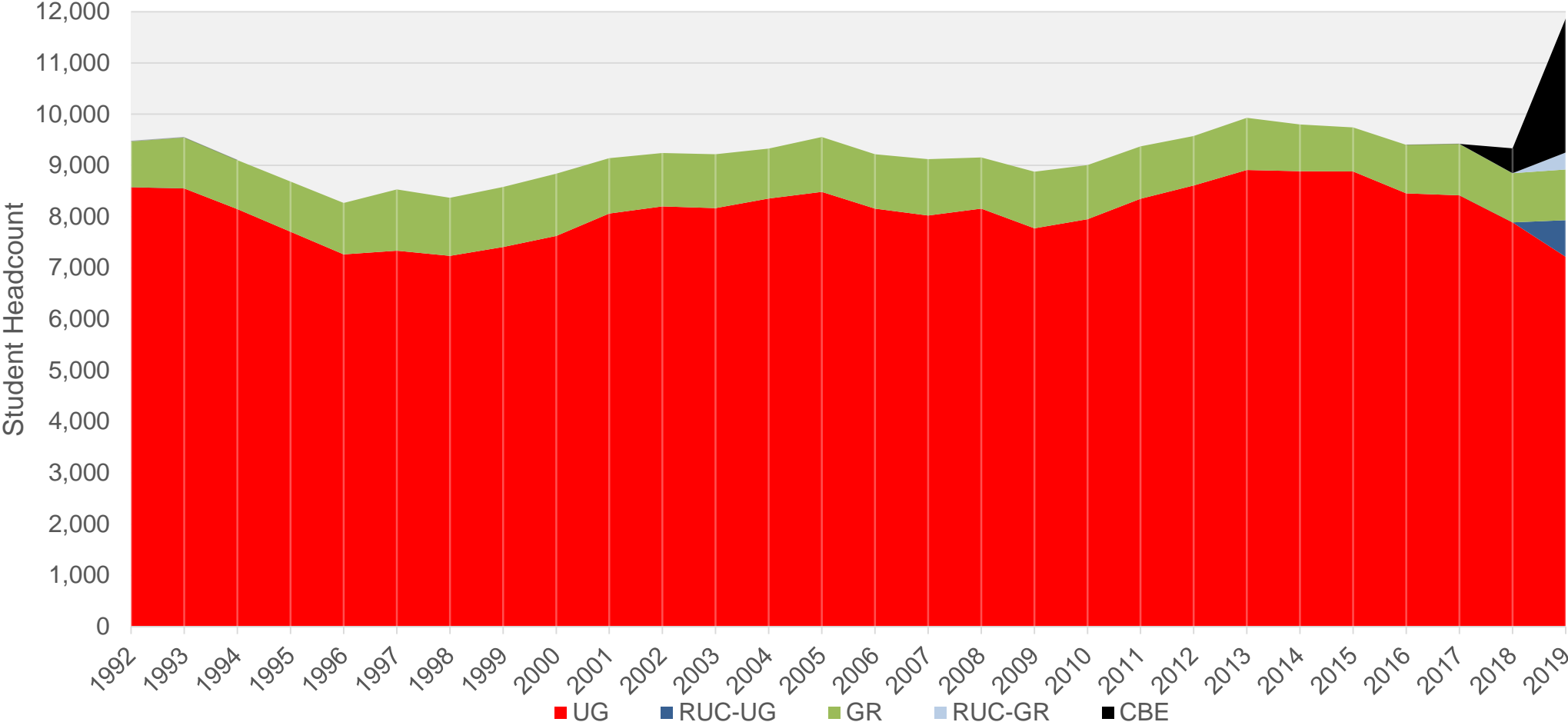
# Enrollment Projections

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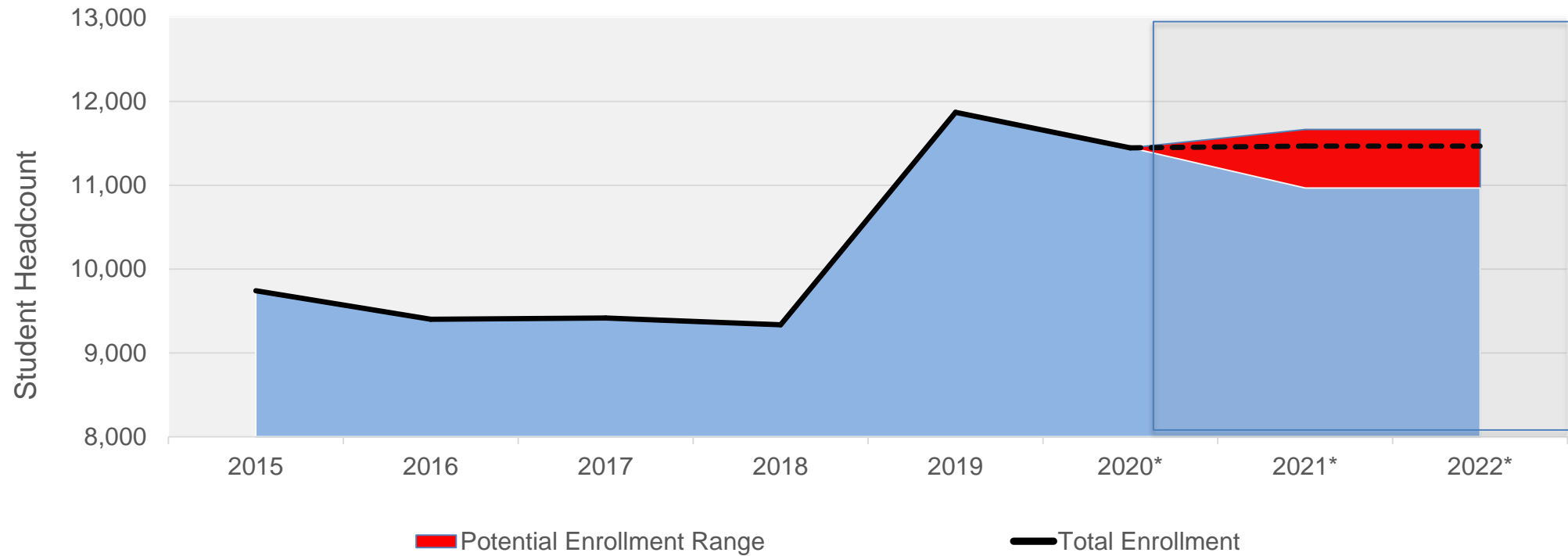
**As Non-General Fund support becomes a larger portion of the University budget, enrollment projections greatly impact the fiscal plan. The following student composition factors are critical when projecting enrollment:**

- In-State
- Main Campus
- Undergraduate
- On-Campus
- Online
- Out-of-State
- Radford University Carilion
- Graduate
- Off-Campus
- Seat-Based

# Fall Enrollment Trend 1992-2019



# Fall Enrollment Outlook



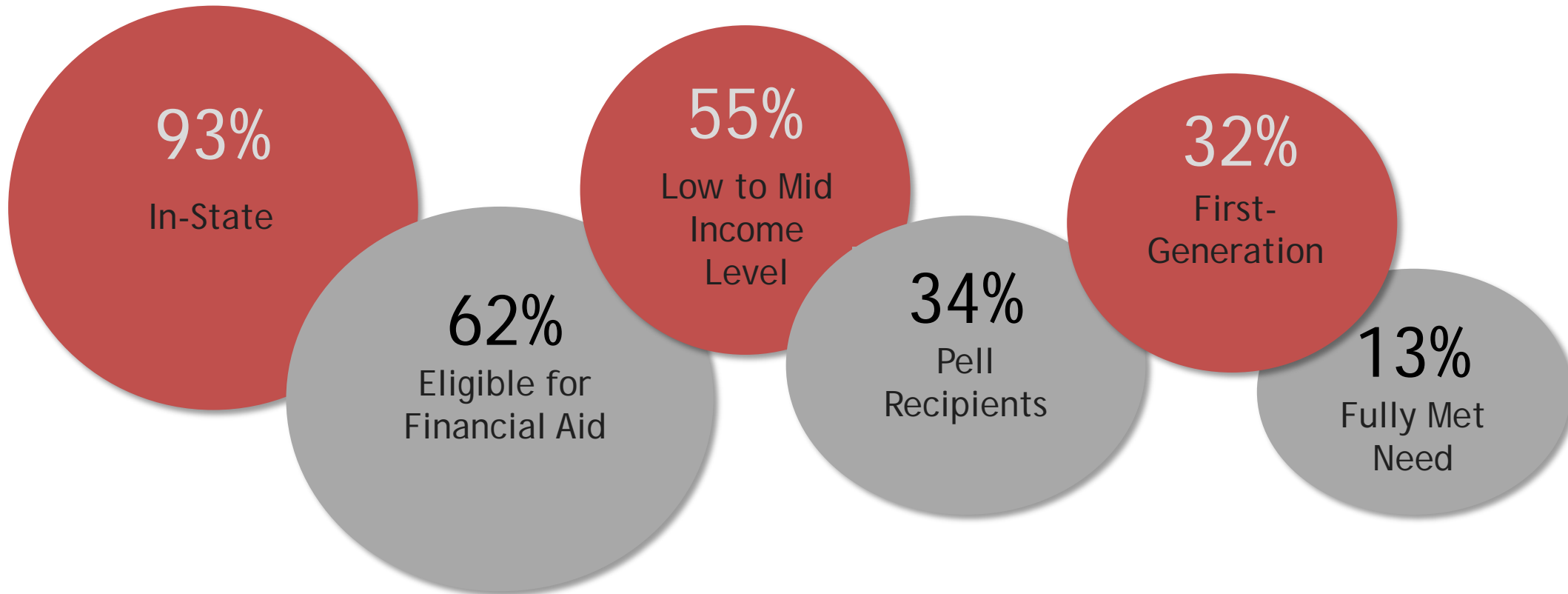
\* Projections

# Market Pricing



# Student Demographics

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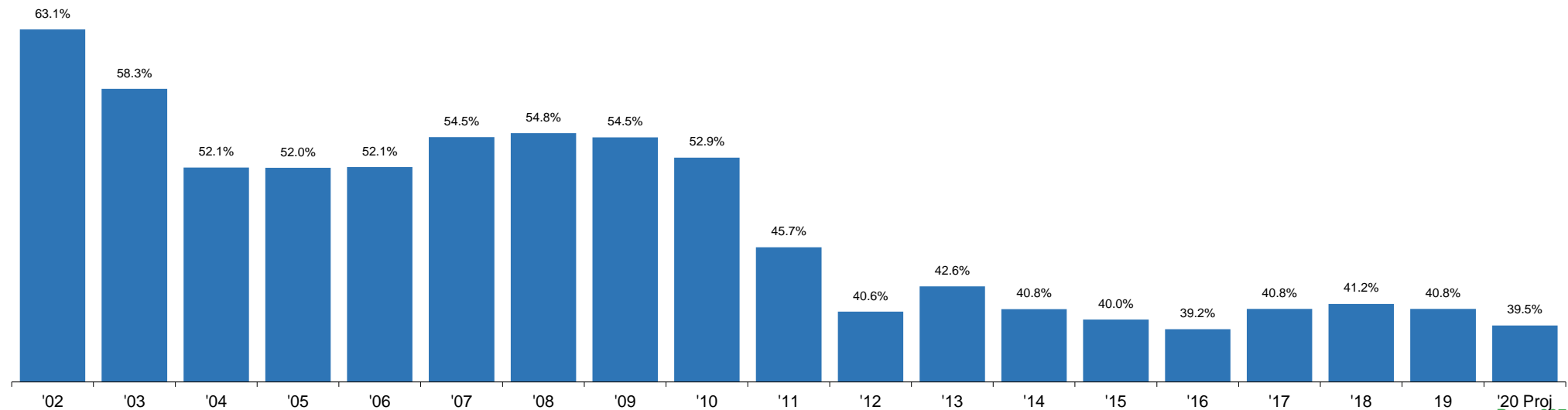


# Student Affordability

## Public Higher Education utilizes a shared cost model

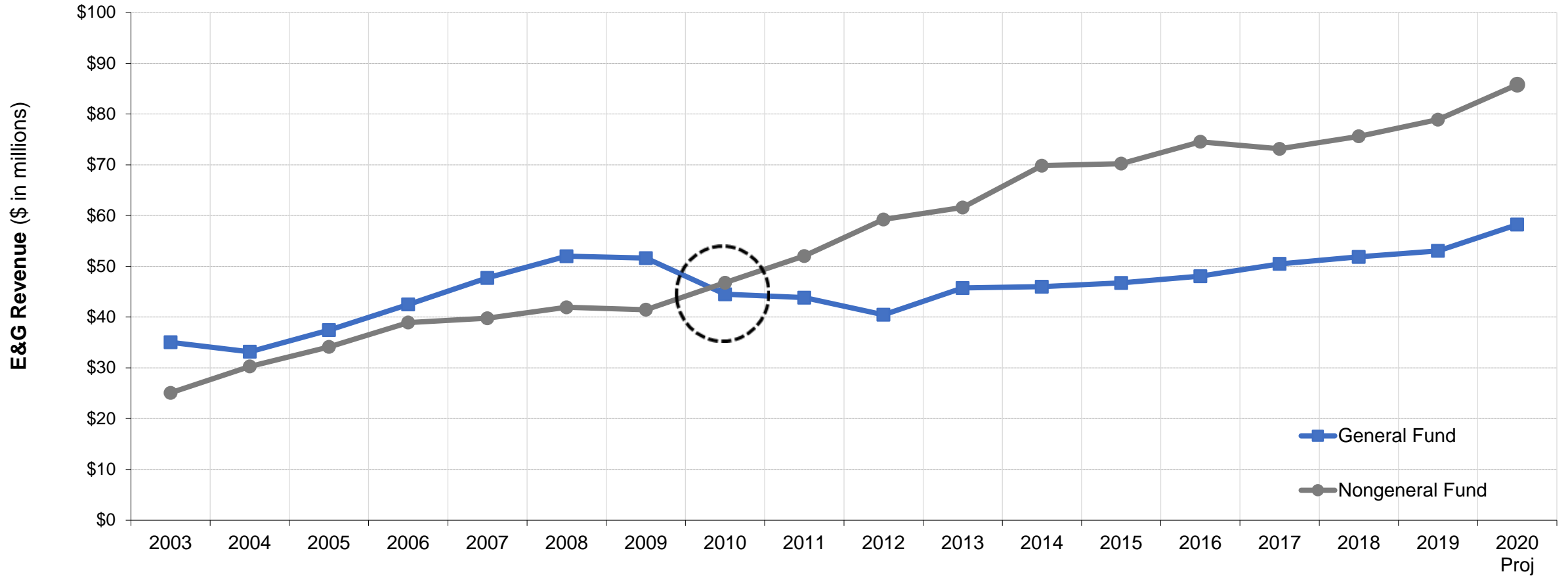
- Higher Education is not a mandated state budget item, but state policy seeks to contribute **67%** share of the cost of education.

GF Percent (%) of E&G Revenue



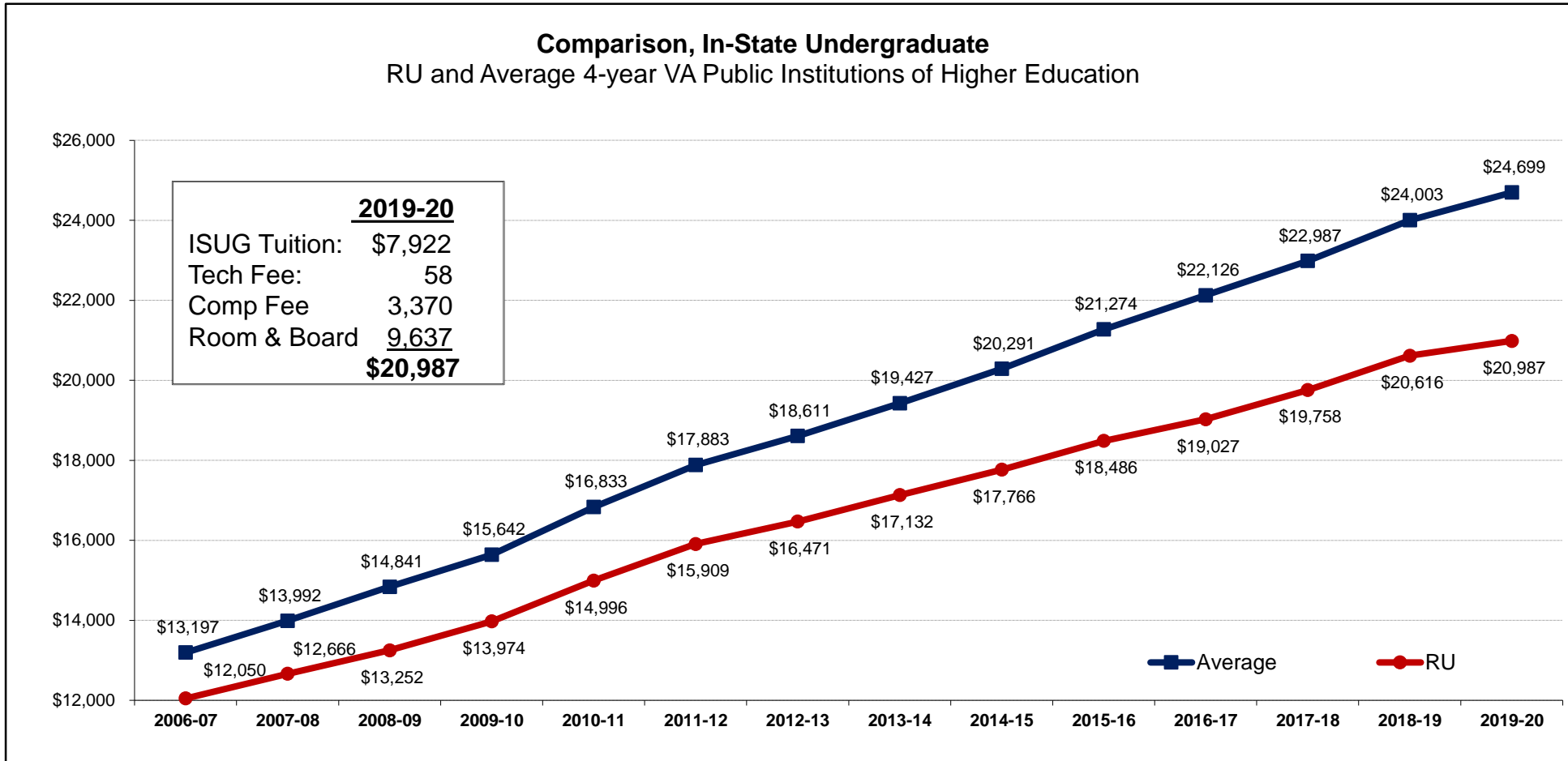
# Shift in Higher Education Funding

Radford University E&G Funding Trend



# Main Campus Total Cost: Affordable Provider

**Comparison, In-State Undergraduate**  
 RU and Average 4-year VA Public Institutions of Higher Education



Rank	Inst.	2019-20
1	CWM	\$ 36,554
2	VMI	\$ 28,884
3	UVA	\$ 28,335
4	CNU	\$ 26,684
5	VCU	\$ 25,419
6	LU	\$ 25,188
7	GMU	\$ 24,269
8	UMW	\$ 23,940
9	JMU	\$ 23,144
10	VT	\$ 23,033
11	ODU	\$ 21,888
12	UVA-W	\$ 21,003
13	RU	\$ 20,987
14	VSU	\$ 20,698
15	NSU	\$ 20,466

Average = **\$24,699**



# Strategic Plan

**RADFORD**  
UNIVERSITY

# Implement Strategic Plan

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## 2018-2023 Strategic Plan: "*Embracing the Tradition and Envisioning the Future*"

- The plan contains a total of six areas of focus, 22 goals, and numerous strategies for achieving the University's mission and vision.

Academic Excellence and Research

Philanthropic Giving and Alumni Engagement

Brand Identity

Strategic Enrollment Growth

Economic Development and Community Partnerships

Student Success

# Mandatory Cost Increases



# Mandatory Cost Increases

---

## **The University must address mandatory cost pressures including:**

- State mandated fringe benefit cost increases
- State mandated increase in minimum wage rate
- Contractual operating commitments
- Contractual escalators for technology and maintenance contracts
- Escalating utilities
- Committed cost for previously approved projects
- Teaching and Research Faculty promotion and tenure contractual commitments

# Mandatory Cost Increases

---

The University must address a number of state mandated items that continue to be a driving force in increasing the cost of education.

- These costs must be considered prior to pursuing any programmatic opportunities.
- The University anticipated the following cost drivers:

## 2020-21 Funding Considerations

	<u>Pre COVID-19</u>	<u>Post COVID-19</u>
3% Bonus Faculty/Staff - December 1, 2020	\$ 2,331,398	\$ -
Fringes Rate Adjustments	434,931	434,931
Minimum Wage Increase	25,350	25,350
FLSA/State Pay Band Adjustments	<u>12,303</u>	<u>12,303</u>
<b>Total Cost Drivers</b>	<b>\$ 2,803,982</b>	<b>\$ 472,584</b>

# Radford University Carilion



# Radford University Carilion

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## **The University is committed to improving operations and aligning tuition and fee rates with Main Campus.**

- 10 percent decrease in tuition and fees for the 2020-2021 academic year when compared to the 2019-2020 academic year
  - Almost 20 percent decrease when compared to the cost of Jefferson College of Health Sciences prior to the merger with Radford University
- Instituting a competitive pricing structure for some of RUC's fully online programs in order to expand the workforce pipeline across high-demand areas for health sciences professionals.
  - Healthcare Administration (BS), Public Health (BS), Healthcare Administration (MS), Health Sciences (MS), Master of Occupational Therapy (MOT), Doctor of Occupational Therapy (OTD)
- Alignment of cost for programs offered on Main Campus and RUC
  - RN to BSN, Master of Occupational Therapy (MOT), and Medical Laboratory Science (MLS)
- Rename Site Fee to Health Sciences Fee
- Align Doctor of Physical Therapy (DPT) program with the RUC site

# 2020-21 Fiscal Allocations





# Preliminary Resource Allocation - Revenue

## Main Campus

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	<b>2020-21</b>
	<b>Assumptions</b>
<b><u>REVENUE</u></b>	
<b>General Fund Changes</b>	
2020-21 Tech Talent	\$ 891,993
2020-21 Minimum Wage (Estimate)	15,210
2020-21 Fringe Rate Changes	236,155
2020-21 Central Systems & Other Changes	<u>(1,342)</u>
<b>Total General Fund Changes</b>	<b>\$ 1,142,016</b>
<b>Nongeneral Fund Changes</b>	
18 CH Policy Change	\$ 250,000
Tuition Alignment	(7,047,327)
Sales & Services	(30,234)
Private Support	(276,653)
Need Based Scholarships	<u>(1,240,102)</u>
<b>Total Nongeneral Fund Changes</b>	<b>\$ (8,344,316)</b>
<b>Total Revenue Changes</b>	<b>\$ (7,202,300)</b>

# Preliminary Resource Allocation - Expense

## Main Campus

	<u>2020-21 Assumptions</u>		<u>2020-21 Assumptions</u>
<b><u>EXPENSES</u></b>		<b><u>SAVING STRATEGIES</u></b>	
<b>Non-Discretionary Cost Increases</b>		Academic Affairs	\$ (5,061,399)
<b>Mandatory Costs</b>		Finance & Administration	(1,144,289)
<b>Salary Adjustments</b>		Information Technology	(634,542)
2020-21 FLSA Adj	\$ 2,360	Central Administration	(114,878)
2020-21 Minimum Wage Adj	25,350	Student Affairs	(89,214)
2020-21 Pay Band Adj	9,943	University Relations	(208,855)
		University Advancement	(241,809)
<b>Fringe Adjustments</b>		Central Resources	(959,108)
2020-21 Fringe Rate Changes	434,931	Enrollment Management	(363,078)
		<b>Total Savings strategies</b>	<b>\$ (8,817,172)</b>
<b>Central Cost Commitments</b>		<b>Total Savings Strategies</b>	<b>\$ (8,817,172)</b>
AA Promotion & Tenure	237,853	<b>Total Base Budget</b>	<b>\$ (7,202,300)</b>
Contracts & Compliance	51,666	<b>TOTAL SURPLUS/(DEFICIT)</b>	<b>\$ -</b>
Tech Talent	670,904		
Transfer Initiative	181,865		
<b>Total Non-Discretionary Cost Increases</b>	<b>\$ 1,614,872</b>		

# Preliminary Resource Allocation - Revenue

## Radford University Carilion

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	<u>2020-21 Assumptions</u>
<b><u>REVENUE</u></b>	
<b>General Fund Changes</b>	
N/A	\$ -
<b>Total General Fund Changes</b>	<b>\$ -</b>
<b>Nongeneral Fund Changes</b>	
2020-21 Tuition and Fee Decrease	\$ (2,166,049)
2020-21 DPT Transfer Tuition	1,581,544
2020-21 Tuition Waiver Decrease	300,000
<b>Total Nongeneral Fund Changes</b>	<b>\$ (284,505)</b>
<b>Total Revenue Changes</b>	<b>\$ (284,505)</b>



# COVID-19 Impact

**RADFORD**  
UNIVERSITY

# COVID-19 Estimated Financial Impact

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While the long term fiscal impact of COVID-19 is unknown, the University has been proactive in tracking the cost of the disruption of operations as well as the potential impact on future terms.

## Expense Impact:

	<u>Estimated Cost</u>
Personal Protective Equipment	\$ 170,896
Personal Services	4,166,693
Technology Infrastructure	409,592
Signage	242,850
Cleaning & Disinfecting	1,274,443
Testing	564,478
Operational Necessities	531,185
<b>Total</b>	<b>\$ 7,360,140</b>

# COVID-19 Estimated Financial Impact

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Significant changes have also been made in traditional recruitment practices, given these changes, as well as the unknown as to how so many families and students have been impacted by COVID-19, Fall 2020 enrollment remains a strong concern and focus.

- It is estimated that for each one percent decline in spring to fall retention, there would be an approximate loss of 75 undergraduates resulting in a \$1.6 million revenue loss across all programs.
- If 100 fewer freshmen entered in for Fall 2020, this would result in a \$2.1 million decline across all programs.

# 2020-21 Tuition and Fees Rate Proposals

**RADFORD**  
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# Radford University's Main Campus Proposed Rates: In-State Undergraduate

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
<b>Radford University</b>				
<b>Undergraduate</b>				
<b><u>In-state Undergraduate (full-time) –</u></b>				
Tuition	\$7,922	\$7,922	\$0	
Mandatory Technology Fee	58	58	0	
Mandatory Comprehensive Fee	3,370	3,436	66	
<b>Total In-state Undergraduate</b>	<b>\$11,350</b>	<b>\$11,416</b>	<b>\$66</b>	<b>0.58%</b>
Room - Standard Double	5,387	5,495	108	
Board - 19 Meal Plan	4,356	4,356	0	
<b>Total In-state Undergraduate Living in University Housing</b>	<b>\$21,093</b>	<b>\$21,267</b>	<b>\$174</b>	<b>0.82%</b>

\* Full-time tuition and fee rates are based on 12-17 credit hours.

# Radford University's Main Campus Proposed Rates: Out-of-State Undergraduate

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
<b>Radford University</b>				
<b>Undergraduate</b>				
<b><u>Out-of-state Undergraduate (full-time) –</u></b>				
Tuition	\$19,557	\$19,557	\$0	
Mandatory Capital Fee	447	447	0	
Mandatory Technology Fee	58	58	0	
Mandatory Comprehensive Fee	3,370	3,436	66	
<b>Total Out-of-state Undergraduate</b>	<b>\$23,432</b>	<b>\$23,498</b>	<b>\$66</b>	<b>0.28%</b>
Room - Standard Double	5,387	5,495	108	
Board - 19 Meal Plan	\$4,356	\$4,356	0	
<b>Total Out-of-state Undergraduate Living in University Housing</b>	<b>\$33,175</b>	<b>\$33,349</b>	<b>\$174</b>	<b>0.52%</b>

# Radford University's Main Campus Proposed Rates: Graduate Programs

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
<b>Radford University</b>				
<b>Graduate</b>				
<b><u>In-state Graduate (full-time) –</u></b>				
Tuition	\$8,915	\$8,915	\$0	
Mandatory Technology Fee	58	58	0	
Mandatory Comprehensive Fee	3,370	3,436	66	
<b>Total In-state Graduate</b>	<b>\$12,343</b>	<b>\$12,409</b>	<b>\$66</b>	<b>0.53%</b>
<b><u>Out-of-State Graduate (full-time) –</u></b>				
Tuition	\$17,441	\$17,441	\$0	
Mandatory Capital Fee	447	447	0	
Mandatory Technology Fee	58	58	0	
Mandatory Comprehensive Fee	3,370	3,436	66	
<b>Total Out-of-state Graduate</b>	<b>\$21,316</b>	<b>\$21,382</b>	<b>\$66</b>	<b>0.31%</b>

# Radford University's Main Campus Change Summary: Comprehensive Fees

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
<b>Radford University</b>				
<b>Comprehensive Fee</b>				
<b>Mandatory Comprehensive Fee</b>				
Auxiliary Building/Facilities	\$ 265	\$ 265	\$ 0	0.00%
Auxiliary Support	232	237	5	2.16%
Debt Service	306	306	0	0.00%
Inter. Athletics	1,213	1,269	56	4.62%
Recreation	309	309	0	0.00%
Student Activities	148	148	0	0.00%
Student Health	353	353	0	0.00%
Student Services	97	97	0	0.00%
Student Union	305	305	0	0.00%
Transit	142	147	5	3.52%
<b>Total Comprehensive Fee</b>	<b>\$ 3,370</b>	<b>\$ 3,436</b>	<b>\$ 66</b>	<b>1.96%</b>

# Radford University's Main Campus Proposed Rates: Annual Room Rates

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
Traditional Double	\$ 4,770	\$ 4,865	\$ 95	1.99%
Standard Double - Phase I	5,387	5,495	108	2.00%
Standard Double - Phase II	5,548	5,659	111	2.00%
Traditional Single	6,963	7,102	139	2.00%
Standard Single - Phase I	7,663	7,816	153	2.00%
Standard Single - Phase II	7,893	8,051	158	2.00%
Standard - Super Suite	5,825	5,942	117	2.01%
Deluxe - Super Suite	6,208	6,332	124	2.00%
University Apartment – 1 bed	N/A	7,650	N/A	N/A
University Apartment – 2 bed	7,140	7,283	143	2.00%
University Apartment – 3 bed	6,780	6,916	136	2.01%
University Apartment – 4 bed	6,420	6,548	128	1.99%
University Apartment – 5 bed	6,060	6,181	121	2.00%
University Apartment – 1 bed (incl. laundry)	7,860	8,017	157	2.00%
University Apartment – 2 bed (incl. laundry)	7,500	7,650	150	2.00%
University Apartment – 3 bed (incl. laundry)	7,140	7,283	143	2.00%
University Apartment – 4 bed (incl. laundry)	6,780	6,916	136	2.01%
University Apartment – 5 bed (incl. laundry)	6,420	6,548	128	1.99%

# Radford University Carilion

## Proposed Rates: Undergraduate

	Approved 2019-20	Proposed 2020-21	Dollar Change	Percent Change
<b>Radford University Carilion</b>				
<b>Undergraduate</b>				
<b>In-state Undergraduate (full-time)</b>				
Tuition	\$7,922	\$7,922	\$0	
Health Sciences Fee	6,000	6,000	0	
Program Fee	9,795	7,400	(2,395)	
Mandatory Technology Fee <sup>8</sup>	470	470	0	
<b>Total In-state Undergraduate</b>	<b>\$24,187</b>	<b>\$21,792</b>	<b>(\$2,395)</b>	<b>-9.90%</b>
<b>Out-of-state Undergraduate (full-time)</b>				
Tuition	\$7,922	\$7,922	\$0	
Health Sciences Fee	6,000	6,000	0	
Program Fee	9,795	9,795	0	
Mandatory Technology Fee <sup>8</sup>	470	470	0	
<b>Total Out-of-state Undergraduate</b>	<b>\$24,187</b>	<b>\$24,187</b>	<b>\$0</b>	<b>0.00%</b>

# Radford University Carilion Proposed Rates: Graduate

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Change</u>	<u>Percent Change</u>
<b>Radford University Carilion</b>				
<b>Graduate</b>				
<b>In-state Graduate (per credit hour)</b>				
Tuition	\$371	\$371	\$0	
Health Sciences Fee	250	250	0	
Program Fee	174	174	0	
<b>Total In-state Graduate</b>	<b>\$795</b>	<b>\$795</b>	<b>\$0</b>	<b>0.00%</b>
<b>Out-of-state Graduate (per credit hour)</b>				
Tuition	\$371	\$371	\$0	
Health Sciences Fee	250	250	0	
Program Fee	174	174	0	
<b>Total Out-of-state Graduate</b>	<b>\$795</b>	<b>\$795</b>	<b>\$0</b>	<b>0.00%</b>

# Discussion



**RADFORD UNIVERSITY BOARD OF VISITORS**

**Resolution  
Approval of 2020-21 Tuition and Fees**

**June 12, 2020**

**NOW, THEREFORE, BE IT RESOLVED** that the Radford University Board of Visitors approves tuition and fees for the 2020-21 academic year as reflected in the Summary of Proposed 2020-21 Tuition and Fees beginning with the Fall 2020 semester and thereafter until otherwise adjusted by the Board of Visitors.

Adopted: June 12, 2020



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Robert A. Archer  
Rector  
Radford University Board of Visitors



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Karen Castele  
Secretary to the Board of Visitors  
Radford University

Schedule B:  
Summary of Proposed 2020-21 Tuition and Fees

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
<b>Radford University</b>				
<b>Undergraduate <sup>1</sup></b>				
<b><u>In-state Undergraduate (full-time) –</u></b>				
Tuition	\$7,922	\$7,922	\$0	
Mandatory Technology Fee	58	58	0	
Mandatory Comprehensive Fee	3,370	3,436	66	
<b>Total In-state Undergraduate</b>	<b>\$11,350</b>	<b>\$11,416</b>	<b>\$66</b>	<b>0.58%</b>
Room - Standard Double	5,387	5,495	108	
Board - 19 Meal Plan	4,356	4,356	0	
<b>Total In-state Undergraduate Living in University Housing</b>	<b>\$21,093</b>	<b>\$21,267</b>	<b>\$174</b>	<b>0.82%</b>
<b><u>Out-of-state Undergraduate (full-time) –</u></b>				
Tuition	\$19,557	\$19,557	\$0	
Mandatory Capital Fee	447	447	0	
Mandatory Technology Fee	58	58	0	
Mandatory Comprehensive Fee	3,370	3,436	66	
<b>Total Out-of-state Undergraduate</b>	<b>\$23,432</b>	<b>\$23,498</b>	<b>\$66</b>	<b>0.28%</b>
Room - Standard Double	5,387	5,495	108	
Board - 19 Meal Plan	\$4,356	\$4,356	0	
<b>Total Out-of-state Undergraduate Living in University Housing</b>	<b>\$33,175</b>	<b>\$33,349</b>	<b>\$174</b>	<b>0.52%</b>

<sup>1</sup> Full-time tuition and fee rates are based on 12-17 credit hours.

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
<b>Graduate <sup>1</sup></b>				
<b><u>In-state Graduate (full-time) –</u></b>				
Tuition	\$8,915	\$8,915	\$0	
Mandatory Technology Fee	58	58	0	
Mandatory Comprehensive Fee	3,370	3,436	66	
<b>Total In-state Graduate</b>	<b>\$12,343</b>	<b>\$12,409</b>	<b>\$66</b>	<b>0.53%</b>
<b><u>Out-of-State Graduate (full-time) –</u></b>				
Tuition	\$17,441	\$17,441	\$0	
Mandatory Capital Fee	447	447	0	
Mandatory Technology Fee	58	58	0	
Mandatory Comprehensive Fee	3,370	3,436	66	
<b>Total Out-of-state Graduate</b>	<b>\$21,316</b>	<b>\$21,382</b>	<b>\$66</b>	<b>0.31%</b>
<b>Differential Tuition &amp; Fees</b>				
<b><u>RN to BSN In-State (per credit hour)</u></b>				
Tuition	\$0	\$329	N/A	
Mandatory Technology Fee <sup>2</sup>	0	3	N/A	
Mandatory Program Fee	0	63	N/A	
Mandatory Online Program Fee <sup>3</sup>	0	25	N/A	
<b>Total In-state Undergraduate RN to BSN</b>	<b>\$0</b>	<b>\$420</b>	<b>N/A</b>	<b>N/A</b>
<b><u>RN to BSN Out-of-State (per credit hour)</u></b>				
Tuition	\$0	\$329	N/A	
Mandatory Technology Fee <sup>2</sup>	0	3	N/A	
Mandatory Program Fee	0	63	N/A	
Mandatory Online Program Fee <sup>3</sup>	0	25	N/A	
<b>Total Out-of-state Undergraduate RN to BSN</b>	<b>\$0</b>	<b>\$420</b>	<b>N/A</b>	<b>N/A</b>

<sup>1</sup> Full-time tuition and fee rates are based on 12-17 credit hours.

<sup>2</sup> For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rate of \$1,718 per semester for the mandatory comprehensive fee, \$29 per semester for the technology fee, and \$223.50 per semester for the out-of-state capital fee.

<sup>3</sup> The online program fee applies to select differential tuition programs that are offered fully online. This fee is assessed on a per credit hour basis in lieu of the comprehensive fee.

	<u>Approved</u> <u>2019-20</u>	<u>Proposed</u> <u>2020-21</u>	<u>Dollar</u> <u>Increase</u>	<u>Percent</u> <u>Increase</u>
<b><u>Master of Occupational Therapy (MOT) In-State (per credit hour)</u></b>				
Tuition	\$376	\$376	\$0	
Mandatory Technology Fee <sup>2</sup>	3	3	0	
Mandatory Program Fee	0	63	63	
Mandatory Comprehensive Fee <sup>2</sup>	140	143	3	
<b>Total In-state Graduate MOT</b>	<b>\$519</b>	<b>\$585</b>	<b>\$66</b>	<b>12.62%</b>

**Master of Occupational Therapy (MOT) Out-of-State (per credit hour)**

Tuition	\$967	\$587	(\$380)	
Mandatory Capital Fee <sup>2</sup>	19	19	0	
Mandatory Technology Fee <sup>2</sup>	3	3	0	
Mandatory Program Fee	0	63	63	
Mandatory Comprehensive Fee <sup>2</sup>	140	143	3	
<b>Total Out-of-state Graduate MOT</b>	<b>\$1,129</b>	<b>\$815</b>	<b>(\$314)</b>	<b>-27.84%</b>

**Master of Fine Arts in Design Thinking In-State (per credit hour)**

Tuition	\$744	\$744	\$0	
Mandatory Technology Fee <sup>2</sup>	3	3	0	
Mandatory Online Program Fee <sup>3</sup>	25	25	0	
<b>Total In-state Graduate MFA</b>	<b>\$772</b>	<b>\$772</b>	<b>\$0</b>	<b>0.00%</b>

**Master of Fine Arts in Design Thinking Out-of-State (per credit hour)**

Tuition	\$744	\$744	\$0	
Mandatory Capital Fee <sup>2</sup>	19	19	0	
Mandatory Technology Fee <sup>2</sup>	3	3	0	
Mandatory Online Program Fee <sup>3</sup>	25	25	0	
<b>Total Out-of-state Graduate MFA</b>	<b>\$791</b>	<b>\$791</b>	<b>\$0</b>	<b>0.00%</b>

<sup>2</sup> For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rate of \$1,718 per semester for the mandatory comprehensive fee, \$29 per semester for the technology fee, and \$223.50 per semester for the out-of-state capital fee.

<sup>3</sup> The online program fee applies to select differential tuition programs that are offered fully online. This fee is assessed on a per credit hour basis in lieu of the comprehensive fee.

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Increase</u>	<u>Percent Increase</u>
<b><u>Doctor of Nursing Practice (DNP) In-State (per credit hour)</u></b>				
Tuition	\$504	\$504	\$0	
Mandatory Technology Fee <sup>2</sup>	3	3	0	
Mandatory Online Program Fee <sup>3</sup>	25	25	0	
<b>Total In-state Graduate DNP</b>	<b>\$532</b>	<b>\$532</b>	<b>0</b>	<b>0.00%</b>

<b><u>Doctor of Nursing Practice (DNP) Out-of-State (per credit hour)</u></b>				
Tuition	\$997	\$997	\$0	
Mandatory Capital Fee <sup>2</sup>	19	19	0	
Mandatory Technology Fee <sup>2</sup>	3	3	0	
Mandatory Online Program Fee <sup>3</sup>	25	25	0	
<b>Total Out-of-state Graduate DNP</b>	<b>\$1,044</b>	<b>\$1,044</b>	<b>\$0</b>	<b>0.00%</b>

<b><u>Doctor of Education (Ed.D.) In-State (per credit hour)</u></b>				
Tuition	\$371	\$371	\$0	
Program Fee	101	101	0	
Mandatory Technology Fee <sup>2</sup>	3	3	0	
Mandatory Online Program Fee <sup>3</sup>	25	25	0	
<b>Total In-state Graduate Ed.D.</b>	<b>\$500</b>	<b>\$500</b>	<b>\$0</b>	<b>0.00%</b>

<b><u>Doctor of Education (Ed.D.) Out-of-State (per credit hour)</u></b>				
Tuition	\$371	\$371	\$0	
Program Fee	101	101	0	
Mandatory Capital Fee <sup>2</sup>	19	19	0	
Mandatory Technology Fee <sup>2</sup>	3	3	0	
Mandatory Online Program Fee <sup>3</sup>	25	25	0	
<b>Total Out-of-state Graduate Ed.D.</b>	<b>\$519</b>	<b>\$519</b>	<b>\$0</b>	<b>0.00%</b>

<sup>2</sup> For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rate of \$1,718 per semester for the mandatory comprehensive fee, \$29 per semester for the technology fee, and \$223.50 per semester for the out-of-state capital fee.

<sup>3</sup> The online program fee applies to select differential tuition programs that are offered fully online. This fee is assessed on a per credit hour basis in lieu of the comprehensive fee.

	<b>Approved 2019-20</b>	<b>Proposed 2020-21</b>	<b>Dollar Increase</b>	<b>Percent Increase</b>
<b><u>Competency-Based Education (CBE)</u></b>				
Tuition (12-18 credit hours)	\$6,000	\$6,000	\$0	0.00%
Tuition (3-4 credit hours)	0	\$1,250	N/A	N/A

### **Part-time and Intersession<sup>4</sup> Rates**

#### **Tuition**

##### *Undergraduate*

In-state	\$329	\$329	\$0	0.00%
Out-of-state	814	814	0	0.00%
In-state RN to BSN	0	329	N/A	N/A
Out-of-state RN to BSN	0	329	N/A	N/A

##### *Graduate*

In-state	\$371	\$371	\$0	0.00%
Out-of-state	726	726	0	0.00%
In-state MOT	376	376	0	0.00%
Out-of-state MOT	967	587	(380)	-39.33%
In-state MFA	744	744	0	0.00%
Out-of-state MFA	744	744	0	0.00%
In-state DNP	504	504	0	0.00%
Out-of-state DNP	997	997	0	0.00%
In-state Ed.D.	371	371	0	0.00%
Out-of-state Ed.D.	371	371	0	0.00%
Virginia Educator	284	284	0	0.00%

#### **Other Mandatory Fees**

Technology Fee	\$3	\$3	\$0	0.00%
Out-of-state Capital Fee	19	19	0	0.00%
Online Program Fee	25	25	0	0.00%
Comprehensive Fee	140	143	3	2.14%
RN to BSN Program Fee	0	63	N/A	N/A
MOT Program Fee	0	63	N/A	N/A

<sup>4</sup> Summer III only - Full-time academic year tuition and fee rates are charged based on 12-17 credit hours.

	<b>Approved</b>	<b>Proposed</b>	<b>Dollar</b>	<b>Percent</b>
	<b>2019-20</b>	<b>2020-21</b>	<b>Increase</b>	<b>Increase</b>
<b>Comprehensive Fee</b>				
<b>Mandatory Comprehensive Fee</b>				
Athletics	\$1,213	\$1,269	\$56	
Auxiliary Building/Facilities	265	265	0	
Auxiliary Support	232	237	5	
Debt Service	306	306	0	
Recreation	309	309	0	
Student Activities	148	148	0	
Student Health	353	353	0	
Student Services	97	97	0	
Student Union	305	305	0	
Transit	142	147	5	
<b>Total Comprehensive Fee</b>	<b>\$3,370</b>	<b>\$3,436</b>	<b>\$66</b>	<b>1.96%</b>

### Fall & Spring Annual Room Rates<sup>5</sup>

<b>Room</b>				
Traditional Double	\$4,770	\$4,865	\$95	1.99%
Standard Double - Phase I	5,387	5,495	108	2.00%
Standard Double - Phase II	5,548	5,659	111	2.00%
Traditional Single	6,963	7,102	139	2.00%
Standard Single - Phase I	7,663	7,816	153	2.00%
Standard Single - Phase II	7,893	8,051	158	2.00%
Standard - Super Suite	5,825	5,942	117	2.01%
Deluxe - Super Suite	6,208	6,332	124	2.00%
University Apartment – 1 bed	0	7,650	N/A	N/A
University Apartment – 2 bed	7,140	7,283	143	2.00%
University Apartment – 3 bed	6,780	6,916	136	2.01%
University Apartment – 4 bed	6,420	6,548	128	1.99%
University Apartment – 5 bed	6,060	6,181	121	2.00%

	<b>Approved 2019-20</b>	<b>Proposed 2020-21</b>	<b>Dollar Increase</b>	<b>Percent Increase</b>
University Apartment – 1 bed (incl. laundry)	7,860	8,017	157	2.00%
University Apartment – 2 bed (incl. laundry)	7,500	7,650	150	2.00%
University Apartment – 3 bed (incl. laundry)	7,140	7,283	143	2.00%
University Apartment – 4 bed (incl. laundry)	6,780	6,916	136	2.01%
University Apartment – 5 bed (incl. laundry)	6,420	6,548	128	1.99%

<sup>5</sup> Notes:

- a) Double occupancy rooms that remain tripled after the census date will receive a weekly 25 percent prorated credit on their respective room rate.
- b) Summer rates are prorated based on the approved annualized rate for a standard double – phase I room.
- c) University Apartment rates are charged on a per student/per bed basis.

### Fall & Spring Annual Board & Meal Plan Rates<sup>6</sup>

#### Residential Board Plan

Flex Plan	\$4,225	\$4,225	\$0	0.00%
19 Meal Plan	4,356	4,356	0	0.00%
15 Meal Plan	4,237	4,237	0	0.00%
Apt Block	2,225	2,225	0	0.00%

#### Non-Residential Meal Plan (*optional*)

Flex Jr. Plan	\$2,136	\$2,136	\$0	0.00%
65 Meal Plan	1,065	1,065	0	0.00%
90 Meal Plan	1,474	1,474	0	0.00%
5 Meal Plan	1,569	1,569	0	0.00%

<sup>6</sup> Notes:

- a) Summer rates are prorated on the approved annualized rate.
- b) Select board and meal plans may not be available each term.
- c) Flex and Flex Jr. Plans will be available for Fall Semester only on a prorated basis for students with spring 2020 balances.



	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Change</u>	<u>Percent Change</u>
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## Radford University Carilion

### Undergraduate <sup>7</sup>

#### In-state Undergraduate (full-time)

Tuition	\$7,922	\$7,922	\$0	
Health Sciences Fee	6,000	6,000	0	
Program Fee	9,795	7,400	(2,395)	
Mandatory Technology Fee <sup>8</sup>	470	470	0	
<b>Total In-state Undergraduate</b>	<b>\$24,187</b>	<b>\$21,792</b>	<b>(\$2,395)</b>	<b>-9.90%</b>

#### Out-of-state Undergraduate (full-time)

Tuition	\$7,922	\$7,922	\$0	
Health Sciences Fee	6,000	6,000	0	
Program Fee	9,795	9,795	0	
Mandatory Technology Fee <sup>8</sup>	470	470	0	
<b>Total Out-of-state Undergraduate</b>	<b>\$24,187</b>	<b>\$24,187</b>	<b>\$0</b>	<b>0.00%</b>

<sup>7</sup> Full-time tuition and fee rates are based on 12-18 credit hours.

<sup>8</sup> The Technology Fee is a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

### Part-Time and Intersession<sup>8,9</sup> (Per Credit Hour)

#### In-state Undergraduate (per credit hour)

Tuition	\$330	\$329	(\$1)	
Health Sciences Fee	250	250	0	
Program Fee	185	309	124	
<b>Total In-state Undergraduate</b>	<b>\$765</b>	<b>\$888</b>	<b>\$123</b>	<b>16.08%</b>

#### Out-of-state Undergraduate (per credit hour)

Tuition	\$330	\$329	(\$1)	
Health Sciences Fee	250	250	0	
Program Fee	185	409	224	
<b>Total Out-of-state Undergraduate</b>	<b>\$765</b>	<b>\$988</b>	<b>\$223</b>	<b>29.15%</b>

<sup>8</sup> The Technology Fee is a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

<sup>9</sup> Summer III only - Full-time academic year tuition and fee rates are charged based on 12-18 credit hours.

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Change</u>	<u>Percent Change</u>
<b>Graduate <sup>8</sup></b>				
<b>In-state Graduate (per credit hour)</b>				
Tuition	\$371	\$371	\$0	
Health Sciences Fee	250	250	0	
Program Fee	174	174	0	
<b>Total In-state Graduate</b>	<b>\$795</b>	<b>\$795</b>	<b>\$0</b>	<b>0.00%</b>
<b>Out-of-state Graduate (per credit hour)</b>				
Tuition	\$371	\$371	\$0	
Health Sciences Fee	250	250	0	
Program Fee	174	174	0	
<b>Total Out-of-state Graduate</b>	<b>\$795</b>	<b>\$795</b>	<b>\$0</b>	<b>0.00%</b>

<sup>8</sup> The Technology Fee a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

#### **Differential (Per Credit Hour) Rates <sup>8</sup>**

##### **Emergency Services, BS**

##### **In-state Undergraduate (per credit hour)**

Tuition	\$330	\$329	(\$1)	
Program Fee	95	123	28	
<b>Total In-state Emergency Service</b>	<b>\$425</b>	<b>\$452</b>	<b>\$27</b>	<b>6.35%</b>

##### **Out-of-state Undergraduate (per credit hour)**

Tuition	\$330	\$329	(\$1)	
Program Fee	95	123	28	
<b>Total Out-of-state Emergency Service</b>	<b>\$425</b>	<b>\$452</b>	<b>\$27</b>	<b>6.35%</b>

<sup>8</sup> The Technology Fee is a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Change</u>	<u>Percent Change</u>
<b><u>Medical Laboratory Science, BS</u></b>				
<b>In-state Undergraduate (per credit hour)</b>				
Tuition	\$330	\$329	(\$1)	
Program Fee	95	123	28	
<b>Total In-state Medical Laboratory Science</b>	<b>\$425</b>	<b>\$452</b>	<b>\$27</b>	<b>6.35%</b>
<b>Out-of-state Undergraduate (per credit hour)</b>				
Tuition	\$330	\$329	(\$1)	
Program Fee	95	123	28	
<b>Total Out-of-state Medical Laboratory Science</b>	<b>\$425</b>	<b>\$452</b>	<b>\$27</b>	<b>6.35%</b>
<b><u>Nursing, RN-to-BSN</u></b>				
<b>In-state Undergraduate (per credit hour)</b>				
Tuition	\$330	\$329	(\$1)	
Program Fee	20	71	51	
<b>Total In-state Nursing, RN-BSN</b>	<b>\$350</b>	<b>\$400</b>	<b>\$50</b>	<b>14.29%</b>
<b>Out-of-state Undergraduate (per credit hour)</b>				
Tuition	\$330	\$329	(\$1)	
Program Fee	20	71	51	
<b>Total Out-of-state Nursing, RN-BSN</b>	<b>\$350</b>	<b>\$400</b>	<b>\$50</b>	<b>14.29%</b>

<sup>8</sup> The Technology Fee is a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Change</u>	<u>Percent Change</u>
<b><u>Healthcare Administration, BS</u></b>				
<b>In-state Undergraduate (per credit hour)</b>				
Tuition	\$0	\$329	N/A	
Program Fee	0	101	N/A	
<b>Total In-state Healthcare Administration</b>	<b>\$0</b>	<b>\$430</b>	<b>N/A</b>	<b>N/A</b>
<b>Out-of-state Undergraduate (per credit hour)</b>				
Tuition	\$0	\$329	N/A	
Program Fee	0	101	N/A	
<b>Total Out-of-state Healthcare Administration</b>	<b>\$0</b>	<b>\$430</b>	<b>N/A</b>	<b>N/A</b>
<b><u>Public Health, BS</u></b>				
<b>In-state Undergraduate (per credit hour)</b>				
Tuition	\$0	\$329	N/A	
Program Fee	0	101	N/A	
<b>Total In-state Public Health</b>	<b>\$0</b>	<b>\$430</b>	<b>N/A</b>	<b>N/A</b>
<b>Out-of-state Undergraduate (per credit hour)</b>				
Tuition	\$0	\$329	N/A	
Program Fee	0	101	N/A	
<b>Total Out-of-state Public Health</b>	<b>\$0</b>	<b>\$430</b>	<b>N/A</b>	<b>N/A</b>

<sup>8</sup> The Technology Fee is a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Change</u>	<u>Percent Change</u>
<b><u>Healthcare Administration, MS</u></b>				
<b>In-state Graduate (per credit hour)</b>				
Tuition	\$0	\$371	N/A	
Program Fee	0	220	N/A	
<b>Total In-state Healthcare Administration</b>	<b>\$0</b>	<b>\$591</b>	<b>N/A</b>	<b>N/A</b>
<b>Out-of-state Graduate (per credit hour)</b>				
Tuition	\$0	\$371	N/A	
Program Fee	0	220	N/A	
<b>Total Out-of-state Healthcare Administration</b>	<b>\$0</b>	<b>\$591</b>	<b>N/A</b>	<b>N/A</b>
<b><u>Health Sciences, MS</u></b>				
<b>In-state Graduate (per credit hour)</b>				
Tuition	\$0	\$371	N/A	
Program Fee	0	220	N/A	
<b>Total In-state Health Sciences</b>	<b>\$0</b>	<b>\$591</b>	<b>N/A</b>	<b>N/A</b>
<b>Out-of-state Graduate (per credit hour)</b>				
Tuition	\$0	\$371	N/A	
Program Fee	0	220	N/A	
<b>Total Out-of-state Health Sciences</b>	<b>\$0</b>	<b>\$591</b>	<b>N/A</b>	<b>N/A</b>

<sup>8</sup> The Technology Fee is a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Change</u>	<u>Percent Change</u>
<b><u>Master of Occupational Therapy, MOT</u></b>				
<b>In-state Graduate (per credit hour)</b>				
Tuition	\$0	\$376	N/A	
Program Fee	0	189	N/A	
<b>Total In-state MOT</b>	<b>\$0</b>	<b>\$565</b>	<b>N/A</b>	<b>N/A</b>
<b>Out-of-state Graduate (per credit hour)</b>				
Tuition	\$0	\$587	N/A	
Program Fee	0	208	N/A	
<b>Total Out-of-state MOT</b>	<b>\$0</b>	<b>\$795</b>	<b>N/A</b>	<b>N/A</b>
<b><u>Doctor of Occupational Therapy (OTD)</u></b>				
<b>In-state Graduate (per credit hour)</b>				
Tuition	\$0	\$376	N/A	
Program Fee	0	189	N/A	
<b>Total In-state OTD</b>	<b>\$0</b>	<b>\$565</b>	<b>N/A</b>	<b>N/A</b>
<b>Out-of-state Graduate (per credit hour)</b>				
Tuition	\$0	\$587	N/A	
Program Fee	0	208	N/A	
<b>Total Out-of-state OTD</b>	<b>\$0</b>	<b>\$795</b>	<b>N/A</b>	<b>N/A</b>

<sup>8</sup> The Technology Fee is a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

	<u>Approved 2019-20</u>	<u>Proposed 2020-21</u>	<u>Dollar Change</u>	<u>Percent Change</u>
<b><u>Doctor of Physical Therapy (DPT)</u></b>				
<b>In-state Graduate (per credit hour)</b>				
Tuition	\$480	\$371	(\$109)	
Program Fee	0	232	232	
Mandatory Technology Fee <sup>2</sup>	3	0	(3)	
Mandatory Comprehensive Fee <sup>2</sup>	140	0	(140)	
<b>Total In-state Doctor of Physical Therapy</b>	<b>\$623</b>	<b>\$603</b>	<b>(\$20)</b>	<b>-3.21%</b>
<b>Out-of-state Graduate (per credit hour)</b>				
Tuition	\$966	\$876	(\$90)	
Program Fee	0	232	232	
Mandatory Capital Fee <sup>2</sup>	19	0	(19)	
Mandatory Technology Fee <sup>2</sup>	3	0	(3)	
Mandatory Comprehensive Fee <sup>2</sup>	140	0	(140)	
<b>Total Out-of-state Doctor of Physical Therapy</b>	<b>\$1,128</b>	<b>\$1,108</b>	<b>(\$20)</b>	<b>-1.77%</b>

<sup>8</sup>The Technology Fee is a flat rate of \$235 per semester (\$85 summer) and no per credit hour equivalent is assigned.

### Residential Room Rates

Standard Room – Fall & Spring	\$5,870	\$5,870	0	0.00%
Standard Room – Summer	1,500	1,500	0	0.00%

**Performance Plan Update for 2019-2020  
President Brian O. Hemphill, Ph.D.**

**Proposed Resolution for  
Board of Visitors Consideration**

**Now Therefore Be it Resolved**, that the Board of Visitors hereby approves payment for President Brian O. Hemphill's Performance Plan for 2019-2020, as discussed in closed session on June 12, 2020, and that said performance plan pursuant to Section E of the Employment Agreement of Brian O. Hemphill, Ph.D., dated December 7, 2018 and amended May 10, 2019, is considered a personnel record.

Adopted: June 12, 2020



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Robert A. Archer  
Rector  
Radford University Board of Visitors



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Karen Castele  
Secretary to the Board of Visitors  
Radford University



**Performance Plan Approval for 2020-2021  
President Brian O. Hemphill, Ph.D.**

**Proposed Resolution for  
Board of Visitors Consideration**

**Now Therefore Be it Resolved**, that the Board of Visitors hereby approves President Brian O. Hemphill's Performance Plan for 2020-2021, as discussed in closed session on June 12, 2020, and that said performance plan pursuant to Section E of the Employment Agreement of Brian O. Hemphill, Ph.D., dated December 7, 2018 and amended May 10, 2019 and June 12, 2020, is considered a personnel record.

Adopted: June 12, 2020

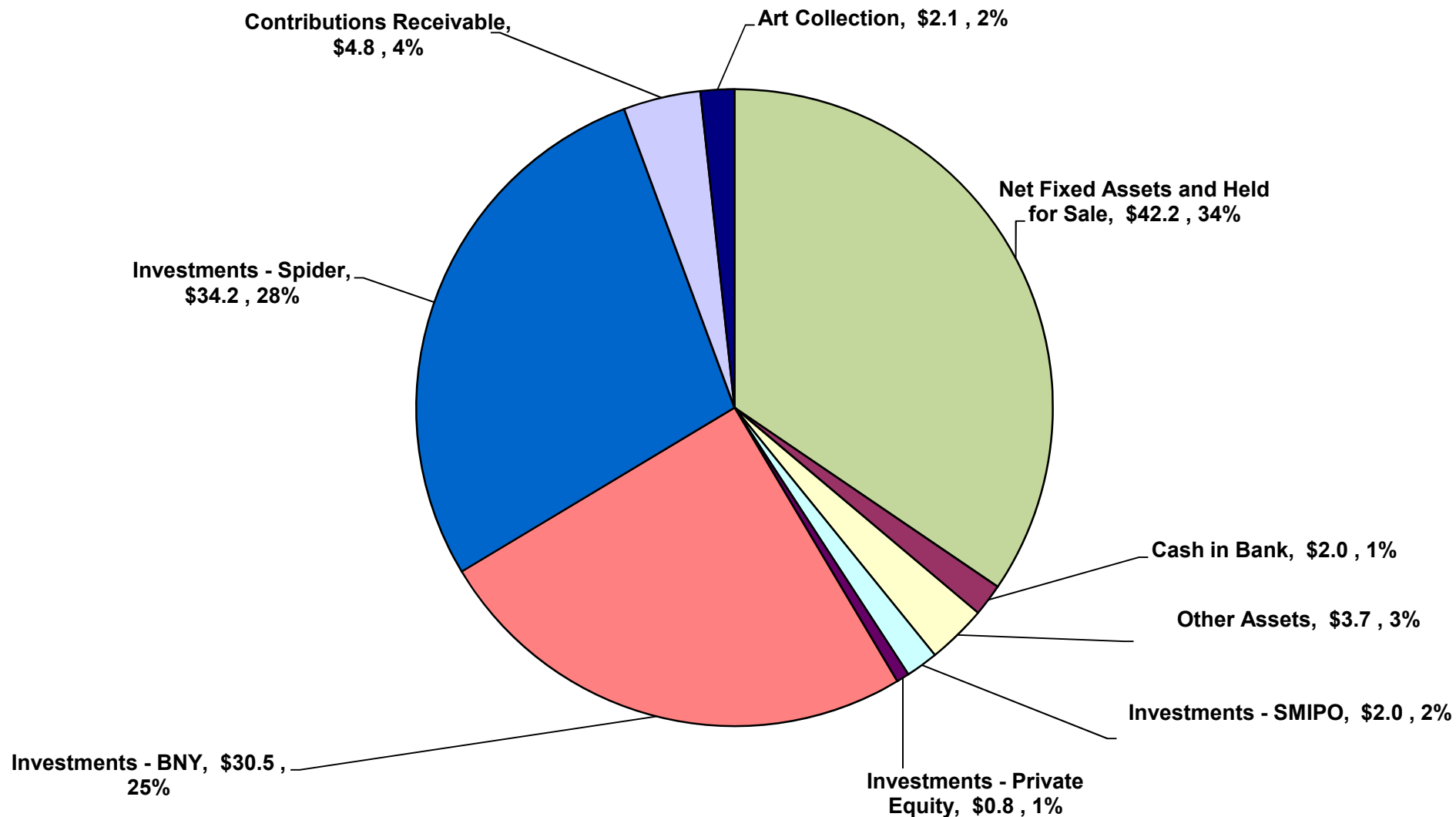


Robert A. Archer  
Rector  
Radford University Board of Visitors



Karen Castele  
Secretary to the Board of Visitors  
Radford University

# Radford University Foundation Asset Composition as of 3/31/20



(in millions)

**Total Assets: \$122.3M**

**RADFORD UNIVERSITY BOARD OF VISITORS  
RESOLUTION  
JUNE 12, 2020**

**WHEREAS**, Governor Northam issued Executive Order 51 on March 12, 2020 declaring a state of emergency in the Commonwealth of Virginia in response to the continued spread of novel coronavirus, or COVID-19; and

**WHEREAS**, the economic impact of the COVID-19 pandemic is severe and pervasive, creating budget shortfalls in both the current fiscal year and the upcoming biennial state budget; and

**WHEREAS**, in an April 2, 2020 memorandum, Governor Northam's Chief of Staff advised all Executive Branch agencies, including institutions of higher education, to prepare immediately for budget reductions in the coming biennium from July 1, 2020 through June 30, 2022; and

**WHEREAS**, the Chief of Staff's memorandum directed each agency to develop a budget reduction plan that includes identification of underperforming activities, and actions that provide ongoing long term reductions, rather than one-time savings; and

**WHEREAS**, the Commonwealth will begin general fund budget reductions in Fiscal Year 2021, which begins on July 1, 2020, requiring immediate action by the Board to address the impact on the University's budget; and

**WHEREAS**, a significant reduction in state general funds to the University is anticipated, requiring cost reductions in every operational area of the University and cannot be accomplished through ordinary budgeting practices or the reduction in specific services; and

**WHEREAS**, the Governor appoints the Board of Visitors; and

**WHEREAS**, the Code of Virginia imposes upon the Rector and the Visitors the fiduciary duty for the financial affairs of the University; and

**WHEREAS**, the Board anticipates a reduction in force may be required due to personnel costs constituting 79.5 percent of the E&G funds appropriation to the University; and

**WHEREAS**, the Governor has directed all state agencies, including the University, to make adjustments to budgets and operations, the Board, in executing its fiduciary responsibility, is authorizing the President to implement budget reduction strategies for Fiscal Year 2021 and Fiscal Year 2022 in order to ensure the long term fiscal health of Radford University; and

**WHEREAS**, there is an urgent need for the Board to take quick and decisive action, and that need cannot be met while adhering to the fiscal exigency section of the Teaching and Research Faculty Handbook; and

**WHEREAS**, the Board wishes to maintain the current Handbook process, but cannot comply with that process and simultaneously ensure the long term financial health of the University during the current statewide fiscal crisis; and

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Rector and Visitors do hereby authorize the President to finalize and submit to the Board budget reduction strategies that respond to the fiscal impact created by the response to the COVID-19 outbreak; and
2. Sections 1.8, 1.9, 1.15, and 1.16 of the Teaching and Research Faculty Handbook shall not apply to the budget reduction strategies and the subsequent Board actions and resolutions made in furtherance of this resolution; and
3. Sections 1.8, 1.9, 1.15, and 1.16 of the Teaching and Research Faculty Handbook shall not apply to any reduction in force in teaching and research faculty or program restructuring resulting from implementation of the adopted budget or other Board directives, resolutions or recommendations adopted in furtherance of this resolution; and
4. Nothing in this resolution or the budget reduction strategies shall interfere with any Radford employee's eligibility for transitional severance benefits or the retirement program provided in accordance with the Workforce Transition Act of 1995, Virginia Code § 2.2-3200, *et seq.*; and
5. This resolution shall take effect immediately and remain in effect until June 2022.

Adopted: June 12, 2020



Robert A. Archer  
Rector  
Radford University Board of Visitors



Karen Castele  
Secretary to the Board of Visitors  
Radford University

# End of Board of Visitors Materials



# August 2020 Minutes

**RADFORD UNIVERSITY**

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Board of Visitors

# RADFORD UNIVERSITY

Board of Visitors

**ANNUAL RETREAT  
AUGUST 4-5, 2020  
THE HOTEL ROANOKE & CONFERENCE CENTER  
110 SHENANDOAH AVENUE, ROANOKE, VIRGINIA**

**DRAFT  
MINUTES**

**AUGUST 4, 2020**

**BOARD MEMBERS PRESENT**

Mr. Robert A. Archer, Rector  
Dr. Thomas Brewster  
Dr. Jay A. Brown  
Mr. Gregory A. Burton  
Ms. Krisha Chachra  
Dr. Rachel D. Fowlkes  
Dr. Susan Whealler Johnston  
Mr. Mark S. Lawrence  
Dr. Debra K. McMahan  
Ms. Nancy Angland Rice  
Mr. David A. Smith  
Ms. Georgia Anne Snyder-Falkinham  
Ms. Lisa Throckmorton

**BOARD MEMBERS ABSENT**

Mr. James R. Kibler, Vice Rector  
Ms. Karyn K. Moran

**OTHERS PRESENT**

Dr. Brian O. Hemphill, President  
Ms. Karen Castele, Secretary to the Board of Visitors and Special Assistant to the President  
Mr. Craig Cornell, Vice President for Enrollment Management (Presentation)  
Mr. Chad A. Reed, Vice President for Finance and Administration (Presentation)  
Ms. Ashley Schumaker, Chief of Staff and Vice President for Strategic Operations  
Mr. Allen T. Wilson, Assistant Attorney General, Commonwealth of Virginia

**WELCOME AND OVERVIEW**

Mr. Robert A. Archer, Rector, began the Retreat at 1:05 p.m. in the Shenandoah Room of The Hotel Roanoke & Conference Center in Roanoke, Virginia. Rector Archer thanked everyone for taking their valuable time to travel to Roanoke and for being flexible due to the continuing impact of the COVID-19 pandemic. Rector Archer recalled previous Board of Visitors

discussions for the need for change due to an expected decline in high school students over the next decade, among other pressures. The structure of the University and what and how we teach have all been under consideration. Then earlier this year, we were faced with the on-going impact of the COVID-19 pandemic. It then became obvious that an emergency situation existed and that an accelerated process of evaluation and development of recommendations were in order. He continued by stating that the Board passed a resolution directing the President and his team to undertake a process of review and development of recommendations, working with stakeholders, to complete the process in a timely basis. Subsequently, President Hemphill announced the creation of two work groups, Academics and Services, who were tasked with evaluating the structure and programs to make recommendations that would not only look at budgetary concerns, but also will strategically set the University up for success going forward. Rector Archer expressed his appreciation to Administrative and Professional Faculty Senate President Ashlee Claud, Faculty Senate President Katie Hilden, Ph.D. and Staff Senate President Kristina Contreras for their leadership, understanding and support during the process.

Rector Archer stated that he could attest to how focused and how hard President Hemphill, his administration and others have been working on the Campus Reopening Plan, which was submitted to the State as required.

Rector Archer concluded by thanking President Hemphill for his work and for keeping him informed on all related matters. Rector Archer also thanked Chief of Staff and Vice President Ashley Schumaker and Secretary of the Board Karen Castele for their hard work on behalf of the University and the Board. And he expressed his appreciation to the Board for their unwavering perspective, support and friendship and that he looks forward to working with each member in the new year.

#### **A YEAR IN REVIEW AND A LOOK FORWARD**

President Brian O. Hemphill, Ph.D. reviewed with the Board of Visitors members the many significant accomplishments, events and new initiatives from 2019-2020, including: the establishment of Radford University Carilion; U.S. News & World Report rankings; the Highlander Discovery Institute event; the Venture Lab Ribbon Cutting; Hotel Project announcement; BB&T Leadership Development Program; Tech Talent Investment Program; Shelor Motor Mile Scholars Program; 2020-2030 Master Plan development; Academic Success Center creation; Reed and Curie Halls Renovation and Ribbon Cutting event; Appalachian College of Pharmacy partnership; and COVID-19 and Highlanders Rise response. While currently on hold, President Hemphill shared that the Center for Adaptive Innovation and Creativity project remains funded and progress will continue in the future. The presentation is attached hereto as *Attachment A* and is made a part hereof.

#### **REVIEW OF PROTOCOL AND COMMUNICATION**

Rector Archer and Chief of Staff and Vice President for Strategic Operations Ashley Schumaker provided a briefing on protocol, flow and Radford University staff commitments in responding to Board member information requests. The presentation is attached hereto as *Attachment B* and is made a part hereof.



## **THE FUTURE OF HIGHER EDUCATION PODCAST**

President Hemphill shared a [podcast](#) titled, “Will COVID-19 Permanently Change Instruction and Costs in Higher Ed?” The podcast, produced by Jeff Selingo and Michael Horn, with guests John Katzman, founder and CEO of Noodle Partners, and Ben Nelson, founder and CEO of the Minerva Project, share their perspectives on how COVID-19 might transform higher education in the longer term and what institutions should be doing in response.

## **REENGINEERING RADFORD UNIVERSITY FOR THE FUTURE**

President Hemphill shared with the Board members a presentation titled Reengineering Radford University for the Future, which provided a historic landscape of data in the nation, state and at Radford. The presentation included the national landscape of enrollment, enrollment trends occurring in the Commonwealth of Virginia and a closer look at historical enrollment at Radford University and each college. The presentation also included personnel growth at the University, as well as the affordability to attend. Additionally, information regarding growth markets was discussed. Vice Presidents Ashley Schumaker, Chad A. Reed and Craig Cornell were present to answer questions. The presentation is attached hereto as *Attachment C* and is made a part hereof.

## **CLOSED SESSION**

Rector Archer requested a motion to move into closed session. Dr. Rachel Fowlkes made the motion that the Board of Visitors of Radford University convene a closed session pursuant to Section 2.2-3711 (A) Items 1, 6 and 8 under the Virginia Freedom of Information Act for the discussion of personnel matters; discussion or consideration of the investment of public funds where competition or bargaining is involved; and consultation with legal counsel regarding specific legal matters pertaining to personnel requiring the provision of legal advice by such counsel. Ms. Nancy Angland Rice seconded the motion. The Board of Visitors went into closed session at 4:58 p.m. Mr. Gregory A. Burton left the meeting at 5:40 p.m.

## **CLOSED SESSION**

Following closed session, the public was invited to return to the meeting. Rector Archer called the meeting back to order at 6:25 p.m. On a motion made by Dr. Fowlkes and seconded by Ms. Lisa Throckmorton, the following resolution of certification was approved by a roll call vote.

### **Resolution of Certification**

**BE IT RESOLVED**, that the Radford University Board of Visitors certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements under this chapter 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 by which the closed session was convened were heard, discussed or considered by the Board.

<u>Roll Call</u>	<u>Vote</u>
Mr. Robert A. Archer, Rector	Yes
Dr. Thomas Brewster	Yes
Dr. Jay Brown	Yes
Ms. Krisha Chachra	Yes

Dr. Rachel D. Fowlkes	Yes
Dr. Susan Whealler Johnston	Yes
Mr. Mark S. Lawrence	Yes
Dr. Debra McMahan	Yes
Ms. Nancy Angland Rice	Yes
Mr. David A. Smith	Yes
Ms. Georgia Anne Snyder-Falkinham	Yes
Ms. Lisa Throckmorton	Yes

The resolution of certification was unanimously adopted.

The meeting recessed at 6:30 p.m. The Board of Visitors members reconvened for a reception and dinner in the Pocahontas Room at The Hotel Roanoke & Conference Center.

### **AUGUST 5, 2020**

#### **BOARD MEMBERS PRESENT**

Mr. Robert A. Archer, Rector  
 Dr. Thomas Brewster  
 Dr. Jay A. Brown  
 Ms. Krisha Chachra  
 Dr. Rachel D. Fowlkes  
 Mr. Mark S. Lawrence  
 Dr. Debra K. McMahan  
 Ms. Nancy Angland Rice  
 Mr. David A. Smith  
 Ms. Georgia Anne Snyder-Falkinham  
 Ms. Lisa Throckmorton

#### **BOARD MEMBERS ABSENT**

Mr. James R. Kibler, Vice Rector  
 Mr. Gregory A. Burton  
 Dr. Susan Whealler Johnston

#### **OTHERS PRESENT**

Dr. Brian O. Hemphill, President  
 Ms. Karen Castele, Secretary to the Board of Visitors and Special Assistant to the President  
 Ms. Ashley Schumaker, Chief of Staff and Vice President for Strategic Operations  
 Ms. Wendy Lowery, Vice President for Advancement and University Relations (Presentation)  
 Dr. Susan Trageser, Vice President for Student Affairs (Presentation)  
 Dr. Andrea Zuschin, Director of Institutional Equity (Presentation)  
 Mr. Allen T. Wilson, Assistant Attorney General, Commonwealth of Virginia

## **CALL TO ORDER**

Rector Robert A. Archer reconvened the Retreat at 9:00 a.m. in the Shenandoah Room of The Hotel Roanoke & Conference Center in Roanoke, Virginia.

## **COVID-19 PLANNING AND RESPONSE**

Chief of Staff and Vice President for Strategic Operations Ashley provided an update to the Board of Visitors on the COVID-19 planning and response efforts. She shared information regarding the Early Opening Plan and the protocols in place to facilitate an environment that is healthy and safe for the students, faculty, staff and visitors. Vice President for Student Affairs Susan Trageser was present to answer questions. The presentation is attached hereto as *Attachment D* and is made a part hereof.

## **TITLE IX FEDERAL REGULATIONS AND DISCRIMINATION AND HARASSMENT POLICY APPROVAL**

Director of Institutional Equity Andrea Zuschin, Ph.D. shared an update to the new Title IX regulations issued by the U.S. Department of Education and the changes to the Radford University's policy in order to comply with the new regulations. Following discussion, Rector Archer asked for a motion to approve the updated Discrimination and Harassment Policy. Mr. Mark Lawrence so moved, Ms. Nancy Angland Rice seconded and the motion carried unanimously. The presentation and resolution are attached hereto as *Attachment E* and *F*, respectively, and are made a part hereof.

## **CODE OF VIRGINIA REQUIREMENTS AND GIFT POLICY REVIEW**

Vice President of Advancement and University Relations Wendy Lowery shared with the Board of Visitors a draft policy that would meet the requirements of HB 1529, which requires the governing board of each public institution of higher education to establish a policy for the acceptance of terms and conditions associated with any donation, gift or other private philanthropic support. The bill requires that the policy include an administrative process for reviewing, accepting and documenting terms and conditions associated with gifts that direct academic decision making and gifts of \$1 million or more that impose a new obligation on the institution. The policy will be voted on at the September Board of Visitors meeting. A copy of the draft policy is attached hereto as *Attachment G* and are made a part hereof.

## **SACSCOC REQUIRED ANNUAL SELF-EVALUATION**

Chief of Staff and Vice President for Strategic Operations Ashley Schumaker reviewed with the Board of Visitors the importance of the self-evaluation process in order to remain effective in their roles in overseeing the University fulfilling its mission. Chief of Staff and Vice President Schumaker asked the Board of Visitors members to review the SACSCOC Principles of Accreditation handout in their notebooks, which further describes the required annual review. Chief of Staff and Vice President Schumaker thanked the Board of Visitors members for thoughtfully completing the self-evaluation survey provided to them the day before. She described that the responses were given points, one through five, with five being excellent. She added that all Board of Visitors members answered one question as "five" or excellent – "Ensures the administration involves the Board on high-profile issues that present significant risk to the University." Additionally, Chief of Staff and Vice President Schumaker reported that two questions each received a 4.9, which were 1) "Adheres to a comprehensive conflict-of-interest

policy and addresses conflicts appropriately” and 2) “Promotes trust among Board members through a culture based on openness and respect.” Chief of Staff and Vice President Schumaker added that the other responses were all above “Very Good.”

The presentation and handout are attached hereto as *Attachment H and I*, respectively, and are made a part hereof.

### **RESOLUTION APPROVAL**

Chief of Staff and Vice President for Strategic Operations Ashley Schumaker shared with the Board of Visitors, as a follow up to the Resolution they passed in June, a clarification would help faculty know that Sections 1.8 (appeals) and 1.9 (grievances) of the Teaching and Research Faculty Handbook remain in effect for all matters except the budget reduction strategies addressed in the June 12, 2020 resolution. Following discussion, Rector Archer asked for a motion to approve the Resolution. Dr. Tom Brewster so moved, Dr. Deb McMahon seconded and the motion carried unanimously. The resolution is attached hereto as *Attachment J* and is made a part hereof.

### **WRAP UP**

Rector Archer expressed his enjoyment in being together with the Board members and that the amount of work that has happened in recent months is amazing. He shared that there is still a lot of important work ahead for the Board, the President and the University team. Mr. Mark Lawrence added that he appreciated everyone being together and reinforced the importance of taking care of yourself and those around us.

### **ADJOURNMENT**

With no further business to come before the Board, Rector Archer adjourned the Retreat at 12:36 p.m.

Respectfully submitted,

Karen Castele  
Secretary to the Board of Visitors and Special Assistant to the President

# A Year in Review and A Look Ahead

RADFORD  
UNIVERSITY

# Establishment of Radford University Carilion



RADFORD  
UNIVERSITY



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# U.S. News and World Report Rankings

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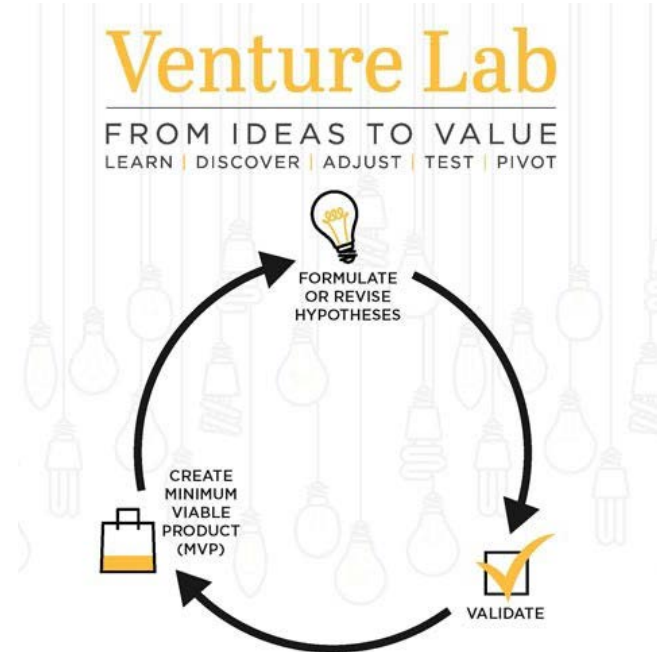
# Highlander Discovery Institute Inaugural Event



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# Venture Lab Ribbon Cutting



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# Hotel Project



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# BB&T Leadership Development Program

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# BB&T

 |  | Now Truist

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# Tech Talent Investment Program



# Shelor Motor Mile Scholars Program



# 2020-2030 Master Plan



# Academic Success Center

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# Reed Curie Renovation and Ribbon Cutting





# Appalachian College of Pharmacy Partnership

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# COVID-19 Pandemic and Highlanders Rise

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# Center for Adaptive Innovation and Creativity



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# A Year in Review and A Look Ahead

RADFORD  
UNIVERSITY

# Protocol and Communication

RADFORD  
UNIVERSITY

# Roles and Responsibilities

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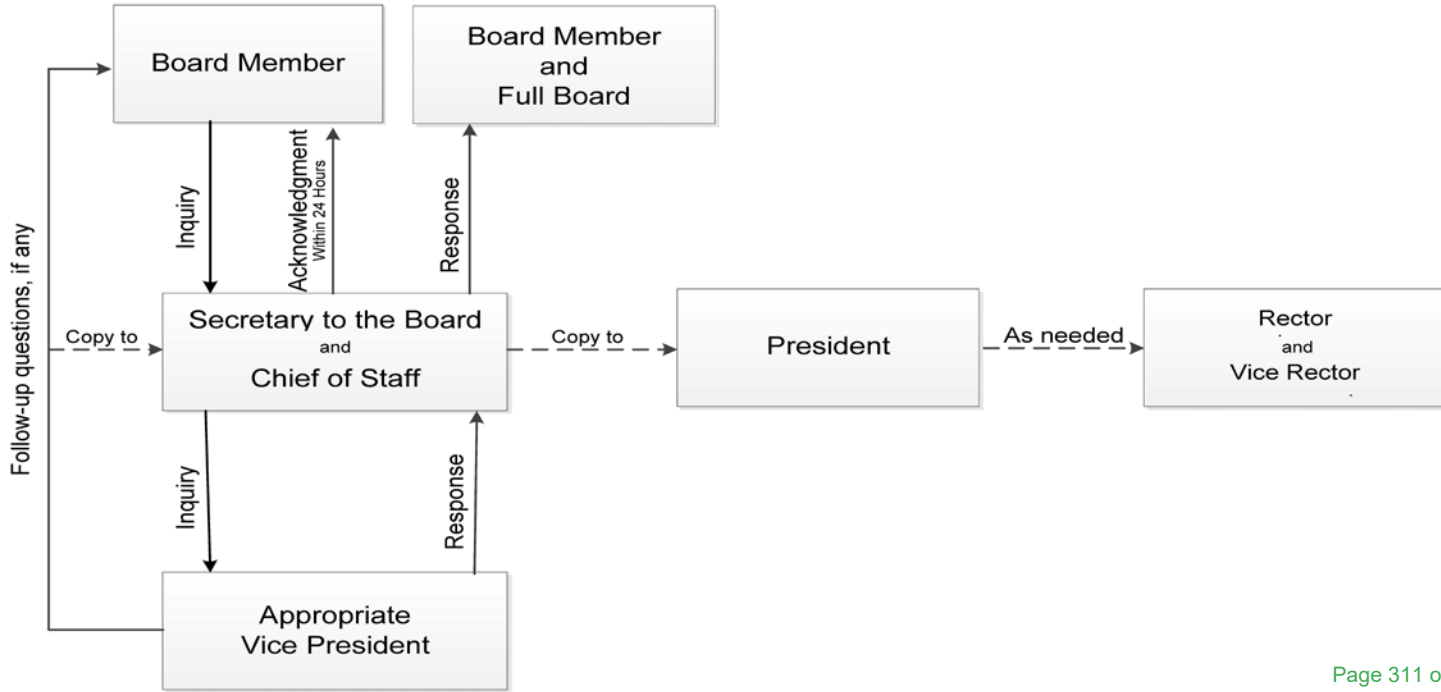
- Board Bylaws
- Board Officers (Rector Bob Archer and Vice Rector Jim Kibler)
- Board Committees (Committee Chairs and Vice Chairs)
  - Executive Committee
  - Academic Excellence and Research Committee
  - Business Affairs and Audit Committee
  - Governance, Administration, and Athletics Committee
  - Student Success Committee
  - University Advancement, University Relations, and Enrollment Management Committee

# Requests for Information

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- **Contact Board Secretary (*If E-mail, Copy Rector, President and Chief of Staff*) for Data/Information Requests**
  - Acknowledgement/Response within 24 Hours
  - Follow-Up (If Needed) within 72 Hours
  - Additional Research and/or Discussion (If Needed) with Vice President and Other University Officials
- **Collected Data/Information to be Shared with Full Board of Visitors (*Exceptions May Apply*)**

# Flow of Communication






# Types of Communication

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- **Regular Communication**
  - Meetings, Retreats, New Member Orientations, Etc.
- **Three Levels of Additional Communication with Board Members**
  - High-Level/Advance Notice
  - Exploratory/Anticipation
  - Regular Campus Updates

# Discussion



# Reengineering Radford University for the Future

RADFORD UNIVERSITY

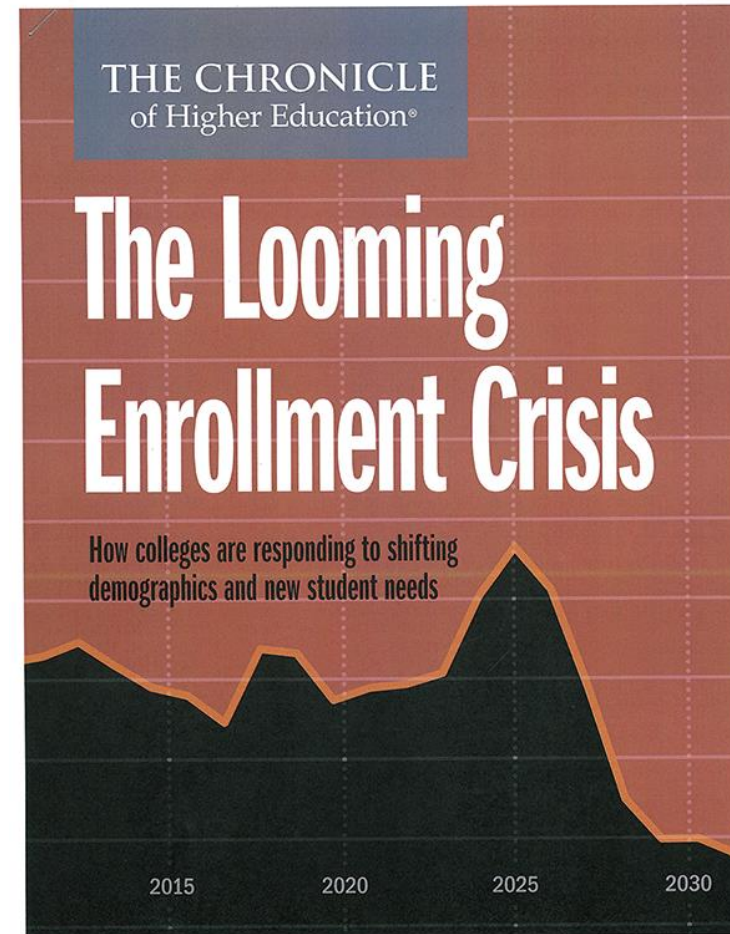
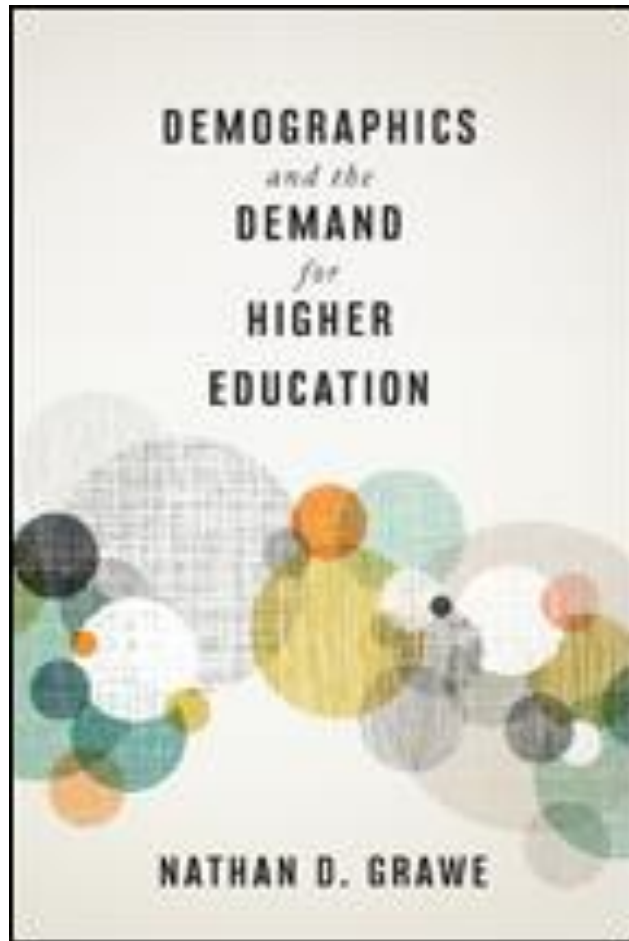


# National Landscape

# of Enrollment

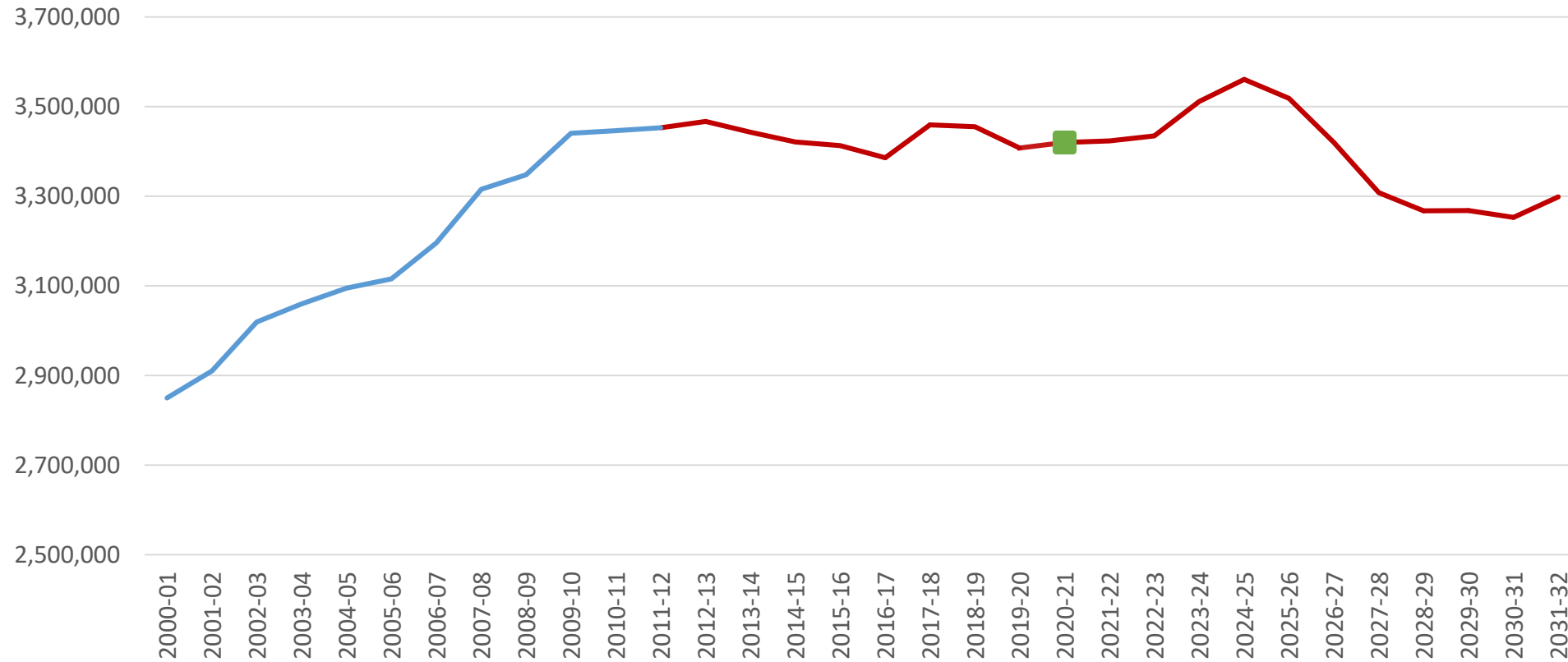
# Publications and Research

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# High School Graduates and Market Share - National

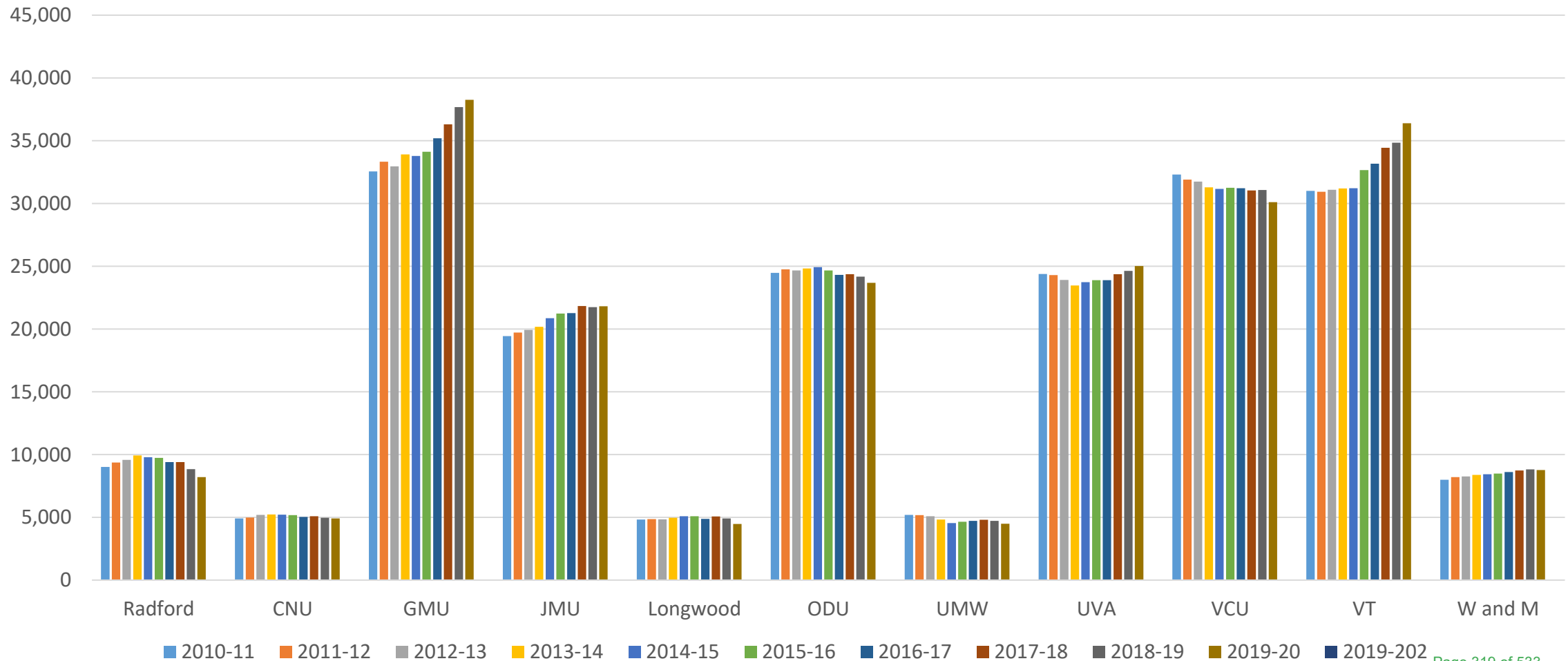
Total High School Graduates - National



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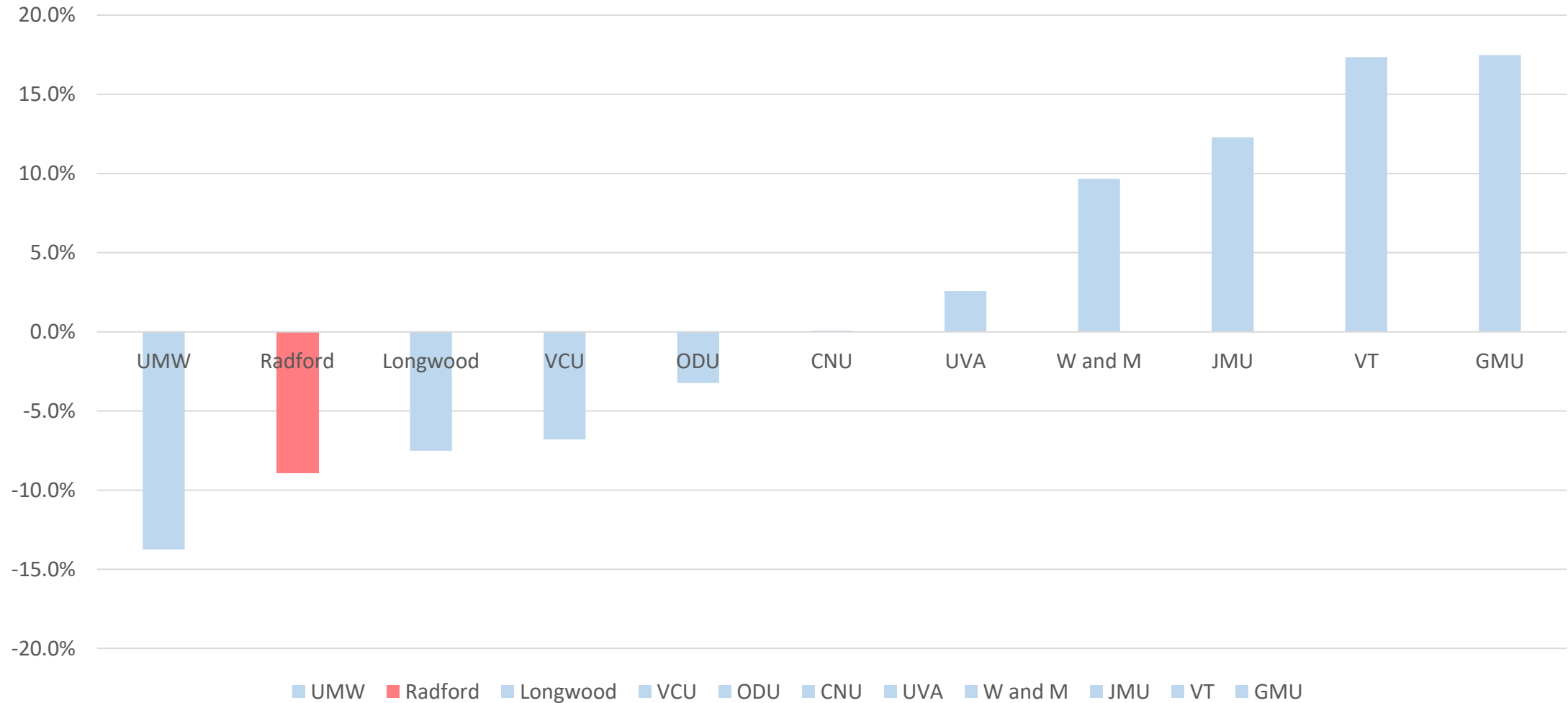
# *Virginia Competitive Set*

# Public Institution Four-Year Fall Enrollment: 2010-2019

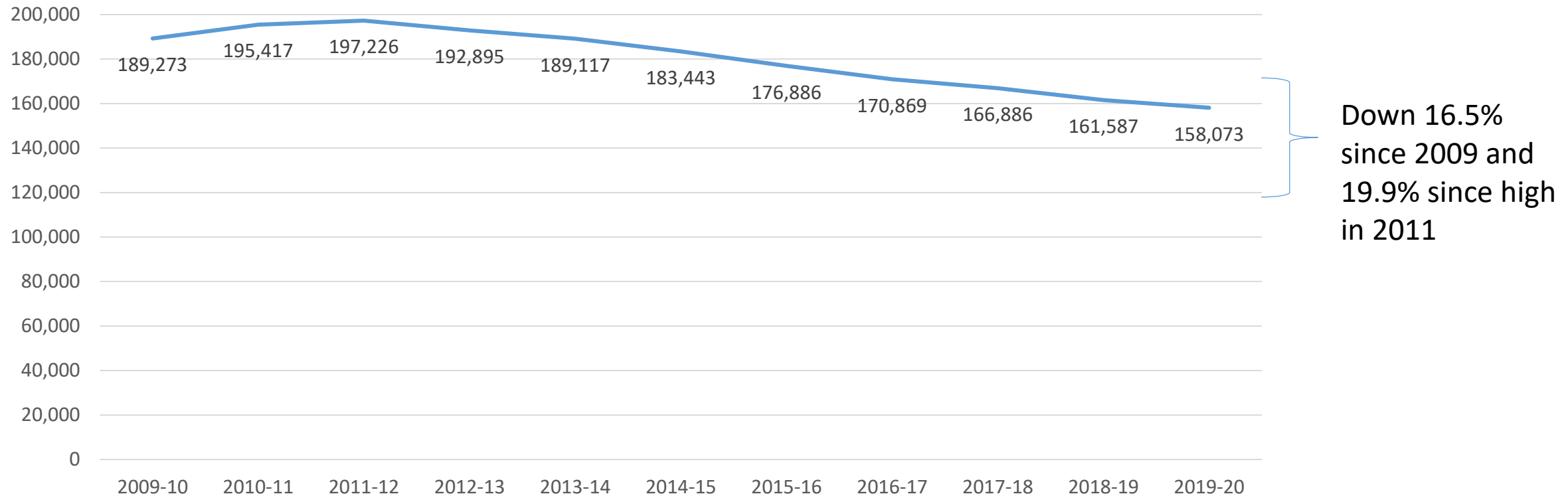




# Public Institution Four-Year Percentage Change in Fall Enrollment: 2010-2019



# Virginia Community College System Change in Fall Enrollment: 2010-2019



Source: [https://research.schev.edu/enrollment/E2\\_Report.asp](https://research.schev.edu/enrollment/E2_Report.asp)

# *Recent Campus Closures and Mergers*

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## **Delaware**

Wesley College (2021)

## **Illinois**

MacMurray College (2020)

Robert Morris University (2020)

## **Massachusetts**

Pine Manor College (2022) (pending)

## **Nebraska**

Nebraska Christian College (2020)

## **Ohio**

Urbana University (Expected 2020)

## **Oregon**

Concordia University of Portland (Expected 2020)

## **Tennessee**

Watkins College of Art (Expected 2020)

## **Vermont**

Marlboro College (Expected 2020)

## **Wisconsin**

Holy Family College (Summer 2020)

School of Architecture at Taliesin (TBD)

# *More Campus Closures Coming...*

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- “The Vermont State Colleges System, projecting a near-term operating deficit of up to \$10 million this fiscal year, announced plans last week for a “substantial transformation” of its colleges that included closing several campuses. Days later, the board deferred a vote on the plan amid public backlash.”
- “The Pennsylvania State System of Higher Education forecasts a \$52 million loss, even after federal stimulus money is applied.”
- “The University of Alaska system projects a \$35 to \$40 million loss.”
- “The University of Maine system is looking at a \$20 million short-term loss.”

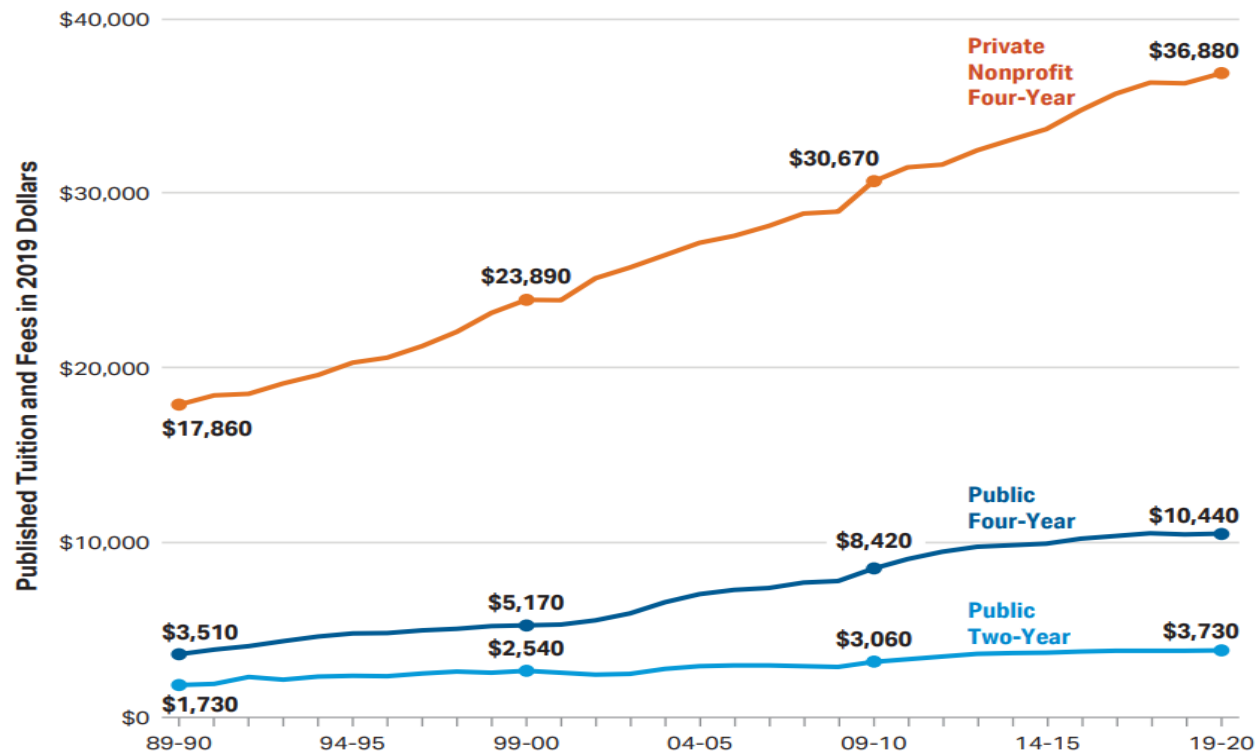
# *Value Proposition: The Problem*

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- Rising Tuition Levels
  - *Tuition prices have been increasing at a rate that far outpaces inflation.*
- Growing Student Debt
  - *The resulting student loan debt from rising tuition continues to grow.*

# Value Proposition: The Problem

**FIGURE 3** Average Published Tuition and Fees in 2019 Dollars by Sector, 1989-90 to 2019-20



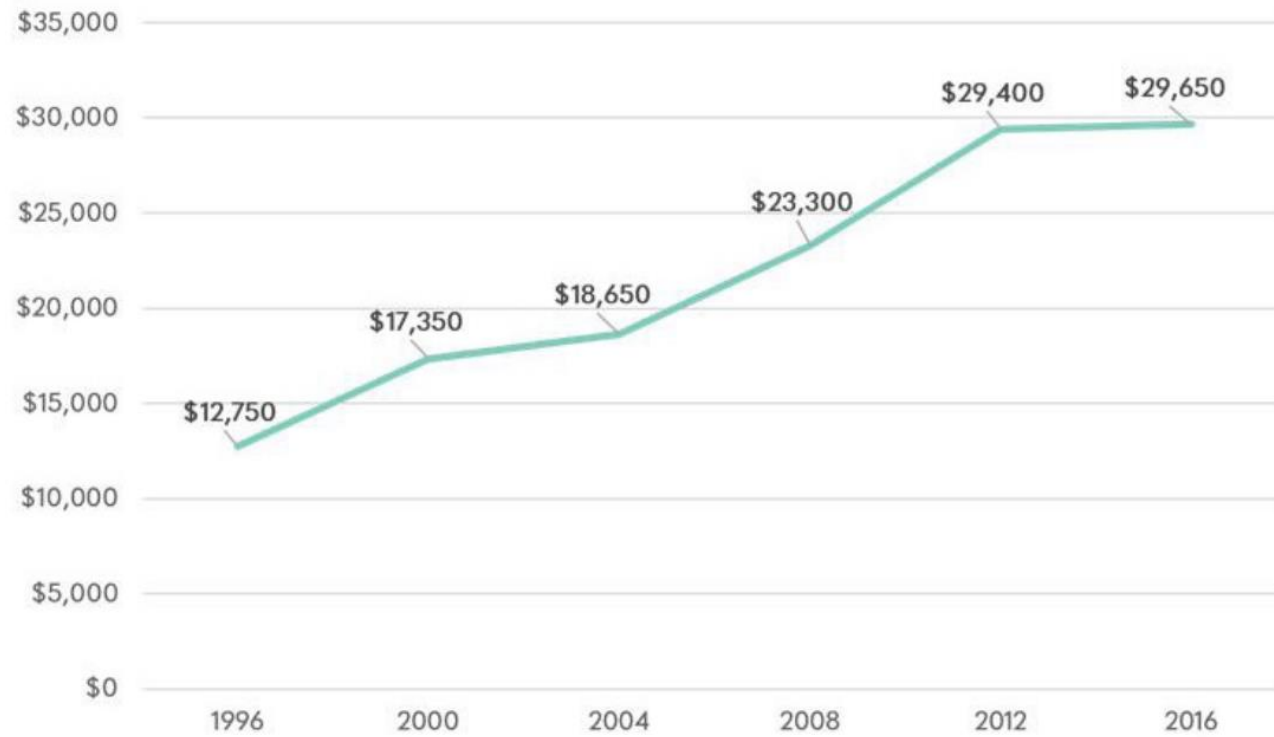
- The average published tuition and fee price at public two-year colleges was 49% of the average price at public four-year institutions in 1989-90 and 1999-00; it was 36% of the public four-year price in 2009-10 and 2019-20.
- The average published tuition and fee price at private nonprofit four-year institutions was 5.1 times the average price at public four-year institutions in 1989-90 and 3.5 times that price in 2019-20.

#### ALSO IMPORTANT:

- The increases in the net prices that students actually pay, after taking grant aid and tax benefits into consideration, have been smaller over the long term than increases in published prices. See Figures 8, 9, and 10 for details on estimated average net prices over time.
- The price increases reported in Table 2 are adjusted for inflation and are smaller than the unadjusted figures in Table 1.

# Value Proposition: The Problem

**Average Debt of Graduating Seniors who Borrowed  
(Current Dollars, All 4-Year Colleges)**



On a per-student basis, state spending fell by 24% between 2008 and 2012.

Colleges raised tuition to make up some of the revenue lost from state budget cuts.

In 2008, 36% of per-student funding came from tuition. And, by 2012, that share had grown to 47%.

# *Value Proposition: The Solution*

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- Expanding access to college
- Reforming the cost/price structure

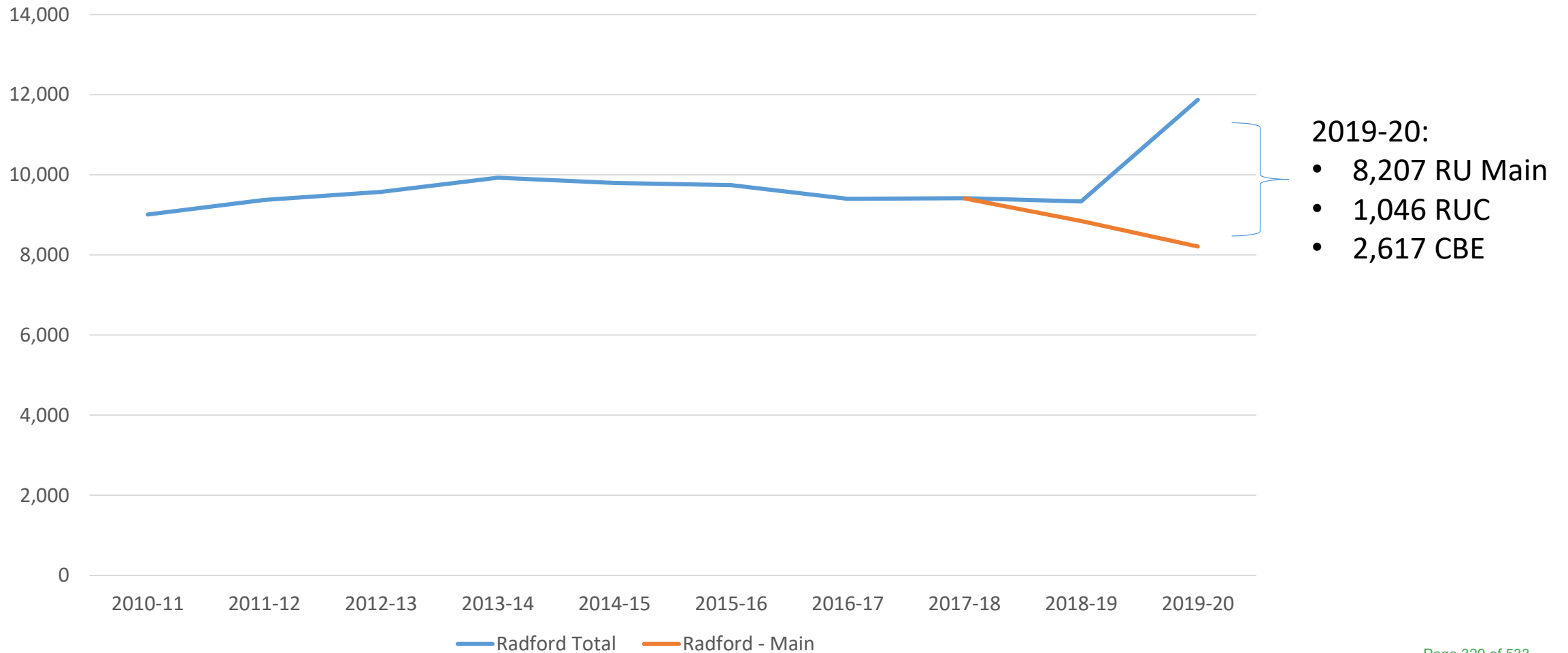




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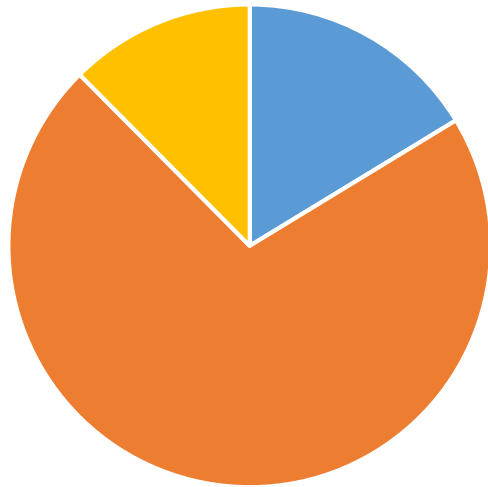
# Radford University

# Historical Trends: Total Enrollment



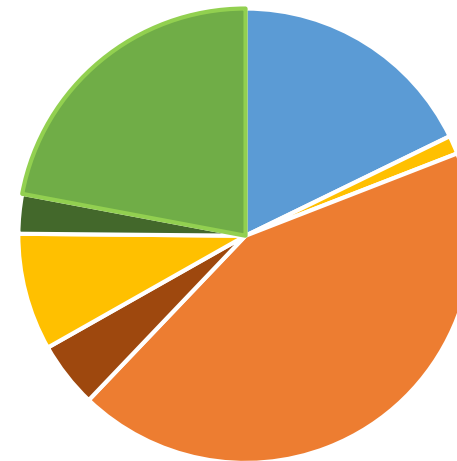
# Historical Trends: Our Past and Present

Our Past – 10 Years Ago  
2009 Fall Term Enrollments  
N= 8,878



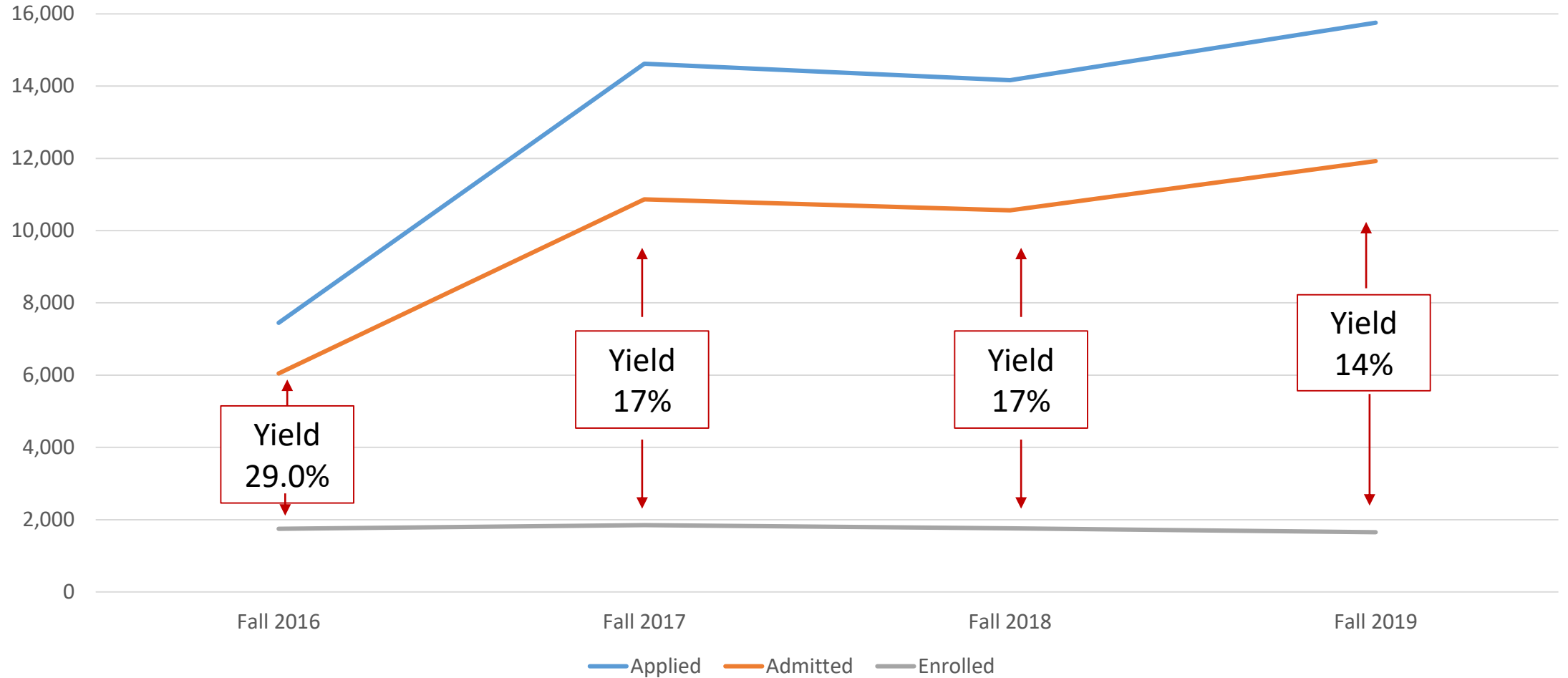
■ Freshman   ■ Continuing Undergrad   ■ Grad

Our Present - Today  
2019- Fall Term Enrollments  
N= 11,870



■ RU Freshman and Transfer   ■ RUC Freshmen and Transfer  
 ■ RU Continuing Undergraduate   ■ RUC Continuing Undergraduate  
 ■ RU Graduate   ■ RUC Graduate  
 ■ RU Comptency- Based Education

# Historical Trends: Freshman Enrollment



# Historical Enrollment: Artis College of Science and Technology

Major Enrollment by College					
Major	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
<b>Artis College of Science and Technology</b>					
<b>Undergraduate Certificate</b>					
Cybersecurity Certificate	0	0	8	26	19
Geospatial Intelligence Certificate	0	0	0	4	2
Information Security Certificate	3	2	2	0	1
Sustainability and Environmental Studies Certificate	7	9	6	6	9
<b>Undergraduate Certificate Total</b>	<b>10</b>	<b>11</b>	<b>16</b>	<b>36</b>	<b>31</b>
<b>Award of at least 1 but &lt; 2 acad yrs</b>					
Medical Laboratory Science Certificate	0	0	0	0	3
<b>Award of at least 1 but &lt; 2 acad yrs Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>
<b>Bachelor's Degree</b>					
Anthropological Sciences	55	49	50	52	66
Biology	468	469	481	483	406
Biomedical Science	0	0	0	0	20
Chemistry	115	110	103	102	114
Computer Science and Technology	351	321	324	324	242
Cybersecurity	0	0	0	0	47
Geology	56	53	42	36	32
Geospatial Science	70	67	63	46	35
Information Science and Systems	105	78	86	86	67
Mathematics	80	82	73	55	47
Medical Laboratory Science	0	0	0	0	18
Physics	62	62	53	53	44
<b>Bachelor's Degree Total</b>	<b>1,343</b>	<b>1,266</b>	<b>1,243</b>	<b>1,211</b>	<b>1,110</b>
<b>Master's Degree</b>					
Data and Information Management	0	3	11	7	4
<b>Master's Degree Total</b>	<b>0</b>	<b>3</b>	<b>11</b>	<b>7</b>	<b>4</b>
<b>Artis College of Science and Technology Total</b>	<b>1,345</b>	<b>1,272</b>	<b>1,263</b>	<b>1,247</b>	<b>1,138</b>

# Historical Enrollment: Davis College of Business and Economics

Major Enrollment by College					
Major	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
<b>Davis College of Business and Economics</b>					
<b>Bachelor's Degree</b>					
Accounting	208	183	165	154	137
Economics	94	112	112	80	42
Finance	223	264	243	211	205
Management	512	562	543	457	409
Marketing	435	411	395	335	255
Pre-Business	222	79	73	124	142
<b>Bachelor's Degree Total</b>	<b>1,545</b>	<b>1,491</b>	<b>1,394</b>	<b>1,263</b>	<b>1,106</b>
<b>Post-Baccalaureate Certificate</b>					
Business Analytics Certificate	0	0	0	0	7
<b>Post-Baccalaureate Certificate Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>
<b>Master's Degree</b>					
Business Administration	41	37	41	38	48
<b>Master's Degree Total</b>	<b>41</b>	<b>37</b>	<b>41</b>	<b>38</b>	<b>48</b>
<b>Davis College of Business and Economics Total</b>	<b>1,586</b>	<b>1,528</b>	<b>1,435</b>	<b>1,301</b>	<b>1,158</b>

# Historical Enrollment: Waldron College of Health and Human Services

Major Enrollment by College					
Major	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
<b>Waldron College of Health and Human Services</b>					
<b>Associate's Degree (Occ/Tech Credit)</b>					
Occupational Therapy Assistant	0	0	0	0	40
Physical Therapy Assistant	0	0	0	0	67
Surgical Technology	0	0	0	0	16
<b>Associate's Degree (Occ/Tech Credit) Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>123</b>
<b>Bachelor's Degree</b>					
Communication Sciences and Disorders	105	81	82	74	88
Emergency Services	0	0	0	0	64
Health Sciences	0	0	0	0	55
Healthcare Management	0	0	0	0	19
Nursing	229	218	234	234	628
Pre-Nursing	512	524	547	532	483
Public Health	0	0	0	0	1
Respiratory Therapy	0	0	0	0	25
Social Work	210	201	183	182	183
<b>Bachelor's Degree Total</b>	<b>1,056</b>	<b>1,024</b>	<b>1,046</b>	<b>1,022</b>	<b>1,545</b>

# Historical Enrollment: Waldron College of Health and Human Services

Major Enrollment by College					
Major	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
<b>Waldron College of Health and Human Services</b>					
<b>Post-Baccalaureate Certificate</b>					
Gerontology Certificate	0	1	0	0	0
Psychiatric Mental Health Nurse Practitioner Certificate	0	2	3	1	3
<b>Post-Baccalaureate Certificate Total</b>	<b>0</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>3</b>
<b>Master's Degree</b>					
Communication Sciences and Disorders	59	58	54	55	72
Family Nurse Practitioner	0	0	0	0	62
Healthcare Administration	0	0	0	0	34
Nursing Administration	0	0	0	0	11
Occupational Therapy	63	66	64	62	120
Physician Assistant	0	0	0	0	124
Social Work	102	112	114	112	113
<b>Master's Degree Total</b>	<b>224</b>	<b>236</b>	<b>232</b>	<b>229</b>	<b>536</b>
<b>Doctor's Degree</b>					
Health Sciences	0	0	0	0	39
Nursing Practice	39	51	50	38	34
Occupational Therapy	0	0	0	0	8
Physical Therapy	73	76	85	87	87
<b>Doctor's Degree Total</b>	<b>112</b>	<b>127</b>	<b>135</b>	<b>125</b>	<b>168</b>
<b>Waldron College of Health and Human Services Total</b>	<b>1,392</b>	<b>1,388</b>	<b>1,414</b>	<b>1,377</b>	<b>2,372</b>



# Historical Enrollment: College of Education and Human Development

Major Enrollment by College					
Major	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
<b>College of Education and Human Development</b>					
<b>Bachelor's Degree</b>					
Allied Health Sciences	0	0	0	0	29
Athletic Training	146	91	91	41	14
Exercise, Sport, and Health Education	551	535	533	592	551
Interdisciplinary Studies	647	587	538	518	447
Nutrition and Dietetics	78	73	61	55	32
Recreation, Parks, and Tourism	231	225	197	155	147
Sport Management	0	0	0	0	26
<b>Bachelor's Degree Total</b>	<b>1,653</b>	<b>1,511</b>	<b>1,419</b>	<b>1,360</b>	<b>1,244</b>
<b>Post-Baccalaureate Certificate</b>					
Appalachian Studies Certificate	2	2	2	3	5
Autism Studies Certificate	1	5	3	0	0
Educational Technology Certificate	1	0	0	0	0
Mathematics Education Certificate	11	19	20	14	14
<b>Post-Baccalaureate Certificate Total</b>	<b>15</b>	<b>26</b>	<b>25</b>	<b>17</b>	<b>19</b>
<b>Master's Degree</b>					
Counseling and Human Development	52	62	65	61	63
Education	90	92	94	90	91
Educational Leadership	46	45	39	40	48
Literacy Education	15	10	12	14	13
Special Education	78	77	100	91	94
<b>Master's Degree Total</b>	<b>281</b>	<b>286</b>	<b>310</b>	<b>296</b>	<b>309</b>
<b>No Degree Sought (Graduate)</b>					
Licensure and Professional Certification	3	2	4	2	1
<b>No Degree Sought (Graduate) Total</b>	<b>3</b>	<b>2</b>	<b>4</b>	<b>2</b>	<b>1</b>
<b>College of Education and Human Development Total</b>	<b>1,951</b>	<b>1,821</b>	<b>1,757</b>	<b>1,675</b>	<b>1,572</b>

# Historical Enrollment: College of Humanities and Behavioral Sciences

Major Enrollment by College					
Major	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
<b>College of Humanities and Behavioral Sciences</b>					
<b>Bachelor's Degree</b>					
Communication	276	272	287	276	223
Criminal Justice	640	630	657	604	533
English	123	124	131	126	105
Foreign Languages	32	26	28	20	20
History	104	96	102	92	89
Interdisciplinary Studies Liberal Arts	58	85	81	67	104
Media Studies	270	249	256	227	192
Philosophy and Religious Studies	19	17	23	18	25
Political Science	125	143	158	120	129
Psychology	558	563	573	561	541
Social Science	59	64	69	67	54
Sociology	75	70	67	47	50
<b>Bachelor's Degree Total</b>	<b>2,260</b>	<b>2,250</b>	<b>2,324</b>	<b>2,144</b>	<b>1,996</b>
<b>Post-Baccalaureate Certificate</b>					
Bioethics Certificate	2	2	0	0	0
Crime Analysis Certificate	1	1	1	1	2
Professional Writing Certificate	0	1	4	7	4
Teaching Language Arts in the Digital Age Certificate	0	0	2	0	2
<b>Post-Baccalaureate Certificate Total</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>8</b>	<b>8</b>

# Historical Enrollment: College of Humanities and Behavioral Sciences

Major Enrollment by College					
Major	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
<b>College of Humanities and Behavioral Sciences</b>					
<b>Master's Degree</b>					
Corporate and Professional Communication	14	20	12	1	0
Criminal Justice	11	21	24	18	19
English	27	20	15	21	22
Psychology	46	61	59	42	47
Strategic Communication	0	0	8	18	18
<b>Master's Degree Total</b>	<b>98</b>	<b>122</b>	<b>118</b>	<b>100</b>	<b>106</b>
<b>Post-Master's Certificate</b>					
School Psychology	20	25	21	24	22
<b>Post-Master's Certificate Total</b>	<b>20</b>	<b>25</b>	<b>21</b>	<b>24</b>	<b>22</b>
<b>Doctor's Degree</b>					
Counseling Psychology	15	19	17	15	14
<b>Doctor's Degree Total</b>	<b>15</b>	<b>19</b>	<b>17</b>	<b>15</b>	<b>14</b>
<b>College of Humanities and Behavioral Sciences Total</b>	<b>2,389</b>	<b>2,395</b>	<b>2,465</b>	<b>2,283</b>	<b>2,127</b>

# Historical Enrollment: College of Visual and Performing Arts

Major Enrollment by College					
Major	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019
<b>College of Visual and Performing Arts</b>					
<b>Bachelor's Degree</b>					
Art	236	224	203	194	191
Dance	69	59	47	51	51
Design	216	198	198	162	167
Music	131	130	142	146	132
Theatre	60	73	80	86	84
<b>Bachelor's Degree Total</b>	<b>708</b>	<b>679</b>	<b>665</b>	<b>633</b>	<b>622</b>
<b>Post-Baccalaureate Certificate</b>					
Design Thinking Certificate	1	2	1	2	0
<b>Post-Baccalaureate Certificate Total</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>0</b>
<b>Master's Degree</b>					
Art	28	28	37	37	40
Music	18	19	19	15	9
<b>Master's Degree Total</b>	<b>46</b>	<b>47</b>	<b>56</b>	<b>52</b>	<b>49</b>
<b>College of Visual and Performing Arts Total</b>	<b>755</b>	<b>728</b>	<b>722</b>	<b>687</b>	<b>671</b>

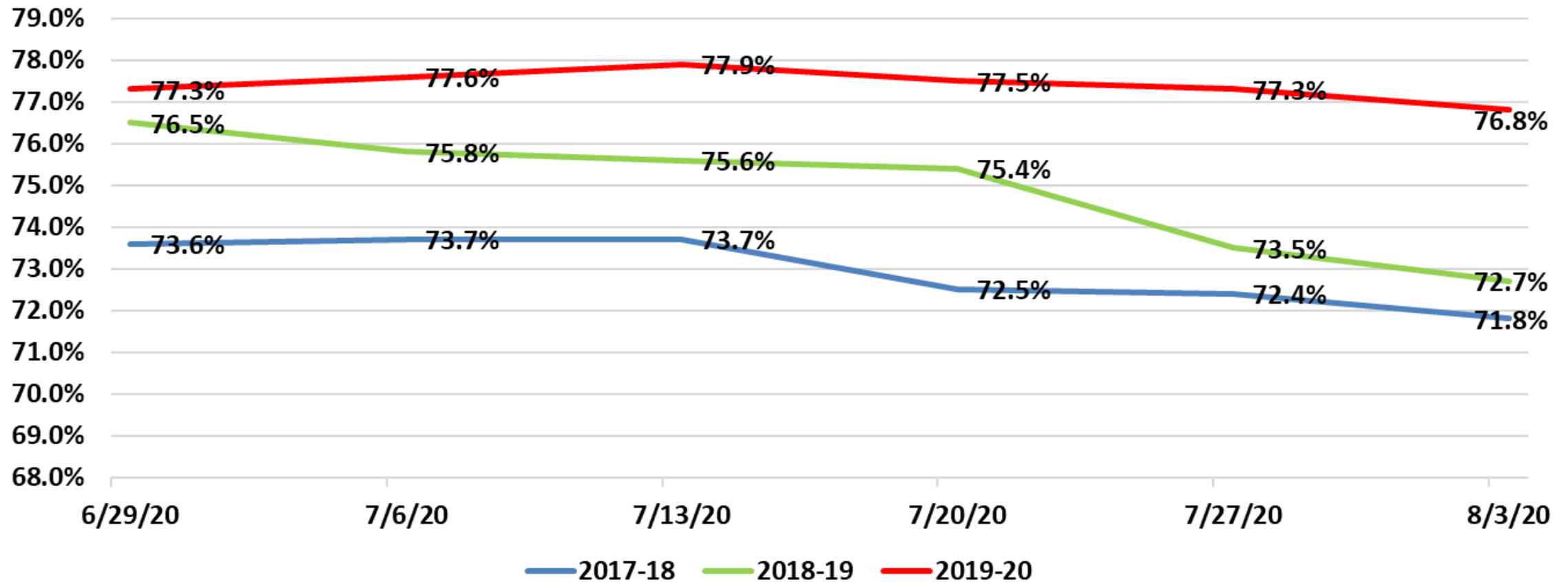
# Historical Retention: New Freshmen

Term	Fall-to-Spring Retention	Fall-to-Fall Retention
Fall 1980	90.1%	75.8%
Fall 1981	89.3%	74.3%
Fall 1982	91.0%	77.3%
Fall 1983	89.0%	75.6%
Fall 1984	89.3%	71.8%
Fall 1985	87.7%	71.2%
Fall 1986	91.1%	76.8%
Fall 1987	91.6%	75.9%
Fall 1988	92.8%	78.3%
Fall 1989	89.4%	77.1%
Fall 1990	91.8%	77.2%
Fall 1991	88.6%	68.9%
Fall 1992	82.0%	68.5%
Fall 1993	83.5%	65.8%
Fall 1994	86.2%	67.7%
Fall 1995	91.5%	75.0%
Fall 1996	90.1%	75.5%
Fall 1997	89.6%	74.4%
Fall 1998	89.7%	76.2%
Fall 1999	88.6%	73.3%

Term	Fall-to-Spring Retention	Fall-to-Fall Retention
Fall 2000	91.8%	79.1%
Fall 2001	91.3%	77.5%
Fall 2002	90.1%	77.6%
Fall 2003	91.7%	75.9%
Fall 2004	91.0%	78.5%
Fall 2005	89.8%	73.8%
Fall 2006	89.6%	76.8%
Fall 2007	91.4%	78.1%
Fall 2008	93.2%	78.4%
Fall 2009	91.7%	76.0%
Fall 2010	90.4%	76.1%
Fall 2011	88.3%	74.3%
Fall 2012	89.2%	78.1%
Fall 2013	88.0%	74.6%
Fall 2014	88.3%	75.2%
Fall 2015	86.1%	74.3%
Fall 2016	88.6%	75.7%
Fall 2017	85.7%	70.9%
Fall 2018	90.7%	71.3%
Fall 2019	89.8%	N/A

# Student Success and Retention

New Freshman Retention August 3, 2020



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# *Personnel Growth*

# University Positions

## E&G Budgeted Position Counts FY2008-09 to FY2020-21

RUC  
Merger

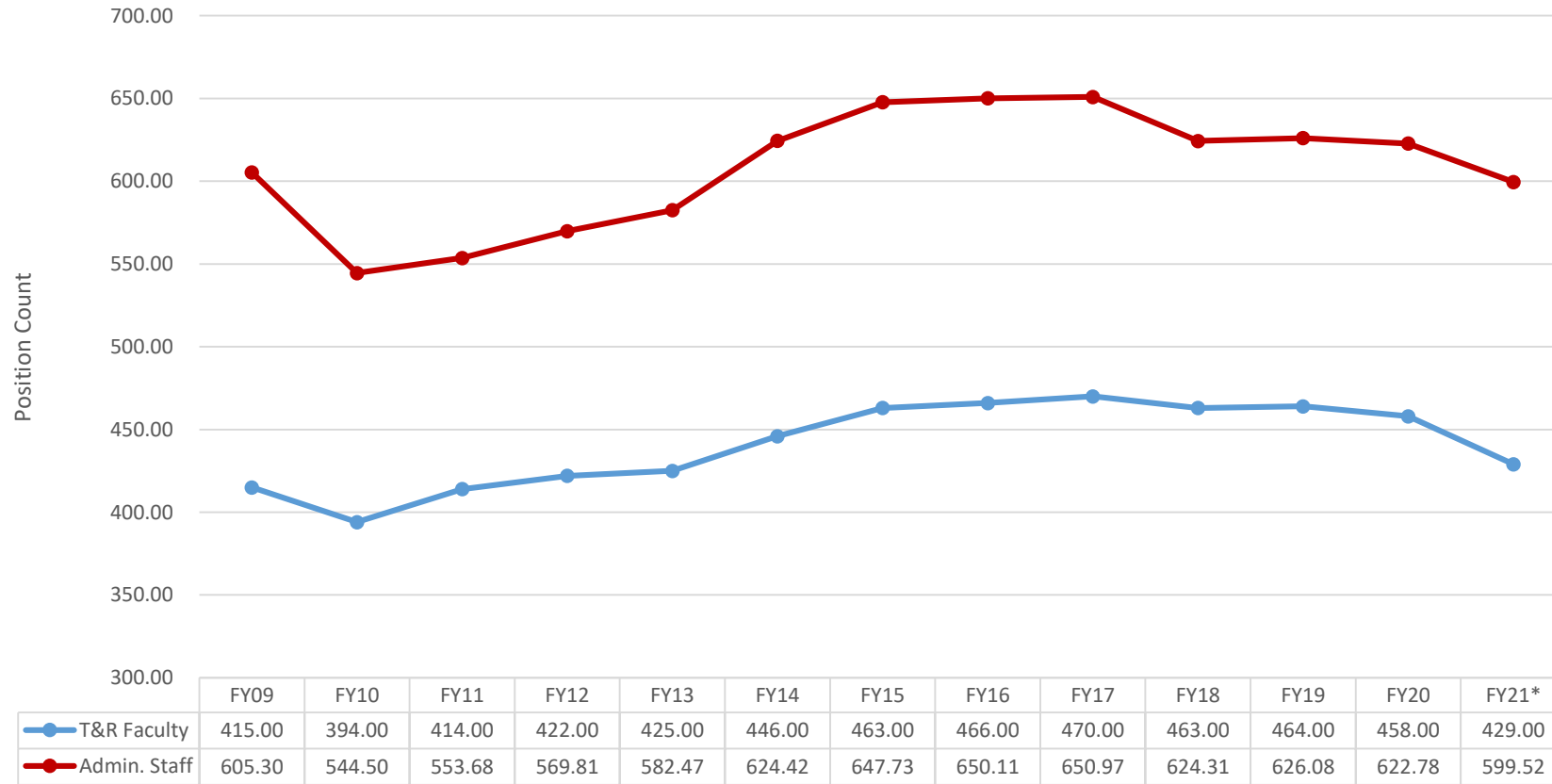
	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	<u>FY21*</u>	<b>Change FY09 - FY21</b>	<b>Change FY09 - FY19</b>
<b>FTE Employees</b>															
T&R Faculty	415.00	394.00	414.00	422.00	425.00	446.00	463.00	466.00	470.00	463.00	464.00	546.00	517.00	102.00	49.00
Admin. Staff	605.30	544.50	553.68	569.81	582.47	624.42	647.73	650.11	650.97	624.31	626.08	681.78	658.52	53.22	20.78
<b>TOTAL</b>	<b>1,020.30</b>	<b>938.50</b>	<b>967.68</b>	<b>991.81</b>	<b>1,007.47</b>	<b>1,070.42</b>	<b>1,110.73</b>	<b>1,116.11</b>	<b>1,120.97</b>	<b>1,087.31</b>	<b>1,090.08</b>	<b>1,227.78</b>	<b>1,175.52</b>	<b>155.22</b>	<b>69.78</b>
<b>Change (Percent)</b>															
T&R Faculty		-5.06%	5.08%	1.93%	0.71%	4.94%	3.81%	0.65%	0.86%	-1.49%	0.22%	17.67%	-5.31%	24.58%	11.81%
Admin. Staff		-10.04%	1.69%	2.91%	2.22%	7.20%	3.73%	0.37%	0.13%	-4.10%	0.28%	8.90%	-3.41%	8.79%	3.43%
<b>TOTAL</b>		<b>-8.02%</b>	<b>3.11%</b>	<b>2.49%</b>	<b>1.58%</b>	<b>6.25%</b>	<b>3.77%</b>	<b>0.48%</b>	<b>0.44%</b>	<b>-3.00%</b>	<b>0.25%</b>	<b>12.92%</b>	<b>7.84%</b>	<b>15.21%</b>	<b>6.84%</b>

\*Preliminary position count for FY2021



# University Positions - Main Campus Comparison

Main Campus - Multi-Year Position Summary





Responding  
to the Storm

# *Market Research*

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- Signature Academic Programs
- Workforce Data (*U.S. Bureau of Labor Statistics*)
- External Partners (*Academic Partnerships*)

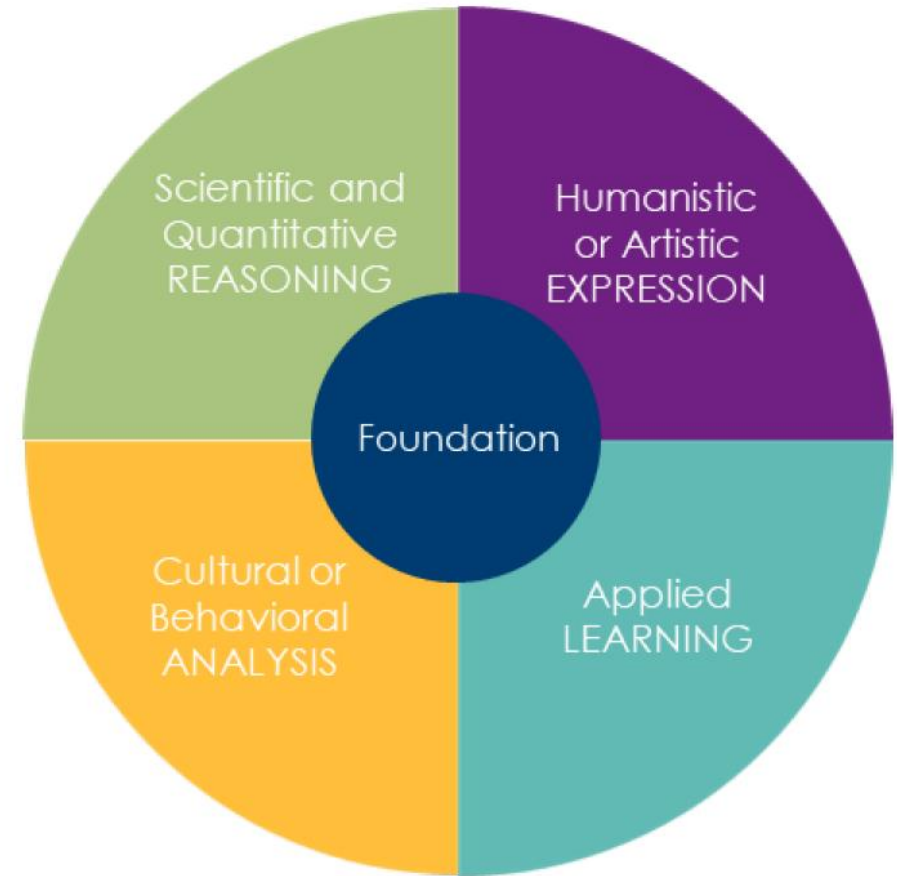
# *Academic Transformation*

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# *Student Focused*

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# Envisioning the Future



# The Path Forward

# Programmatic Marketing

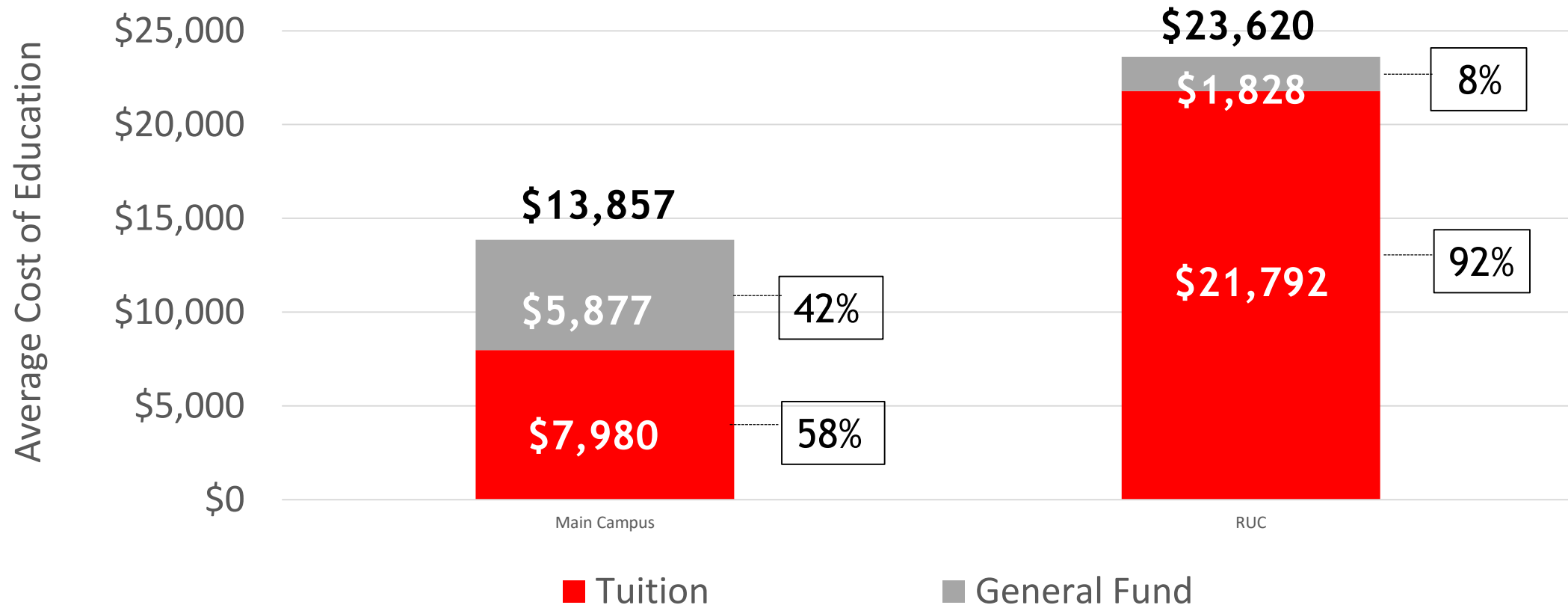




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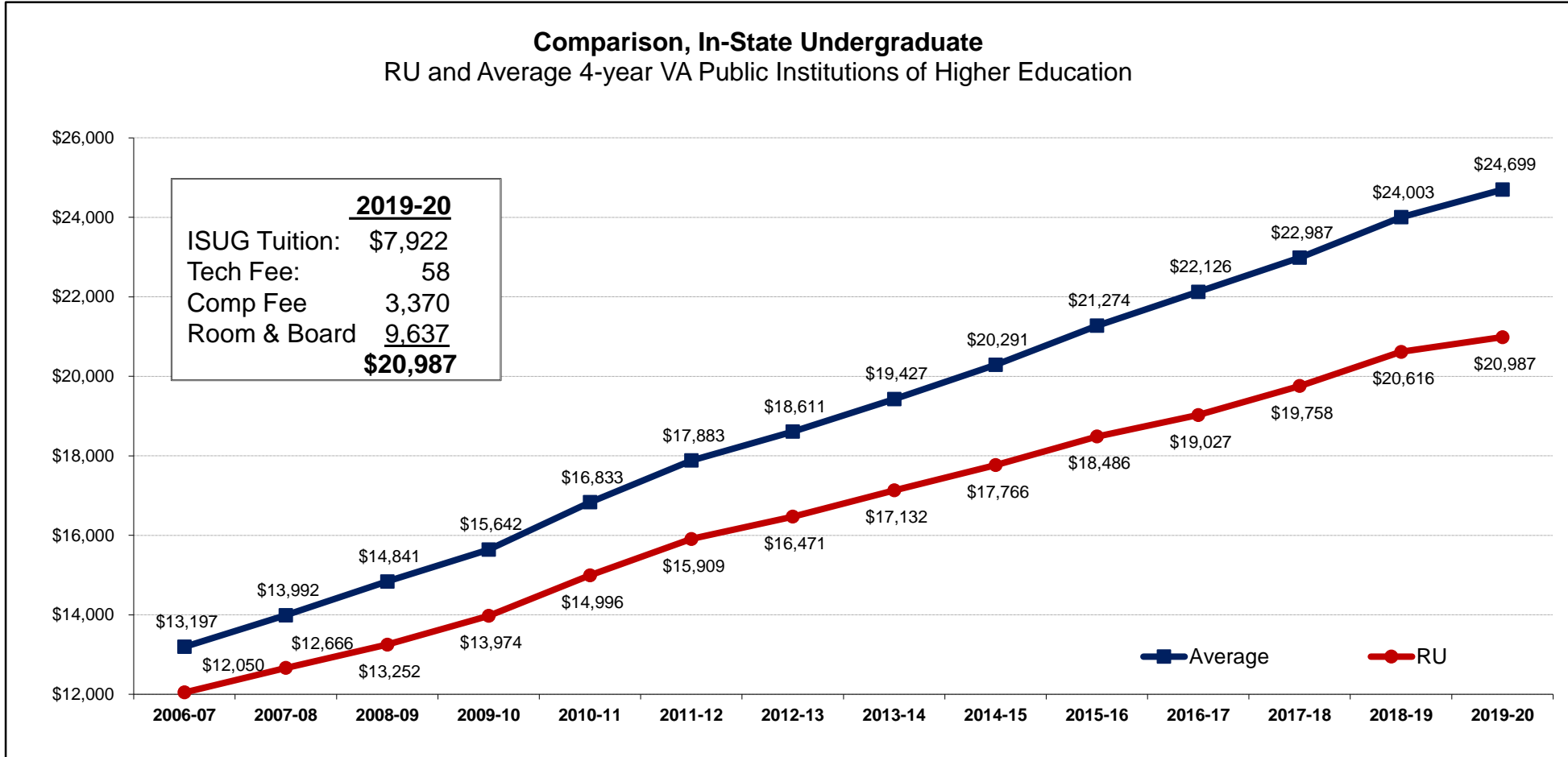
# *Affordability Focus*

# Main Campus and RUC Instructional Cost Make-Up



# Main Campus Total Cost: Affordable Provider

**Comparison, In-State Undergraduate**  
 RU and Average 4-year VA Public Institutions of Higher Education



Rank	Inst.	2019-20
1	CWM	\$ 36,554
2	VMI	\$ 28,884
3	UVA	\$ 28,335
4	CNU	\$ 26,684
5	VCU	\$ 25,419
6	LU	\$ 25,188
7	GMU	\$ 24,269
8	UMW	\$ 23,940
9	JMU	\$ 23,144
10	VT	\$ 23,033
11	ODU	\$ 21,888
12	UVA-W	\$ 21,003
13	RU	\$ 20,987
14	VSU	\$ 20,698
15	NSU	\$ 20,466

Average = **\$24,699**



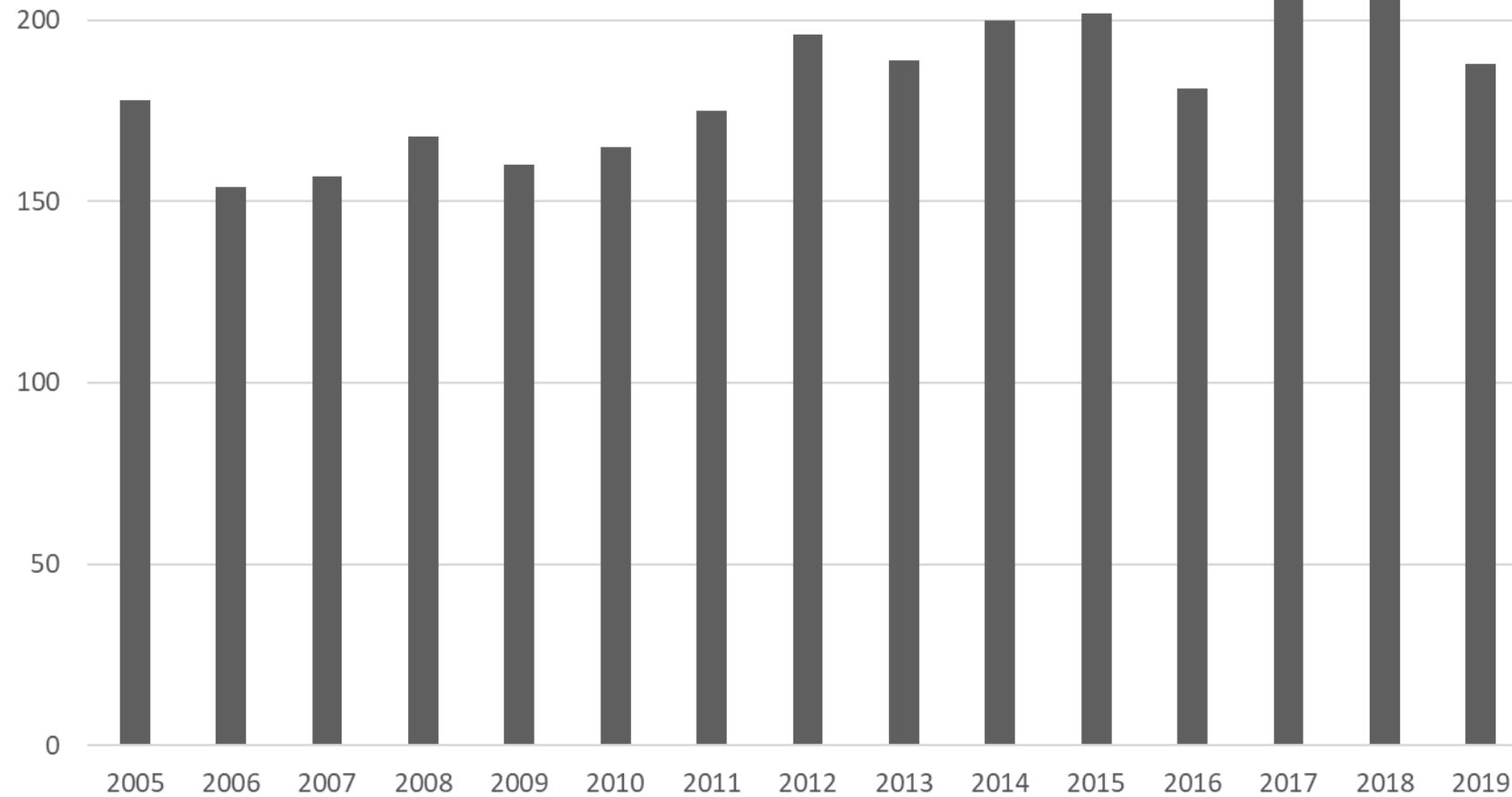
Growth

Markets

# *International Students: Fall 2005-2019*

## *Enrollment*

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# International Students: Fall 2019 Enrollment

Fall 2019 Countries of Citizenship			
Nation of Citizenship	Resident Alien	Nonresident Alien	Total
Ethiopia	16	2	18
Ghana	15	1	16
Mexico	9	5	14
Unknown	12	0	12
Canada	2	8	10
Spain	1	7	8
China	2	4	6
El Salvador	3	3	6
France	0	5	5
Germany	3	2	5
India	4	1	5
United Kingdom	1	4	5
Brazil	1	3	4
Philippines	4	0	4
Saudi Arabia	0	4	4
Senegal	0	4	4

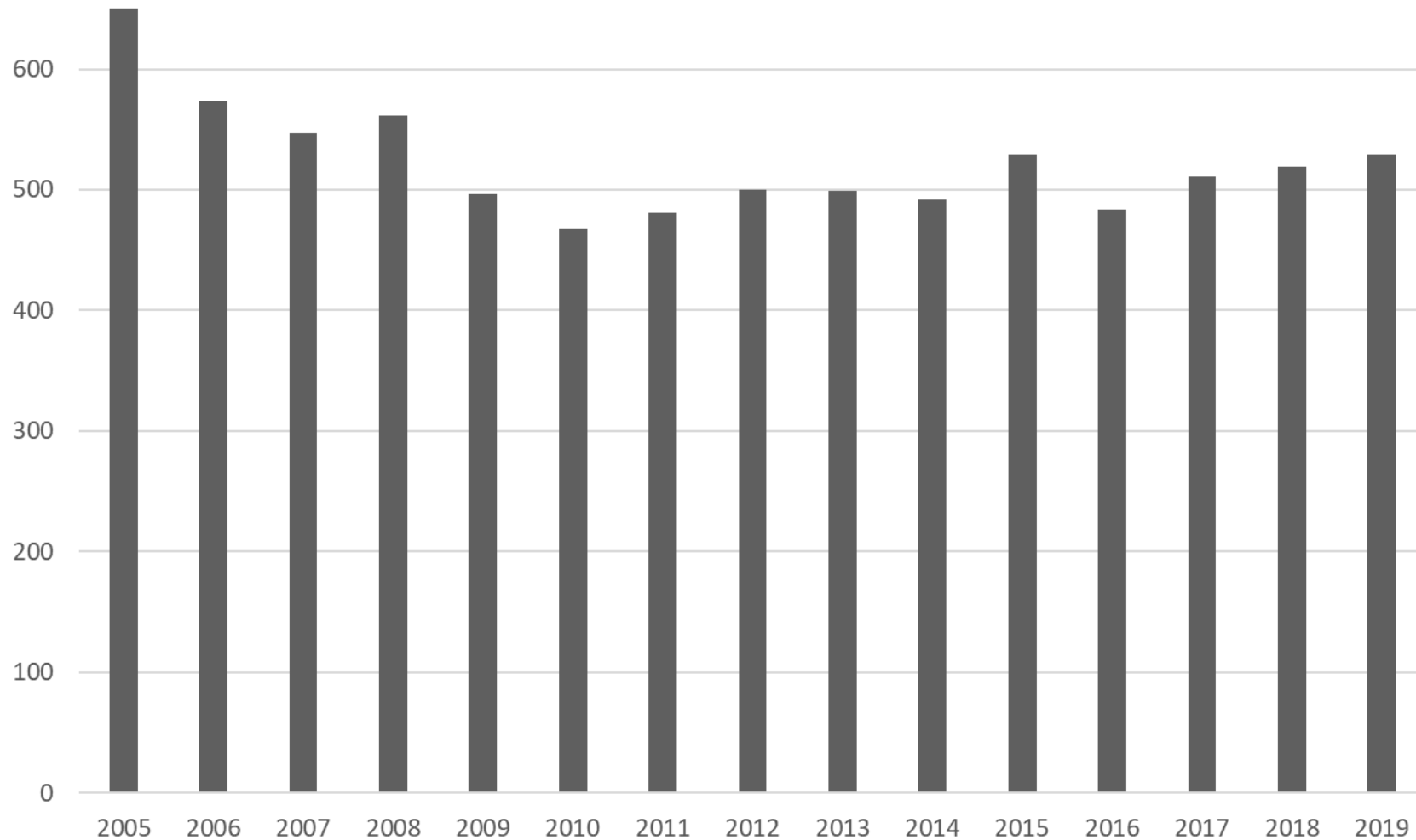
# *International Students: Strategic Plan*

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- **Strategic Enrollment Growth – Goal 6:** Radford University will grow international student headcount enrollment by 50 students annually through the 2023-2024 academic year.
  - Establish dual/double degree programs with international universities.
  - Launch worldwide, commission-based network of agents.
  - Implement an English language and culture program that will prepare students for Radford University degree programs.

# *Out-of-State Students: Fall 2005-2019*

## *Undergraduate Enrollment*





# Out-of-State Students: Fall 2019

## Undergraduate Enrollment

Fall 2019 Out-of-State Enrollment	
State	Undergraduate
Maryland	117
North Carolina	71
District of Columbia	65
Pennsylvania	28
West Virginia	28
New York	23
Georgia	22
New Jersey	22
Florida	19
Tennessee	15
California	13
Connecticut	13
State Unknown	10
Texas	9
South Carolina	8
Delaware	5
Massachusetts	5

Fall 2019 Out-of-State Enrollment	
State	Undergraduate
Missouri	5
Ohio	5
Alabama	4
Kentucky	4
New Hampshire	4
Colorado	3
Illinois	3
Maine	3
New Mexico	3
Arizona	2
Mississippi	2
Oregon	2
Vermont	2
Wisconsin	2
APO/FPO Addresses	2
Arkansas	1
Hawaii	1

Fall 2019 Out-of-State Enrollment	
State	Undergraduate
Kansas	1
Louisiana	1
Michigan	1
Montana	1
Nebraska	1
Nevada	1
Oklahoma	1
US Territories	1
<b>Total (All)</b>	<b>529</b>
<b>Total (MD, DC, WV, and NC)</b>	<b>281</b>

# *Out-of-State Students: Strategic Plan*

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- **Strategic Enrollment Growth – Goal 3:** Radford University will grow out-of-state freshman student headcount enrollment by three percent annually through the 2023-2024 academic year.
  - Focus out-of-state recruitment efforts in Maryland, Washington, D.C., West Virginia and North Carolina.
  - Increase the visibility of Radford University with out-of-state freshman students through an enhanced portfolio of traditional, digital, mobile, web, social media and virtual reality marketing tools and resources.

# *Other Growth Markets*

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- Latino Students
- CBE Delivery
- High-Demand Programs

# Q&A



# COVID-19 Planning and Response

RADFORD  
UNIVERSITY

# Planning and Response Groups

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- **President's Cabinet**
- **Leadership Council**
- **Emergency Management Team**
- **COVID-19 Contingency Planning Group**
- **COVID-19 Working Group**

# Early Opening Plan

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- **June 1, 2020**
  - *E-mail Announcement*
  - *Executive Summary*
- **State Requirements and SCHEV Review**
  - *July 6, 2020 Submission*
  - *July 23, 2020 Certification*

# Guidance Documents

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- **CDC**

- *Interim Guidance for Administrators of U.S. Institutions of Higher Education*
- *Considerations for Institutes of Higher Education*

- **ACHA**

- *Considerations for Reopening Institutions of Higher Education in the COVID-19 Era*

- **VDH**

- *COVID-19: Role of Public Health and Colleges/Universities in Preparedness and Response Efforts*



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# *Physical Distancing*

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# *Enhanced Cleaning and Disinfecting Protocols*

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# *Student Testing*

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# *Symptom Tracking*

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# *Move-In Process and Update*

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# *Visitor Registration*

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# *Contact Tracing*

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# *COVID-19 Alternative Work Arrangement*



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# *COVID-19 Alternate Learning Arrangement*

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*Slow the Spread. Do the Five.*

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# *Healthy Highlanders*

# COVID-19 Planning and Response

RADFORD  
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<b>Policy Title: Discrimination and Harassment Policy</b>	<b>Effective Date: TBD</b>
<b>Policy Number: GEN-PO-1002</b>	<b>Date of Last Review: 8/5/2020</b>
<b>Oversight Department: Office of Institutional Equity</b>	<b>Next Review Date: 8/1/2023</b>

## 1. PURPOSE

- A. Radford University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law.
- B. The purpose of the Discrimination and Harassment Policy, hereafter “Policy,” is to establish clearly and unequivocally that Radford University prohibits discrimination harassment and retaliation by individuals subject to its control or supervision and to set forth procedures by which such allegations shall be filed, investigated, and adjudicated.

## 2. APPLICABILITY

- A. This Policy applies to on-campus conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, individuals participating in camps and programs, volunteers, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Radford University), and contractors working on campus who are not Radford University employees, as well as to students, visiting students, employees, faculty, and staff participating in Radford University-sponsored activities off campus. This Policy is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus or that effectively denies a person equal access to Radford University’s education program. This Policy applies to discrimination and harassment occurring against a person in the United States.

Allegations of on-campus or off-campus violations of this Policy should be reported to the Title IX Coordinator in accordance with the guidance below and the Discrimination and Harassment Grievance Procedures (see Section 5). This Policy replaces and supersedes the Radford University Sexual Harassment Policy and Nondiscrimination Statement, as well as any and all references related to discrimination and harassment that may be contained in other Radford University policies, including the Standards of Student Conduct.

## **B. Academic Freedom and Free Speech**

This Policy does not allow curtailment or censorship of constitutionally protected expression, which is valued in higher education and by Radford University. In addressing all reports of alleged violations of this Policy, Radford University will take all permissible actions to ensure the safety of students and employees while complying with any and all applicable guidance regarding free speech rights of students and employees. This Policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

## **3. DEFINITIONS**

**Appellant** means an individual who appeals either the final determination of a case or the Title IX Coordinator's dismissal of a Formal Complaint.

**Appellee** means an individual who is the non-appealing party in an appeal.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, discrimination, harassment, or other possible violation of this Policy.

**Consent** is knowing, voluntary, and clear permission, by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Consent may be withdrawn at any time. Consent cannot be obtained by force, physical violence, threat, coercion, or intimidation. A person who is impaired or incapacitated is unable to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.

**Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the local jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Discrimination** is inequitable and unlawful treatment based on an individual's protected characteristics or statuses -- race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, disability, or any other status protected by law -- that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an

educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

**Exculpatory Evidence** means evidence that is favorable to the Respondent in an allegation that supports an unsubstantiated finding.

**Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment, harassment, or discrimination against a Respondent and requesting that the Office of Institutional Equity investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in, the education program or activity of Radford University. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission through the submission form provided on the Radford University website, official Radford University email that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

**Formal Investigation** means an investigation conducted by the Title IX Coordinator into allegations that discrimination or harassment occurred.

**Free Expression** is communicative conduct or activity protected by the First Amendment including, but not limited to, public speeches, demonstrations, marches, protests, and picketing, as well as any lawful free expression activity as defined in the Radford University Free Expression Policy. Free expression does not include commercial activity.

**Inculpatory Evidence** is evidence that tends to show involvement in an act or evidence that can establish responsibility for an action and may support a substantiated finding.

**Informal Resolution** means a resolution facilitated by the Title IX Coordinator as an alternative to a Formal Investigation.

**Harassment** is a form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of their protected characteristics or statuses. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment violates this Policy when it creates a hostile environment, as defined below.

**Hostile Environment** may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from Radford University’s education programs, services, opportunities, or activities, or the individual’s employment access, benefits, or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individual’s education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a “reasonable person” in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

**Preponderance of the Evidence** is a standard that requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that an alleged violation occurred.

**Reasonable Person** is a person similarly situated to the Complainant.

**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, discrimination, harassment, or other conduct that may be in violation of this Policy.

**Responsible Employees** must report to the Title IX Coordinator all relevant information received about an incident of conduct that potentially is in violation of this Policy and without delay. If necessary, the report may be made after addressing any immediate needs of the victim.

“Responsible Employee” includes all Radford University employees. A Responsible Employee is considered confidential and is not required to make a report if the Responsible Employee obtained, within the scope of their employment at Radford University, the information through any communication considered privileged under state or federal law, or in the course of providing services as a licensed health care professional, an employee providing administrative support for such health care professionals, a professional counselor, an accredited rape crisis or domestic violence counselor, campus victim support personnel, a member of clergy, or an attorney.

**Retaliation** is intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, discrimination, or harassment, but arise out of the same facts or circumstances as a report or Formal Complaint of discrimination, or harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Neither Radford University nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith. Action is generally deemed adverse if it would deter a reasonable person in the same circumstance from opposing practices prohibited by this Policy. Retaliation may result in disciplinary or other action independent of the sanctions, remedies, or supportive measures imposed in response to the underlying allegations of discrimination or harassment. Retaliation prohibited by this Policy includes any discrimination, intimidation, threat, or coercion against the Title IX Coordinator, or staff of the Office of Institutional Equity, for purposes of interfering with their job responsibilities.

**Sexual Assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following: 1) An employee of Radford University conditioning the provision of an aid, benefit, or service of Radford University on an individual’s participation in unwelcome sexual conduct; 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Radford University’s education program or activity; or 3) Sexual assault, dating violence, domestic violence, or stalking.

**Sexual Exploitation** is a form of sexual harassment that includes, but is not limited to: causing the incapacitation of another person for the purpose of compromising that person’s ability to consent to sexual activity; prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual recording or photographing private sexual activity and/or a person’s intimate body parts, or distribution of photos or other images of an individual's sexual activity or intimate body parts; non-consensual voyeurism or allowing third parties to observe private sexual



activity from a hidden location or through electronic means; knowingly transmitting HIV or an STD/STI to another; or exposing one's genitals to another in non-consensual circumstances.

**Sexual Violence** is a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: i) fear for his or her safety or the safety of others; or ii) suffer substantial emotional distress.

**Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Radford University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Radford University's educational environment, or deter sexual harassment, discrimination, or harassment. Supportive measures may include referral and coordination of counseling and health services, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties (e.g., no-contact orders), changes in work or housing locations, bans from campus or areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Radford University must maintain as confidential any supportive measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**Sexual Misconduct** includes alleged sexual assault, dating violence, domestic violence, stalking, and sexual harassment incidents not otherwise covered by Title IX.

**Title IX Incidents** include sexual assault, dating violence, domestic violence, stalking and sexual harassment incidents alleged to have occurred on-campus, off-campus as part of Radford University's education program, or at an off-campus location controlled by a recognized student organization.

#### 4. POLICY

##### A. Policy

Any question of discrimination or harassment will be addressed with efficiency and energy and in accordance with this Policy and the Radford University Discrimination and Harassment Grievance Procedures (see Section 5). This Policy and the Discrimination and Harassment Grievance Procedures also address reports of retaliation against those who have opposed practices prohibited by this Policy, those who have filed or reports under this Policy, and those who have testified or otherwise participated in enforcement of this Policy. Further, the Discrimination and Harassment Grievance Procedures address reports that an individual's free expression was violated.

Questions regarding discrimination prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Title IX Coordinator, Office of Institutional Equity, 540-831-5307 (Radford), 540-224-4644 (Roanoke), or the U.S. Department of Education, Office of Civil Rights.

Radford University recognizes that there may be circumstances in which an individual may need the services of the Office of Institutional Equity and, if needed, the University will make arrangements to ensure that appropriate accommodations are provided, to the extent necessary and available, to aid in understanding and/or complying with this Policy. Requests for accommodations must be made to the Title IX Coordinator.

## **B. Reporting**

- 1.** Any person may report sexual harassment, discrimination, or harassment, whether or not the person reporting is the person alleged to be the victim of such misconduct. Individuals receiving reports of sexual harassment, discrimination, or harassment should immediately notify the Title IX Coordinator after addressing the immediate needs of the victim. Individuals should not undertake any independent efforts to determine whether or not the report has merit before reporting it to the Title IX Coordinator.
- 2.** A report may be made in person, by mail, by telephone, or by email, using the contact information below. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The Title IX Coordinator will also accept, without comment or need for explanation, a sealed envelope addressed to "Title IX Coordinator." The envelope, at a minimum, needs only contain a piece of paper with the name and contact information of the individual wishing to make a report. Such a report may be made at any time (including during non-business hours) by using the telephone number, or email address, or by mailing to the office address listed for the Title IX Coordinator.

Radford University's Title IX Coordinator's contact information is as follows:

**Dr. Andrea Zuschin**  
**Director of Institutional Equity and Title IX Coordinator**  
**[azuschin@radford.edu](mailto:azuschin@radford.edu)**

**Office of Institutional Equity**  
**Radford University (Radford)**  
**615 Fairfax Street**  
**P.O. Box 6988**  
**Radford, VA 24142**  
**(540) 831-5307 (Main)**

**Radford University Carilion (Roanoke)**  
**101 Elm Avenue, SE**  
**Roanoke, VA 24013**  
**(540) 224- 4644**

- 3. Mandatory Employee Reporting:** All employees, other than the confidential employees detailed in the definition of Responsible Employee in Section 3 of this Policy, who receive information regarding a report of discrimination or harassment must report any relevant information about the alleged incident to the Title IX Coordinator without delay after addressing the needs of the victim. No Radford University employee shall undertake any independent efforts to determine whether or not the report has merit or can be

substantiated before reporting it to the Title IX Coordinator. The Radford University Police Department will follow departmental procedures.

4. **Reports Made by Students:** Students should report possible discrimination or harassment to the Title IX Coordinator. Students are not restricted to reporting to student contacts and may report to anyone listed in this Policy or any supervising staff or faculty member. Other than reports made to confidential sources in accordance with the definition of Responsible Employee in Section 3 of this Policy, reports must be forwarded to the Title IX Coordinator.
5. **Reports Made by Visitors or Contractors:** Visitors, including visiting students, and employees of contractors working on campus should report possible discrimination or harassment to the Title IX Coordinator.
6. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this Policy and the Discrimination and Harassment Grievance Procedures (see Section 5). Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this Policy and the Discrimination and Harassment Grievance Procedures is prohibited and subject to conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy. This provision does not apply to reports made or information provided in good faith, even if the facts as alleged are not later substantiated by a preponderance of the evidence.
7. Individuals can also submit a report through the Confidential Reporting and Silent Witness link on the Radford University Police Department webpage: <http://www.radford.edu/content/police/home/forms/witness.html> or by leaving an anonymous message with the Radford University Police Department at 540- 831-STOP (7867). As will be the case with all reports, however made, the Complainant will be contacted promptly for an informational meeting with the Title IX Coordinator.
8. Notwithstanding the forgoing, individuals who believe they have been the subject of conduct in violation of the Discrimination and Harassment Policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s) and any witness(es), promptly after an incident.
9. There is no time limit for filing a report of discrimination or harassment. However, Complainants should report as soon as possible to maximize Radford University's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair Radford University's ability to adequately respond to the allegations.

### C. Criminal Reporting

If a victim is in immediate danger or needs immediate medical attention, contact 911, the Radford University Police Department (RUPD) at (540) 831-5500 (blue light emergency phones on Radford University's main campus connect directly to RUPD) or, at Radford University Carilion, Carilion Clinic Police at (540) 981-7911. Some conduct in violation of this Policy may also be a crime under Virginia law. Individuals are encouraged to report incidents of discrimination and harassment to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Radford University will provide assistance to victims

in notifying law enforcement if the victim so chooses. Crimes dealing with minors must be reported to law enforcement.

#### **D. Criminal Process and Coordination**

If a victim is physically or mentally incapacitated for at least ten (10) calendar days, and thereby unable to report the incident to law enforcement, the Title IX Coordinator will make such a report. Radford University will comply with all requests by the Radford University Police Department, Carilion Clinic Police, or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator to temporarily suspend the fact-finding aspect of an investigation detailed in the procedures below while the Radford University Police Department, Carilion Clinic Police, or the local law enforcement agency gathers evidence. The Title IX Coordinator will promptly resume the investigation as soon as notified by the Radford University Police Department, Carilion Clinic Police, or local law enforcement agency that it has completed the evidence gathering process. Otherwise, the investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

#### **E. Confidentiality and Requests Not to Pursue Title IX Investigation**

1. Radford University will keep confidential the identity of any individual who has made a report, or who has filed a Formal Complaint, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Education Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
2. Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this Policy wishes to keep a report confidential, it must be made to a licensed medical provider, counselor or individual under professional supervision of a licensed counselor, or professional sexual assault advocate. These individuals will encourage victims to make a report to the Radford University Police Department, the Carilion Clinic Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above who are able to maintain confidentiality of reports. Other Radford University responsible employees receiving reports of conduct in violation of this Policy are mandated reporters but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation. If the Complainant requests confidentiality, or that an investigation not be conducted, Radford University may be limited in the actions it is able to take and its ability to respond while respecting the request. The Complainant will be asked to sign a statement stating a desire for confidentiality or that an investigation not be pursued and the Title IX Coordinator will take all reasonable steps to respond to the report consistent with the request.
3. Notwithstanding a Complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to local law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the

implementing regulations of FERPA, 34 C.F.R. 99.36, and as detailed in the Sexual Violence Threat Assessment provisions below.

**F. Sexual Violence Threat Assessment**

1. Upon receipt of any report of sexual violence, defined as a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent, that is alleged to have occurred (i) against any students; or (ii) on campus, in or on a Radford University building or property, or on public property that is on campus or immediately adjacent to and accessible from campus, the Title IX Coordinator shall promptly inform a review committee of the report, including personally identifying information.
  - a. The review committee shall be comprised of, at a minimum, the Title IX Coordinator, a representative of law enforcement, and a student affairs representative. The review committee may consult other Radford University officials depending on whether the accused individual is a student, faculty, or staff member and the circumstances of the report. The review committee shall be advised by the Office of the Attorney General.
  - b. Within 72 hours of receipt of the report, the review committee shall meet to review the information and shall continue to meet as necessary as new information becomes available. If the criteria in Paragraph a. are met, the review committee shall convene regardless of whether or not the victim has notified the Radford University Police Department, Carilion Clinic Police, or local law enforcement or whether or not the victim has requested that Radford University proceed with a Title IX investigation.
  - c. The review committee may obtain law enforcement records and criminal history record information as provided in Virginia Code § 19.2-389 and § 19.2-389.1, health records as provided in Virginia Code § 32.1-127.1:03, available conduct or personnel records, and known facts and circumstances of the reported incident and other evidence known to Radford University, including the Radford University Police Department, Carilion Clinic Police, and local law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to Virginia Code § 23.1- 805 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act, (Virginia Code § 2.2-3700 et seq.). The review committee shall comply with the Family Educational Rights and Privacy Act in conducting its review.
  - d. In addition to the available information detailed in Paragraph c. above, the review committee shall consider factors that suggest there is an increased risk of the accused individual committing additional acts of sexual misconduct or other violence, including, but not limited to:
    - i. Other sexual misconduct reports about the same individual;
    - ii. Prior arrests or reports of misconduct at another institution or a history of violent behavior;
    - iii. Threats of further sexual misconduct against the reporting individual or others;
    - iv. A history of failing to comply with a no-contact order issued by Radford University officials;
    - v. Allegations of multiple perpetrators in the same incident;

- vi.** Use of physical violence in the reported incident or a prior incident. Examples of physical violence include, but are not limited to, hitting, punching, slapping, kicking, restraining, or choking;
- vii.** Reports or evidence of a pattern of perpetration, including a pattern of the accused individual using alcohol or drugs to facilitate sexual misconduct or harassment;
- viii.** Use of a weapon in the reported incident or a prior incident; and
- ix.** A victim under the age of 18 or who is significantly younger than the accused individual.

The review committee shall also consider whether means exist to obtain evidence other than investigation by law enforcement or the Office of Institutional Equity, such as security camera footage, eyewitness reports from security personnel, or physical evidence.

- e.** If, based on a consideration of all factors, the review committee determines that there is a significant and articulable threat to the health or safety of one or more individuals and that disclosure of the information to law enforcement, including personally identifying information, is necessary to protect the health and safety of one or more individuals, the law enforcement representative shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the incident, for the purpose of investigation and other actions by law enforcement. If the review committee cannot reach a consensus, the law enforcement representative may make the threat determination. Upon any disclosure to law enforcement under this paragraph, the Title IX Coordinator shall notify the victim that such disclosure is being made. The provisions of this paragraph shall not apply if the law enforcement agency responsible for investigating the alleged incident is located outside the United States.
- f.** If information is disclosed to law enforcement under Paragraph e. or if the review committee determines that sufficient factors exist to proceed with a Formal Investigation, despite the stated desires of the victim for confidentiality or not to proceed with a Formal Investigation, the Title IX Coordinator may proceed with a Formal Investigation under these procedures. In those situations, the Title IX Coordinator will notify the victim that Radford University is overriding the victim's request for confidentiality in order to meet its obligations but, other than the disclosure under Paragraph e., if made, the information will only be shared with individuals who are responsible for handling Radford University's response to incidents of sexual violence. Radford University will ensure that any information maintained by Radford University is maintained in a secure manner.
- g.** If the reported incident would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, as determined by the law enforcement member or any other member of the review committee, the law enforcement member or any other member of the review committee, shall inform other members of the review committee, and shall notify, within 24 hours, the attorney for the Commonwealth or other prosecutor responsible for prosecuting the incident and provide the information received without disclosing personally



2. To the extent possible, Radford University will seek the consent of the Complainant before offering supportive measures to the greatest degree possible.
3. Radford University may remove a Respondent from an educational program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, discrimination, or harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Radford University may temporarily reassign or place on administrative leave any employee alleged to have violated this Policy, pending investigation. Leave will be administered in accordance with appropriate employment policies.
4. Radford University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

#### **I. Disciplinary Immunity**

Ensuring the safety of individuals who report violations of this Policy is Radford University's primary concern. In compliance with Virginia Code §23.1-808, and in order to facilitate reporting, Radford University will provide disciplinary immunity to a person who reports to any individual employed by the institution that an act of sexual violence, or any other incident violating this Policy, which occurred on campus, in or on a non-campus building or property, or on public property as such terms are defined in Virginia Code § 23.1-806. Disciplinary immunity means that, if the institution determines, as a result of any investigation relating to such alleged act of sexual violence or other violation of this Policy, the reporting individual committed a separate, unrelated, nonviolent act that violates the Radford University Standards of Student Conduct, that person is immune from disciplinary action for such violation. Disciplinary immunity may also be offered to individuals who intervene to help others before a violation of this Policy occurs and to individuals who receive assistance or intervention.

## **5. PROCEDURES**

### **A. Purpose**

These procedures provide a prompt and equitable resolution for reports of discrimination and harassment prohibited by the Radford University Discrimination and Harassment Policy. Any person who believes he or she has been subjected to discrimination or harassment on any of these bases may file a report with Radford University as outlined in these procedures.

These procedures also address 1) any reports of retaliation against individuals who have filed reports of discrimination and harassment, who have opposed discriminatory practices, and those who have testified or otherwise participated in investigations or proceedings arising from reports of discrimination and harassment; and 2) reports of violation of the Radford University Free Expression Policy. Questions regarding discrimination and harassment prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Title IX Coordinator, Office of Institutional Equity, 540-831-5307 (Radford), 540-224-4644 (Roanoke), or the U.S. Department of Education, Office of Civil Rights.



## **B. Written Explanation of Rights and Options**

- 1.** When the Title IX Coordinator receives a report that a Complainant has been a victim of discrimination or harassment, the Title IX Coordinator will promptly contact the Complainant to share and provide a written explanation of rights and options, which shall include:
  - a.** Notification of resources, including information on contacting the local sexual assault crisis center or other victim support service, both within Radford University and in the local community.
  - b.** Options for, available assistance in, and how to request supportive measures, regardless of whether the Complainant chooses to report the crime to law enforcement, or file a Formal Complaint.
  - c.** The procedures for Title IX, including filing a Formal Complaint, Formal Investigation, and Informal Resolution procedures, dismissal of cases, adjudication, appeals, and disciplinary sanctions and remedies.

Three factors determine the category of the case and, thus, the route by which the case is adjudicated. The determining factors are 1) whether the alleged incident is considered “sexual harassment,” 2) the location where the alleged incident occurred, and 3) the Respondent’s affiliation with Radford University (e.g., student, employee). Parties to a case will be notified simultaneously of the category in which their case falls. The categories are “Title IX Case,” “Student Conduct Referral Case,” and “Non-Title IX/Non-Student Case.” Parties to a case will be informed of the proper category for their case and will be informed if the category changes as investigators learn more information. Cases will be identified and adjudicated as follows:

- i.** The case will be categorized as a “Title IX Case” and will be referred to a Decision Maker for a live hearing, with a document review as appeal, if
  - (a)** The allegation is sexual harassment, and
  - (b)** The incident(s) alleged occurred either on campus, off campus as part of Radford University’s education program or activity, or at an off-campus location controlled by a recognized student organization.Refer to “Title IX Case Process” in Section 5.C.b.viii. and Appeal Document Review in Section 5.E.4. below.
- ii.** The case will be categorized as a “Student Conduct Referral Case” and will be dismissed as a Title IX Case. However, the Title IX Coordinator will continue the fact-finding process and will refer the case for adjudication to the Office of Student Standards and Conduct, with appeal through that same process, if
  - (a)** The Respondent is a student, and
  - (b)** The allegation does not fall within the definition of sexual harassment, or
  - (c)** The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Radford University’s education program or activity, nor at an off-campus location controlled by a recognized student organization.

Refer to “Student Conduct Referral Case” in Section 5.C.b.vi. below.

- iii. The case will be categorized as a “Non-Title IX/Non-Student Case” and will continue to be processed in the Office of Institutional Equity, with a live appeal option, if
  - (a) The Respondent is a Radford University employee or non-student, and
  - (b) The allegation is violation of this Policy that does not fall within the definitions of sexual harassment, or
  - (c) The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Radford University’s education program or activity, nor at an off-campus location controlled by a recognized student organization.

Refer to “Non-Title IX/Non-Student Case” in Section 5.C.b.vii. and Appeal Hearing in Section 5.E.3. below

- d. The right to bring a trusted advisor of their choice with them to the meetings with the Office of Institutional Equity. The advisor may be, but is not required to be, an attorney. The role of such advisors shall be limited to advice and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor’s role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any hearing.
- e. Procedures Complainants should follow if a crime has occurred, including information about:
  - i. The importance of seeking medical attention and of the collection and preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
  - ii. How and to whom the alleged offense should be reported;
  - iii. Options about the involvement of local law enforcement, and the Radford University Police Department, and Carilion Clinic Police, including the Complainant’s option to:
    - (a) Notify proper law enforcement authorities,
    - (b) Have assistance with notifying law enforcement authorities, if the Complainant so chooses; and
    - (c) Decline to notify such authorities.
- f. The Respondent is presumed not responsible for the alleged conduct until the determination at the end of the grievance process.
- g. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this Policy and the Discrimination and Harassment Grievance Procedures. Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this Policy and the Discrimination Harassment Grievance Procedures is prohibited and subject to

conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy.

- h.** If an incident contains any actions or allegations that are a violation of the Radford University Standards of Student Conduct, and that do not fall within the scope of this Policy, then the portion of the case where the Standards of Student Conduct applies may be referred to that office for adjudication and resolution.
- i.** If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that were not included in the notice provided to the parties, if known, then the Title IX Coordinator will provide notice of the additional allegation(s) to the parties whose identities are known.
- j.** Both parties may inspect and review evidence relevant to the Formal Investigation and/or Informal Resolution.
- k.** The Complainant's right to decline to participate in a Title IX investigation and the Title IX Coordinator's ability to pursue a Formal Complaint and Formal Investigation.
  - i.** The Title IX Coordinator has discretion to sign a Formal Complaint and initiate an investigation under the following conditions:
    - (a)** The Title IX Coordinator has received multiple reports of potential sexual harassment, harassment, or discrimination against the same Respondent,
    - (b)** The Title IX Coordinator determines that circumstances surrounding an allegation (e.g., violence, use of weapons, threats, serial predation) warrant an investigation.

Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the investigation.

- ii.** The Title IX Coordinator may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation, hearing, or resolution the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled in or employed by Radford University; or specific circumstances prevent the Office of Institutional Equity from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. The dismissal of a Formal Complaint may be appealed (see Section 5.E.4.).
  - iii.** The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of a Formal Complaint of sexual harassment or other discrimination or harassment. The University may not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution unless a Formal Complaint is filed.
- l.** Information about how Radford University will protect the confidentiality of Complainants and other parties, including how Radford University will:

- i. Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the Complainant;
  - ii. Maintain as confidential, any supportive measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of Radford University to provide the supportive measures; and
  - iii. Ensure confidentiality of investigative files as education records protected by FERPA, including that the process for the Sexual Violence Threat Assessment in accordance with Virginia Code § 23.1-806 could, if the incident poses to members of the Radford University community a health or safety emergency, as defined by the FERPA regulations, lead to disclosure of personally identifying information to the law enforcement agency that would be responsible for investigating the incident and other appropriate parties whose knowledge of the information is necessary to protect the health and safety of the Complainant or other individuals.
- m. Any incidents of retaliation as defined in Section 3 should be reported to the Office of Institutional Equity without delay.
2. On receipt of a Formal Complaint from a Complainant, the Title IX Coordinator will provide written notice and written explanation of rights and options to the Respondent, which shall include:
- a. Notice of the allegations of sexual harassment, discrimination, or harassment potentially constituting a violation of this Policy, including sufficient details known at the time and with notice provided for the Respondent to prepare a response prior to an initial interview. Sufficient details will include the identities of the parties involved in the incident, if known, the conduct allegedly constituting a violation, and the date and location of the alleged incident, if known. The notice will also provide contact information for the Title IX Coordinator and a date by which the Respondent must contact the Title IX Coordinator, so the Respondent may receive additional information.
  - b. Notification of resources, both within Radford University and in the local community.
  - c. The procedures for Title IX, including filing a Formal Complaint, Formal Investigation, and Informal Resolution procedures, dismissal of cases, adjudication, appeals, and disciplinary sanctions and remedies.

Three factors determine the category of the case and, thus, the route by which the case is adjudicated. The determining factors are 1) whether the alleged incident is considered "sexual harassment," 2) the location where the alleged incident occurred, and 3) the Respondent's affiliation with Radford University (e.g., student, employee). Parties to a case will be notified simultaneously of the category in which their case falls. The categories are "Title IX Case," "Student Conduct Referral Case," and "Non-Title IX/Non-Student Case." Parties to a case will be informed of the proper category for their case and will be informed if the category changes as investigators learn information. Cases will be identified and adjudicated as follows.

- i. The case will be categorized as a “Title IX Case” and will be referred to a Decision Maker for a live hearing, with a document review as appeal, if
  - (a) The allegation is sexual harassment, and
  - (b) The incident(s) alleged occurred either on campus, off campus as part of Radford University’s education program or activity, or at an off-campus location controlled by a recognized student organization.

Refer to “Title IX Case Process” in Section 5.C.b.viii. and Appeal Document Review in Section 5.E.4. below.

- ii. The case will be categorized as a “Student Conduct Referral Case” and will be dismissed as a Title IX Case. However, the Title IX Coordinator will continue the fact-finding process and will refer the case for adjudication to the Office of Student Standards and Conduct, with appeal through that same process, if
  - (a) The Respondent is a student, and
  - (b) The allegation does not fall within the definition of sexual harassment, or
  - (c) The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Radford University’s education program or activity, nor at an off-campus location controlled by a recognized student organization.

Refer to “Student Conduct Referral Case” in Section 5.C.b.vi. below

- iii. The case will be categorized as a “Non-Title IX/Non-Student Case” and will continue to be processed in the Office of Institutional Equity, with a live appeal option, if
  - (a) The Respondent is a Radford University employee or non-student, and
  - (b) The allegation is violation of this Policy that does not fall within the definitions of sexual harassment, or
  - (c) The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Radford University’s education program or activity, nor at an off-campus location controlled by a recognized student organization.

Refer to “Non-Title IX/Non-Student Case” in Section 5.C.b.vii. and Appeal Hearing in Section 5.E.3. below

- d. The right to bring a trusted advisor of their choice with them to the meetings with the Office of Institutional Equity. The advisor may be, but is not required to be, an attorney. The role of such advisors shall be limited to advice and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor’s role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any hearing.

- e. The Respondent is presumed not responsible for the alleged conduct until the determination at the end of the grievance process.
- f. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this Policy and the Discrimination and Harassment Grievance Procedures. Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this Policy and the Discrimination and Harassment Grievance Procedures is prohibited and subject to conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy.
- g. If an incident contains any actions or allegations that are a violation of the Radford University Standards of Student Conduct, and that do not fall within the scope of this Policy, then the portion of the case where the Standards of Student Conduct applies may be referred to that office for adjudication and resolution.
- h. If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that were not included in the notice provided to the parties, if known, then the Title IX Coordinator will provide notice of the additional allegation(s) to the parties whose identities are known.
- i. Both parties may inspect and review evidence relevant to the Formal Investigation and/or Informal Resolution.
- j. The Complainant's right to decline to participate in a Title IX investigation and the Title IX Coordinator's ability to pursue a Formal Complaint and Formal Investigation.
  - i. The Title IX Coordinator has discretion to sign a Formal Complaint and initiate an investigation under the following conditions:
    - (a) The Title IX Coordinator has received multiple reports of potential sexual harassment, harassment, or discrimination against the same Respondent,
    - (b) The Title IX Coordinator determines that circumstances surrounding an allegation (e.g., violence, use of weapons, threats, serial predation) warrant an investigation.

Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the investigation.

- ii. The Title IX Coordinator may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation, hearing, or resolution the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled in or employed by Radford University; or specific circumstances prevent the Office of Institutional Equity from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. The dismissal of a Formal Complaint may be appealed (see Section 5.E.4.).
- iii. The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal

Complaints of sexual harassment discrimination or other discrimination or harassment. The University may not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution unless a Formal Complaint is filed.

- k. Information about how Radford University will protect the confidentiality of Complainants and other parties, including how Radford University will:
  - i. Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the Complainant;
  - ii. Maintain as confidential, any supportive measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of Radford University to provide the supportive measures; and
  - iii. Ensure confidentiality of investigative files as education records protected by FERPA, including that the process for the Sexual Violence Threat Assessment in accordance with Virginia Code § 23.1-806 could, if the incident poses to members of the Radford University community a health or safety emergency, as defined by the FERPA regulations, lead to disclosure of personally identifying information to the law enforcement agency that would be responsible for investigating the incident and other appropriate parties whose knowledge of the information is necessary to protect the health and safety of the Complainant or other individuals.
- l. Any incidents of retaliation as defined in Section 3 should be reported to the Office of Institutional Equity without delay.
- 3. Witnesses will be informed of resources on campus and in the community; the investigation and resolution process, including how to file a Formal Complaint; and how their information will be used in any report. As with all members of the Radford University community, witnesses are expected to provide truthful information in any report or proceeding under this Policy and the Discrimination and Harassment Grievance Procedures.

### **C. Investigation and Resolution**

- 1. After being informed of their Written Explanation of Rights and Options, a Complainant may choose to file a Formal Complaint. The Complainant will be asked to indicate what allegation(s) they want to pursue and which route of resolution they wish to take. There are two possible methods for investigation and resolution of a Formal Complaint alleging violations of the Discrimination and Harassment Policy: Informal Resolution and Formal Investigation.
- 2. In all cases, Radford University will ensure that the Title IX Coordinator, investigators, Decision Maker, or any person designated to facilitate any process, not have a conflict of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent, in the investigation and resolution of reports and will strive to avoid the appearance of conflict of interest.
- 3. In all investigations and resolutions, there is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made

at the conclusion of the grievance process. All relevant evidence, both inculpatory and exculpatory, will be objectively evaluated, and determinations of credibility may not be based on a person's status as a Complainant, Respondent, or Witness. In neither the Formal Investigation nor the Informal Resolution may Radford University require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

4. Radford University will treat Complainants and Respondents equitably by offering supportive measures to a Complainant, by providing remedies to a Complainant where a determination of responsibility for sexual harassment, discrimination, or harassment has been made against the Respondent, and by following the grievance process before imposing disciplinary sanctions or other actions that are not supportive measures against a Respondent.
5. Parties will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Parties will not be restricted from their ability to discuss the allegations under investigation or to gather and present relevant evidence. Parties will be provided with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding. The role of such advisors shall be limited to advice and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor's role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any hearing. All hearings will be closed to the public.
6. The Title IX Coordinator will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. The Title IX Coordinator must investigate the allegations in a Formal Complaint; however, the Title IX Coordinator may also dismiss a Formal Complaint if the conduct alleged in the Formal Complaint 1) would not constitute sexual harassment, discrimination, or harassment, even if proved; 2) did not occur in Radford University's education program or activity; or 3) did not occur against a person in the United States. Such dismissal does not preclude action under another provision of Radford University's code of conduct. If the Title IX Coordinator dismisses the Formal Complaint, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) to the parties simultaneously.
8. The Title IX Coordinator may consolidate Formal Complaints as to allegations of sexual harassment, discrimination, or harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment, discrimination, or harassment arise out of the same facts or circumstances. Where a grievance process involves more



than one Complainant or more than one Respondent, references in this section to the singular “party,” “complainant,” or “respondent,” include the plural as applicable.

9. If a Formal Investigation is requested, at any time prior to reaching a determination regarding responsibility, the Title IX Coordinator may facilitate an Informal Resolution process that does not involve a full investigation and adjudication, provided that the Title IX Coordinator provides written notice as outlined in Section 5; obtains the parties’ voluntary, written consent to the Informal Resolution process; and the Informal Resolution process is not offered or facilitated to resolve allegations that an employee sexually harassed or otherwise discriminated against a student.

**a. Informal Resolution**

- i. For alleged violations of the Discrimination and Harassment Policy, the Complainant and the Respondent have the option to proceed under an informal procedure, when deemed permissible by the Title IX Coordinator and when the allegations are not that an employee sexually harassed or otherwise discriminated against a student.
- ii. If the Complainant, the Respondent, and the Title IX Coordinator all agree that an Informal Resolution should be pursued, the Title IX Coordinator shall attempt to facilitate a resolution that is agreeable to all parties. Prior to beginning the Informal Resolution process, the Title IX Coordinator must obtain the parties’ voluntary, written consent to the process.
- iii. Upon initiating an Informal Resolution, the Title IX Coordinator will provide the parties written notice of the following:
  - (a) the allegations;
  - (b) either party has the right to withdraw from the Informal Resolution process at any time prior to agreeing to a resolution and may resume a Formal Investigation process with respect to the Formal Complaint;
  - (c) if an Informal Resolution is pursued and a resolution is reached, parties may not request a Formal Investigation arising from the same allegations;
  - (d) any agreement between parties as part of the Informal Resolution will be provided to the parties in writing. Any violation of the agreement should be reported by the parties to the Title IX Coordinator; and
  - (e) the record of the Informal Resolution will be maintained per the Policy.
- iv. Under this procedure, the Title IX Coordinator will gather information and evidence only to the extent fact-finding is needed to resolve the conflict and to protect the interests of all parties, Radford University, and the campus community. Typically, an Informal Resolution will be completed within 30 business days of confirmed delivery of the Formal Complaint. If an extension is necessary, all parties will be notified of the expected resolution time frame and the reason for the extension. If at any point during the Informal Resolution process, the Complainant, the Respondent, or the Title IX Coordinator wish to suspend the Informal Resolution and proceed through the Formal Investigation, such request will be granted.

- v. Any resolution of a Formal Complaint through an Informal Resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the responsibility of Radford University to prevent, address, and remedy alleged violations of the Discrimination and Harassment Policy. Informal Resolution remedies may include providing training; providing counseling to an individual whose conduct, if not ceased, could rise to the level of discrimination or harassment; confidential briefing of the Respondent's work supervisor; or use of processes and sanctions set forth in Radford University's code of conduct. There shall be no right of appeal afforded to the complainant or the respondent following Informal Resolution.

**b. Formal Investigation**

- i. If a Complainant asks for a Formal Investigation, the Title IX Coordinator will conduct a prompt, adequate, reliable, and impartial investigation of the Formal Complaint. The Complainant is not required to submit a written report to the Title IX Coordinator to commence a Formal Investigation. The Complainant may provide additional supporting documents, evidence, or recommendations of witnesses to be interviewed during the course of the Formal Investigation. The Complainant must also disclose if a Formal Complaint has been filed with another Radford University office, or a state or federal entity for the same offense.
- ii. Typically, a Formal Investigation, not including the time necessary for potential appeals, will be completed within 45 business days of receipt of notice. If extension is necessary, all parties will be notified of the expected time frame and the reason for the extension. Only the Title IX Coordinator, or a trained investigator designated by the Title IX Coordinator, shall conduct the investigation.
- iii. Both Complainants and Respondents will be provided an equal opportunity to inspect and review any evidence obtained as part of an investigation, that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The Title IX Coordinator will send to each party and the party's advisor, if any, the Draft Investigative Report and the evidence subject to inspection and review in an electronic format or hard copy. The parties will have ten (10) business days to submit a written response to the Draft Investigative Report, which the investigator will consider prior to completion of the Final Investigative Report. Radford University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, and for purposes of cross-examination.
- iv. The investigator will create a Final Investigative Report that fairly summarizes relevant evidence. At least ten (10) business days prior to a hearing, the Title IX Coordinator will send the Final Investigative Report to each party and the party's advisor, if any, in an electronic format or a hard copy.

- v. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Radford University and not on the parties provided that the University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process.

**vi. Student Conduct Referral Case**

If the criteria for a "Student Conduct Referral Case" are met, the case will be dismissed as a Title IX Case. However, the Title IX Coordinator will continue the fact-finding process and will refer the case for adjudication to the Office of Student Standards and Conduct for adjudication and appeal. On receiving notice of the referral, the Office of Student Standards and Conduct will contact the parties in the case to notify them of the policies and procedures that will be followed for adjudication, appeal, and implementation of sanctions (if any).

**vii. Non-Title IX/Non-Student Case**

- (a) Using information learned from interviews and gathered as evidence during the Formal Investigation, the Title IX Coordinator will determine whether there is a preponderance of the evidence to substantiate the alleged violation of the Policy. A Respondent will not be found in violation of the Policy absent a finding of preponderance of evidence that the violation occurred.
- (b) If the Title IX Coordinator finds, by a preponderance of the evidence that violation of the Policy did occur, the Title IX Coordinator's written report will contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the Complainant and the community. The written report also will contain the Title IX Coordinator's recommendation on sanctions. If supportive measures have been taken, the Title IX Coordinator shall include a recommendation regarding continuation, suspension or modification of any such supportive measures. The Title IX Coordinator shall provide the written report to both the Complainant and Respondent. Notwithstanding any other provision of these procedures, the Respondent shall not be provided information about the individual remedies offered or provided to the Complainant, but such information may be provided to the Complainant. The Complainant and Respondent will be advised of their right to appeal any finding or recommended remedy or sanction to the Appeal Committee. The appeal procedure outlined in Section 5.E.3. will also be explained. The completed investigation and recommended sanctions will be provided to the Department of Human Resources and other appropriate department heads to determine and impose appropriate sanctions, as described below.

### **viii. Title IX Case**

Following the Formal Investigation, the Title IX Coordinator will schedule a live hearing with a Decision Maker.

- (a)** The Title IX Coordinator will notify both parties of the time, date, and location of the live hearing.
- (b)** The hearing will occur within ten (10) business days from the date the Final Investigative Report is distributed to the parties. If an extension is necessary, all parties will be notified of the expected time frame and the reason for the extension.
- (c)** The Decision Maker will facilitate the hearing.
- (d)** The Decision Maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
  - (i)** Only relevant cross examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  - (ii)** If a party or witness does not submit to cross examination at the live hearing, the Decision Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; however, the Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- (e)** Live hearings may be conducted with all parties physically present in the same geographic location or, at Radford University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of either party, Radford University will provide for the live hearing to occur with the parties located in separate rooms with the technology enabling the Decision Maker and parties to simultaneously see and hear the other party or the witness answering questions.
- (f)** If a party does not have an advisor present at the live hearing, Radford University must provide, without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party.
- (g)** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the

Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

- (h)** Radford University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- (i)** Following the hearing, the Decision Maker, who is not the Title IX Coordinator or investigator, will issue to both parties simultaneously a written determination regarding responsibility using the preponderance of the evidence standard. The written determination will include:
  - (i)** Identification of the allegations potentially constituting sexual harassment, discrimination or harassment;
  - (ii)** A description of the procedural steps taken from the receipt of the Formal Complaint through the written determination of responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - (iii)** Findings of fact supporting the determination of responsibility;
  - (iv)** Conclusions regarding the application of the Policy to the facts;
  - (v)** A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions Radford University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Radford University's education program or activity will be provided by the University to the Complainant;
  - (vi)** The procedures and permissible bases for the Complainant and Respondent to appeal.
- (j)** The written determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or the date on which an appeal would no longer be considered timely, if an appeal is not filed.

#### **D. Sanctions and Remedies**

1. If it is determined that conduct in violation of this Policy has occurred, sanctions and remedies will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, institutional precedence, and any history of past conduct.
2. Remedies will be designed to restore or preserve equal access to Radford University's education program or activity. The Title IX Coordinator will consult with the Complainant to determine those remedies in order to restore or preserve equal access. Sanctions and remedies will be reasonable and will fall within the bounds of law and Radford University Policy. Sanctions and remedies may affect one's access to and/or affiliation with Radford

University's physical campus and/or any portion of Radford University's education program or activity.

- 3.** In addition to sanctions that may be imposed on an individual found in violation of this Policy, Radford University will take steps to prevent recurrence of any discrimination or harassment and to remedy discriminatory effects on the Complainant and others, if appropriate.
- 4.** Not every violation of the Discrimination and Harassment Policy will result in an identical sanction. Radford University reserves the right to impose different sanctions depending on the severity of the incident as well as any previous proven violations by the respondent.
  - a.** Sanctions and remedies for students may include education, disciplinary probation, deferred suspension, suspension, and penalties up to and including dismissal. Such sanctions and remedies will be recommended by either the Title IX Coordinator or by the Decision Maker in consultation with the Director of the Office of Student Standards and Conduct and in accordance with the Standards of Conduct.
  - b.** Sanctions and remedies for employees may include education, probationary status, reassignment and termination from employment. Such sanctions and remedies will be recommended by either the Title IX Coordinator or by the Decision Maker in consultation with the Department of Human Resources and the Respondent's supervisor(s) or division leader(s).
    - i.** Sanctions and remedies for Teaching and Research Faculty will be determined by the Provost, in consultation with the Deans and/or the President and in accordance with the Teaching and Research Faculty Handbook and any other applicable Radford University policies and regulations.
    - ii.** Sanctions and remedies for Administrative and Professional Faculty will be determined by the employee's supervisor and Division Head, in consultation with the Assistant Vice President for Human Resources and in accordance with the Administrative and Professional Faculty Handbook and any other applicable Radford University policies and regulations.
    - iii.** Sanctions and remedies for Classified or Wage employees will be determined by the employee's supervisor in consultation with the Assistant Vice President for Human Resources in accordance with the Commonwealth's Standards of Conduct Policy.
  - c.** Contractors shall assign for duty only employees acceptable to Radford University. Radford University reserves the right to require the Contractor to remove from campus any employee who violates the Discrimination and Harassment Policy.
  - d.** Visitors, including, but not limited to, students participating in camps or other programs at Radford University, who violate the Discrimination and Harassment Policy will be directed to immediately leave campus and may be subject to a permanent ban from campus.
- 5.** If neither the Complainant nor the Respondent requests an appeal, then a determination regarding the imposition of sanctions shall be made within ten (10) business days of the date of either the Title IX Coordinator's Final Investigative Report for a case adjudicated

through the Non-Title IX/Non-Student Case process, or the Decision Maker's written determination for a case adjudicated through the Title IX Case process. If an appeal is requested, sanctions, if any, shall be imposed within ten (10) business days of the final decision of the President after consideration of the written decision of the Appeal Committee. If extension of the time frame for sanctions to be imposed beyond ten (10) business days is necessary, all parties will be notified by the appropriate office of the expected time for imposing the sanctions. The Respondent shall be informed in writing of any sanctions imposed for violation of the Discrimination and Harassment Policy, by the individual imposing the sanctions, within five (5) business days of the determination of an appropriate sanction. The Title IX Coordinator shall be provided a copy of such written notification. The Title IX Coordinator will disclose to the Complainant, as simultaneously as possible to the notification provided to the Respondent, information about the sanctions that directly relate to the Complainant as is permitted by state and federal law including FERPA and the Virginia Freedom of Information Act.

## **E. Appeals**

### **1. Composition of the Appeal Committee**

- a.** The Appeal Committee shall be comprised of trained individuals selected by the Title IX Coordinator from a pool of faculty and staff appointed by the President. Teaching and Research Faculty members are nominated to the President by the Provost, Administrative and Professional Faculty members are nominated to the President by the Vice President for Finance and Administration, and Classified Employee members are nominated to the President by the Assistant Vice President for Human Resources. Each Appeal Committee shall include one member from each of the three representative areas. The President shall select individuals within the pool who are identified as Appeal Committee Chairs. Committee members shall serve indefinitely at the pleasure of the President. The President may appoint one or more persons to serve on the Committee temporarily to fill a vacancy due to recusal or otherwise to ensure a full three-member Committee. The President has sole discretion to permanently remove members from the pool.
- b.** The Appeal Committee will not include the same person who served as the Decision Maker who reached the determination regarding responsibility, the investigator(s), or the Title IX Coordinator. Further, Radford University requires that individuals serving on the Appeal Committee not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent

### **2. The grounds for appeal are as follows:**

- a.** The Title IX Coordinator, investigator, or Decision Maker had a conflict of interest or bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter;
- b.** New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- c.** Procedural irregularity that affected the outcome of the matter;
- d.** The recommended sanctions or remedies are substantially outside the parameters or guidelines set by Radford University for this type of offense, as outlined in Section 5.D.

### **3. Appeal Procedure for a “Non-Title IX/Non-Student Case”**

- a.** A Complainant or Respondent desiring to appeal the investigative findings shall file a written request for appeal with the Title IX Coordinator within five (5) business days of delivery of the Final Investigative Report.
- b.** The Title IX Coordinator will notify the other party in writing when an appeal is filed.
- c.** Within five (5) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the names of the individuals serving on the Appeal Committee. The parties must raise, within five (5) business days of such notification, objections to members of the Committee on the basis of conflict of interest or bias for or against the appellant or appellee. The objection shall be made to the Title IX Coordinator, who will present the objection to the President. The President shall rule on any such objections within five (5) business days.
  - i.** Within five (5) business days following the deadline to raise objections, or within five (5) business days following the resolution of the objection, the Title IX Coordinator will notify the parties of the time, date, and location of the appeal hearing. Such appeal hearings typically will be scheduled within fifteen (15) business days of receipt of the request for appeal. If extension beyond fifteen (15) business days is necessary, both parties will be notified by the Appeals Committee of the revised time frame.
- d.** Within five (5) business days following the deadline for appeal, the appealing party (appellant) must submit a written statement in support of, or challenging, the outcome; identify the names and addresses of witnesses that are requested to be called at the hearing; identify and include copies of any documents that will be used as evidence at the hearing; describe with specificity the grounds for appeal and request a specific remedy. The non-appealing party (appellee) also may submit, within five (5) business days of the deadline for appeal, such information for the Committee's consideration. The Title IX Coordinator will provide to the Committee within five (5) business days prior to the hearing, a copy of the Final Investigative Report and copies of any documents used in the investigation.
- e.** Both the appellant and the appellee may retain legal counsel at their own expense or designate a non-attorney advisor to accompany him or her at any meeting or proceeding in the appeal process. If either party has retained legal counsel or a non-attorney advisor, the party must immediately notify the Committee Chair of such representation. The role of counsel or the non-attorney advisor for the parties shall be limited to advice and consultation with the attorney's client and the client's witnesses. Neither counsel/advisor for the appellant nor counsel/advisor for the appellee shall be permitted to question witnesses, raise objections, or make statements or arguments to the Committee at the hearing. If either party is represented by legal counsel, Radford University may be represented at the hearing by assigned legal counsel from the Office of the Attorney General, who will ensure that the rights of Radford University and the parties are respected.
- f.** The Chair of the Committee shall preside over the hearing. The hearing will be a non-adversarial proceeding and rules of evidence shall not be strictly applied. However, the Chair of the Committee may limit evidence or testimony that is not relevant to a determination of whether a violation of the Policy occurred and whether the grounds



for appeal are met by a preponderance of evidence. The hearing will be conducted in a fair and impartial manner. Both the appellant and appellee, or the Title IX Coordinator if the appellee does not participate, will address the Chair of the Committee and not each other. The Chair will make the final decision on all matters of procedure during the hearing.

- g.** The past sexual history or sexual character of a party to the Formal Complaint, Complainant or Respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the Respondent, in the form of previous findings in any Radford University or judicial proceeding will be admissible. The parties will be notified in advance by the Appeal Committee Chair of the hearing if any information addressed by this paragraph is deemed admissible.
- h.** The Appeal Committee will review all provided documents and, within ten (10) business days following the hearing, the Committee will submit a written recommendation simultaneously to both parties, the Title IX Coordinator, and the President. The recommendation shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the findings of the Title IX Coordinator and/or the recommended sanction and the rationale for such determination; (iv) if the Title IX Coordinator's findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution, and (v) the materials the Committee members were provided by the Title IX Coordinator and by the appellant and appellee.
- i.** Within three (3) business days of the Committee's recommendation, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

**4. Appeal Procedure (Document Review) for a "Title IX Case" and a "Dismissal of Formal Complaint"**

- a.** A Complainant or Respondent may appeal the Decision Maker's written determination, or the Title IX Coordinator's dismissal of a Formal Complaint. In order to request appeal, the Appellant shall file a written request for appeal with the Title IX Coordinator within five (5) business days of delivery of Decision Maker's findings or the Title IX Coordinator's Written Notice of Dismissal of Formal Complaint.
- b.** The Title IX Coordinator will notify the other party in writing when an appeal is filed.
- c.** Within five (5) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the names of the individuals serving on the Appeal Committee. The parties must raise within five (5) business days of such notification, objections to members of the Committee on the basis of conflict of interest or bias for or against the appellant or appellee. The objection shall be made to the Title IX Coordinator, who will present the objection to the President. The President shall rule on any such objections within five (5) business days.

- d. Within five (5) business days following the deadline for appeal, the appealing party (appellant) must submit a written statement in support of, or challenging, the outcome; describing the specificity the grounds for appeal; and including copies of any pertinent documents. The non-appealing party (appellee) also may submit, within five (5) business days of the deadline for appeal, such information for the Committee's consideration. The Title IX Coordinator will provide to the Committee, within five (5) business days of the deadline for appeal, copies of any documents used in the investigation.
- e. The Appeal Committee will review all provided documents and, within ten (10) business days of receipt of the documents, the Committee will submit a written recommendation simultaneously to both parties, the Title IX Coordinator, and the President. The recommendation shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the Decision Maker's finding regarding responsibility and/or the recommended sanction and the rationale for such determination; or the Title IX Coordinator's dismissal of a Formal Complaint (iv) if the Decision Maker's findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution, and (v) the materials the Committee members were provided by the Title IX Coordinator and by the appellant and appellee.
- f. Within three (3) business days of the Committee's recommendation, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

#### **F. Documentation and Record-keeping**

1. The Title IX Coordinator shall maintain, in a confidential manner, for at least ten (10) years, paper or electronic files of all reports, witness statements, documentary evidence, written investigation reports, audio or audiovisual recordings or transcripts, Formal Investigation findings, Informal Resolution processes and the result therein, appeals and appeal results, disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to Radford University's education program or activity, and associated documents. The Title IX Coordinator will collect and maintain information received and created by investigators, Decision Makers, and Appeal Committee members.
2. The Title IX Coordinator will maintain, for at least (10) years, records of any actions, including supportive measures taken in response to a report or Formal Complaint of sexual harassment, discrimination, or harassment. In each instance, the Title IX Coordinator will document the basis for the conclusion that the response was not deliberately indifferent and document that the measures were designed to restore or preserve equal access to Radford University's education program or activity. If the Title IX Coordinator did not provide the Complainant with supportive measures, then the Title IX Coordinator will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Radford University from providing additional explanations or detailing additional measures taken.

3. The Title IX Coordinator will prepare a monthly summary of pending reports, present the summary to the President, and retain the summary for at least ten (10) years. Such summary will contain sufficient information to permit the Title IX Coordinator and the President to assess Radford University compliance with the requirements of Title IX.

#### **G. Training**

1. The Title IX Coordinator, investigators, Decision Makers, and any person who facilitates an Informal Resolution process, will receive training on the definition of sexual harassment; the scope of Radford University's education program or activity; how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable; and how to serve impartially, including how to avoid prejudgment of the facts at issue, conflicts of interest, and bias. Decision Makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including questions and evidence about the Complainant's sexual predisposition or prior sexual behavior. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
2. Materials used to train the Title IX Coordinator, investigators, Decision Makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment, discrimination, and harassment. The Title IX Coordinator shall maintain, for at least ten (10) years, all materials used to train the Title IX Coordinator, investigators, Decision Makers, and persons who facilitate Informal Resolution processes. These materials are available on the Office of Institutional Equity's website.

#### **6. EXCLUSIONS**

None

#### **7. APPENDICES**

None

#### **8. REFERENCES**

[Title VII of the Civil Rights Act of 1964](#)

[Title IX of the Educational Amendment Acts of 1972](#)

[U.S. Equal Opportunity Commission - Laws, Regulations, Guidance & MOUs](#)

[Campus Sexual Violence Elimination Act of 2013](#)

[Violence Against Women Reauthorization Act of 2013](#)

[U.S. Department of Education - Family Educational Rights and Privacy Act \(FERPA\)](#)

[34 C.F.R. 99.36](#), Disclosure of information in health and safety emergencies

[34.C.F.R. 106](#), Nondiscrimination on the basis of sex in education programs or activities receiving federal assistance

[Code of Virginia § 2.2-3700 et seq. \(Chapter 37\)](#), "Virginia Freedom of Information Act"

[Code of Virginia § 18.2-61 et seq. \(Article 7\)](#), “Criminal Sexual Assault.”

[Code of Virginia § 19.2-389](#), “Dissemination of criminal history record information.”

[Code of Virginia § 19.2-389.1](#), “Dissemination of juvenile record information.”

[Code of Virginia § 23.1-805](#), “Violence prevention committee; threat assessment team.”

[Code of Virginia § 23.1-806](#), “Reporting of acts of sexual violence.”

[Code of Virginia § 23.1-808](#), “Sexual violence; policy review; disciplinary immunity for certain individuals who make reports.”

[Code of Virginia § 23.1-900](#), “Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.”

[Code of Virginia § 32.1-127.1:03](#), “Health records privacy.”

## 9. INTERPRETATION

The authority to interpret this policy rests with the President of the University and is generally delegated to the Title IX Coordinator.

## 10. APPROVAL AND REVISIONS

The President of the University and the President’s Cabinet have approval authority over this Policy and all subsequent revisions.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was adopted by the Radford University Board of Visitors on November 21, 2014.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on September 18, 2015.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on September 15, 2017.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on May 10, 2019.

The *Discrimination and Harassment Policy* (previously named *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy*) was amended by the Radford University Board of Visitors on \_\_\_\_\_, 2020.

**For general information concerning University policies, contact the [Office of Policy and Tax Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.**

# RADFORD UNIVERSITY

Policy Title: <del>Discrimination, and Harassment, Sexual Misconduct, and Retaliation</del> Policy	Effective Date: <del>7/10/2019</del> TBD
Policy Number: GEN-PO-1002	Date of Last Review: <del>5/10/2019</del> 8/5/2020
Oversight Department: Office of Institutional Equity	Next Review Date: <del>5/1/2022</del> 8/1/2023

1. **PURPOSE**

- A. Radford University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law.
- B. The purpose of ~~this the~~ Discrimination and Harassment Policy, hereafter “Policy,” is to establish clearly and unequivocally that Radford University prohibits discrimination, harassment, ~~sexual misconduct~~, and retaliation by individuals subject to its control or supervision and to set forth procedures by which such allegations shall be filed, investigated, and adjudicated.

**Commented [1]:** BOV-This section renumbered due to information added.

**Commented [2]:** BOV-Moved from section 4.A.

2. **APPLICABILITY**

- A. This Policy applies to on-campus conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, ~~students~~ individuals participating in camps and programs, ~~volunteers~~, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Radford University), and contractors working on campus who are not Radford University employees, ~~and as well as~~ to students, visiting students, employees, faculty, and staff participating in Radford University-sponsored activities ~~off campus~~. This Policy ~~also~~ is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus ~~or that effectively denies a person equal access to Radford University’s education program~~. This policy applies to discrimination and harassment occurring against a person in the United States.

**Commented [3]:** BOV-This section renumbered due to information added.

Allegations of on-campus or off-campus violations of this policy should be reported to the Title IX Coordinator in accordance with the guidance below and the Discrimination and Harassment Grievance Procedures (see Section 5). This Policy replaces and supersedes the Radford University Sexual Harassment Policy and Nondiscrimination Statement, as well as any and all references related to discrimination, and harassment, sexual misconduct and retaliation that may be contained in other Radford University policies, including the Standards of Student Conduct.

#### B. Academic Freedom and Free Speech

This Policy does not allow curtailment or censorship of constitutionally protected expression, which is valued in higher education and by Radford University. In addressing all complaints and reports of alleged violations of this policy, Radford University will take all permissible actions to ensure the safety of students and employees while complying with any and all applicable guidance regarding free speech rights of students and employees. This Policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

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### 3. DEFINITIONS

**Appellant** means an individual who appeals either the final determination of a case or the Title IX Coordinator's dismissal of a Formal Complaint.

**Appellee** means an individual who is the non-appealing party in an appeal.

**Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, discrimination, harassment, or other possible violation of this Policy.

**Consent** is knowing, voluntary, and clear permission, by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Consent may be withdrawn at any time. Consent cannot be obtained by force, physical violence, threat, coercion, or intimidation. A person who is impaired or incapacitated is unable to give consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. A person may be incapacitated as a result of the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.

**Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of

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such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the local jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Discrimination** is inequitable and unlawful treatment based on an individual's protected characteristics or statuses -- race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, disability, or any other status protected by law -- that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

**Exculpatory Evidence** means evidence that is favorable to the Respondent in an allegation that supports an unsubstantiated finding.

**Formal Complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment, harassment, or discrimination against a Respondent and requesting that the Office of Institutional Equity investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in, the education program or activity of Radford University. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission through the submission form provided on the Radford University website, official Radford University email that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

**Formal Investigation** means an investigation conducted by the Title IX Coordinator into allegations that discrimination or harassment occurred.

**Free Expression** is communicative conduct or activity protected by the First Amendment including, but not limited to, public speeches, demonstrations, marches, protests, and picketing, as well as any lawful free expression activity as defined in the Radford University Free Expression Policy. Free expression does not include commercial activity.

**Inculpatory Evidence** is evidence that tends to show involvement in an act or evidence

that can establish responsibility for an action and may support a substantiated finding.

**Informal Resolution** means a resolution facilitated by the Title IX Coordinator as an alternative to a Formal Investigation.

**Harassment** is a form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of ~~his or her~~ **their** protected characteristics or statuses, ~~by any member of the campus community~~. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment violates this policy when it creates a hostile environment, as defined below.

**Sexual Harassment:** ~~Sexual harassment is a form of discrimination based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes. Sexual harassment may also include sex-based harassment directed toward stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.~~

**Hostile environment** may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent, or pervasive, and objectively offensive that it interferes with, limits, or denies the ability of an individual to participate in or benefit from Radford University's education<sup>a</sup> programs, services, opportunities, or activities, or the individual's employment access, benefits, or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent, or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more **individual's'** education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

**Preponderance of the Evidence** is a standard that requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that an alleged violation occurred.

**Reasonable Person** is a person similarly situated to the Complainant.



**Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, discrimination, harassment, or other conduct that may be in violation of this Policy.

**Responsible Employees** must report to the Title IX Coordinator all relevant information received about an incident of conduct that potentially is in violation of this policy and without delay. If necessary, the report may be made after addressing any immediate needs of the victim. **“Responsible Employee”** includes all Radford University employees. ~~other than the following individuals who are designated as confidential sources: physicians and licensed medical personnel at the Student Health Center, and licensed counselors at the Student Counseling Services and the Substance Abuse and Violence Educational Support Services.~~ A Responsible Employee is considered confidential and is not required to make a report if the Responsible Employee obtained, within the scope of their employment at Radford University, the information through any communication considered privileged under state or federal law, or in the course of providing services as a licensed health care professional, an employee providing administrative support for such health care professionals, a professional counselor, an accredited rape crisis or domestic violence counselor, campus victim support personnel, a member of clergy, or an attorney.

**Retaliation:** is intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sexual harassment, discrimination, or harassment, but arise out of the same facts or circumstances as a report or Formal Complaint of discrimination, or harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Neither Radford University nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith. ~~Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging discrimination, sexual harassment, or sexual misconduct or any person cooperating in the investigation of allegations of discrimination, sexual harassment, or sexual misconduct to include testifying, assisting or participating in any manner in an investigation pursuant to this policy and the Discrimination Grievance Procedures is strictly prohibited by this policy.~~ Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions, remedies, or interim supportive measures imposed in response to the underlying allegations of discrimination, ~~sexual or harassment, or sexual misconduct, or retaliation.~~ Retaliation prohibited by this policy includes any discrimination, intimidation, threat, or coercion against the Title IX Coordinator, or staff of the Office of Institutional Equity, for

purposes of interfering with ~~his or her~~ their job responsibilities.

**Commented [6]:** BOV-This portion of the definition moved from Section 4.B.

**Sexual Assault** means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

**Sexual Harassment** means conduct on the basis of sex that satisfies one or more of the following: 1) An employee of Radford University conditioning the provision of an aid, benefit, or service of Radford University on an individual's participation in unwelcome sexual conduct; 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Radford University's education program or activity; or 3) Sexual assault, dating violence, domestic violence, or stalking.

**Sexual Exploitation** is a form of sexual harassment that ~~occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault.~~ Sexual exploitation includes, but is not limited to: causing the incapacitation of another person for the purpose of compromising that person's ability to consent to sexual activity; prostituting another person; non-consensual visual or audio recording of sexual activity; non-consensual recording or photographing private sexual activity and/or a person's intimate body parts, or distribution of photos or other images of an individual's sexual activity or intimate body parts ~~with an intent to embarrass such individual~~; non-consensual voyeurism or allowing third parties to observe private sexual activity from a hidden location or through electronic means; knowingly transmitting HIV or an STD/STI to another; or exposing one's genitals to another in non-consensual circumstances.

**Sexual Violence** is a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: i) fear for his or her safety or the safety of others; or ii) suffer substantial emotional distress. ~~, meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.~~

**Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Radford University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Radford University's

educational environment, or deter sexual harassment, discrimination, or harassment. Supportive measures may include referral and coordination of counseling and health services, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties (e.g., no-contact orders), changes in work or housing locations, bans from campus or areas of campus, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Radford University must maintain as confidential any supportive measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

**Sexual Misconduct** includes alleged sexual assault, dating violence, domestic violence, stalking, and sexual harassment incidents not otherwise covered by Title IX.

**Title IX Incidents** include sexual assault, dating violence, domestic violence, stalking and sexual harassment incidents alleged to have occurred on-campus, off-campus as part of Radford University's education program, or at an off-campus location controlled by a recognized student organization.

**Sexual assault or sexual violence** is non-consensual contact of a sexual nature. It includes any sexual contact when the victim does not or is unable to consent through the use of force, fear, intimidation, physical helplessness, ruse, impairment or incapacity (including impairment or incapacitation as a result of the use of drugs or alcohol, knowingly or unknowingly); intentional and non-consensual touching of, or coercing, forcing, or attempting to coerce or force another to touch, a person's genital area, groin, inner thigh, buttocks or breast; and non-consensual sexual intercourse, defined as anal, oral or vaginal penetration with any object.

**Consent** is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.

**Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or an STD/STI to another, or exposing one's genitals to another in non-consensual circumstances.

**Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence** is a felony or misdemeanor crime of violence committed: (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the law of the Commonwealth of Virginia; or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the Commonwealth of Virginia or the applicable jurisdiction. Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress, meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

**Commented [7]:** BOV-These were shifted and/or redefined as called for by new regs

#### 4. POLICY

##### A. Policy

Radford University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law. In pursuit of this goal, Any question of impermissible discrimination or harassment will be addressed with efficiency and energy and in accordance with this policy and the Radford University Discrimination and Harassment Grievance Procedures (see Section 5). This policy and the Discrimination and Harassment Grievance Procedures also address complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have

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filed **complaints** or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy. Further, the **Discrimination and Harassment Grievance Procedures** address reports that an individual's free expression was violated.

Questions regarding discrimination prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Title IX Coordinator, Office of Institutional Equity, 540-831-5307 (Radford), 540-224-~~4640~~ 4644 (Roanoke), or the U.S. Department of Education, Office of Civil Rights.

Radford University recognizes that there may be circumstances in which an individual may need the services of the Office of Institutional Equity and, if needed, the University will make arrangements to ensure that appropriate accommodations are provided, to the extent necessary and available, to aid in understanding and/or complying with this Policy. Requests for accommodations must be made to the Title IX Coordinator.

### **B. Retaliation**

Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging discrimination, sexual harassment, or sexual misconduct or any person cooperating in the investigation of allegations of discrimination, sexual harassment, or sexual misconduct to include testifying, assisting or participating in any manner in an investigation pursuant to this policy and the **Discrimination Grievance Procedures** (see Section 5) is strictly prohibited by this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of discrimination, sexual harassment or sexual misconduct. Retaliation prohibited by this policy includes any discrimination, intimidation, threat, or coercion against the Title IX Coordinator, or staff of the Office of Institutional Equity for purpose of interfering with his or her job responsibilities.

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### **B.C. Reporting**

1. Conduct in violation of this policy shall be reported promptly by all students, employees, visitors, or contractors. Radford University's Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual and harassment, or sexual misconduct in accordance with the **Discrimination and Harassment Grievance Procedures** (see Section 5). Employees receiving such reports or complaints should immediately notify the Title IX Coordinator and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.

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**Commented [ZA11]:** BOV-this section moved to next item.

1.2- Any person may report sexual harassment, discrimination, ~~including sex discrimination, including sexual harassment, or discrimination or other harassment, sexual misconduct, or retaliation,~~ whether or not the person reporting is the person alleged to be the victim of such misconduct. Individuals receiving reports of sexual harassment, discrimination, or harassment should immediately notify the Title IX Coordinator after addressing the immediate needs of the victim. Individuals should not undertake any independent efforts to determine whether or not the report has merit before reporting it to the Title IX Coordinator. ~~that could constitute sex discrimination, sexual harassment, discrimination, or harassment, sexual misconduct, or retaliation.~~

2. A report may be made in person, by mail, by telephone, or by email, using the contact information below. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The Title IX Coordinator will also accept, without comment or need for explanation, a sealed envelope addressed to "Title IX Coordinator." The envelope, at a minimum, needs only contain a piece of paper with the name and ~~room number or phone number~~ contact information of the individual wishing to make a report. Such a report may be made at any time (including during non-business hours) by using the telephone number, or email address, or by mailing to the office address listed for the Title IX Coordinator.

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2- Radford University's Title IX Coordinator's contact information is as follows:

**Dr. Andrea Zuschin**  
**Director of Institutional Equity and Title IX Coordinator**  
[azuschin@radford.edu](mailto:azuschin@radford.edu)

**Office of Institutional Equity**  
**Radford University (Radford)**  
615 Fairfax Street  
P.O. Box 6988  
Radford, VA 24142  
**(540) 831-5307 (Main)**

**Radford University Carilion (Roanoke)**  
101 Elm Avenue, SE  
Roanoke, VA 24013  
**(540) 224- 4640 4644**

3. **Mandatory Employee Reporting:** All employees, other than the confidential employees detailed in the definition of Responsible Employee in Section 3 ~~and in Section 4.E.~~ of this policy, who receive information regarding a ~~complaint or~~ report of discrimination, ~~sexual or harassment, sexual misconduct, or retaliation~~ must report any relevant information about the alleged incident to the Title IX

Coordinator without delay after addressing the needs of the victim. No Radford University employee shall undertake any independent efforts to determine whether or not the report ~~or complaint~~ has merit or can be substantiated before reporting it to the Title IX Coordinator. ~~The Radford University Police Department will follow departmental procedures.~~

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~~5. Radford University officials (excluding the Radford University Police Department and confidential resources) receiving reports of a possible sexual misconduct will follow the procedures set forth under this policy and the Discrimination Grievance Procedures (see Section 5). The Radford University Police Department will follow departmental procedures.~~

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**Commented [ZA15]:** BOV-moved to section above.

**4. Reports Made by Students:** Students should report ~~possible discrimination or harassment violations of this policy~~ to the Title IX Coordinator. **Note:** Students are not restricted to reporting to student contacts and may report to anyone listed in this policy or any supervising staff or faculty member. Other than reports made to confidential sources in accordance with the definition of Responsible Employee in Section 3 ~~and in Section 4.E.~~ of this policy, reports must be forwarded to the Title IX Coordinator.

**5. Reports Made by Visitors or Contractors:** Visitors, including visiting students, and employees of contractors working on campus should report ~~possible discrimination or harassment violations of this policy~~ to the Title IX Coordinator.

6. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination ~~and Harassment~~ Grievance Procedures (see Section 5). Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination ~~and Harassment~~ Grievance Procedures is prohibited and subject to conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy. This provision does not apply to reports made or information provided in good faith, even if the facts as alleged are not later substantiated by a preponderance of the evidence.

~~Reports of conduct in violation of the Discrimination and Harassment Policy should be made without undue delay after the incident after addressing the needs of the victim, and may be made orally or in writing, including online on the Office of Institutional Equity webpage to the Title IX Coordinator. The Title IX Coordinator also will accept, without comment or need for explanation, a sealed envelope addressed to "Title IX Coordinator." The envelope, at a minimum, need only contain a piece of paper with the name and room number or phone number of the individual wishing to make a report. Individuals also can report the incidents anonymously online through the SAVES office webpage.~~

**Commented [ZA16]:** BOV – Redundant with other sections, so deleted.

**Commented [ZA17]:** BOV – Moved to 4.B.ii.

<http://www.radford.edu/content/saves/home/assault/sexual-misconduct.html>.  
~~of~~

7. Individuals can also submit a report through the Confidential Reporting and Silent Witness ~~through link on~~ the Radford University Police Department webpage: <http://www.radford.edu/content/police/home/forms/witness.html> or by leaving an anonymous message with the Radford University Police Department at 540- 831-STOP (7867). As will be the case with all reports, however made, the Complainant reporting individual will be contacted promptly, ~~but in no case more than three calendar days from the date of the report,~~ for an ~~interview informational meeting~~ with the Title IX Coordinator ~~or designee~~.
8. Notwithstanding the forgoing, individuals who believe they have been the subject of conduct in violation of the Discrimination and Harassment Policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s), and any witness(es), promptly after an incident.
9. There is no time limit for filing a ~~complaint~~ report of discrimination or harassment. However, Complainants should report as soon as possible to maximize Radford University's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair Radford University's ability to adequately respond to the allegations.

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#### **C.D. Criminal Reporting**

If a victim is in immediate danger or needs immediate medical attention, contact 911, the Radford University Police Department (RUPD) at (540) 831-5500 (blue light emergency phones ~~on Radford University's main campus~~ connect directly to RUPD), ~~or, at Radford University Carilion, Carilion Clinic Police~~ at (540) 981-7911. Some conduct in violation of this policy may also be a crime under Virginia law. Individuals are encouraged to report incidents of ~~discrimination and harassment, sexual misconduct,~~ to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Radford University will provide assistance to victims in notifying law enforcement if the victim so chooses. Crimes dealing with minors must be reported to law enforcement.

#### **D. E. Criminal Process Reporting and Coordination**

~~The Title IX Coordinator or designee will make all complainants aware of the right also to file a complaint with the Radford University Police Department or local law enforcement, and will encourage accurate and prompt reporting when the complainant elects to report.~~ If a victim ~~of sexual assault, dating violence, domestic violence, or stalking~~ is physically or mentally incapacitated for at least ten (10) calendar days, and thereby unable to report the incident to law enforcement, the Title

Commented [20]: BOV-Revised and moved to 5.B.



IX Coordinator will make such a report. Radford University will comply with all requests by the Radford University Police Department, **Carilion Clinic Police**, or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator ~~or designee~~ to temporarily suspend the fact-finding aspect of an ~~Title IX~~ investigation detailed in the procedures below while the Radford University Police Department, **Carilion Clinic Police**, or the local law enforcement agency gathers evidence. The Title IX Coordinator ~~or designee~~ will promptly resume ~~the its Title IX~~ investigation as soon as notified by the Radford University Police Department, **Carilion Clinic Police**, or local law enforcement agency that it has completed the evidence gathering process. Otherwise, the ~~Title IX~~ investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

#### **E. F. Confidentiality, ~~Anonymity~~ and Requests Not to Pursue Title IX Investigation**

1. Radford University will keep confidential the identity of any individual who has made a report, or who has filed a Formal Complaint, any Complainant, any Respondent, and any witness, except as may be permitted by the Family Education Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.
2. Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy ~~or another reporting party~~ wishes to keep a report confidential, it must be made to a licensed medical provider, ~~or~~ counselor ~~or individual under professional supervision of a licensed counselor, or professional sexual assault advocate, within Student Health Center, Student Counseling Services or the SAVES Office (for students).~~ These individuals will encourage victims to make a report to the Radford University Police Department, ~~the Carilion Clinic Police Department,~~ the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above ~~that who~~ are able to maintain confidentiality of reports. Other Radford University ~~responsible employees~~ ~~officials~~ receiving reports of conduct in violation of this policy are mandated reporters but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator ~~or designee~~ may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator ~~or designee~~ to conduct a meaningful and fair investigation. If the Complainant requests confidentiality, or that an investigation not be conducted, Radford University may be limited in the actions it is able to take and its ability to respond while respecting the request. The Complainant will be asked to sign a statement stating a desire for confidentiality or that an investigation not be pursued and the Title IX Coordinator ~~or designee~~ will take all reasonable steps to respond to the ~~complaint report~~ consistent with the request.

3. Notwithstanding a Complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to local law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of ~~the Family Educational Rights and Privacy Act (FERPA)~~, 34 C.F.R. 99.36, and as detailed in the Sexual Violence Threat Assessment provisions, below.

#### **F. ~~G.~~ Sexual Violence Threat Assessment**

1. Upon receipt of any report of sexual violence, defined as a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent, that is alleged to have occurred (i) against any students; or (ii) on campus, in or on a Radford University building or property, or on public property that is on campus or immediately adjacent to and accessible from campus, the Title IX Coordinator shall promptly inform a review committee of the report, including personally identifying information.
  - a. The review committee shall be comprised of, at a minimum, the Title IX Coordinator, a representative of law enforcement, and a student affairs representative. The review committee may consult other Radford University officials depending on whether the accused individual is a student, faculty, or staff member and the circumstances of the report. The review committee shall be advised by the Office of the Attorney General.
  - b. Within 72 hours of receipt of the report, ~~from the Title IX Coordinator~~, the review committee shall meet to review the information and shall continue to meet as necessary as new information becomes available. If the criteria in Paragraph ~~a 1~~ are met, the review committee shall convene regardless of whether or not the victim has notified the Radford University Police Department, Carilion Clinic Police, or local law enforcement or whether or not the victim has requested that Radford University proceed with a Title IX investigation.
  - c. The review committee may obtain law enforcement records and criminal history record information as provided in Virginia Code § 19.2-389 and § 19.2-389.1, health records as provided in Virginia Code § 32.1-127.1:03, available conduct or personnel records, and known facts and circumstances of the reported incident ~~of sexual harassment or sexual misconduct~~ and other evidence known to Radford University, including the Radford University Police Department, Carilion Clinic Police, and local law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to Virginia Code § 23.1- 805 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act, (Virginia Code § 2.2-3700 et seq.). The review committee shall comply with the Family Educational Rights and Privacy Act in conducting its review.

d. In addition to the available information detailed in Paragraph c 3, above, the review committee shall consider factors that suggest there is an increased risk of the accused individual committing additional acts of sexual misconduct or other violence, including, but not limited to:

- i. Other sexual misconduct reports complaints about the same individual;
- ii. Prior arrests or reports of misconduct at another institution or a history of violent behavior;
- iii. Threats of further sexual misconduct against the reporting individual or others;
- iv. A history of failing to comply with a no-contact order issued by Radford University officials;
- v. Allegations of multiple perpetrators in the same incident;
- vi. Use of physical violence in the reported incident or a prior incident. Examples of physical violence include, but are not limited to, hitting, punching, slapping, kicking, restraining, or choking;
- vii. Reports or evidence of a pattern of perpetration, including a pattern of the accused individual using alcohol or drugs to facilitate sexual misconduct or harassment;
- viii. Use of a weapon in the reported incident or a prior incident; and
- ix. A victim under the age of 18 or who is significantly younger than the accused individual.

The review committee shall also consider whether means exist to obtain evidence other than investigation by law enforcement or the Office of Institutional Equity, a Title IX investigation such as security camera footage, eyewitness reports from security or guard personnel, or physical evidence.

e. If, based on a consideration of all factors, the review committee determines that there is a significant and articulable threat to the health or safety of one or more individuals and that disclosure of the information to local law enforcement, including personally identifying information, is necessary to protect the health and safety of one or more individuals, the law enforcement representative shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the incident, for the purpose of investigation and other actions by law enforcement. If the review committee cannot reach a consensus, the law enforcement representative may make the threat determination. Upon any disclosure to law enforcement under this paragraph, the Title IX Coordinator or designee shall notify the victim that such disclosure is being made. The provisions of this paragraph shall not apply if the law enforcement agency responsible for investigating the alleged incident is located outside the United States.

f. If information is disclosed to law enforcement under Paragraph e 5 or if the

review committee determines that sufficient factors exist to proceed with a ~~Formal Investigation~~ ~~Title IX investigation~~, despite the stated desires of the victim for confidentiality or not to proceed with a ~~Formal Investigation~~ ~~an investigation~~, the Title IX Coordinator ~~or designee shall~~ ~~may~~ proceed with a ~~Formal Investigation~~ ~~full investigation~~ under these procedures. In those situations, the Title IX Coordinator ~~or designee~~ will notify the victim that Radford University is overriding the victim's request for confidentiality in order to meet ~~its Title IX~~ obligations, but, other than the disclosure under Paragraph ~~v 5~~, if made, the information will only be shared with individuals who are responsible for handling Radford University's response to incidents of sexual violence. Radford University will ensure that any information maintained by Radford University is maintained in a secure manner.

- g. If the reported incident would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, as determined by the law enforcement member or any other member of the review committee, the law enforcement member ~~or any other member of the review committee~~, shall inform other members of the review committee, and shall notify, ~~within 24~~ ~~hours~~, the attorney for the Commonwealth or other prosecutor responsible for prosecuting the incident and provide ~~the~~ information received without disclosing personally identifying information, unless such information was disclosed to a law enforcement agency pursuant to Paragraph ~~v 5~~.
  - h. At the conclusion of the Sexual Violence Threat Assessment, the Title IX Coordinator and law enforcement member shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review committee's determination considerations, which shall be maintained under applicable state and federal law.
2. Notwithstanding a Complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. § 99.36, ~~and~~ as detailed in these ~~Sexual Violence Threat Assessment provisions of the Discrimination Grievance Procedures (see Section 5)~~. The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation. If the Complainant requests confidentiality or that the ~~report~~ ~~complaint~~ not be pursued, Radford University may also be limited in the actions it is able to take and its ability to respond.
3. ~~Radford University is required by federal law to issue timely warnings for~~

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Commented [ZA22]: BOV – Moved from 5.F.

Commented [ZA23]: BOV-Moved from 4.E.

reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. Radford University will ensure, to every extent possible, that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

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#### **E.—Confidentiality and Anonymous Reporting**

Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to make a confidential report, it must be made to physicians and licensed medical personnel at the Student Health Center, and licensed counselors at the Student Counseling Services and the Sexual Abuse and Violence Education Support Services (SAVES). These individuals will encourage victims to make a report to the Radford University Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above who are able to maintain confidentiality of reports. Other faculty and staff receiving reports of conduct in violation of this policy are mandated reporters, but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations.

Commented [25]: BOV-Duplicated in Section 4.E.

Notwithstanding a complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. § 99.36, as detailed in the Sexual Violence Threat Assessment provisions of the Discrimination Grievance Procedures (see Section 5). The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation. If the complainant requests confidentiality or that the complaint not be pursued, Radford University may also be limited in the actions it is able to take and its ability to respond.

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#### **F.—Timely Warnings**

Radford University is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. Radford University will ensure, to every extent possible, that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

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## **G. Sexual Misconduct Survivor/Victim Procedures and Services**

- 1.— Radford University will assist sexual misconduct survivors/victims in a supportive manner, implementing the procedures set out herein. Because of the potential seriousness and sensitivity of the investigations involved, it is important to undertake these investigations properly. Preserving the evidence is often a key step of successful investigation of alleged sexual misconduct.
  
- 2.— Recommended procedure for anyone who has experienced sexual misconduct:
  - a.— Go to a safe place.
  - b.— For your safety and confidential care, report promptly to the Student Health Center or the nearest medical facility/emergency room. You may request a Sexual Assault Advocate if one is not provided. Physical evidence may be usable if proper procedures are followed for evidence collection within 96 hours of the assault.
  - c.— Contact a trusted friend or family member. For professional and confidential counseling support in Radford, contact Student Counseling Services at (540) 831-5226, the Substance Abuse and Violence Education Support Services (SAVES) at (540) 831-5709, the Center for Assessment and Psychological Services (CAPS) at (540) 831-2471, or the Women's Resource Center of the New River Valley at (540) 639-9592. Among other services, the Women's Resource Center of the New River Valley offers survivors a 24-hour Hotline at (800) 788-1123 or TTY for Deaf and Hard of Hearing Individuals at (540) 639-2197, emergency shelter, crisis intervention, counseling, applicable referrals, and court advocacy. Radford University employees can also contact the Women's Resource Center of the New River Valley. In Roanoke, contact Sexual Assault Response and Awareness (SARA) at (540) 981-9352 at a 24-hour Hotline, or Student Counseling at (540) 985-8395.
  - d.— Employees will be assisted with available options for changing parking, work and living arrangements.
  - e.— It is your right to have evidence collected and retained anonymously by law enforcement while you consider whether to pursue criminal charges. Evidence preservation is enhanced in the following ways:
    - i.— Do not wash your hands, bathe, or douche. Do not urinate, if possible.
    - ii.— Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
    - iii.— Keep the clothing worn when the assault took place. If you change clothing, place the worn clothing in a paper bag (evidence deteriorates in plastic).
    - iv.— Do not destroy any physical evidence that may be found in the vicinity of the assault by cleaning or straightening the location of the crime. The victim should not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
    - v.— Tell someone all the details you remember or write them down as soon as possible.

**Commented [ZA28]:** BOV-Remove from policy and place information on website, which will allow for easier revisions when necessary.

vi. Maintain text messages, pictures, online postings, video and other documentary or electronic evidence that may corroborate a complaint.

3. There is no time limit for filing a complaint of sexual misconduct. However, complainants should report as soon as possible to maximize Radford University's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair Radford University's ability to adequately respond to the allegations.

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4. The Complainant victim shall have the right to file a complaint with law enforcement and the option to be assisted by the Title IX Coordinator and other Radford University authorities in notifying the proper law enforcement authorities of the alleged sexual misconduct.

Commented [ZA30]: BOV-Revised, included in Section 5.B.

5. Radford University officials (excluding the Radford University Police Department, and confidential resources) receiving reports of possible sexual misconduct will follow the procedures set forth under this policy and the Discrimination Grievance Procedures (see Section 5). The Radford University Police Department will follow departmental procedures.

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6. Resources for Victims of Sexual Misconduct:

a. Any student or visiting student who reports sexual misconduct to the Title IX Coordinator, the Substance Abuse and Violence Educational Support Services (SAVES), Student Health Center, and Student Counseling Services will receive an information pamphlet(s) outlining resources and options. Radford University Police Department protocol includes coordination with the Women's Resource Center.

b. The Title IX Coordinator or designee shall advise victims of resources available with the Women's Resource Center and SARA and encourage use of these resources. Any individual who is reported to be the victim of sexual misconduct shall receive from the Title IX Coordinator or designee information on contacting the Women's Resource Center and services available through the Women's Resource Center's memorandum of understanding with Radford University.

Commented [ZA32]: BOV-Relocating resources to the website.

c. Students and visiting students Victims (Complainants) will be assisted with available options for changing academic, transportation, parking, work and living arrangements after alleged sexual misconduct. Safety arrangements such as no-contact orders and escorts are also available supportive measures as needed.

Commented [ZA33]: BOV-This is redundant with supportive measures.

#### G.H. Title IX Coordinator Oversight

The Title IX Coordinator oversees the investigation and resolution of all reports by students, visiting students, and faculty and staff of alleged discrimination, sexual harassment or sexual misconduct in accordance with the Discrimination Grievance

~~Procedures (see Section 5).~~

Commented [34]: BOV-Reordered within this section

1. The Title IX Coordinator is responsible for overseeing all reports ~~complaints~~ of discrimination and ~~sexual harassment~~ and identifying and addressing any pattern or systemic problems that arise during the review of such reports ~~complaints~~.
2. The Title IX Coordinator oversees the investigation and resolution of all reports by students, visiting students, and faculty and staff of alleged discrimination and harassment, ~~sexual harassment or sexual misconduct~~ in accordance with the Discrimination and Harassment Grievance Procedures.
3. The Title IX Coordinator also coordinates a training and awareness program on discrimination, and harassment, ~~sexual misconduct, and retaliation~~ for students and employees.
4. The Title IX Coordinator may name a designee as needed.
5. The Title IX Coordinator and the Office of Institutional Equity staff do not serve as an advocate for either the Complainant or the Respondent.
6. Reports of discrimination and harassment by the Title IX Coordinator should be made to the President.

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Commented [36]: BOV-Reordered from within this section

Commented [37]: BOV-Moved from Section 4.L.

Commented [38]: BOV-Moved from Section 5.C.

**H.I. ~~Interim~~ Supportive Measures**

1. ~~Radford University may take interim~~ The Title IX Coordinator is responsible for coordinating effective implementation of supportive measures, as necessary to assist or protect the Complainant or Respondent. ~~during the investigation and resolution of complaints of discrimination and any law enforcement investigation.~~

~~Radford University must also address the safety of the Complainant or any member of the campus community and avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety and well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator may provide remedies to address the short-term effects of harassment, and/or retaliation, and to prevent further violations.~~

Commented [ZA39]: BOV-Re-worked, see same section below

2. To the extent possible, Radford University will seek the consent of the Complainant before offering supportive ~~taking interim~~ measures to the greatest degree possible.

~~Interim measures may include, but are not necessarily limited to, extensions of deadlines or other course-related adjustments, changes in classroom or work schedules or housing arrangements, no contact orders, bans from campus, safety escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements.~~

Commented [ZA40]: BOV –combined with “supportive measures” definition



3. Radford University may remove a Respondent from an educational program or activity on an emergency basis, provided that the University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, discrimination, or harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Radford University may temporarily reassign or place on administrative leave any employee alleged to have violated this policy, pending investigation. Leave will be administered in accordance with appropriate employment policies. ~~In such a situation, the employee will be given the opportunity to meet with the Title IX Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action should not be implemented.~~
4. Radford University will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.

#### **J. Sanctions**

~~If it is determined that conduct in violation of this policy has occurred, sanctions will be determined in accordance with the Discrimination Grievance Procedures (see Section 5). Consequences for violating this policy will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, and any history of past conduct in violation of this policy. Sanctions may include penalties up to and including dismissal for students and termination for employees. In addition to sanctions that may be imposed on an individual found in violation of this policy, Radford University will take steps to prevent recurrence of any sexual misconduct, including sexual assault and sexual violence, and to remedy discriminatory effects on the complainant and others, if appropriate.~~

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#### **I.K. Student Disciplinary Immunity Amnesty**

Ensuring the safety of individuals ~~students~~ who report violations of this policy is Radford University's primary concern. In compliance with Virginia Code §23.1-808, and in order to facilitate reporting, Radford University will, ~~with the following limited exceptions,~~ provide ~~amnesty~~ disciplinary immunity to a person ~~a student~~ who reports to any individual employed by the institution that an act of sexual violence, or any other incident violating this policy, which occurred on campus, in or on a non-campus building or property, or on public property as such terms are defined in Virginia Code § 23.1-806. Disciplinary immunity means that, if the institution determines, as a result of any investigation relating to such alleged act of sexual violence or other violation of this policy, the reporting individual committed a separate, unrelated, nonviolent act that violates the Radford University Standards of Student Conduct, that person is immune from disciplinary action for such violation. ~~in violation of this policy, directed toward~~

~~that student or another student, for minor disciplinary infractions, such as underage drinking, at the time of the incident. Amnesty may not be offered if (1) the minor disciplinary infraction places or placed the health or safety of any other person at risk or (2) the student who committed the disciplinary infraction previously has been found to have committed the same disciplinary infraction. If amnesty is provided, no conduct proceedings or conduct record will result for minor disciplinary infractions. Amnesty for minor disciplinary infractions Disciplinary immunity may also may be offered to individuals students who intervene to help others before a violation of this policy occurs and to individuals for students who receive assistance or intervention. Abuse of amnesty requests may result in a decision by the Office of the Dean of Students not to extend amnesty to the same student repeatedly. The Office of Student Standards and Conduct and the Office of the Dean of Students shall maintain records regarding the provision of amnesty for at least seven (7) years. Infractions that constitute offenses shall not be considered minor policy violations for which amnesty may be offered under this provision.~~

**L. Education and Awareness**

~~1. For more information about sexual misconduct and resources available in the local community, please visit the Women’s Resource Center of the New River Valley website at: [www.wrcnrnv.org](http://www.wrcnrnv.org) and the SARA website at: <https://sararanoke.org/>.~~

**Commented [42]:** BOV-resources will be moved to the website.

~~2. The Title IX Coordinator coordinates an education, training and awareness program on discrimination, sexual harassment, and sexual misconduct for students and employees, including training on primary prevention, risk reduction, consent and other pertinent topics. The Office of Substance Abuse and Violence Education Support Services (SAVES) provides programming on sexual misconduct issues, resources available on campus in the community, bystander intervention, and coordinates intervention programs.~~

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**Commented [ZA44]:** BOV-resources will be moved to the website

**M. Academic Freedom and Free Speech**

~~This policy does not allow curtailment or censorship of constitutionally protected expression, which is valued in higher education and by Radford University. In addressing all complaints and reports of alleged violations of this policy, Radford University will take all permissible actions to ensure the safety of students and employees while complying with any and all applicable guidance regarding free speech rights of students and employees. This policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.~~

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**5. PROCEDURES (DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURES)**

**A. Purpose**

These procedures provide a prompt and equitable resolution for ~~complaints or~~ reports of discrimination and harassment based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law, including complaints alleging sexual harassment or sexual misconduct prohibited by the Radford University ~~policy on~~ Discrimination, and Harassment Policy, ~~Sexual Misconduct, and Retaliation ("Discrimination Policy")~~. Any person who believes he or she has been subjected to discrimination or harassment on any of these bases may file a ~~report~~ ~~complaint~~ with Radford University as outlined in these procedures.

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These procedures also address 1) any ~~complaints or~~ reports of retaliation against individuals who have filed ~~complaints or~~ reports of discrimination and harassment, who have opposed discriminatory practices, and those who have testified or otherwise participated in investigations or proceedings arising from ~~complaints or~~ reports of discrimination and harassment; and 2) reports of violation of the Radford University Free Expression Policy. Questions regarding discrimination and harassment prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Title IX Coordinator, Office of Institutional Equity, 540-831-5307 (Radford), 540-224-4640 4644 (Roanoke), or the U.S. Department of Education, Office of Civil Rights.

**B. Complaints and Reporting**

~~Complaints and reports of discrimination, sexual harassment, and sexual misconduct should be made to Radford University's Title IX Coordinator. The Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct and is trained to help individuals who file complaints find resources, to investigate reported incidents, and to respond appropriately to conduct alleged to be in violation of the Discrimination Policy. Individuals receiving reports or complaints of discrimination, sexual harassment, or sexual misconduct should immediately notify the Title IX Coordinator after addressing the immediate needs of the victim, and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.~~

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The Radford University Title IX Coordinator's contact information is listed below:

**Title IX Coordinator**  
**Office of Institutional Equity**  
  
**Radford University (Radford)**  
**615 Fairfax Street**  
**P.O. Box 6988**  
**Radford, VA 24142**  
**(540) 831-5307 (Main)**

**Radford University Carilion (Roanoke)**  
**101 Elm Avenue, SE**  
**Roanoke, VA 24013**  
**(540) 224-4640**

Reports of conduct in violation of the Discrimination Policy should be made without undue delay after the incident after addressing the needs of the victim, and may be made orally or in writing, including online on the Office of Institutional Equity webpage to the Title IX Coordinator. The Title IX Coordinator also will accept, without comment or need for explanation, a sealed envelope addressed to "Title IX Coordinator." The envelope, at a minimum, need only contain a piece of paper with the name and room number or phone number of the individual wishing to make a report. Individuals also can report the incidents anonymously online through the SAVES office webpage:

[http://www.radford.edu/content/saves/home/assault/sexual\\_misconduct.html](http://www.radford.edu/content/saves/home/assault/sexual_misconduct.html)

or Confidential Reporting and Silent Witness through the Radford University Police Department webpage:

<http://www.radford.edu/content/police/home/forms/witness.html>

or by leaving an anonymous message with the Radford University Police Department at 540-831-STOP (7867). As will be the case with all reports, however made, the reporting individual will be contacted promptly, but in no case more than three calendar days from the date of the report, for an interview with the Title IX Coordinator or designee.

Notwithstanding the forgoing, individuals who believe they have been the subject of conduct in violation of the Discrimination Policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s), and any witness(es), promptly after an incident.

### **-B.C. The Role of the Title IX Coordinator**

The Title IX Coordinator is charged with coordinating Radford University's compliance with federal civil rights laws. The Title IX Coordinator and the Office of Institutional Equity staff do not serve as an advocate for either the complainant or the respondent. The Title IX Coordinator will explain to all identified parties the procedures outlined below, including confidentiality. As appropriate, the Title IX Coordinator or designee will provide all identified parties with information about obtaining medical and counseling services, making a criminal report, information about receiving advocacy services including those offered by the Office of Substance Abuse and Violence Education Support Services (SAVES) or the Women's Resource Center of the New River Valley in Radford, Sexual Assault Response and Awareness (SARA) in Roanoke, and guidance on other Radford University and community resources. The Title IX Coordinator or designee will offer to coordinate with other Radford University

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**Commented [ZA49]:** BOV-Moved to 4.B.ii.

**Commented [50]:** BOV-Moved to Section 4.B.8.

**Commented [MM51R50]:** Section 4.B.viii only has info on reporting options for RUPD. It doesn't have info on OIE's online form or SAVES reporting. Should those be added?

**Commented [ZA52]:** BOV-Removed this, inaccurate

**Commented [ZA53]:** BOV-Moved to Section 4.G.

leadership, when appropriate, to implement interim measures as described below. The Title IX Coordinator or designee will explain to all involved parties the process of a prompt, adequate, reliable, and impartial investigation, including the opportunity for both the complainant and respondent to identify witnesses and provide other evidence.

Commented [ZA54]: BOV-Redundant with 5.C

The Title IX Coordinator or designee will explain to all identified parties the Complainant the right to have a personal advisor present and to review and respond to the allegations and evidence. The Title IX Coordinator or designee will also explain to the parties and witnesses that retaliation for reporting alleged discrimination, sexual harassment or sexual misconduct, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be reported immediately and will be promptly addressed.

Commented [ZA55]: BOV-Redundant with 5.B.

#### B. ~~D~~ Written Explanation of Rights and Options

Commented [ZA56]: BOV-Some text is the same, but re-ordered within this section.

- i. When ~~a student or employee~~ the Title IX Coordinator receives a reports that ~~he or she has~~ a Complainant has been a victim of discrimination or harassment, ~~dating violence, domestic violence, sexual assault, sexual exploitation, or stalking, whether the offense occurred on or off campus,~~ the Title IX Coordinator will promptly contact the Complainant ~~student or employee~~ to ~~will be share~~ and provided a written explanation of rights and options, which shall include:
  - a. Notification of resources, including information on contacting the local sexual assault crisis center or other victim support service, ~~existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims~~ both within Radford University and in the local community.
  - b. Options for, available assistance in, and how to request ~~changes to academic, living, transportation, and working situations or protective supportive~~ measures, regardless of whether the Complainant ~~victim~~ chooses to report the crime to ~~the Radford University Police Department, Carilion Clinic Police, or local~~ law enforcement, or file a Formal Complaint.
  - c. The procedures for Title IX, including filing a Formal Complaint, Formal Investigation ~~investigation~~, and Informal Resolution procedures, dismissal of cases, adjudication, appeals, and disciplinary sanctions and remedies. ~~including the~~

Three factors determine the category of the case and, thus, the route by which the case is adjudicated. The determining factors are 1) whether the alleged incident is considered "sexual harassment," 2) the location where the alleged incident occurred, and 3) the Respondent's affiliation with Radford University (e.g., student, employee). Parties to a case will be

notified simultaneously of the category in which their case falls. The categories are “Title IX Case,” “Student Conduct Referral Case,” and “Non-Title IX/Non-Student Case.” Parties to a case will be informed of the proper category for their case and will be informed if the category changes as investigators learn more information. Cases will be identified and adjudicated as follows.

- (i) The case will be categorized as a “Title IX Case” and will be referred to a Decision Maker for a live hearing, with a document review as appeal, if
  - (a) The allegation is sexual harassment, and
  - (b) The incident(s) alleged occurred either on campus, off campus as part of Radford University’s education program or activity, or at an off-campus location controlled by a recognized student organization.Refer to “Title IX Case Process” in Section 5.C.9.c.viii. and Appeal Document Review in Section 5.E.4. below.
  
- (ii) The case will be categorized as a “Student Conduct Referral Case” and will be dismissed as a Title IX Case. However, the Title IX Coordinator will continue the fact-finding process and will refer the case for adjudication to the Office of Student Standards and Conduct, with appeal through that same process, if
  - (a) The Respondent is a student, and
  - (b) The allegation does not fall within the definition of sexual harassment, or
  - (c) The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Radford University’s education program or activity, nor at an off-campus location controlled by a recognized student organization.Refer to “Student Conduct Referral Case” in Section 5.C.9.c.vi. below.
  
- (iii) The case will be categorized as a “Non-Title IX/Non-Student Case” and will continue to be processed in the Office of Institutional Equity, with a live appeal option, if
  - (a) The Respondent is a Radford University employee or non-student, and
  - (b) The allegation is violation of this Policy that does not fall within the definitions of sexual harassment, or
  - (c) The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Radford University’s education program or activity, nor at an off-campus location controlled by a recognized student organization.

Refer to “Non-Title IX/Non-Student Case” in Section 5.C.9.c.vii. and Appeal Hearing in Section 5.E.3. below.

- d. The right to bring a trusted advisor of their choice with them to the meetings with the Office of Institutional Equity. The advisor may be, but is not required to be, an attorney. The role of such advisors shall be limited to advise and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor’s role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any appeals hearing.
- e. Procedures Complainants victims should follow if a crime of dating violence, domestic violence, sexual assault, sexual exploitation, or stalking has occurred, including written information about:
  - i. The importance of seeking medical attention and of the collection and preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
  - ii. How and to whom the alleged offense should be reported;
  - iii. Options about the involvement of local law enforcement, and the Radford University Police Department, and Carilion Clinic Police, including the Complainant’s victim’s option to:
    - (a) Notify proper law enforcement authorities, including local law enforcement, the Radford University Police Department, and/or the Carilion Clinic Police;
    - (b) Have assistance with Be assisted by Radford University staff in notifying law enforcement authorities, if the Complainant victim so chooses; and
    - (c) Decline to notify such authorities.

~~(4) The rights of victims and Radford University’s responsibilities regarding no contact orders, residential relocation, eviction orders or other orders.~~
- f. The Respondent is presumed not responsible for the alleged conduct until the determination at the end of the grievance process.
- g. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination and Harassment Grievance Procedures. Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination Harassment Grievance Procedures is prohibited and subject to conduct

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charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy.

- h. If an incident contains any actions or allegations that are a violation of the Radford University Standards of Student Conduct, and that do not fall within the scope of this Policy, then the portion of the case where the Standards of Student Conduct applies may be referred to that office for adjudication and resolution.
- i. If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that were not included in the notice provided to the parties, if known, then the Title IX Coordinator will provide notice of the additional allegation(s) to the parties whose identities are known.
- j. Both parties may inspect and review evidence relevant to the Formal Investigation and/or Informal Resolution.
- k. **The Complainant's ~~victim's~~ right to decline to participate in a Title IX investigation ~~by the victim~~ and the Title IX Coordinator's ability to pursue a Formal Complaint and Formal Investigation.**
  - (i) The Title IX Coordinator has discretion to sign a Formal Complaint and initiate an investigation under the following conditions:
    - (a) The Title IX Coordinator has received multiple reports of potential sexual harassment, harassment, or discrimination against the same Respondent,
    - (b) The Title IX Coordinator determines that circumstances surrounding an allegation (e.g., violence, use of weapons, threats, serial predation) warrant an investigation.Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the investigation.
  - (ii) The Title IX Coordinator may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation, hearing, or resolution the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled in or employed by Radford University; or specific circumstances prevent the Office of Institutional Equity from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. The dismissal of a Formal Complaint may be appealed (see Section 5.E.4.).
  - (iii) The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or





location of the alleged incident, if known. The notice will also provide contact information for the Title IX Coordinator and a date by which the Respondent must contact the Title IX Coordinator, so the Respondent may receive additional information.

- b. Notification of resources, both within Radford University and in the local community.
- c. The procedures for Title IX, including filing a Formal Complaint, Formal Investigation, and Informal Resolution procedures, dismissal of cases, adjudication, appeals, and disciplinary sanctions and remedies.

Three factors determine the category of the case and, thus, the route by which the case is adjudicated. The determining factors are 1) whether the alleged incident is considered “sexual harassment,” 2) the location where the alleged incident occurred, and 3) the Respondent’s affiliation with Radford University (e.g., student, employee). Parties to a case will be notified simultaneously of the category in which their case falls. The categories are “Title IX Case,” “Student Conduct Referral Case,” and “Non-Title IX/Non-Student Case.” Parties to a case will be informed of the proper category for their case and will be informed if the category changes as investigators learn information. Cases will be identified and adjudicated as follows.

- (i) The case will be categorized as a “Title IX Case” and will be referred to a Decision Maker for a live hearing, with a document review as appeal, if
  - (a) The allegation is sexual harassment, and
  - (b) The incident(s) alleged occurred either on campus, off campus as part of Radford University’s education program or activity, or at an off-campus location controlled by a recognized student organization.Refer to “Title IX Case Process” in Section 5.C.9.c.viii. and Appeal Document Review in Section 5.E.4. below.
- (ii) The case will be categorized as a “Student Conduct Referral Case” and will be dismissed as a Title IX Case. However, the Title IX Coordinator will continue the fact-finding process and will refer the case for adjudication to the Office of Student Standards and Conduct, with appeal through that same process, if
  - (a) The Respondent is a student, and
  - (b) The allegation does not fall within the definition of sexual harassment, or
  - (c) The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on

campus, nor within Radford University's education program or activity, nor at an off-campus location controlled by a recognized student organization.

Refer to "Student Conduct Referral Case" in Section 5.C.9.c.vi. below.

- (iii) The case will be categorized as a "Non-Title IX/Non-Student Case" and will continue to be processed in the Office of Institutional Equity, with a live appeal option, if
  - (a) The Respondent is a Radford University employee or non-student, and
  - (b) The allegation is violation of this Policy that does not fall within the definitions of sexual harassment, or
  - (c) The alleged incident falls within the definition of sexual harassment; however, the alleged incident occurred neither on campus, nor within Radford University's education program or activity, nor at an off-campus location controlled by a recognized student organization.

Refer to "Non-Title IX/Non-Student Case" in Section 5.C.9.c.vii. and Appeal Hearing in Section 5.E.3. below.

- d. The right to bring a trusted advisor of their choice with them to the meetings with the Office of Institutional Equity. The advisor may be, but is not required to be, an attorney. The role of such advisors shall be limited to advise and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor's role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any appeals hearing.
- e. The Respondent is presumed not responsible for the alleged conduct until the determination at the end of the grievance process.
- f. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination and Harassment Grievance Procedures (see Section 5). Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination and Harassment Grievance Procedures is prohibited and subject to conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy.
- g. If an incident contains any actions or allegations that are a violation of the

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Radford University Standards of Student Conduct, and that do not fall within the scope of this Policy, then the portion of the case where the Standards of Student Conduct applies may be referred to that office for adjudication and resolution.

- h. If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that were not included in the notice provided to the parties, if known, then the Title IX Coordinator will provide notice of the additional allegation(s) to the parties whose identities are known.
- i. Both parties may inspect and review evidence relevant to the Formal Investigation and/or Informal Resolution.
- j. The Complainant's right to decline to participate in a Title IX investigation and the Title IX Coordinator's ability to pursue a Formal Complaint and Formal Investigation.
  - (i) The Title IX Coordinator has discretion to sign a Formal Complaint and initiate an investigation under the following conditions:
    - (a) The Title IX Coordinator has received multiple reports of potential sexual harassment, harassment, or discrimination against the same Respondent,
    - (b) The Title IX Coordinator determines that circumstances surrounding an allegation (e.g., violence, use of weapons, threats, serial predation) warrant an investigation.Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the investigation.
  - (ii) The Title IX Coordinator may dismiss a Formal Complaint or any allegations therein, if at any time during the investigation, hearing, or resolution the Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; the Respondent is no longer enrolled in or employed by Radford University; or specific circumstances prevent the Office of Institutional Equity from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein. The dismissal of a Formal Complaint may be appealed (see Section 5.E.iv.).
  - (iii) The University may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual harassment discrimination

or other discrimination or harassment. The University may not require the parties to participate in an Informal Resolution process and may not offer an Informal Resolution unless a Formal Complaint is filed.

- k. Information about how Radford University will protect the confidentiality of ~~Complainants victims~~ and other parties, including how Radford University will:
    - (i) Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the ~~Complainant victim~~;
    - (ii) Maintain as confidential, any ~~accommodations or protective supportive~~ measures provided to the ~~Complainant victim~~, to the extent that maintaining such confidentiality would not impair the ability of Radford University to provide the ~~accommodations or protective supportive~~ measures; and
    - (iii) Ensure confidentiality of investigative files as education records protected by ~~the Family Educational Rights and Privacy Act (FERPA)~~, including that the process for the Sexual Violence Threat Assessment in accordance with Virginia Code § 23.1-806 could, if the incident poses to members of the Radford University community a health or safety emergency, as defined by the FERPA regulations, lead to disclosure of personally identifying information to the law enforcement agency that would be responsible for investigating the incident and other appropriate parties whose knowledge of the information is necessary to protect the health and safety of the ~~Complainant victim~~ or other individuals.
  - l. Any incidents of retaliation as defined in Section 3 should be reported to the Office of Institutional Equity without delay.
3. Witnesses will be informed of resources on campus and in the community; the investigation and resolution process, including how to file a Formal Complaint; and how their information will be used in any report. As with all members of the Radford University community, witnesses are expected to provide truthful information in any report or proceeding under this policy and the Discrimination and Harassment Grievance Procedures.

#### **~~E.—Criminal Reporting and Coordination~~**

~~The Title IX Coordinator or designee will make all complainants aware of the right also to file a complaint with the Radford University Police Department or local law~~

enforcement, and will encourage accurate and prompt reporting when the complainant elects to report. If a victim of sexual assault, dating violence, domestic violence, or stalking is physically or mentally incapacitated for at least 10 calendar days, and thereby unable to report the incident to law enforcement, the Title IX Coordinator will make such a report. Radford University will comply with all requests by the Radford University Police Department or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator or designee to temporarily suspend the fact-finding aspect of a Title IX investigation detailed in the procedures below while the Radford University Police Department or the local law enforcement agency gathers evidence. The Title IX Coordinator will promptly resume its Title IX investigation as soon as notified by the Radford University Police Department or local law enforcement agency that it has completed the evidence gathering process. Otherwise, the Title IX investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

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#### **F. Confidentiality, Anonymity and Requests Not to Pursue Title IX Investigation**

Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to keep a report confidential, it must be made to a licensed medical provider, or counselor within Student Health Center, Student Counseling Services or the SAVES Office (for students). These individuals will encourage victims to make a report to the Radford University Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above that are able to maintain confidentiality of reports. Other Radford University officials receiving reports of conduct in violation of this policy are mandated reporters but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator or designee may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator or designee to conduct a meaningful and fair investigation. If the Complainant requests confidentiality or that an investigation not be conducted, Radford University may be limited in the actions it is able to take and its ability to respond while respecting the request. The complainant will be asked to sign a statement stating a desire for confidentiality or that an investigation not be pursued and the Title IX Coordinator or designee will take all reasonable steps to respond to the complaint consistent with the request.

Notwithstanding a complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to local law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. § 99.36, and as detailed in the Sexual Violence Threat Assessment

provisions, below.

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## G. Sexual Violence Threat Assessment

1. Upon receipt of any report of sexual violence, defined as a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent, that is alleged to have occurred (i) against any students; or (ii) on campus, in or on a Radford University building or property, or on public property that is on campus or immediately adjacent to and accessible from campus, the Title IX Coordinator shall promptly inform a review committee of the report, including personally identifying information. The review committee shall be comprised of, at a minimum, the Title IX Coordinator, a representative of Law Enforcement, and a student affairs representative. The review committee may consult other Radford University officials depending on whether the accused individual is a student, faculty, or staff member and the circumstances of the report. The review committee shall be advised by the Office of the Attorney General.
2. Within 72 hours of receipt of the report from the Title IX Coordinator, the review committee shall meet to review the information and shall continue to meet as necessary as new information becomes available. If the criteria in Paragraph 1 are met, the review committee shall convene regardless of whether or not the victim has notified the Radford University Police Department, Carilion Clinic Police, or local law enforcement or whether or not the victim has requested that Radford University proceed with a Title IX investigation.
3. The review committee may obtain law enforcement records and criminal history record information as provided in Virginia Code § 19.2-389 and § 19.2-389.1, health records as provided in Virginia Code § 32.1-127.1:03, available conduct or personnel records, and known facts and circumstances of the reported incident of sexual harassment or sexual misconduct and other evidence known to Radford University, including the Radford University Police Department, Carilion Clinic Police, and local law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to Virginia Code § 23.1-805 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act, (Virginia Code § 2.2-3700 et seq.). The review committee shall comply with the Family Educational Rights and Privacy Act in conducting its review.
4. In addition to the available information detailed in Paragraph 3, above, the review committee shall consider factors that suggest there is an increased risk of the accused individual committing additional acts of sexual misconduct or other violence, including, but not limited to:
  - a. Other sexual misconduct complaints about the same individual;
  - b. Prior arrests or reports of misconduct at another institution or a history

- of violent behavior;
- c. Threats of further sexual misconduct against the reporting individual or others;
- d. A history of failing to comply with a no-contact order issued by Radford University officials;
- e. Allegations of multiple perpetrators in the same incident;
- f. Use of physical violence in the reported incident or a prior incident. Examples of physical violence include, but are not limited to, hitting, punching, slapping, kicking, restraining, or choking;
- g. Reports or evidence of a pattern of perpetration, including a pattern of the accused individual using alcohol or drugs to facilitate sexual misconduct or harassment;
- h. Use of a weapon in the reported incident or a prior incident;
- i. A victim under the age of 18 or who is significantly younger than the accused individual.

The review committee shall also consider whether means exist to obtain evidence other than investigation by law enforcement or a Title IX investigation such as security camera footage, eyewitness reports from security or guard personnel, or physical evidence.

5. If, based on a consideration of all factors, the review committee determines that there is a significant and articulable threat to the health or safety of one or more individuals and that disclosure of the information to local law enforcement, including personally identifying information, is necessary to protect the health and safety of one or more individuals, the law enforcement representative shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the incident, for the purpose of investigation and other actions by law enforcement. If the review committee cannot reach a consensus, the law enforcement representative may make the threat determination. Upon any disclosure to law enforcement under this paragraph, the Title IX Coordinator or designee shall notify the victim that such disclosure is being made. The provisions of this paragraph shall not apply if the law enforcement agency responsible for investigating the alleged incident is located outside the United States.
6. If information is disclosed to law enforcement under Paragraph 5 or if the review committee determines that sufficient factors exist to proceed with a Title IX investigation, despite the stated desires of the victim for confidentiality or not to proceed with an investigation, the Title IX Coordinator or designee shall proceed with a full investigation under these procedures. In those situations, the Title IX Coordinator or designee will notify the victim that Radford University is overriding the victim's request for confidentiality in order to meet Title IX obligations, but, other than the disclosure under Paragraph 5, if made, the information will only be shared with individuals who are responsible for handling



Radford University's response to incidents of sexual violence. Radford University will ensure that any information maintained by Radford University is maintained in a secure manner.

7. If the reported incident would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, as determined by the law enforcement member or any other member of the review committee, the law enforcement member shall inform other members of the review committee and shall notify the attorney for the Commonwealth or other prosecutor responsible for prosecuting the incident and provide information received without disclosing personally identifying information, unless such information was disclosed to a law enforcement agency pursuant to Paragraph 5.

8. At the conclusion of the Sexual Violence Threat Assessment, the Title IX Coordinator and law enforcement member shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review committee's determination considerations, which shall be maintained under applicable state and federal law.

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#### H. Interim Measures

Radford University may take interim measures, as necessary to assist or protect the complainant during the investigation and resolution of complaints of discrimination and any law enforcement investigation. Radford University must also address the safety of the complainant or any member of the campus community, and to avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety and well being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator may provide remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. To the extent possible, Radford University will seek the consent of the complainant before taking interim measures to the greatest degree possible. Interim measures may include, but are not necessarily limited to, changes in classroom or work schedules or housing arrangements, no-contact orders, bans from campus, safety escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements. Radford University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy. In such a situation, the employee will be given the opportunity to meet with the Title IX Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action should not be implemented.

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#### I. Timely Warnings

Radford University is required by federal law to issue timely warnings for reported

incidents that pose a substantial threat of bodily harm or danger to members of the campus community. Radford University will ensure, to every extent possible, that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

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#### **J. Coordination with the Office of the Dean of Students and the Department of Human Resources**

Radford University's Title IX Coordinator is responsible for overseeing all complaints of discrimination and identifying and addressing any pattern or systemic problems that arise during the review of such complaints.

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Any member of the Office of the Dean of Students, the Office of Student Standards and Conduct, or the Department of Human Resources receiving a report of alleged discrimination or harassment, sexual harassment, or sexual misconduct shall report it without delay to the Title IX Coordinator. No member of the Office of the Dean of Students, the Office of Student Standards and Conduct or the Department of Human Resources shall undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator. The Title IX Coordinator's Office shall conduct all investigations of allegations of sexual misconduct harassment, discrimination, and harassment in accordance with the procedures below. At the conclusion of the investigation, the Title IX Coordinator shall recommend a sanction, if any, to the Director of the Office of Student Standards and Conduct or the Department of Human Resources, as appropriate.

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#### **C. ~~K~~ Investigation and Resolution**

1. After being informed of their Written Explanation of Rights and Options, a Complainant may choose to file a Formal Complaint. The Complainant will be asked to indicate what allegation(s) they want to pursue and which route of resolution they wish to take. There are two possible methods for investigation and resolution of a Formal Complaint ~~complaint~~ alleging violations of the Discrimination and Harassment Policy: Informal Resolution and Formal Investigation.
2. In all cases, Radford University will ensure that the Title IX Coordinator, investigators, Decision Maker, or any person designated to facilitate any process, not have a ~~there is no~~ conflict of interest or bias for or against complainants or respondents generally, or an individual Complainant or Respondent, in the investigation and resolution of reports ~~complaints~~ and will strive to avoid the appearance of conflict of interest.
3. In all investigations and resolutions, there is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding

responsibility is made at the conclusion of the grievance process. All relevant evidence, both inculpatory and exculpatory, will be objectively evaluated, and determinations of credibility may not be based on a person's status as a Complainant, Respondent, or Witness. In neither the Formal Investigation nor the Informal Resolution may Radford University require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

4. Radford University will treat Complainants and Respondents equitably by offering supportive measures to a Complainant, by providing remedies to a Complainant where a determination of responsibility for sexual harassment, discrimination, or harassment has been made against the Respondent, and by following the grievance process before imposing disciplinary sanctions or other actions that are not supportive measures against a Respondent.
5. Parties will be provided an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Parties will not be restricted from their ability to discuss the allegations under investigation or to gather and present relevant evidence. Parties will be provided with the same opportunities to have others present during any meeting or grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding. The role of such advisors shall be limited to advise and consult, except during a live hearing with a Decision Maker. During a live hearing with a Decision Maker, the advisor's role is also to conduct cross-examination on behalf of the party. Other than a live hearing with a Decision Maker, neither the advisor for the Complainant nor the advisor for the Respondent shall be permitted to question parties or witnesses, raise objections or make statements or arguments at any meetings or proceedings during an investigation or any appeals hearing. All hearings will be closed to the public.
6. The Title IX Coordinator will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
7. The Title IX Coordinator must investigate the allegations in a Formal Complaint; however, the Title IX Coordinator may also dismiss a Formal Complaint if the conduct alleged in the Formal Complaint 1) would not constitute sexual harassment, discrimination, or harassment, even if proved; 2) did not occur in Radford University's education program or activity; or 3) did not occur against a person in the United States. Such dismissal does not preclude action under

another provision of Radford University's code of conduct. If the Title IX Coordinator dismisses the Formal Complaint, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) to the parties simultaneously.

8. The Title IX Coordinator may consolidate Formal Complaints as to allegations of sexual harassment, discrimination, or harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment, discrimination, or harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "complainant," or "respondent," include the plural as applicable.
9. If a Formal Investigation is requested, at any time prior to reaching a determination regarding responsibility, the Title IX Coordinator may facilitate an Informal Resolution process that does not involve a full investigation and adjudication, provided that the Title IX Coordinator provides written notice as outlined in Section 5; obtains the parties' voluntary, written consent to the Informal Resolution process; and the Informal Resolution process is not offered or facilitated to resolve allegations that an employee sexually harassed or otherwise discriminated against a student.

**a. ~~1~~ Informal ~~investigation and~~ Resolution:**

- i. For alleged violations of the Discrimination ~~and Harassment~~ Policy ~~other than sexual misconduct~~, the Complainant and the Respondent have the option to proceed under an informal procedure, when deemed permissible by the Title IX Coordinator ~~and when the allegations are not that an employee sexually harassed or otherwise discriminated against a student. The Title IX Coordinator or designee will explain the informal and formal procedures to both the complainant and the respondent, if known.~~
- ii. If the Complainant, the Respondent, and the Title IX Coordinator ~~or designee~~ all agree that an ~~investigation and~~ Informal Resolution should be pursued, the Title IX Coordinator ~~or designee~~ shall attempt to facilitate a resolution that is agreeable to all parties. Prior to beginning the Informal Resolution process, the Title IX Coordinator must obtain the parties' voluntary, written consent to the process.
- iii. Upon initiating an Informal Resolution, the Title IX Coordinator will provide the parties written notice of the following:
  - (a) the allegations;
  - (b) either party has the right to withdraw from the Informal Resolution process at any time prior to agreeing to a resolution and may resume a

- (c) Formal Investigation process with respect to the Formal Complaint;
- (c) if an Informal Resolution is pursued and a resolution is reached, parties may not request a Formal Investigation arising from the same allegations;
- (d) any agreement between parties as part of the Informal Resolution will be provided to the parties in writing. Any violation of the agreement should be reported by the parties to the Title IX Coordinator; and
- (e) the record of the Informal Resolution will be maintained per the Policy.

- iv. Under this procedure, the Title IX Coordinator ~~or designee~~ will ~~conduct a preliminary investigation~~ gather information and evidence only to the extent fact-finding is needed to resolve the conflict and to protect the interests of all parties, Radford University, and the campus community. ~~All parties will be permitted to request witnesses to be interviewed by the Title IX Coordinator and other evidence to be considered in the preliminary investigation.~~ Typically, an Informal Resolution ~~preliminary investigation~~ will be completed within 30 ~~calendar~~ business days of ~~receipt~~ confirmed delivery of ~~notice~~ the Formal Complaint. If an extension ~~of the preliminary investigation beyond 30 calendar days~~ is necessary, all parties will be notified of the expected resolution time frame ~~and the reason for the extension~~. If at any point during the Informal Resolution process ~~this informal investigation and resolution procedure~~, the Complainant, the Respondent, or the Title IX Coordinator wish to suspend the ~~Informal Resolution procedure~~ and proceed through the Formal Investigation ~~grievance procedure~~, such request will be granted.
- v. Any resolution of a Formal Complaint through ~~the informal~~ an Informal ~~procedure~~ Resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the responsibility of Radford University to prevent, address, and remedy alleged violations of the Discrimination ~~and Harassment~~ Policy. Informal ~~Resolution~~ ~~resolution~~ remedies ~~may~~ ~~might~~ include providing training;~~;~~ providing ~~informal~~ counseling to an individual whose conduct, if not ceased, could rise to the level of discrimination or harassment;~~;~~ confidential briefing of the Respondent's work supervisor;~~;~~ or use of processes and sanctions set forth in ~~the Standards of Student~~ Radford University's code of conduct. ~~, or other methods. All parties will be provided written notification of the resolution of the complaint through the informal procedures, including whether the preliminary investigation substantiated discrimination or harassment by a preponderance of the evidence and a description of Radford University's response.~~ There shall be no right of appeal afforded to the complainant or the respondent following Informal Resolution. ~~informal investigation and~~

**b.2. Formal Investigation ~~and resolution~~:**

- i. ~~A formal complaint may be submitted either in written format or through a verbal interview of the complainant by the Title IX Coordinator or designee~~

~~regarding the events and circumstances underlying the complaint. If a Complainant asks for a Formal Investigation, the Title IX Coordinator or designee will conduct a prompt, adequate, reliable, and impartial investigation of the Formal Complaint. The Complainant is not required to submit a written report complaint to the Title IX Coordinator to commence a Formal Investigation. In the case of a third party notification, the Title IX Coordinator will contact the alleged victim promptly, and in no case later than three calendar days from the date of the complaint. The complaint Complainant may be supplemented by provide additional supporting documents, evidence, or recommendations of witnesses to be interviewed during the course of the Formal Investigation investigation. The Complainant must also disclose if a Formal Complaint has been filed with another Radford University office, or a state, or federal entity for the same offense.~~

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~~b. The Title IX Coordinator or designee will discuss the complaint with the complainant, and the respondent as appropriate, including providing information about the formal investigation procedure and other resources. The Title IX Coordinator or designee will explain to the parties that each has the opportunity to provide evidence and to suggest witnesses to be interviewed during the course of the investigation.~~

**Commented [69]:** BOV-redundant with 5.B.

~~c. The Title IX Coordinator will consider whether interim measures and involvement of other Radford University leadership is appropriate. The Title IX Coordinator also will confirm that the matter involves an alleged violation of the Discrimination Policy, thereby conferring jurisdiction to the Title IX Coordinator's office. If the Title IX Coordinator determines that the Title IX Coordinator's office does not have jurisdiction, the Title IX Coordinator or designee will offer to assist the complainant and, as appropriate, the respondent, in finding appropriate on-campus and off-campus resources to address the issue(s).~~

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~~ii. All investigations of complaints alleging violations of the Discrimination Policy shall be overseen by the Title IX Coordinator. The Title IX Coordinator or designee will conduct a prompt, adequate, reliable, and impartial investigation of the complaint. Typically, a Formal Investigation an investigation, not including the time necessary for potential appeals, will be completed within 60 45 calendar business days of receipt of notice. If extension of the investigation beyond 60 calendar days is necessary, all parties will be notified of the expected time frame and the reason for the extension. Only the Title IX Coordinator, or a trained investigator designated by the Title IX Coordinator's office, shall conduct the investigation.~~

**Commented [ZA71]:** BOV-redundant with 4.G.

**Commented [ZA72]:** BOV-Moved to a. in this same section.

~~iii. Both Complainants and Respondents will be provided an equal have the same opportunity to inspect and review and respond to any evidence~~

obtained during as part of an investigation, that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The Title IX Coordinator will send to each party and the party's advisor, if any, the Draft Investigative Report and the evidence subject to inspection and review in an electronic format or hard copy. The parties will have ten (10) business days to submit a written response to the Draft Investigative Report, which the investigator will consider prior to completion of the Final Investigative Report. Radford University will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, and for purposes of cross-examination. and will be afforded the same opportunity to review and provide comment to the investigator about the written investigation report before it is finalized. Both the complainant and the respondent may designate an advisor to accompany him or her at any meeting or proceeding during the formal investigation. The role of such advisors shall be limited to advise and consult. Neither the advisor for the complainant nor the advisor for the respondent shall be permitted to question witnesses, raise objections, or make statements or arguments at any meetings or proceedings during an investigation or an appeals hearing.

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iv. f. ~~The Title IX Coordinator or designee will determine whether there is a preponderance of the evidence to substantiate the complaint of an alleged violation of the Discrimination Policy. A respondent will not be found in violation of the Discrimination Policy absent a finding of preponderance of evidence that the violation occurred. The "preponderance of the evidence" standard requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that the alleged violation occurred. The investigator will create a Final Investigative Report that fairly summarizes relevant evidence. At least ten (10) business days prior to a hearing, the Title IX Coordinator will send the Final Investigative Report to each party and the party's advisor, if any, in an electronic format or a hard copy.~~

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g. ~~In determining whether alleged harassment has created a hostile environment, the Title IX Coordinator or designee shall consider whether the conduct was unwelcome to the complainant, but also whether the conduct was severe or pervasive and whether a reasonable person similarly situated to the complainant would have perceived the conduct to be objectively offensive.~~

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h. ~~The Title IX Coordinator or designee shall prepare a written investigation~~

report, which shall be provided to both the complainant and the respondent concurrently. In most cases the written investigation report shall be provided to both parties for comments within 60 calendar days of notice of the allegation. If extension of the time frame for the Title IX Coordinator to provide the investigation report beyond 60 calendar days is necessary, all parties will be notified of the revised time frame for completion of the report of investigation.

- i. If the Title IX Coordinator or designee finds by a preponderance of the evidence that a violation of the Discrimination Policy did not occur, the matter will be documented as closed. The complainant may appeal the finding to the Discrimination Appeals Committee under the procedure described below.
- j. If the Title IX Coordinator or designee finds by a preponderance of the evidence that violation of the Discrimination Policy did occur, the Title IX Coordinator's or designee's written report will contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the complainant and the community. The written report also will contain the Title IX Coordinator's or designee's recommendation on sanctions. If interim measures as described above have been taken, the Title IX Coordinator shall include a recommendation regarding continuation, suspension or modification of any such interim measures. The Title IX Coordinator or designee shall provide the written report to both the complainant and respondent, in accordance with subsection h., above, including the steps the Title IX Coordinator or designee has recommended to eliminate a hostile environment, if one was found to exist, and to prevent its recurrence. Notwithstanding any other provision of these procedures, the respondent shall not be provided information about the individual remedies offered or provided to the complainant, but such information shall be provided to the complainant. The Complainant and Respondent and the complainant will be advised of their right to appeal any finding or recommended sanction to the Discrimination Appeals Committee. The appeal procedure outlined below will also be explained. If the respondent does not contest the finding or recommended sanction, the respondent shall sign a statement acknowledging no contest to the finding and the recommended sanction. The sanctioning process will move forward whether or not the respondent signs the statement acknowledging no contest. The completed investigation will be provided to the appropriate individual to determine and impose appropriate sanctions, as described below.
- v. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Radford University and not on the parties provided that the University cannot access, consider, disclose, or

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otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains that party's voluntary, written consent to do so for a grievance process.

**vi. Student Conduct Referral Case**

If the criteria for a "Student Conduct Referral Case" are met, the case will be dismissed as a Title IX Case. However, the Title IX Coordinator will continue the fact-finding process and will refer the case for adjudication to the Office of Student Standards and Conduct for adjudication and appeal. On receiving notice of the referral, the Office of Student Standards and Conduct will contact the parties in the case to notify them of the policies and procedures that will be followed for adjudication, appeal, and implementation of sanctions (if any).

**vii. Non-Title IX/Non-Student Case**

- (a) Using information learned from interviews and gathered as evidence during the Formal Investigation, the Title IX Coordinator ~~or designee~~ will determine whether there is a preponderance of the evidence to substantiate the ~~complaint of an~~ alleged violation of the Policy. A Respondent will not be found in violation of the Policy absent a finding of preponderance of evidence that the violation occurred.
- (b) If the Title IX Coordinator ~~or designee~~ finds, by a preponderance of the evidence that violation of the ~~Discrimination~~ Policy did occur, the Title IX Coordinator's ~~or designee's~~ written report will contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the Complainant and the community. The written report also will contain the Title IX Coordinator's ~~or designee's~~ recommendation on sanctions. If ~~interim~~ supportive measures ~~as described above~~ have been taken, the Title IX Coordinator shall include a recommendation regarding continuation, suspension or modification of any such ~~interim~~ supportive measures. The Title IX Coordinator ~~or designee~~ shall provide the written report to both the Complainant and Respondent, ~~in accordance with subsection h., above, including the steps the Title IX Coordinator or designee has recommended to eliminate a hostile environment, if one was found to exist, and to prevent its recurrence.~~ Notwithstanding any other provision of these procedures, the Respondent shall not be provided information about the individual remedies offered or provided to the Complainant, but such information may ~~shall~~ be provided to the

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Complainant. The Complainant and Respondent and the complainant will be advised of their right to appeal any finding or recommended remedy or sanction to the ~~Discrimination~~ Appeals Committee. The appeal procedure outlined below in Section 5.E. will also be explained. ~~If the respondent does not contest the finding or recommended sanction, the respondent shall sign a statement acknowledging no contest to the finding and the recommended sanction. The sanctioning process will move forward whether or not the respondent signs the statement acknowledging no contest.~~ The completed investigation and recommended sanctions will be provided to the Department of Human Resources and other appropriate department heads ~~appropriate individual~~ to determine and impose appropriate sanctions, as described below.

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#### viii. Title IX Case

Following the Formal Investigation, the Title IX Coordinator will schedule a live hearing with a Decision Maker.

- (a) The Title IX Coordinator will notify both parties of the time, date, and location of the live hearing.
- (b) The hearing will occur within ten (10) business days from the date the Final Investigative Report is distributed to the parties. If an extension is necessary, all parties will be notified of the expected time frame and the reason for the extension.
- (c) The Decision Maker will facilitate the hearing.
- (d) The Decision Maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
  - (i) Only relevant cross examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  - (ii) If a party or witness does not submit to cross examination at the live hearing, the Decision Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; however, the Decision Maker cannot draw an inference about the determination regarding responsibility based

solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

- (e) Live hearings may be conducted with all parties physically present in the same geographic location or, at Radford University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other. At the request of either party, Radford University will provide for the live hearing to occur with the parties located in separate rooms with the technology enabling the Decision Maker and parties to simultaneously see and hear the other party or the witness answering questions.
- (f) If a party does not have an advisor present at the live hearing, Radford University must provide, without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party.
- (g) Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- (h) Radford University will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- (i) Following the hearing, the Decision Maker, who is not the Title IX Coordinator or investigator, will issue to both parties simultaneously a written determination regarding responsibility using the preponderance of the evidence standard. The written determination will include:
  - (i) Identification of the allegations potentially constituting sexual harassment, discrimination or harassment;
  - (ii) A description of the procedural steps taken from the receipt of the Formal Complaint through the written determination of responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - (iii) Findings of fact supporting the determination of responsibility;
  - (iv) Conclusions regarding the application of the Policy to the facts;
  - (v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary

sanctions Radford University imposes on the Respondent, and whether remedies designed to restore or preserve equal access to Radford University's education program or activity will be provided by the University to the Complainant;

(vi) The procedures and permissible bases for the Complainant and Respondent to appeal.

(j) The written determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or the date on which an appeal would no longer be considered timely, if an appeal is not filed.

#### **D.4. Sanctions and Remedies**

1. If it is determined that conduct in violation of this Policy has occurred, sanctions and remedies ~~will be determined in accordance with the Discrimination Grievance Procedures (see Section 5). Consequences for violating this policy~~ will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, institutional precedence, and any history of past conduct ~~in violation of this policy~~.
2. Remedies will be designed to restore or preserve equal access to Radford University's education program or activity. The Title IX Coordinator will consult with the Complainant to determine those remedies in order to restore or preserve equal access. Sanctions and remedies will be reasonable and will fall within the bounds of law and Radford University policy. Sanctions and remedies may affect one's access to and/or affiliation with Radford University's physical campus and/or any portion of Radford University's education program or activity.
3. In addition to sanctions that may be imposed on an individual found in violation of this policy, Radford University will take steps to prevent recurrence of any ~~discrimination or harassment~~ ~~sexual misconduct, including sexual assault and sexual violence~~, and to remedy discriminatory effects on the ~~C~~complainant and others, if appropriate.
4. Not every violation of the Discrimination **and Harassment** Policy will result in an identical sanction. ~~The Radford~~ University reserves the right to impose different sanctions depending on the severity of the incident as well as any previous proven violations by the respondent.
  - a. Sanctions and remedies for students may include education, disciplinary probation, deferred suspension, suspension, and penalties up to and including dismissal. Such sanctions and remedies will be recommended by either the Title IX Coordinator or by the Decision Maker in consultation

~~with determined by the Director of the Office of Student Standards and Conduct and in accordance with the Standards of Conduct. and, where necessary or appropriate, in consultation with the Dean of Students. Sanctions may include, but are not limited to, warning, suspension or dismissal. Not every violation of the Discrimination Policy will result in an identical sanction. The University reserves the right to impose different sanctions depending on the severity of the incident as well as any previous proven violations by the respondent.~~

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- b. Sanctions and remedies for employees may include education, probationary status, reassignment and termination from employment. Such sanctions and remedies will be recommended by either the Title IX Coordinator or by the Decision Maker in consultation with the Department of Human Resources and the Respondent's supervisor(s) or division leader(s).
  - i. Sanctions and remedies for ~~teaching and research faculty~~ Teaching and Research Faculty will be determined by the Provost, in consultation with the Deans and/or the President and in accordance with the Teaching and Research Faculty Handbook and any other applicable Radford University ~~policy policies~~ and regulations. ~~Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings.~~
  - ii. Sanctions and remedies for Administrative and Professional Faculty ~~faculty~~ will be determined by the employee's supervisor and Division Head, in consultation with the Assistant Vice President for Human Resources and in accordance with the Administrative and Professional Faculty Handbook and any other applicable Radford University ~~policy policies~~ and regulations. ~~Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings according to procedures in the appropriate governing regulation or policy.~~
  - iii. Sanctions and remedies for Classified or Wage employees will be determined by the employee's supervisor in consultation with the Assistant Vice President for Human Resources in accordance with the Commonwealth's Standards of Conduct Policy. ~~Sanctions that may be imposed by Radford University include, but are not limited to verbal counseling, additional training, issuance of a Written Notice, suspension, or termination of employment.~~
- c.5- Contractors shall assign for duty only employees acceptable to Radford University. Radford University reserves the right to require the Contractor to remove from campus any employee who violates the Discrimination and

Harassment Policy.

- d.6. Visitors, ~~(including, but not limited to, students participating in camps or other programs at Radford University)~~, who violate the Discrimination and Harassment Policy will be directed to immediately leave campus and may be subject to a permanent ban from campus.
5. If neither the Complainant nor the Respondent requests an appeal, then a ~~A~~ determination regarding the imposition of sanctions shall be made within ~~14 ten~~ (10) ~~calendar~~ business days of the date of either the Title IX Coordinator's Final Investigative Report for a case adjudicated through the Non-Title IX/Non-Student Case process, or the Decision Maker's ~~, or designee's final report of investigation~~ written determination for a case adjudicated through the Title IX Case process. ~~if neither the Complainant nor the Respondent requests appeal to the Discrimination Appeals Committee.~~ If an appeal is requested, sanctions, if any, shall be imposed within ~~14 ten~~ (10) ~~calendar~~ business days of the final decision of the President after consideration of the written decision of the ~~Discrimination~~ Appeals Committee. If extension of the time frame for sanctions to be imposed beyond ~~14 ten~~ (10) ~~calendar~~ business days is necessary, all parties will be notified by the ~~appropriate office Office of Student Standards and Conduct or the Department of Human Resources,~~ of the expected time for imposing the sanctions. The Respondent shall be informed in writing of any sanctions imposed for violation of the Discrimination and Harassment Policy, by the individual imposing the sanctions, within five (5) ~~calendar~~ business days of the determination ~~of an appropriate sanction~~. The Title IX Coordinator shall be provided a copy of such written notification. The Title IX Coordinator ~~or designee~~ will disclose to the Complainant, as simultaneously as possible to the notification provided to the Respondent, information about the sanctions that directly relate to the Complainant as is permitted by state and federal law including ~~the Federal Educational Rights and Privacy Act (FERPA)~~ and the Virginia Freedom of Information Act.

**E. M. Discrimination Appeals Committee**

**1. Composition of the Appeal Committee:**

- a. The Appeal Committee shall be comprised of trained individuals selected by the Title IX Coordinator from a pool of faculty and staff appointed by the President. Teaching and Research Faculty members are nominated to the President by the Provost, Administrative and Professional Faculty members are nominated to the President by the Vice President for Finance and Administration, and Classified Employee members are nominated to the President by the Assistant Vice President for Human Resources. Each Appeal Committee shall include one member from each of the three representative areas. ~~The Discrimination Appeals Committee ("Committee") shall be comprised of three trained individuals: one faculty member to be nominated~~

~~by the Provost, one non-faculty member of the administration to be nominated by the Vice President for Finance and Administration, and one classified employee to be nominated by the Assistant Vice President for Human Resources. The President shall appoint members of the Committee and the Committee Chair. The President shall select individuals within the pool who are identified as Appeal Committee Chairs. Committee members shall serve indefinitely at the pleasure of the President. The President may appoint one or more persons to serve on the Committee temporarily to fill a vacancy due to recusal or otherwise to ensure a full three-member Committee. The President has sole discretion to permanently remove members of from the pool. Committee for cause.~~

- b. The Appeal Committee will not include the same person who served as the Decision Maker who reached the determination regarding responsibility, the investigator(s), or the Title IX Coordinator. Further, Radford University requires that individuals serving on the Appeal Committee not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent.

2. The grounds for appeal are as follows:

- a.i. The Title IX Coordinator, ~~designated~~ investigator, or Decision Maker had a conflict of interest or ~~exhibited unfair~~ bias for or against complainants or respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter ~~which influenced the results of the investigation;~~
- b.ii. New evidence, ~~unavailable~~ that was not reasonably available at the time of ~~the investigation~~ the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter ~~substantially impact the Title IX Coordinator's finding;~~
- c.iii. Procedural irregularity that affected the outcome of the matter; ~~error in the conduct of the investigation that is of such magnitude as to deny fundamental fairness;~~
- d.iv. The recommended sanctions or remedies ~~recommended by the Title IX Coordinator~~ are substantially outside the parameters or guidelines set by Radford University for this type of offense, ~~as outlined in Section 5.D. or the cumulative conduct record of the respondent.~~

**3.2. Appeal Procedure for a "Non-Title IX/Non-Student Case"**

- a. A Complainant or Respondent desiring to appeal the investigative findings shall file a written request for appeal with the Title IX Coordinator within

~~three (3)~~ five (5) business days of receipt delivery of the Final Investigative Report. ~~written investigation report along with information to support one or more of the following grounds for appeal:~~

- b. The Title IX Coordinator will notify the other party in writing when an appeal is filed.
- c.b. Within five (5) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the names of the individuals serving on the Appeal Committee, ~~time and place of hearing before the Committee. Such hearing typically will be scheduled within fifteen (15) calendar days of receipt of the request for appeal. If extension beyond fifteen (15) calendar days is necessary, both parties will be notified by the Discrimination Appeals Committee of the revised time frame.~~ The parties must raise, within five (5) ~~calendar business~~ days of such notification, objections to members of the Committee on the basis of conflict of interest or bias for or against the appellant or appellee. The objection shall be made to the Title IX Coordinator, who will present the objection to the President. The President shall rule on any such objections ~~no later than three (3) within five (5) business days prior to the hearing.~~
  - i. Within five (5) business days following the deadline to raise objections, or within five (5) business days following the resolution of the objection, the Title IX Coordinator will notify the parties of the time, date, and location of the appeal hearing. Such appeal hearings typically will be scheduled within fifteen (15) business days of receipt of the request for appeal. If extension beyond fifteen (15) business days is necessary, both parties will be notified by the Appeals Committee of the revised time frame.
- d.c. Within five (5) ~~calendar business~~ days of filing the request following the deadline for appeal, the appealing party ~~appealing the Title IX Coordinator's findings~~ (appellant) must submit a written statement in support of, or challenging, the outcome; ~~that (i) identifies~~ identify the names and addresses of witnesses that are requested to be called at the hearing; ~~(ii) identifies~~ identify and includes copies of any documents that will be used as evidence at the hearing; ~~(iii) describes with specificity the portion of the Discrimination Policy allegedly violated and the~~ grounds for appeal; and ~~(iv) requests a~~ specific remedy. The non-appealing party (appellee) also may submit, within five (5) business days of the deadline for appeal, such information for the Committee's consideration. ~~If the appellee chooses not to participate in the Committee hearing, the~~ The Title IX Coordinator will provide to the Committee within five (5) ~~calendar business~~ days prior to the hearing, a copy of the Final Investigative Report and ~~of notification that the appellee will not participate in the hearing: (i) the written investigative report; (ii) the names and addresses of witnesses the Title IX Coordinator will call at the hearing;~~

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~~and (iii) identification and~~ copies of any documents used in the investigation. ~~that will be submitted as evidence at the hearing. If the appellee provides notification less than five (5) calendar days prior to the scheduled hearing that he or she will not participate, the hearing shall be postponed to give the Title IX Coordinator a full five (5) business days to provide the Committee the above information.~~

- ~~e.—~~ The Title IX Coordinator shall provide the written investigation report and all witness information and documents identified pursuant to this subsection to the Committee and to all parties at least three (3) business days prior to the hearing.
- ~~e.b.~~ Both the appellant and the appellee may retain legal counsel at their own expense or designate a non-attorney advisor to accompany him or her at any meeting or proceeding in the appeal process. If either party has retained legal counsel or a non-attorney advisor, the party must immediately notify the Committee Chair of such representation. The role of counsel or the non-attorney advisor for the parties shall be limited to advice and consultation with the attorney's client and the client's witnesses. Neither counsel/advisor for the appellant nor counsel/advisor for the appellee shall be permitted to question witnesses, raise objections, or make statements or arguments to the Committee at the hearing. If either party is represented by legal counsel, Radford University may be represented at the hearing by assigned legal counsel from the Office of the Attorney General, who will ensure that the rights of Radford University and the parties are respected.
- f. The Chair of the Committee shall preside over the hearing. The hearing will be a non-adversarial proceeding and rules of evidence shall not be strictly applied. However, the Chair of the Committee may limit evidence or testimony that is not relevant to a determination of whether a violation of the **Discrimination** Policy occurred and whether the grounds for appeal are met by a preponderance of evidence. The hearing will be conducted in a fair and impartial manner. Both ~~the~~ appellant and appellee, or the Title IX Coordinator ~~or designee~~ if the appellee does not participate, will address the Chair of the Committee and not each other. The Chair will ~~be make~~ the final decision ~~-maker~~ on all matters of procedure during the hearing.
- g. The past sexual history or sexual character of a party to the **Formal Complaint**, Complainant or Respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the Respondent, in the form of previous findings in any Radford University or judicial proceeding will be admissible. The parties will be notified in advance **by the Appeal Committee Chair** of the hearing if any information addressed by this paragraph is deemed admissible.

- ~~h.g.~~ The Appeal Committee will review all provided documents and, within ~~Within~~ ten (10) ~~calendar~~ business days ~~of following~~ the hearing, the Committee will submit a written ~~recommendation simultaneously decision~~ to ~~the both~~ parties, the Title IX Coordinator, and the President. The ~~recommendation decision~~ shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the findings of the Title IX Coordinator and/or the recommended sanction and the rationale for such determination; (iv) if the Title IX Coordinator's findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution, ~~and (v) the materials the Committee members were provided by the Title IX Coordinator and by the appellant and appellee.~~
- ~~i.h.~~ Within three (3) business days of the Committee's ~~recommendation decision~~, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

#### **4.2. Appeal Procedure (Document Review) for a "Title IX Case" and a "Dismissal of Formal Complaint"**

- ~~a.i.~~ A Complainant or Respondent may appeal ~~desiring to appeal~~ the ~~investigative findings~~ Decision Maker's written determination, or the Title IX Coordinator's dismissal of a Formal Complaint. In order to request appeal, the Appellant ~~of the Title IX Coordinator~~ shall file a written request for appeal with the Title IX Coordinator within ~~three (3)~~ five (5) business days of ~~receipt~~ delivery of Decision Maker's findings or the Title IX Coordinator's Written Notice of Dismissal of Formal Complaint. ~~Written investigation report along with information to support one or more of the following grounds for appeal:~~
- b. The Title IX Coordinator will notify the other party in writing when an appeal is filed.
- ~~c.b.~~ Within five (5) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the ~~names of the individuals serving on the Appeal Committee~~ ~~time and place of hearing before the Committee. Such hearing typically will be scheduled within fifteen (15) calendar days of receipt of the request for appeal. If extension beyond fifteen (15) calendar days is necessary, both parties will be notified by the Discrimination Appeals Committee of the revised time frame.~~ The parties must raise within five (5) ~~calendar~~ business days of such notification, objections to members of the Committee on the basis of conflict of interest

or bias for or against the appellant or appellee. The objection shall be made to the Title IX Coordinator, who will present the objection to the President. The President shall rule on any such objections ~~no later than three (3) within five (5) business days prior to the hearing.~~

- ~~d. e.~~ Within five (5) ~~calendar business days of filing the request~~ following the deadline for appeal, the appealing party ~~appealing the Title IX Coordinator's findings~~ (appellant) must submit a written statement in support of, or challenging, the outcome; describing the specificity the grounds for appeal; ; ~~that (i) identifies the names and addresses of witnesses that are requested to be called at the hearing; (ii) identifies and includes and including copies of any pertinent documents that will be used as evidence at the hearing; (iii) describes with specificity the portion of the Discrimination Policy allegedly violated and the grounds for appeal; and (iv) requests a specific remedy.~~ The non-appealing party (appellee) also may submit, within five (5) business days of the deadline for appeal, such information for the Committee's consideration. ~~If the appellee chooses not to participate in the Committee hearing, the~~ The Title IX Coordinator will provide to the Committee, within five (5) ~~calendar business days of the deadline for appeal, of notification that the appellee will not participate in the hearing;~~ (i) the written investigative report; (ii) the names and addresses of witnesses the Title IX Coordinator will call at the hearing; and (iii) identification and copies of any documents used in the investigation. ~~That will be submitted as evidence at the hearing. If the appellee provides notification less than five (5) calendar days prior to the scheduled hearing that he or she will not participate, the hearing shall be postponed to give the Title IX Coordinator a full five (5) business days to provide the Committee the above information. The Title IX Coordinator shall provide the written investigation report and all witness information and documents identified pursuant to this subsection to the Committee and to all parties at least three (3) business days prior to the hearing.~~
- ~~g.~~ Both the appellant and the appellee may retain legal counsel at their own expense or designate a non-attorney advisor to accompany him or her at any meeting or proceeding in the appeal process. If either party has retained legal counsel or a non-attorney advisor, the party must immediately notify the Committee Chair of such representation. The role of counsel or the non-attorney advisor for the parties shall be limited to advice and consultation with the attorney's client and the client's witnesses. Neither counsel/advisor for the appellant nor counsel/advisor for the appellee shall be permitted to question witnesses, raise objections, or make statements or arguments to the Committee at the hearing. If either party is represented by legal counsel, Radford University may be represented at the hearing by assigned legal counsel from the Office of the Attorney General, who will ensure that the rights of Radford University and the parties are respected.

- ~~h. The Chair of the Committee shall preside over the hearing. The hearing will be a non-adversarial proceeding and rules of evidence shall not be strictly applied. However, the Chair of the Committee may limit evidence or testimony that is not relevant to a determination of whether a violation of the Discrimination Policy occurred and whether the grounds for appeal are met by a preponderance of evidence. The hearing will be conducted in a fair and impartial manner. Both appellant and appellee, or the Title IX Coordinator or designee if the appellee does not participate, will address the Chair of the Committee and not each other. The Chair will be make the final decision-maker on all matters of procedure during the hearing. All hearings will be closed to the public.~~
- ~~i. The past sexual history or sexual character of a party to the complaint, complainant or respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the respondent, in the form of previous findings in any Radford University or judicial proceeding will be admissible. The parties will be notified in advance of the hearing if any information addressed by this paragraph is deemed admissible.~~
- e.g. The Appeal Committee will review all provided documents and, within ~~Within~~ ten (10) ~~calendar~~ business days of ~~the hearing~~ receipt of the documents, the Committee will submit a written ~~recommendation~~ ~~simultaneously~~ ~~decision~~ to ~~the both~~ parties, the Title IX Coordinator, and the President. The ~~recommendation~~ ~~decision~~ shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the ~~Decision Maker's finding regarding responsibility~~ and/or the recommended sanction and the rationale for such determination; ~~or the Title IX Coordinator's dismissal of a Formal Complaint findings of the Title IX Coordinator~~ (iv) if the ~~Decision Maker's Title IX Coordinator's~~ findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution, and (v) the materials the Committee members were provided by the Title IX Coordinator and by the appellant and appellee.
- ~~f.h.~~ Within three (3) business days of the Committee's ~~recommendation~~ ~~decision~~, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

#### **F. ~~N.~~ Documentation and Record-keeping**

1. The Title IX Coordinator shall maintain, in a confidential manner, for at least ten (10)

years, paper or electronic files of all ~~reports~~ ~~complaints~~, witness statements, documentary evidence, written investigation reports, audio or audiovisual recordings or transcripts, Formal Investigation findings, Informal Resolution processes and the result therein, ~~resolutions, and appeals~~ and appeal results, ~~hearings and~~ disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to Radford University's education program or activity, and associated documents. The Title IX Coordinator will collect and maintain information received and created by investigators, Decision Makers, and Appeal Committee members.

2. The Title IX Coordinator will maintain, for at least (10) years, records of any actions, including supportive measures taken in response to a report or Formal Complaint of sexual harassment, discrimination, or harassment. In each instance, the Title IX Coordinator will document the basis for the conclusion that the response was not deliberately indifferent and document that the measures were designed to restore or preserve equal access to Radford University's education program or activity. If the Title IX Coordinator did not provide the Complainant with supportive measures, then the Title IX Coordinator will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Radford University from providing additional explanations or detailing additional measures taken.
3. The Title IX Coordinator will prepare a monthly summary of pending ~~reports, complaints that will be~~ presented the summary to the President, and ~~also will be retained the summary~~ for at least ten (10) years. Such summary will contain sufficient information to permit the Title IX Coordinator and the President to assess Radford University compliance with the requirements of Title IX.

#### **G. ~~Q.~~ Training**

~~Individuals who conduct these Discrimination Grievance Procedures (see Section 5), from the initial investigation to the final resolution, will at a minimum receive annual training on issues related to dating violence, domestic violence, sexual assault, sexual exploitation, and stalking, and how to conduct an investigation and appeal process that protects the safety of victims and promotes accountability.~~

1. The Title IX Coordinator, investigators, Decision Makers, and any person who facilitates an Informal Resolution process, will receive training on the definition of sexual harassment; the scope of Radford University's education program or activity; how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable; and how to serve impartially, including how to avoid prejudgment of the facts at issue, conflicts of interest, and bias. Decision Makers will receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including questions and evidence about the Complainant's sexual

predisposition or prior sexual behavior. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

2. Materials used to train the Title IX Coordinator, investigators, Decision Makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment, discrimination, and harassment. The Title IX Coordinator shall maintain, for at least ten (10) years, all materials used to train the Title IX Coordinator, investigators, Decision Makers, and persons who facilitate Informal Resolution processes. These materials are available on the Office of Institutional Equity's website.

#### 6. EXCLUSIONS

None

#### 7. APPENDICES

None

#### 8. REFERENCES

[Title VII of the Civil Rights Act of 1964](#)

[Title IX of the Educational Amendment Acts of 1972](#)

[U.S. Equal Opportunity Commission - Laws, Regulations, Guidance & MOUs](#)

[Campus Sexual Violence Elimination Act of 2013](#)

[Violence Against Women Reauthorization Act of 2013](#)

~~[Dear Colleague Letter from the Office of Civil Rights, U.S. Department of Education, dated April 4, 2011.](#)~~

[U.S. Department of Education - Family Educational Rights and Privacy Act \(FERPA\)](#)

[34 C.F.R. 99.36](#), Disclosure of information in health and safety emergencies

[34.C.F.R. 106](#), Nondiscrimination on the basis of sex in education programs or activities receiving federal assistance

[Code of Virginia § 2.2-3700 et seq. \(Chapter 37\)](#), "Virginia Freedom of Information Act"

[Code of Virginia § 18.2-61 et seq. \(Article 7\)](#), "Criminal Sexual Assault."

[Code of Virginia § 19.2-389](#), "Dissemination of criminal history record information."

[Code of Virginia § 19.2-389.1](#), "Dissemination of juvenile record information."

[Code of Virginia § 23.1-805](#), "Violence prevention committee; threat assessment team."

[Code of Virginia § 23.1-806](#), "Reporting of acts of sexual violence."

[Code of Virginia § 23.1-808](#), "Sexual violence; policy review; disciplinary immunity for certain individuals who make reports."

[Code of Virginia § 23.1-900](#), "Academic transcripts; suspension, permanent dismissal, or withdrawal from institution."

[Code of Virginia § 32.1-127.1:03](#), "Health records privacy."

#### 9. INTERPRETATION

The authority to interpret this policy rests with the President of the University and is generally delegated to the Title IX Coordinator.

**10. APPROVAL AND REVISIONS**

The President of the University and the President’s Cabinet have approval authority over this policy and all subsequent revisions.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was adopted by the Radford University Board of Visitors on November 21, 2014.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on September 18, 2015.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on September 15, 2017.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on May 10, 2019.

**For general information concerning University policies, contact the [Office of Policy Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.**

<b>Policy Title: Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy</b>	<b>Effective Date: 7/10/2019</b>
<b>Policy Number: GEN-PO-1002</b>	<b>Date of Last Review: 5/10/2019</b>
<b>Oversight Department: Office of Institutional Equity</b>	<b>Next Review Date: 5/1/2022</b>

### 1. PURPOSE

The purpose of this policy is to establish clearly and unequivocally that Radford University prohibits discrimination, harassment, sexual misconduct, and retaliation by individuals subject to its control or supervision and to set forth procedures by which such allegations shall be filed, investigated and adjudicated.

### 2. APPLICABILITY

This policy applies to on-campus conduct involving students, employees, faculty and staff, visitors to campus (including, but not limited to, students participating in camps and programs, non-degree seeking students, exchange students, and other students taking courses or participating in programs at Radford University), and contractors working on campus who are not Radford University employees, and to students, visiting students, employees, faculty and staff participating in Radford University-sponsored activities off campus. This policy also is applicable to any conduct that occurs off campus that has continuing effects that create a hostile environment on campus. Allegations of on-campus or off-campus violations of this policy should be reported to the Title IX Coordinator in accordance with the guidance below and the Discrimination Grievance Procedures (see Section 5). This Policy replaces and supersedes the Radford University Sexual Harassment Policy and Nondiscrimination Statement, as well as any and all references related to discrimination, harassment, sexual misconduct and retaliation that may be contained in other Radford University policies, including the Standards of Student Conduct.

### 3. DEFINITIONS

**Discrimination:** Discrimination is inequitable and unlawful treatment based on an individual's protected characteristics or statuses -- race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, disability, or any other status protected by law -- that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in an educational program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.



**Harassment:** Harassment is a form of discrimination in which unwelcome verbal, written, or physical conduct is directed toward an individual on the basis of his or her protected characteristics or statuses, by any member of the campus community. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment violates this policy when it creates a hostile environment, as defined below.

**Sexual Harassment:** Sexual harassment is a form of discrimination based on sex. It is defined as unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature including: verbal (e.g., specific demands for sexual favors, sexual innuendoes, sexually suggestive comments, jokes of a sexual nature, sexual propositions, or sexual threats); non-verbal (e.g., sexually suggestive emails, other writings, articles or documents, objects or pictures, graphic commentaries, suggestive or insulting sounds or gestures, leering, whistling, or obscene gestures); or physical (e.g., touching, pinching, brushing the body, any unwelcome or coerced sexual activity, including sexual assault). Sexual harassment, including sexual assault, can involve persons of the same or different sexes. Sexual harassment may also include sex-based harassment directed toward stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

This policy prohibits the following types of sexual harassment:

- a. Term or condition of employment or education. This type of sexual harassment (often referred to as "quid pro quo" harassment) occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a Radford University activity are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a Radford University program or activity.
- b. Hostile environment. Acts that create a hostile environment, as defined below.

**Hostile environment:** Hostile environment may be created by oral, written, graphic or physical conduct that is sufficiently severe, persistent or pervasive and objectively offensive that it interferes with, limits or denies the ability of an individual to participate in or benefit from Radford University's educational programs, services, opportunities, or activities or the individual's employment access, benefits or opportunities. Mere subjective offensiveness is not enough to create a hostile environment. In determining whether conduct is severe, persistent or pervasive, and thus creates a hostile environment, the following factors will be considered: (a) the degree to which the conduct affected one or more individuals' education or employment; (b) the nature, scope, frequency, duration, and location of the incident(s); (c) the identity, number, and relationships of persons involved; (d) the perspective of a "reasonable person" in the same situation as the person subjected to the conduct, and (e) the nature of higher education.

**Responsible Employee:** Responsible employee includes all Radford University employees other than the following individuals who are designated as confidential sources: physicians and licensed medical personnel at the Student Health Center, and licensed counselors at the Student Counseling Services and the Substance Abuse and Violence Educational Support Services. A responsible employee must report to the Title IX Coordinator all relevant information received about an incident of conduct that potentially is in violation of this policy and without delay. If necessary, the report may be made after addressing any immediate needs of the victim.

**Sexual Misconduct:** Sexual misconduct includes sexual assault or sexual violence, sexual exploitation, dating violence, domestic violence, and stalking.

- a. **Sexual assault or sexual violence** is non-consensual contact of a sexual nature. It includes any sexual contact when the victim does not or is unable to consent through the use of force, fear, intimidation, physical helplessness, ruse, impairment or incapacity (including impairment or incapacitation as a result of the use of drugs or alcohol, knowingly or unknowingly); intentional and non-consensual touching of, or coercing, forcing, or attempting to coerce or force another to touch, a person's genital area, groin, inner thigh, buttocks or breast; and non-consensual sexual intercourse, defined as anal, oral or vaginal penetration with any object.
- b. **Consent** is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred.
- c. **Sexual exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not meet the definition of sexual assault. Sexual exploitation includes prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution of photos or other images of an individual's sexual activity or intimate body parts with an intent to embarrass such individual, non-consensual voyeurism, knowingly transmitting HIV or an STD/STI to another, or exposing one's genitals to another in non-consensual circumstances.
- d. **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. A social relationship of a romantic or intimate nature means a relationship which is characterized by the expectation of affection or sexual involvement between the parties. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse. Dating violence does not include acts covered under the definition of domestic violence.
- e. **Domestic violence** is a felony or misdemeanor crime of violence committed: (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the law of the Commonwealth of Virginia; or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the Commonwealth of Virginia or the applicable jurisdiction. Domestic violence can be a single event or a pattern of behavior that includes, but is not limited to, sexual or physical abuse.

- f. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress, meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. A "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

#### 4. **POLICY**

##### A. **Policy**

Radford University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law. In pursuit of this goal, any question of impermissible discrimination on these bases will be addressed with efficiency and energy and in accordance with this policy and the Radford University Discrimination Grievance Procedures (see Section 5). This policy and the Discrimination Grievance Procedures also address complaints or reports of retaliation against those who have opposed practices prohibited by this policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy. Questions regarding discrimination prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Title IX Coordinator, Office of Institutional Equity, 540-831-5307 (Radford), 540-224-4640 (Roanoke), or the U.S. Department of Education, Office of Civil Rights.

##### B. **Retaliation**

Any form of retaliation, including intimidation, threats, harassment, and other adverse action taken or threatened against any complainant or person reporting or filing a complaint alleging discrimination, sexual harassment, or sexual misconduct or any person cooperating in the investigation of allegations of discrimination, sexual harassment, or sexual misconduct to include testifying, assisting or participating in any manner in an investigation pursuant to this policy and the Discrimination Grievance Procedures (see Section 5) is strictly prohibited by this policy. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy. Retaliation may result in disciplinary or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of discrimination, sexual harassment or sexual misconduct. Retaliation prohibited by this policy includes any discrimination, intimidation, threat, or coercion against the Title IX Coordinator, or staff of the Office of Institutional Equity for purpose of interfering with his or her job responsibilities.

##### C. **Reporting**

1. Conduct in violation of this policy shall be reported promptly by all students, employees, visitors, or contractors. Radford University's Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct in accordance with the Discrimination Grievance Procedures (see

Section 5). Employees receiving such reports or complaints should immediately notify the Title IX Coordinator and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.

2. Radford University's Title IX Coordinator's contact information is as follows:

**Title IX Coordinator  
Office of Institutional Equity**

**Radford University (Radford)  
615 Fairfax Street  
P.O. Box 6988  
Radford, VA 24142  
(540) 831- 5307 (Main)**

**Radford University Carilion (Roanoke)  
101 Elm Avenue, SE  
Roanoke, VA 24013  
(540) 224-4640**

3. **Mandatory employee reporting:** All employees, other than the confidential employees detailed in the definition of Responsible Employee in Section 3. and in Section 4.E. of this policy, who receive information regarding a complaint or report of discrimination, sexual harassment, sexual misconduct, or retaliation must report any relevant information about the alleged incident to the Title IX Coordinator without delay after addressing the needs of the victim. No Radford University employee shall undertake any independent efforts to determine whether or not the report or complaint has merit or can be substantiated before reporting it to the Title IX Coordinator.
4. **Reports made by Students:** Students should report violations of this policy to the Title IX Coordinator. Note: Students are not restricted to reporting to student contacts and may report to anyone listed in this policy or any supervising staff or faculty member. Other than reports made to confidential sources in accordance with the definition of Responsible Employee in Section 3. and in Section 4.E. of this policy, reports must be forwarded to the Title IX Coordinator.
5. **Reports made by visitors or contractors:** Visitors, including visiting students, and employees of contractors working on campus should report violations of this policy to the Title IX Coordinator.
6. All members of the Radford University community are expected to provide truthful information in any report or proceeding under this policy and the Discrimination Grievance Procedures (see Section 5). Submitting or providing any false or misleading information in bad faith or with a view toward personal gain or intentional harm to another in connection with any report, investigation, or proceeding under this policy and the Discrimination Grievance Procedures is prohibited and subject to conduct charges for students under the Standards of Student Conduct or discipline for employees under the appropriate policy. This provision does not apply to reports made or information provided in good faith, even if the facts as alleged are not later substantiated by a preponderance of the evidence.

**D. Criminal Reporting**

If a victim is in immediate danger or needs immediate medical attention, contact 911, the Radford University Police Department (RUPD) at (540) 831-5500 (blue light emergency phones on campus connect directly to RUPD), or Carilion Clinic Police at (540) 981-7911. Some conduct in violation of this policy may also be a crime under Virginia law. Individuals are encouraged to report incidents of sexual misconduct to law enforcement, even if the reporting individual is not certain if the conduct constitutes a crime. Radford University will provide assistance to victims in notifying law enforcement if the victim so chooses. Crimes dealing with minors must be reported to law enforcement.

**E. Confidentiality and Anonymous Reporting**

Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to make a confidential report, it must be made to physicians and licensed medical personnel at the Student Health Center, and licensed counselors at the Student Counseling Services and the Sexual Abuse and Violence Education Support Services (SAVES). These individuals will encourage victims to make a report to the Radford University Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above who are able to maintain confidentiality of reports. Other faculty and staff receiving reports of conduct in violation of this policy are mandated reporters, but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations.

Notwithstanding a complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act, 34 C.F.R. § 99.36, as detailed in the Sexual Violence Threat Assessment provisions of the Discrimination Grievance Procedures (see Section 5). The Title IX Coordinator may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator to conduct a meaningful and fair investigation. If the complainant requests confidentiality or that the complaint not be pursued, Radford University may also be limited in the actions it is able to take and its ability to respond.

**F. Timely Warnings**

Radford University is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. Radford University will ensure, to every extent possible, that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

## **G. Sexual Misconduct Survivor/Victim Procedures and Services**

- 1.** Radford University will assist sexual misconduct survivors/victims in a supportive manner, implementing the procedures set out herein. Because of the potential seriousness and sensitivity of the investigations involved, it is important to undertake these investigations properly. Preserving the evidence is often a key step of successful investigation of alleged sexual misconduct.
- 2.** Recommended procedure for anyone who has experienced sexual misconduct:
  - a.** Go to a safe place.
  - b.** For your safety and confidential care, report promptly to the Student Health Center or the nearest medical facility/emergency room. You may request a Sexual Assault Advocate if one is not provided. Physical evidence may be usable if proper procedures are followed for evidence collection within 96 hours of the assault.
  - c.** Contact a trusted friend or family member. For professional and confidential counseling support in Radford, contact Student Counseling Services at (540) 831-5226, the Substance Abuse and Violence Education Support Services (SAVES) at (540) 831-5709, the Center for Assessment and Psychological Services (CAPS) at (540) 831-2471, or the Women's Resource Center of the New River Valley at (540) 639-9592. Among other services, the Women's Resource Center of the New River Valley offers survivors a 24-hour Hotline at (800) 788-1123 or TTY for Deaf and Hard of Hearing Individuals at (540) 639-2197, emergency shelter, crisis intervention, counseling, applicable referrals, and court advocacy. Radford University employees can also contact the Women's Resource Center of the New River Valley.

In Roanoke, contact Sexual Assault Response and Awareness (SARA) at (540) 981-9352 at a 24-hour Hotline, or Student Counseling at (540) 985-8395.
  - d.** Employees will be assisted with available options for changing parking, work and living arrangements.
  - e.** It is your right to have evidence collected and retained anonymously by law enforcement while you consider whether to pursue criminal charges. Evidence preservation is enhanced in the following ways:
    - i.** Do not wash your hands, bathe, or douche. Do not urinate, if possible.
    - ii.** Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if oral contact took place.
    - iii.** Keep the clothing worn when the assault took place. If you change clothing, place the worn clothing in a paper bag (evidence deteriorates in plastic).
    - iv.** Do not destroy any physical evidence that may be found in the vicinity of the assault by cleaning or straightening the location of the crime. The victim should not clean or straighten the location of the crime until law enforcement officials have had an opportunity to collect evidence.
    - v.** Tell someone all the details you remember or write them down as soon as possible.
    - vi.** Maintain text messages, pictures, online postings, video and other documentary or electronic evidence that may corroborate a complaint.

3. There is no time limit for filing a complaint of sexual misconduct. However, complainants should report as soon as possible to maximize Radford University's ability to respond. Failure to report promptly could result in the loss of relevant evidence and impair Radford University's ability to adequately respond to the allegations.
4. The victim shall have the right to file a complaint with law enforcement and the option to be assisted by the Title IX Coordinator and other Radford University authorities in notifying the proper law enforcement authorities of the alleged sexual misconduct.
5. Radford University officials (excluding the Radford University Police Department, and confidential resources) receiving reports of a possible sexual misconduct will follow the procedures set forth under this policy and the Discrimination Grievance Procedures (see Section 5). The Radford University Police Department will follow departmental procedures.
6. Resources for Victims of Sexual Misconduct:
  - a. Any student or visiting student who reports sexual misconduct to the Title IX Coordinator, the Substance Abuse and Violence Educational Support Services (SAVES), Student Health Center, and Student Counseling Services will receive an information pamphlet(s) outlining resources and options. Radford University Police Department protocol includes coordination with the Women's Resource Center.
  - b. The Title IX Coordinator or designee shall advise victims of resources available with the Women's Resource Center and SARA and encourage use of these resources. Any individual who is reported to be the victim of sexual misconduct shall receive from the Title IX Coordinator or designee information on contacting the Women's Resource Center and services available through the Women's Resource Center's memorandum of understanding with Radford University.
  - c. Students and visiting students will be assisted with available options for changing academic, transportation, parking, work and living arrangements after alleged sexual misconduct. Safety arrangements such as no-contact orders and escorts are also available as needed.

#### **H. Title IX Coordinator Oversight**

The Title IX Coordinator oversees the investigation and resolution of all reports by students, visiting students, and faculty and staff of alleged discrimination, sexual harassment or sexual misconduct in accordance with the Discrimination Grievance Procedures (see Section 5). Reports of discrimination by the Title IX Coordinator should be made to the President.

#### **I. Interim Measures**

Radford University may take interim measures, as necessary to assist or protect the complainant during the investigation and resolution of complaints of discrimination and any law enforcement investigation. Radford University must also address the safety of the complainant or any member of the campus community, and avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety and well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator may provide remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. To the extent possible, Radford University will seek the consent of the complainant

before taking interim measures to the greatest degree possible. Interim measures may include, but are not necessarily limited to, changes in classroom or work schedules or housing arrangements, no-contact orders, bans from campus, safety escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements. Radford University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy.

**J. Sanctions**

If it is determined that conduct in violation of this policy has occurred, sanctions will be determined in accordance with the Discrimination Grievance Procedures (see Section 5). Consequences for violating this policy will depend on the facts and circumstances of each particular situation, the frequency and severity of the offense, and any history of past conduct in violation of this policy. Sanctions may include penalties up to and including dismissal for students and termination for employees. In addition to sanctions that may be imposed on an individual found in violation of this policy, Radford University will take steps to prevent recurrence of any sexual misconduct, including sexual assault and sexual violence, and to remedy discriminatory effects on the complainant and others, if appropriate.

**K. Student Amnesty**

Ensuring the safety of students who report violations of this policy is Radford University's primary concern. In order to facilitate reporting, Radford University will, with the following limited exceptions, provide amnesty to a student who reports an incident in violation of this policy, directed toward that student or another student, for minor disciplinary infractions, such as underage drinking, at the time of the incident. Amnesty may not be offered if (1) the minor disciplinary infraction places or placed the health or safety of any other person at risk or (2) the student who committed the disciplinary infraction previously has been found to have committed the same disciplinary infraction. If amnesty is provided, no conduct proceedings or conduct record will result for minor disciplinary infractions. Amnesty for minor disciplinary infractions also may be offered to students who intervene to help others before a violation of this policy occurs and for students who receive assistance or intervention. Abuse of amnesty requests may result in a decision by the Office of the Dean of Students not to extend amnesty to the same student repeatedly. The Office of Student Standards and Conduct and the Office of the Dean of Students shall maintain records regarding the provision of amnesty for at least seven (7) years. Infractions that constitute offenses shall not be considered minor policy violations for which amnesty may be offered under this provision.

**L. Education and Awareness**

1. For more information about sexual misconduct and resources available in the local community, please visit the Women's Resource Center of the New River Valley website at: [www.wrcnr.v.org](http://www.wrcnr.v.org) and the SARA website at: <https://sararokane.org/>.
2. The Title IX Coordinator coordinates an education, training and awareness program on discrimination, sexual harassment, and sexual misconduct for students and employees, including training on primary prevention, risk reduction, consent and other pertinent topics. The Office of Substance Abuse and Violence Education Support Services (SAVES) provides programming on sexual misconduct issues, resources available on campus in the community, bystander intervention, and coordinates intervention programs.



#### **M. Academic Freedom and Free Speech**

This policy does not allow curtailment or censorship of constitutionally protected expression, which is valued in higher education and by Radford University. In addressing all complaints and reports of alleged violations of this policy, Radford University will take all permissible actions to ensure the safety of students and employees while complying with any and all applicable guidance regarding free speech rights of students and employees. This policy does not in any way apply to curriculum and curriculum decisions or abridge the use of particular textbooks or curricular materials.

### **5. PROCEDURES (Discrimination Grievance Procedures)**

#### **A. Purpose**

These procedures provide a prompt and equitable resolution for complaints or reports of discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law, including complaints alleging sexual harassment or sexual misconduct prohibited by Radford University policy on Discrimination, Harassment, Sexual Misconduct, and Retaliation ("Discrimination Policy"). Any person who believes he or she has been subjected to discrimination or harassment on any of these bases may file a complaint with Radford University as outlined in these procedures. These procedures also address any complaints or reports of retaliation against individuals who have filed complaints or reports of discrimination, who have opposed discriminatory practices, and those who have testified or otherwise participated in investigations or proceedings arising from complaints or reports of discrimination. Questions regarding discrimination prohibited by the Education Amendment Act of 1972 or other federal law, may be referred to Radford University's Title IX Coordinator, Office of Institutional Equity, 540-831-5307 (Radford), 540-224-4640 (Roanoke), or the U.S. Department of Education, Office of Civil Rights.

#### **B. Complaints and Reporting**

Complaints and reports of discrimination, sexual harassment, and sexual misconduct should be made to Radford University's Title IX Coordinator. The Title IX Coordinator is responsible for overseeing the investigation of all reports of alleged discrimination, sexual harassment, or sexual misconduct and is trained to help individuals who file complaints find resources, to investigate reported incidents, and to respond appropriately to conduct alleged to be in violation of the Discrimination Policy. Individuals receiving reports or complaints of discrimination, sexual harassment, or sexual misconduct should immediately notify the Title IX Coordinator after addressing the immediate needs of the victim, and should not undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator.

The Radford University Title IX Coordinator's contact information is listed below:

**Title IX Coordinator  
Office of Institutional Equity**

**Radford University  
615 Fairfax Street  
P.O. Box 6988  
Radford, VA 24142  
(540) 831- 5307 (Main)**

**Radford University Carilion (Roanoke)  
101 Elm Avenue, SE  
Roanoke, VA 24013  
(540) 224-4640**

Reports of conduct in violation of the Discrimination Policy should be made without undue delay after the incident after addressing the needs of the victim, and may be made orally or in writing, including online on the [Office of Institutional Equity webpage](#) to the Title IX Coordinator. The Title IX Coordinator also will accept, without comment or need for explanation, a sealed envelope addressed to "Title IX Coordinator." The envelope, at a minimum, need only contain a piece of paper with the name and room number or phone number of the individual wishing to make a report. Individuals also can report the incidents anonymously online through the SAVES office webpage:

<https://www.radford.edu/content/saves/home/sexual-misconduct.html>

or Confidential Reporting and Silent Witness through the Radford University Police Department webpage:

<http://www.radford.edu/content/police/home/forms/witness.html>

or by leaving an anonymous message with the Radford University Police Department at 540-831-STOP (7867). As will be the case with all reports, however made, the reporting individual will be contacted promptly, but in no case more than three calendar days from the date of the report, for an interview with the Title IX Coordinator or designee.

Notwithstanding the forgoing, individuals who believe they have been the subject of conduct in violation of the Discrimination Policy are encouraged to make detailed written statements of the facts, including the name(s) of the offending individual(s), and any witness(es), promptly after an incident.

**C. The Role of the Title IX Coordinator**

The Title IX Coordinator is charged with coordinating Radford University's compliance with federal civil rights laws. The Title IX Coordinator and the Office of Institutional Equity staff do not serve as an advocate for either the complainant or the respondent. The Title IX Coordinator or designee will explain to all identified parties the procedures outlined below, including confidentiality. As appropriate, the Title IX Coordinator or designee will provide all identified parties with information about obtaining medical and counseling services, making a criminal report, information about receiving advocacy services including those offered by the Office of Substance Abuse and Violence Education Support Services (SAVES) or the Women's Resource Center of the New River Valley in Radford, Sexual Assault Response and Awareness

(SARA) in Roanoke, and guidance on other Radford University and community resources. The Title IX Coordinator or designee will offer to coordinate with other Radford University leadership, when appropriate, to implement interim measures as described below. The Title IX Coordinator or designee will explain to all involved parties the process of a prompt, adequate, reliable, and impartial investigation, including the opportunity for both the complainant and respondent to identify witnesses and provide other evidence. The Title IX Coordinator or designee will explain to all identified parties the right to have a personal advisor present and to review and respond to the allegations and evidence. The Title IX Coordinator or designee will also explain to the parties and witnesses that retaliation for reporting alleged discrimination, sexual harassment or sexual misconduct, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be reported immediately and will be promptly addressed.

**D. Written Explanation of Rights and Options**

When a student or employee reports that he or she has been a victim of dating violence, domestic violence, sexual assault, sexual exploitation, or stalking, whether the offense occurred on or off campus, the student or employee will be provided a written explanation of rights and options, which shall include:

1. Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, sexual exploitation, or stalking has occurred, including written information about:
  - a. The importance of seeking medical attention and of the collection and preservation of evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protective order;
  - b. How and to whom the alleged offense should be reported;
  - c. Options about the involvement of local law enforcement and the Radford University Police Department, including the victim's option to:
    - i. Notify proper law enforcement authorities, including local law enforcement, the Radford University Police Department, and/or the Carilion Clinic Police;
    - ii. Be assisted by Radford University staff in notifying law enforcement authorities, if the victim so chooses; and
    - iii. Decline to notify such authorities.
  - d. The rights of victims and Radford University's responsibilities regarding no contact orders, residential relocation, eviction orders or other orders.
2. Information about how Radford University will protect the confidentiality of victims and other parties, including how Radford University will:
  - a. Complete publicly available recordkeeping, including reporting and disclosures required by the Clery Act, without the inclusion of personally identifying information about the victim;
  - b. Maintain as confidential, any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of Radford University to provide the accommodations or protective measures; and
  - c. Ensure confidentiality of investigative files as education records protected by the Family Educational Rights and Privacy Act (FERPA), including that the process for the

Sexual Violence Threat Assessment in accordance with Virginia Code § 23.1-806 could, if the incident poses to members of the Radford University community a health or safety emergency, as defined by the FERPA regulations, lead to disclosure of personally identifying information to the law enforcement agency that would be responsible for investigating the incident and other appropriate parties whose knowledge of the information is necessary to protect the health and safety of the victim or other individuals.

3. Notification of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within Radford University and in the local community;
4. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, regardless of whether the victim chooses to report the crime to the Radford University Police Department, Carilion Clinic Police, or local law enforcement;
5. The procedures for Title IX investigation, adjudication, appeals, and disciplinary sanctions, including the right to decline to participate in a Title IX investigation by the victim.

**E. Criminal Reporting and Coordination**

The Title IX Coordinator or designee will make all complainants aware of the right also to file a complaint with the Radford University Police Department or local law enforcement, and will encourage accurate and prompt reporting when the complainant elects to report. If a victim of sexual assault, dating violence, domestic violence, or stalking is physically or mentally incapacitated for at least 10 calendar days, and thereby unable to report the incident to law enforcement, the Title IX Coordinator will make such a report. Radford University will comply with all requests by the Radford University Police Department or local law enforcement for cooperation in investigations. Such cooperation may require the Title IX Coordinator or designee to temporarily suspend the fact-finding aspect of a Title IX investigation detailed in the procedures below while the Radford University Police Department or the local law enforcement agency gathers evidence. The Title IX Coordinator or designee will promptly resume its Title IX investigation as soon as notified by the Radford University Police Department or local law enforcement agency that it has completed the evidence gathering process. Otherwise, the Title IX investigation will not be altered or precluded on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

**F. Confidentiality, Anonymity and Requests Not to Pursue Title IX Investigation**

Radford University officials have varying reporting responsibilities under state and federal law. If a victim of conduct in violation of this policy or another reporting party wishes to keep a report confidential, it must be made to a licensed medical provider or counselor within Student Health Center, Student Counseling Services or the SAVES Office (for students). These individuals will encourage victims to make a report to the Radford University Police Department, the Title IX Coordinator, or local law enforcement. Students and student organizations cannot keep reports confidential, even if working with officials above that are able to maintain confidentiality of reports. Other Radford University officials receiving reports of conduct in violation of this policy are mandated reporters but will maintain privacy to every extent possible without compromising Radford University's ability to investigate and respond in accordance with applicable law and regulations. The Title IX Coordinator or designee may

be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator or designee to conduct a meaningful and fair investigation.

If the complainant requests confidentiality or that an investigation not be conducted, Radford University may be limited in the actions it is able to take and its ability to respond while respecting the request. The complainant will be asked to sign a statement stating a desire for confidentiality or that an investigation not be pursued and the Title IX Coordinator or designee will take all reasonable steps to respond to the complaint consistent with the request. Notwithstanding a complainant's request that law enforcement not be informed of an incident, Radford University is required pursuant to Virginia Code § 23.1-806 to report information about an incident to local law enforcement if necessary to address an articulable and significant threat posing a health or safety emergency, as defined by the implementing regulations of the Family Educational Rights and Privacy Act (FERPA), 34 C.F.R. § 99.36, and as detailed in the Sexual Violence Threat Assessment provisions, below.

#### **G. Sexual Violence Threat Assessment**

- 1.** Upon receipt of any report of sexual violence, defined as a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent, that is alleged to have occurred (i) against any students; or (ii) on campus, in or on a Radford University building or property, or on public property that is on campus or immediately adjacent to and accessible from campus, the Title IX Coordinator shall promptly inform a review committee of the report, including personally identifying information. The review committee shall be comprised of, at a minimum, the Title IX Coordinator, a representative of Law Enforcement, and a student affairs representative. The review committee may consult other Radford University officials depending on whether the accused individual is a student, faculty, or staff member and the circumstances of the report. The review committee shall be advised by the Office of the Attorney General.
- 2.** Within 72 hours of receipt of the report from the Title IX Coordinator, the review committee shall meet to review the information and shall continue to meet as necessary as new information becomes available. If the criteria in Paragraph 1 are met, the review committee shall convene regardless of whether or not the victim has notified the Radford University Police Department, Carilion Clinic Police, or local law enforcement or whether or not the victim has requested that Radford University proceed with a Title IX investigation.
- 3.** The review committee may obtain law enforcement records and criminal history record information as provided in Virginia Code § 19.2-389 and § 19.2-389.1, health records as provided in Virginia Code § 32.1-127.1:03, available conduct or personnel records, and known facts and circumstances of the reported incident of sexual harassment or sexual misconduct and other evidence known to Radford University, including the Radford University Police Department, Carilion Clinic Police, and local law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to Virginia Code § 23.1-805 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act, (Virginia Code § 2.2-3700 et seq.). The review committee shall comply with the Family Educational Rights and Privacy Act in conducting its review.

- 4.** In addition to the available information detailed in Paragraph 3, above, the review committee shall consider factors that suggest there is an increased risk of the accused individual committing additional acts of sexual misconduct or other violence, including, but not limited to:
  - a.** Other sexual misconduct complaints about the same individual;
  - b.** Prior arrests or reports of misconduct at another institution or a history of violent behavior;
  - c.** Threats of further sexual misconduct against the reporting individual or others;
  - d.** A history of failing to comply with a no-contact order issued by Radford University officials;
  - e.** Allegations of multiple perpetrators in the same incident;
  - f.** Use of physical violence in the reported incident or a prior incident. Examples of physical violence include, but are not limited to, hitting, punching, slapping, kicking, restraining, or choking;
  - g.** Reports or evidence of a pattern of perpetration, including a pattern of the accused individual using alcohol or drugs to facilitate sexual misconduct or harassment;
  - h.** Use of a weapon in the reported incident or a prior incident;
  - i.** A victim under the age of 18 or who is significantly younger than the accused individual.

The review committee shall also consider whether means exist to obtain evidence other than investigation by law enforcement or a Title IX investigation such as security camera footage, eyewitness reports from security or guard personnel, or physical evidence.

- 5.** If, based on a consideration of all factors, the review committee determines that there is a significant and articulable threat to the health or safety of one or more individuals and that disclosure of the information to local law enforcement, including personally identifying information, is necessary to protect the health and safety of one or more individuals, the law enforcement representative shall immediately disclose such information to the law enforcement agency that would be responsible for investigating the incident, for the purpose of investigation and other actions by law enforcement. If the review committee cannot reach a consensus, the law enforcement representative may make the threat determination. Upon any disclosure to law enforcement under this paragraph, the Title IX Coordinator or designee shall notify the victim that such disclosure is being made. The provisions of this paragraph shall not apply if the law enforcement agency responsible for investigating the alleged incident is located outside the United States.
- 6.** If information is disclosed to law enforcement under Paragraph 5 or if the review committee determines that sufficient factors exist to proceed with a Title IX investigation, despite the stated desires of the victim for confidentiality or not to proceed with an investigation, the Title IX Coordinator or designee shall proceed with a full investigation under these procedures. In those situations, the Title IX Coordinator or designee will notify the victim that Radford University is overriding the victim's request for confidentiality in order to meet Title IX obligations, but, other than the disclosure under

Paragraph 5, if made, the information will only be shared with individuals who are responsible for handling Radford University's response to incidents of sexual violence. Radford University will ensure that any information maintained by Radford University is maintained in a secure manner.

7. If the reported incident would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, as determined by the law enforcement member or any other member of the review committee, the law enforcement member shall inform other members of the review committee and shall notify the attorney for the Commonwealth or other prosecutor responsible for prosecuting the incident and provide information received without disclosing personally identifying information, unless such information was disclosed to a law enforcement agency pursuant to Paragraph 5.
8. At the conclusion of the Sexual Violence Threat Assessment, the Title IX Coordinator and law enforcement member shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review committee's determination considerations, which shall be maintained under applicable state and federal law.

#### **H. Interim Measures**

Radford University may take interim measures, as necessary to assist or protect the complainant during the investigation and resolution of complaints of discrimination and any law enforcement investigation. Radford University must also address the safety of the complainant or any member of the campus community, and to avoid retaliation. If, in the judgment of the Title IX Coordinator or other Radford University leadership, the safety and well-being of any member of the campus community may be jeopardized by the presence on campus of the accused individual, the Title IX Coordinator may provide remedies to address the short-term effects of harassment, discrimination and/or retaliation and to prevent further violations. To the extent possible, Radford University will seek the consent of the complainant before taking interim measures to the greatest degree possible. Interim measures may include, but are not necessarily limited to, changes in classroom or work schedules or housing arrangements, no-contact orders, bans from campus, safety escorts on campus, referral and coordination of counseling and health services, and modification of work or academic requirements. Radford University may temporarily reassign or place on administrative leave an employee alleged to have violated this policy. In such a situation, the employee will be given the opportunity to meet with the Title IX Coordinator prior to such action being imposed, or as soon thereafter as reasonably possible, to demonstrate why the action should not be implemented.

#### **I. Timely Warnings**

Radford University is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. Radford University will ensure, to every extent possible, that a victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

**J. Coordination with the Office of the Dean of Students and the Department of Human Resources**

Radford University's Title IX Coordinator is responsible for overseeing all complaints of discrimination and identifying and addressing any pattern or systemic problems that arise during the review of such complaints.

Any member of the Office of the Dean of Students, the Office of Student Standards and Conduct, or the Department of Human Resources receiving a report of alleged discrimination, sexual harassment, or sexual misconduct shall report it without delay to the Title IX Coordinator. No member of the Office of the Dean of Students, the Office of Student Standards and Conduct or the Department of Human Resources shall undertake any independent efforts to determine whether or not the report or complaint has merit before reporting it to the Title IX Coordinator. The Title IX Coordinator's Office shall conduct all investigations of allegations of sexual misconduct in accordance with the procedures below. At the conclusion of the investigation, the Title IX Coordinator shall recommend a sanction, if any, to the Director of the Office of Student Standards and Conduct or the Department of Human Resources, as appropriate.

**K. Investigation and Resolution**

There are two possible methods for investigation and resolution of a complaint alleging violations of the Discrimination Policy: formal and informal resolution. For alleged violations of the Discrimination Policy other than sexual misconduct, the complainant and the respondent have the option to proceed under an informal procedure, when deemed permissible by the Title IX Coordinator. The Title IX Coordinator or designee will explain the informal and formal procedures to both the complainant and the respondent, if known. In all cases, Radford University will ensure there is no conflict of interest in the investigation and resolution of complaints and will strive to avoid the appearance of conflict of interest.

**1. Informal investigation and resolution:**

If the complainant, the respondent, and the Title IX Coordinator or designee all agree that an informal investigation and resolution should be pursued, the Title IX Coordinator or designee shall attempt to facilitate a resolution that is agreeable to all parties. Under this procedure, the Title IX Coordinator or designee will conduct a preliminary investigation only to the extent fact-finding is needed to resolve the conflict and to protect the interests of all parties, Radford University, and the campus community. All parties will be permitted to request witnesses to be interviewed by the Title IX Coordinator and other evidence to be considered in the preliminary investigation. Typically, a preliminary investigation will be completed within 30 calendar days of receipt of notice. If an extension of the preliminary investigation beyond 30 calendar days is necessary, all parties will be notified of the expected resolution time frame. If at any point during this informal investigation and resolution procedure, the complainant, the respondent, or the Title IX Coordinator wish to suspend the informal procedure and proceed through the formal grievance procedure, such request will be granted.

Any resolution of a complaint through the informal procedure must adequately address the concerns of the complainant, as well as the rights of the respondent and the responsibility of Radford University to prevent, address, and remedy alleged violations of the Discrimination Policy. Informal resolution remedies might include providing training, providing informal counseling to an individual whose conduct, if not ceased, could rise to



the level of discrimination or harassment, confidential briefing of the respondent's work supervisor, use of processes and sanctions set forth in the Standards of Student Conduct, or other methods. All parties will be provided written notification of the resolution of the complaint through the informal procedures, including whether the preliminary investigation substantiated discrimination or harassment by a preponderance of the evidence and a description of Radford University's response. There shall be no right of appeal afforded to the complainant or the respondent following informal investigation and resolution.

**2. Formal investigation and resolution:**

- a. A formal complaint may be submitted either in written format or through a verbal interview of the complainant by the Title IX Coordinator or designee regarding the events and circumstances underlying the complaint. The complainant is not required to submit a written complaint to the Title IX Coordinator to commence an investigation. In the case of a third party notification, the Title IX Coordinator will contact the alleged victim promptly, and in no case later than three calendar days from the date of the complaint. The complaint may be supplemented by additional supporting documents, evidence, or recommendations of witnesses to be interviewed during the course of the investigation. The complainant must also disclose if a formal complaint has been filed with another Radford University office, state, or federal entity for the same offense.
- b. The Title IX Coordinator or designee will discuss the complaint with the complainant, and the respondent as appropriate, including providing information about the formal investigation procedure and other resources. The Title IX Coordinator or designee will explain to the parties that each has the opportunity to provide evidence and to suggest witnesses to be interviewed during the course of the investigation.
- c. The Title IX Coordinator will consider whether interim measures and involvement of other Radford University leadership is appropriate. The Title IX Coordinator also will confirm that the matter involves an alleged violation of the Discrimination Policy, thereby conferring jurisdiction to the Title IX Coordinator's office. If the Title IX Coordinator determines that the Title IX Coordinator's office does not have jurisdiction, the Title IX Coordinator or designee will offer to assist the complainant and, as appropriate, the respondent, in finding appropriate on-campus and off-campus resources to address the issue(s).
- d. All investigations of complaints alleging violations of the Discrimination Policy shall be overseen by the Title IX Coordinator. The Title IX Coordinator or designee will conduct a prompt, adequate, reliable, and impartial investigation of the complaint. Typically an investigation, not including the time necessary for potential appeals, will be completed within 60 calendar days of receipt of notice. If extension of the investigation beyond 60 calendar days is necessary, all parties will be notified of the expected time frame. Only the Title IX Coordinator, a trained investigator designated by the Title IX Coordinator's office shall conduct the investigation.
- e. Both complainant and respondent will have the same opportunity to review and respond to evidence obtained during an investigation and will be afforded the same opportunity to review and provide comment to the investigator about the written investigation report before it is finalized. Both the complainant and the respondent

may designate an advisor to accompany him or her at any meeting or proceeding during the formal investigation. The role of such advisors shall be limited to advise and consult. Neither the advisor for the complainant nor the advisor for the respondent shall be permitted to question witnesses, raise objections, or make statements or arguments at any meetings or proceedings during an investigation or an appeals hearing.

- f. The Title IX Coordinator or designee will determine whether there is a preponderance of the evidence to substantiate the complaint of an alleged violation of the Discrimination Policy. A respondent will not be found in violation of the Discrimination Policy absent a finding of preponderance of evidence that the violation occurred. The "preponderance of the evidence" standard requires that the weight of the evidence, in totality, supports a finding that it is more likely than not that the alleged violation occurred.
- g. In determining whether alleged harassment has created a hostile environment, the Title IX Coordinator or designee shall consider whether the conduct was unwelcome to the complainant, but also whether the conduct was severe or pervasive and whether a reasonable person similarly situated to the complainant would have perceived the conduct to be objectively offensive.
- h. The Title IX Coordinator or designee shall prepare a written investigation report, which shall be provided to both the complainant and the respondent concurrently. In most cases the written investigation report shall be provided to both parties for comments within 60 calendar days of notice of the allegation. If extension of the time frame for the Title IX Coordinator to provide the investigation report beyond 60 calendar days is necessary, all parties will be notified of the revised time frame for completion of the report of investigation.
- i. If the Title IX Coordinator or designee finds by a preponderance of the evidence that a violation of the Discrimination Policy did not occur, the matter will be documented as closed. The complainant may appeal the finding to the Discrimination Appeals Committee under the procedure described below.
- j. If the Title IX Coordinator or designee finds by a preponderance of the evidence that violation of the Discrimination Policy did occur, the Title IX Coordinator's or designee's written report will contain recommendations for steps that should be taken to prevent recurrence of any such violation and, as appropriate, remedies for the complainant and the community. The written report also will contain the Title IX Coordinator's or designee's recommendation on sanctions. If interim measures as described above have been taken, the Title IX Coordinator shall include a recommendation regarding continuation, suspension or modification of any such interim measures. The Title IX Coordinator or designee shall provide the written report to both the complainant and respondent, in accordance with subsection h., above, including the steps the Title IX Coordinator or designee has recommended to eliminate a hostile environment, if one was found to exist, and to prevent its recurrence. Notwithstanding any other provision of these procedures, the respondent shall not be provided information about the individual remedies offered or provided to the complainant, but such information shall be provided to the complainant. The respondent and the complainant will be advised of their right to

appeal any finding or recommended sanction to the Discrimination Appeals Committee. The appeal procedure outlined below will also be explained. If the respondent does not contest the finding or recommended sanction, the respondent shall sign a statement acknowledging no contest to the finding and the recommended sanction. The sanctioning process will move forward whether or not the respondent signs the statement acknowledging no contest. The completed investigation will be provided to the appropriate individual to determine and impose appropriate sanctions, as described below.

#### **L. Sanctions**

- 1.** Sanctions for students will be determined by the Director of the Office of Student Standards and Conduct in accordance with the Standards of Conduct and, where necessary or appropriate, in consultation with the Dean of Students. Sanctions may include, but are not limited to, warning, suspension or dismissal. Not every violation of the Discrimination Policy will result in an identical sanction. The University reserves the right to impose different sanctions depending on the severity of the incident as well as any previous proven violations by the respondent.
- 2.** Sanctions for teaching and research faculty will be determined by the Provost, in consultation with the Deans and/or the President and in accordance with the Teaching and Research Faculty Handbook and any other applicable Radford University policy and regulations. Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings.
- 3.** Sanctions for Administrative and Professional faculty will be determined by the employee's supervisor and Division Head, in consultation with the Assistant Vice President for Human Resources and in accordance with the Administrative and Professional Faculty Handbook and any other applicable Radford University policy and regulations. Possible sanctions include, but are not limited to counseling, training, reassignment, or the initiation of termination proceedings according to procedures in the appropriate governing regulation or policy.
- 4.** Sanctions for Classified or Wage employees will be determined by the employee's supervisor in consultation with the Assistant Vice President for Human Resources in accordance with the Commonwealth's Standards of Conduct Policy. Sanctions that may be imposed by Radford University include, but are not limited to verbal counseling, additional training, issuance of a Written Notice, suspension, or termination of employment.
- 5.** Contractors shall assign for duty only employees acceptable to Radford University. Radford University reserves the right to require the Contractor to remove from campus any employee who violates the Discrimination Policy.
- 6.** Visitors (including, but not limited to, students participating in camps or other programs at Radford University), who violate the Discrimination Policy will be directed to immediately leave campus and may be subject to a permanent ban from campus.
- 7.** A determination regarding the imposition of sanctions shall be made within 14 calendar days of the date of the Title IX Coordinator's, or designee's final report of investigation, if neither the complainant nor the respondent requests appeal to the Discrimination Appeals Committee. If an appeal is requested, sanctions, if any, shall be imposed within

14 calendar days of the final decision of the President after consideration of the written decision of the Discrimination Appeals Committee. If extension of the time frame for sanctions to be imposed beyond 14 calendar days is necessary, all parties will be notified by the Office of Student Standards and Conduct or the Department of Human Resources, of the expected time for imposing the sanctions. The respondent shall be informed in writing of any sanctions imposed for violation of the Discrimination Policy by the individual imposing the sanctions within five (5) calendar days of the determination. The Title IX Coordinator shall be provided a copy of such written notification. The Title IX Coordinator or designee will disclose to the complainant, as simultaneously as possible to the notification provided to the respondent, information about the sanctions that directly relate to the complainant as is permitted by state and federal law including the Federal Educational Rights and Privacy Act (FERPA) and the Virginia Freedom of Information Act.

**M. Discrimination Appeals Committee**

**1. Composition of the Committee:**

The Discrimination Appeals Committee ("Committee") shall be comprised of three trained individuals: one faculty member to be nominated by the Provost, one non-faculty member of the administration to be nominated by the Vice President for Finance and Administration, and one classified employee to be nominated by the Assistant Vice President for Human Resources. The President shall appoint members of the Committee and the Committee Chair. Committee members shall serve indefinitely at the pleasure of the President. The President may appoint one or more persons to serve on the Committee temporarily to fill a vacancy due to recusal or otherwise to ensure a full three-member Committee. The President has sole discretion to permanently remove members of the Committee for cause.

**2. Appeal Procedure:**

- a. A complainant or respondent desiring to appeal the investigative findings of the Title IX Coordinator shall file a written request for appeal with the Title IX Coordinator within three (3) business days of receipt of the written investigation report along with information to support one or more of the following grounds for appeal:
  - i. the Title IX Coordinator or designated investigator exhibited unfair bias which influenced the results of the investigation;
  - ii. new evidence, unavailable at the time of the investigation, that could substantially impact the Title IX Coordinator's finding;
  - iii. error in the conduct of the investigation that is of such magnitude as to deny fundamental fairness;
  - iv. the sanctions recommended by the Title IX Coordinator are substantially outside the parameters or guidelines set by Radford University for this type of offense or the cumulative conduct record of the respondent.
- b. Within five (5) business days of receipt of the written request for appeal, the Title IX Coordinator will notify the parties of the time and place of hearing before the Committee. Such hearing typically will be scheduled within fifteen (15) calendar days of receipt of the request for appeal. If extension beyond fifteen (15) calendar days is necessary, both parties will be notified by the Discrimination Appeals Committee of

the revised time frame. The parties must raise within five (5) calendar days of such notification, objections to members of the Committee on the basis of conflict of interest or bias for or against the appellant or appellee. The objection shall be made to the Title IX Coordinator, who will present the objection to the President. The President shall rule on any such objections no later than three (3) business days prior to the hearing.

- c. Within five (5) calendar days of filing the request for appeal, the party appealing the Title IX Coordinator's findings (appellant) must submit a written statement that (i) identifies the names and addresses of witnesses that are requested to be called at the hearing; (ii) identifies and includes copies of any documents that will be used as evidence at the hearing; (iii) describes with specificity the portion of the Discrimination Policy allegedly violated and the grounds for appeal; and (iv) requests a specific remedy. The non-appealing party (appellee) also may submit such information for the Committee's consideration. If the appellee chooses not to participate in the Committee hearing, the Title IX Coordinator will provide to the Committee within five (5) calendar days of notification that the appellee will not participate in the hearing: (i) the written investigative report; (ii) the names and addresses of witnesses the Title IX Coordinator will call at the hearing; and (iii) identification and copies of any documents that will be submitted as evidence at the hearing. If the appellee provides notification less than five (5) calendar days prior to the scheduled hearing that he or she will not participate, the hearing shall be postponed to give the Title IX Coordinator a full five (5) business days to provide the Committee the above information.

The Title IX Coordinator shall provide the written investigation report and all witness information and documents identified pursuant to this subsection to the Committee and to all parties at least three (3) business days prior to the hearing.

- d. Both the appellant and the appellee may retain legal counsel at their own expense or designate a non-attorney advisor to accompany him or her at any meeting or proceeding in the appeal process. If either party has retained legal counsel or a non-attorney advisor, the party must immediately notify the Committee Chair of such representation. The role of counsel or the non-attorney advisor for the parties shall be limited to advice and consultation with the attorney's client and the client's witnesses. Neither counsel/advisor for the appellant nor counsel/advisor for the appellee shall be permitted to question witnesses, raise objections, or make statements or arguments to the Committee at the hearing. If either party is represented by legal counsel, Radford University may be represented at the hearing by assigned legal counsel from the Office of the Attorney General, who will ensure that the rights of Radford University and the parties are respected.
- e. The Chair of the Committee shall preside over the hearing. The hearing will be a non-adversarial proceeding and rules of evidence shall not be strictly applied. However, the Chair of the Committee may limit evidence or testimony that is not relevant to a determination of whether a violation of the Discrimination Policy occurred and whether the grounds for appeal are met by a preponderance of evidence. The hearing will be conducted in a fair and impartial manner. Both appellant and appellee, or the Title IX Coordinator or designee if the appellee does not participate, will address the Chair of the Committee and not each other. The Chair will be the final

decision-maker on all matters of procedure during the hearing. All hearings will be closed to the public.

- f. The past sexual history or sexual character of a party to the complaint, complainant or respondent, with anyone other than each other, will not be admissible. Notwithstanding the above, demonstration of pattern, repeated, and/or predatory behavior by the respondent, in the form of previous findings in any Radford University or judicial proceeding will be admissible. The parties will be notified in advance of the hearing if any information addressed by this paragraph is deemed admissible.
- g. Within ten (10) calendar days of the hearing, the Committee will submit a written decision to the parties, the Title IX Coordinator, and the President. The decision shall include: (i) a description of the appellant's grounds for appeal; (ii) whether such grounds are accepted or rejected and the rationale for such determination; (iii) the Committee's decision to uphold or reject the findings of the Title IX Coordinator and/or the recommended sanction and the rationale for such determination; (iv) if the Title IX Coordinator's findings and/or recommended sanction are rejected, the findings of the Committee and recommendations for resolution.
- h. Within three (3) business days of the Committee's decision, the President shall notify the Committee, the Title IX Coordinator, and the parties, in writing, of his decision relative to the findings and recommendations of the Committee. The decision of the President is final with no further right to appeal.

**N. Documentation and record-keeping**

The Title IX Coordinator shall maintain, in a confidential manner, for at least ten (10) years paper or electronic files of all complaints, witness statements, documentary evidence, written investigation reports, resolutions, and appeal hearings and associated documents. The Title IX Coordinator will prepare a monthly summary of pending complaints that will be presented to the President and also will be retained for at least ten (10) years. Such summary will contain sufficient information to permit the Title IX Coordinator and the President to assess Radford University compliance with the requirements of Title IX.

**O. Training**

Individuals who conduct these Discrimination Grievance Procedures (see Section 5), from the initial investigation to the final resolution, will at a minimum receive annual training on issues related to dating violence, domestic violence, sexual assault, sexual exploitation, and stalking, and how to conduct an investigation and appeal process that protects the safety of victims and promotes accountability.

**6. EXCLUSIONS**

None

**7. APPENDICES**

None

**8. REFERENCES**

[Title VII of the Civil Rights Act of 1964](#)

[Title IX of the Educational Amendment Acts of 1972](#)

[U.S. Equal Opportunity Commission - Laws, Regulations, Guidance & MOUs](#)

[Campus Sexual Violence Elimination Act of 2013](#)

[Violence Against Women Reauthorization Act of 2013](#)

[Dear Colleague Letter from the Office of Civil Rights, U.S. Department of Education dated April 4, 2011](#)

[U.S. Department of Education - Family Educational Rights and Privacy Act \(FERPA\)](#)

[Code of Virginia § 2.2-3700 et seq. \(Chapter 37\)](#), “Virginia Freedom of Information Act”

[Code of Virginia § 18.2-61 et seq. \(Article 7\)](#), “Criminal Sexual Assault.”

[Code of Virginia § 19.2-389](#), “Dissemination of criminal history record information.”

[Code of Virginia § 19.2-389.1](#), “Dissemination of juvenile record information.”

[Code of Virginia § 23.1-805](#), “Violence prevention committee; threat assessment team.”

[Code of Virginia § 23.1-806](#), “Reporting of acts of sexual violence.”

[Code of Virginia § 32.1-127.1:03](#), “Health records privacy.”

## 9. INTERPRETATION

The authority to interpret this policy rests with the President of the University and is generally delegated to the Title IX Coordinator.

## 10. APPROVAL AND REVISIONS

The President of the University and the President’s Cabinet have approval authority over this policy and all subsequent revisions.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was adopted by the Radford University Board of Visitors on November 21, 2014.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on September 18, 2015.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on September 15, 2017.

The *Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy* was amended by the Radford University Board of Visitors on May 10, 2019.

**For general information concerning University policies, contact the [Office of Policy and Tax Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.**

Regulations	New Reg section number	RU Policy section number
<b>§ 106.8 Designation of coordinator, dissemination of policy, and adoption of grievance procedures.</b>		
<i>(a) Designation of coordinator</i>		
Each recipient must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this part, which employee must be referred to as the "Title IX Coordinator."	106.8.a.1	4.G.
The recipient must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator pursuant to this paragraph.	106.8.a.2	NA



<p>Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.</p>	<p>106.8.a.3</p>	<p>4.B.1.</p>
<p><b>(b) Dissemination of policy —</b></p>		
<p><b>(1) Notification of policy.</b></p>		
<p>Each recipient must notify persons entitled to a notification under paragraph (a) of this section that the recipient does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX and this part not to discriminate in such a manner. Such notification must state that the requirement not to discriminate in the education program or activity extends to admission (unless subpart C of this part does not apply) and employment, and that inquiries about the application of title IX and this part to such recipient may be referred to the recipient’s Title IX Coordinator, to the Assistant Secretary, or both.</p>	<p>106.8.b.1</p>	<p>NA</p>
<p><b>(2) Publications.</b></p>		

<p><b>(i) Each recipient must prominently display the contact information required to be listed for the Title IX Coordinator under paragraph (a) of this section and the policy described in paragraph (b)(1) of this section on its website, if any,</b></p>	<p>10.6.8.b.2.i</p>	<p>Done</p>
<p>and in each handbook or catalog that it makes available to persons entitled to a notification under paragraph (a) of this section</p>	<p>106.8.b.2.i A</p>	<p>NA</p>
<p><b>(ii) A recipient must not use or distribute a publication stating that the recipient treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by title IX or this part.</b></p>	<p>106.8.b.2.ii</p>	<p>NA</p>
<p><b><i>(c) Adoption of grievance procedures .</i></b></p>		
<p>A recipient must adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this part and a grievance process that complies with § 106.45 for formal complaints as defined in § 106.30. A recipient must provide to persons entitled to a notification under paragraph (a) of this section notice of the recipient’s grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the recipient will respond.</p>	<p>106.8.c</p>	<p>In progress</p>
<p><b><i>(d) Application outside the United States</i></b></p>		
<p>The requirements of paragraph (c) of this section apply only to sex discrimination occurring against a person in the United States.</p>	<p>106.8.d</p>	<p>2.A.</p>
<p><b>Definitions</b></p>		

<p>Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a recipient’s Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the recipient with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the recipient.</p>	<p>106.8.e</p>	<p>5.B.</p>
<p>“Notice” as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in § 106.8(a).</p>	<p>106.8.f</p>	<p>5.B.</p>
<p>Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.</p>	<p>106.8.g</p>	<p>3</p>
<p>Consent. The Assistant Secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault, as referenced in this section.</p>	<p>106.8.h</p>	<p>3</p>

<p>Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.</p>	<p>106.8.i.A</p>	<p>3</p>
<p>A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient.</p>	<p>106.8.i.B</p>	<p>3</p>
<p>Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under § 106.45, and must comply with the requirements of this part, including § 106.45(b)(1)(iii).</p>	<p>106.8.i.C</p>	<p>5.B.k.i.</p>
<p>Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.</p>	<p>106.8.j</p>	<p>3</p>

<p>Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).</p>	106.8.k	3
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<p>Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.</p>	<p>106.8.I</p>	<p>3</p>
<p><b>§ 106.44 Recipient’s response to sexual harassment.</b></p>		
<p>(a) General response to sexual harassment.</p>		

<p>A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, §§ 106.30, and 106.45, “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.</p>	<p>106.44.a.1</p>	<p>5.B.</p>
<p>A recipient’s response must treat complainants and respondents equitably by offering supportive measures as defined in § 106.30 to a complainant, and by following a grievance process that complies with § 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in § 106.30, against a respondent.</p>	<p>106.44.a.2</p>	<p>5.C.4.</p>
<p>The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in § 106.30, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.</p>	<p>106.44.a.3</p>	<p>5.B.1.</p>
<p><b>(b) Response to a formal complaint.</b></p>		

<p>(1) In response to a formal complaint, a recipient must follow a grievance process that complies with § 106.45. With or without a formal complaint, a recipient must comply with § 106.44(a).</p>	<p>106.44.b.1</p>	<p>5</p>
<p><b>(c) Emergency removal.</b></p>		
<p>Nothing in this part precludes a recipient from removing a respondent from the recipient’s education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.</p>	<p>106.44.c</p>	<p>4.H.3.</p>
<p><b>(d) Administrative leave.</b></p>		
<p>Nothing in this subpart precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with § 106.45. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.</p>	<p>106.44.d</p>	<p>4.H.3.</p>
<p><b>§ 106.45 Grievance process for formal complaints of sexual harassment.</b></p>		
<p><b>(a) Discrimination on the basis of sex.</b></p>		



<p>A recipient's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under title IX.</p>	<p>106.45.a</p>	<p>NA</p>
<p><b>(b) Grievance process.</b></p>		
<p>For the purpose of addressing formal complaints of sexual harassment, a recipient's grievance process must comply with the requirements of this section. Any provisions, rules, or practices other than those required by this section that a recipient adopts as part of its grievance process for handling formal complaints of sexual harassment as defined in § 106.30, must apply equally to both parties.</p>	<p>106.45.b</p>	<p>5</p>
<p><b>(1) Basic requirements for grievance process. A recipient's grievance process must</b></p>		
<p>(i) Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process that complies with this section before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in § 106.30, against a respondent.</p>	<p>106.45.b.1.i</p>	<p>5.C.4.</p>
<p>Remedies must be designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include the same individualized services described in § 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent;</p>	<p>106.45.b.1.i.A</p>	<p>5.D.2.</p>

<p>(ii) Require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations may not be based on a person’s status as a complainant, respondent, or witness;</p>	<p>106.45.b.1.ii</p>	<p>5.C.3.</p>
<p>(iii) Require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.</p>	<p>106.45.b.1.iii.A</p>	<p>5.C.2.</p>
<p>A recipient must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in § 106.30, the scope of the recipient’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias</p>	<p>106.45.b.1.iii.B</p>	<p>5.G.</p>
<p>A recipient must ensure that decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, as set forth in paragraph (b)(6) of this section.</p>	<p>106.45.b.1.iii.C</p>	<p>5.G.</p>
<p>A recipient also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in paragraph (b)(5)(vii) of this section.</p>	<p>106.45.b.1.iii.D</p>	<p>5.G.</p>

<p>Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;</p>	<p>106.45.b.1.iii.E</p>	<p>5.G.</p>
<p>(iv) Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;</p>	<p>106.45.b.1.iv</p>	<p>5.C.3.</p>
<p>(v) Include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the recipient offers informal resolution processes, and a process that allows for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;</p>	<p>106.45.b.1.v</p>	<p>5</p>
<p>(vi) Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the recipient may implement following any determination of responsibility;</p>	<p>106.45.b.1.vi</p>	<p>5.D.</p>

(vii) State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;	106.45.b.1.vii	3
(viii) Include the procedures and permissible bases for the complainant and respondent to appeal;	106.45.b.1.viii	5.E.2.
(ix) Describe the range of supportive measures available to complainants and respondents; and	106.45.b.1.ix	3, 4.H.
(x) Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.	106.45.b.1.x	5.C.3.
<b>(2) Notice of allegations</b>		
(i) Upon receipt of a formal complaint, a recipient must provide the following written notice to the parties who are known:	106.45.b.2.i	5.B.2.
(A) Notice of the recipient's grievance process that complies with this section, including any informal resolution process.	106.45.b.2.i.A	5.B.2.c.

<p>(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in § 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under § 106.30, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under paragraph (b)(5)(iv) of this section, and may inspect and review evidence under paragraph (b)(5)(vi) of this section. The written notice must inform the parties of any provision in the recipient's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.</p>	<p>106.45.b.2.i.B</p>	<p>5.B.2.a.</p>
<p>(ii) If, in the course of an investigation, the recipient decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to paragraph (b)(2)(i)(B) of this section, the recipient must provide notice of the additional allegations to the parties whose identities are known.</p>	<p>106.45.b.2.ii</p>	<p>5.B.1.i., 5.B.1.h.</p>
<p><b>(3) Dismissal of a formal complaint</b></p>		

<p>(i) The recipient must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in the recipient’s education program or activity, or did not occur against a person in the United States, then the recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX or this part; such a dismissal does not preclude action under another provision of the recipient’s code of conduct.</p>	<p>106.45.b.3.i</p>	<p>5.C.7.</p>
<p>(ii) The recipient may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.</p>	<p>106.45.b.3.ii</p>	<p>5.B.1.k.ii., 5.B.2.j.ii.</p>
<p>(iii) Upon a dismissal required or permitted pursuant to paragraph (b)(3)(i) or (b)(3)(ii) of this section, the recipient must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.</p>	<p>106.45.b.3.iii</p>	<p>5.C.7.</p>
<p><b>(4) Consolidation of formal complaints</b></p>		

<p>A recipient may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.</p>	<p>106.45.b.4</p>	<p>5.C.8.</p>
<p><b>(5) Investigation of a formal complaint. When investigating a formal complaint and throughout the grievance process, a</b></p>		
<p>(i) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the recipient and not on the parties provided that the recipient cannot access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party’s voluntary, written consent to do so for a grievance process under this section (if a party is not an “eligible student,” as defined in 34 CFR 99.3, then the recipient must obtain the voluntary, written consent of a “parent,” as defined in 34 CFR 99.3);</p>	<p>106.45.b.5.i</p>	<p>5.C.9.b.v.</p>
<p>(ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;</p>	<p>106.45.b.5.ii</p>	<p>5.C.5.</p>

(iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;	106.45.b.5.iii	5.C.5.
(iv) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;	106.45.b.5.iv	5.C.5.
(v) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;	106.45.b.5.v	5.C.6.



<p>(vi) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the recipient must send to each party and the party’s advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties’ inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and</p>	<p>106.45.b.5.vi</p>	<p>5.B.1.j., 5.B.2.i., 5.C.9.b.iii.</p>
<p>(vii) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party’s advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.</p>	<p>106.45.b.5.vii</p>	<p>5.C.9.b.iii., 5.C.9.b.iv.</p>
<p><b>(6) Hearings.</b></p>		

<p>(i) For postsecondary institutions, the recipient’s grievance process must provide for a live hearing. At the live hearing, the decision-maker(s) must permit each party’s advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party’s advisor of choice and never by a party personally, notwithstanding the discretion of the recipient under paragraph (b)(5)(iv) of this section to otherwise restrict the extent to which advisors may participate in the proceedings. At the request of either party, the recipient must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.</p>	<p>106.45.b.6</p>	<p>5.C.9.b.viii.</p>
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<p>(ii) For recipients that are elementary and secondary schools, and other recipients that are not postsecondary institutions, the recipient’s grievance process may, but need not, provide for a hearing. With or without a hearing, after the recipient has sent the investigative report to the parties pursuant to paragraph (b)(5)(vii) of this section and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.</p>	<p>NA</p>	<p>NA</p>
<p><b>(7) Determination regarding responsibility.</b></p>		
<p>(i) The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the standard of evidence described in paragraph (b)(1)(vii) of this section.</p>	<p>106.45.b.7.i</p>	<p>5.C.9.b.viii.i.</p>
<p>(ii) The written determination must include—</p>	<p>106.45.b.7.ii</p>	<p>5.C.9.b.viii.i.</p>

(A) Identification of the allegations potentially constituting sexual harassment as defined in § 106.30;	106.45.b.7.ii.A	5.C.9.b.viii.i.i.
(B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;	106.45.b.7.ii.B	5.C.9.b.viii.i.ii.
(C) Findings of fact supporting the determination;	106.45.b.7.ii.C	5.C.9.b.viii.i.iii.
(D) Conclusions regarding the application of the recipient's code of conduct to the facts;	106.45.b.7.ii.D	5.C.9.b.viii.i.iv.
(E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and	106.45.b.7.ii.E	5.C.9.b.viii.i.v.
(F) The recipient's procedures and permissible bases for the complainant and respondent to appeal.	106.45.b.7.ii.F	5.C.9.b.viii.i.vi.
(iii) The recipient must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.	106.45.b.7.iii	5.C.9.b.viii.i.
(iv) The Title IX Coordinator is responsible for effective implementation of any remedies.	106.45.b.7.iv	5.D.
<b>(8) Appeals.</b>		

(i) A recipient must offer both parties an appeal from a determination regarding responsibility, and from a recipient's dismissal of a formal complaint or any allegations therein, on the following bases:	106.45.b.8.i	5.E.
(A) Procedural irregularity that affected the outcome of the matter;	106.45.b.8.i.A	5.E.2.c.
(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;	106.45.b.8.i.B	5.E.2.b.
(C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.	106.45.b.8.i.C	5.E.2.a.
(ii) A recipient may offer an appeal equally to both parties on additional bases.	106.45.b.8.ii	5.E.2.d.
(iii) As to all appeals, the recipient must:	106.45.b.8.iii	5.E
(A) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;	106.45.b.8.iii.A	5.E.3.b., 5.E.4.b.
(B) Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;	106.45.b.8.iii.B	5.E.1.b.
(C) Ensure that the decision-maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of this section;	106.45.b.8.iii.C	5.E.
(D) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;	106.45.b.8.iii.D	5.E.3.d., 5.E.4.d.

(E) Issue a written decision describing the result of the appeal and the rationale for the result; and	106.45.b.8.iii.E	5.E.3.h., 5.E.3.i., 5.E.4.e., 5.E.4.f.
(F) Provide the written decision simultaneously to both parties.	106.45.b.8.iii.F	5.E.3.h., 5.E.3.i., 5.E.4.e., 5.E.4.f.
<b>(9) Informal resolution.</b>		
A recipient may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, a recipient may not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the recipient may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the recipient –	106.45.b.9	5.B.1.k.iii., 5.B.2.j.iii.
(i) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;	106.45.b.9.i	5.C.9.a.iii.
(ii) Obtains the parties' voluntary, written consent to the informal resolution process; and	106.45.b.9.ii	5.C.9.a.ii.

(iii) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.	106.45.b.9.iii	5.C.9.
<b>(10) Recordkeeping.</b> (i) A recipient must maintain for a period of seven years records of –		
(A) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under paragraph (b)(6)(i) of this section, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient’s education program or activity;	106.45.b.10.i.A	5.F.1.
(B) Any appeal and the result therefrom;	106.45.b.10.i.B	5.F.1.
(C) Any informal resolution and the result therefrom; and	106.45.b.10.i.C	5.F.1.
(D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.	106.45.b.10.i.D	5.G.2.

<p>(ii) For each response required under § 106.44, a recipient must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the recipient must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the recipient’s education program or activity. If a recipient does not provide a complainant with supportive measures, then the recipient must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.</p>	<p>106.45.b.10.ii</p>	<p>5.F.2.</p>
<p><b>§ 106.71 Retaliation.</b></p>		
<p>(a) Retaliation prohibited.</p>		



<p>No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation.</p>	<p>106.71.a</p>	<p>1.B., 3</p>
<p>The recipient must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.</p>	<p>106.71.a.1</p>	<p>5.B.1.i., 5.B.1.k.</p>
<p>Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under § 106.8(c).</p>	<p>106.71.a.2</p>	<p>3</p>
<p>(b) Specific circumstances.</p>		



**RADFORD UNIVERSITY BOARD OF VISITORS**

**Resolution  
August 5, 2020**

Approval of Discrimination and Harassment Policy

**WHEREAS**, Radford University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, gender expression, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law; and

**WHEREAS**, the Radford University Board of Visitors adopted the Radford University Discrimination, Harassment, Sexual Misconduct and Retaliation Policy at its November 21, 2014, meeting and revised the policy on September 18, 2015, September 15, 2017 and May 10, 2019; and

**WHEREAS**, the updated Discrimination and Harassment Policy meets the requirements of the U.S. Department of Education Title IX regulations published on May 6, 2020;

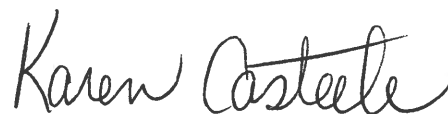
**NOW, THEREFORE, BE IT RESOLVED** that the Radford University Board of Visitors approves the Discrimination and Harassment Policy: however, the policy will go into effect only when the revisions to U.S. Department of Education Title IX regulations become effective. Until such time that the new Title IX regulations become effective, the current Harassment, Sexual Misconduct, and Retaliation Policy remains in effect.

Adopted: August 5, 2020



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Robert A. Archer  
Rector  
Radford University Board of Visitors



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Karen Castele  
Secretary to the Board of Visitors  
Radford University

<b>Policy Title: Gift Acceptance Policy</b>	<b>Effective Date: TBD</b>
<b>Policy Number: ADV-PO-1600</b>	<b>Date of Last Review: NEW</b>
<b>Oversight Department: Office of the Vice President for University Advancement</b>	<b>Next Review Date: TBD</b>

### 1. PURPOSE

The *Gift Acceptance Policy* for Radford University (University) provides direction for the acceptance of gifts by Radford University Foundation, Inc. (RUF) for the benefit of the University.

### 2. APPLICABILITY

The *Gift Acceptance Policy* applies to all faculty, staff, and programs of the University.

### 3. DEFINITIONS

**Gift:** Any donation, gift, or other private philanthropic support made by a donor without expectation or receipt of an economic benefit commensurate with the money or property transferred and to which no commitment of resources or services has been made.

**Gift Agreement:** A written document executed between the donor and the RUF. The agreement identifies the donor and establishes the donor's financial commitment. The gift agreement is intended to clarify donor intent and expectations and to provide the information necessary to determine the acceptability of the gift as prescribed by this policy. The gift agreement is maintained by the RUF and considered an official RUF document thereof. The document also includes:

- Donor purpose and intent
- Scholarship/award criteria
- Any donor terms and conditions accepted by the University
- Payment schedule if one is to be created
- Provisions for future gifts
- Recognition by the University/RUF
- Allowance for future changes
- Process for agreement modification

**Gift Instrument:** Gifts may take many forms, including, but not limited to, the following:

- Business interests – Closely held stock and partnership interest
- Cash and cash equivalents – Cash, checks, credit card, debit card, wire, automated clearing house (ACH) transfers, or other means of electronic transfer
- Planned gifts (irrevocable) – Life income agreements including charitable gift annuities, charitable remainder unitrusts, charitable remainder annuity trusts, charitable lead trusts, life insurance, retirement account distributions, and retained life estate
- Planned gifts (revocable) – Bequest or devise by will, life insurance beneficiary, and retirement plan beneficiary
- Pledges – Promises to give and intentions to give, pledges represent a signed statement of intent and include and can be unconditional pledges or challenge/conditional pledges
- Real property and related revenue – Personal residence, land, life estate agreements; and undivided remainder interests in property, oil, gas and mineral interests and related royalties
- Securities (marketable) – Public equities, corporate and government bonds
- Gifts in Kind – Collections of art, books, coins or movies; cars, boats and aircraft; food or other items used for hosting dinners, etc.; hardware, software, software licenses; long-lived assets; equipment; materials; and printed materials
- Third-party distributions – Donor-advised funds, private foundations, qualified charitable Individual Retirement Account (IRA) distributions and corporate matching gifts

#### **4. POLICY**

- A.** The University and the RUF are legally obligated to adhere to the terms and conditions of each gift. Consequently, donor intent and gift terms must be evaluated to be sure they are feasible, do not unduly hamper the usefulness and desirability of the gift, and are in conformity with University and RUF policies.
- B.** The acceptance of all gifts, irrespective of the gift instrument, is conditioned upon consistency with the University's mission and strategic interests as well as the acceptability of donor restrictions. Donor restrictions that violate federal or state laws, Internal Revenue Service (IRS) regulations, or University and RUF ethical standards; or call for inappropriate or illegal discrimination based on age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation, or veteran status will be deemed unacceptable.
- C.** Development officers and/or University administrators will handle gifts in accordance with the procedures outlined in Section 5.
- D.** The following gifts (defined as Category III gifts in section 5.B.3.) must be reviewed and approved by the Gift Acceptance Committee (see section 5.D.) prior to acceptance:
  - 1.** Gifts that direct academic decision making
  - 2.** Gifts of a \$1 million or more that impose a new obligation on the University, excluding gifts for scholarships or other financial aid
- E.** Donor identity is not confidential unless specifically requested by the donor. The donor must request anonymity to ensure their identity remains confidential.

## 5. PROCEDURES

### A. Review of Gifts

In order to administer the acceptance of a broad array of gifts, and to follow established policies and procedures in an efficacious manner, gifts will be reviewed based on the category and amount of the gift.

### B. Gift Categories

#### 1. **Category I – No review necessary:**

Category I largely incorporates cash gifts and marketable securities to existing gift accounts. Gifts in this category are processed immediately by the Office of Advancement Services.

#### 2. **Category II – Moderate review:**

- a. Category II gifts include all those gifts requiring the establishment of a new gift account as well as other contributions from sources such as, but not limited to, Donor-Advised Funds, Qualified Charitable IRA Distributions, and payments from Private Foundations. A written gift agreement may be developed.
- b. Gifts in this category require review by the Associate Vice President for Advancement, the Director for Advancement Services, and related subject matter experts as appropriate.

#### 3. **Category III – Full review:**

- a. Category III gifts include all complex major gifts and/or complex planned gifts as determined by the Vice President of University Advancement, especially if there is considerable financial impact on the institution.
- b. Gift terms that direct academic decision-making and/or gifts of \$1,000,000 or more that impose a new obligation on the University, excluding gifts for scholarships or other financial aid, are included in this category.
- c. This review will consider a proposed gift in the context of the *Gift Acceptance Policy* and will require an affirmative written approval by the Gift Acceptance Committee.
- d. A written gift agreement will be developed.
- e. For gifts in paragraph b. above, documentation of the terms and conditions will be maintained in compliance with the Virginia Public Records Act (Code of Virginia § 42.1-76 et seq.) and will be subject to the provisions of the Virginia Freedom of Information Act (Code of Virginia § 2.2-3700 et seq.).

### C. Gift Acceptance Considerations

1. Once a determination is made that a proposed gift is consistent with the University's mission and strategic interests as well as the RUF's standards, the proposed gift will then be evaluated based on its immediate utility or its liquidity.
2. While there may be occasions when a proposed gift might be held for investment or strategic purposes, generally, a gift should be either useful to the RUF/University in the form it is offered, or easily converted by the RUF to cash.

3. The RUF and the University affirmatively reserve the right to not accept gifts that have no immediate utility, from which little or no financial gain may be realized, or which may be accompanied by significant financial or other burdens prior to liquidation.

**D. Gift Acceptance Committee**

1. The Gift Acceptance Committee is co-chaired by the Chief Executive Officer (CEO) of the RUF and the Vice President for University Advancement.
2. The Vice President for University Advancement is the final authority regarding pledge terms (length and amount) and to ensure gifts align with University mission, vision and values.
3. The RUF CEO is the final authority on matters related to the fiduciary responsibility.
4. In addition to the RUF CEO and the Vice President for University Advancement, the committee is comprised of the following:
  - a. The Associate Vice President for Advancement
  - b. The Director for Advancement Services
  - c. A University appointee from the Division of Finance and Administration, who is appointed by the Vice President for Finance and Administration
  - d. Subject matter experts, as needed, from relevant departments

**6. EXCLUSIONS**

None

**7. APPENDICES**

None

**8. REFERENCES**

[Code of Virginia § 2.2-3700 et seq.](#), “Virginia Freedom of Information Act.”

[Code of Virginia, § 23.1-1304.1](#), “Governing boards; additional duties; policy; acceptance of terms and conditions associated with donations, gifts, and other private philanthropic support.”

[Code of Virginia § 42.1-76 et seq.](#), “Virginia Public Records Act.”

**9. INTERPRETATION**

The authority to interpret this policy rests with the President of the University and is generally delegated to the Vice President for University Advancement.

**10. APPROVAL AND REVISIONS**

The Board of Visitors originally approved the University’s *Gift Acceptance Policy* on \_\_\_\_\_, 2020.

For general information concerning University policies, contact the [Office of Policy and Tax Compliance](#) – (540) 831-5794. For questions or guidance on a specific policy, contact the Oversight Department referenced in the policy.



# RESOURCE MANUAL

for The Principles of Accreditation:  
Foundations for Quality Enhancement



**4.2.g** The governing board defines and regularly evaluates its responsibilities and expectations. (*Board self-evaluation*)

### Rationale and Notes

As the body that holds in trust the fundamental autonomy and ultimate well-being of the institution, the governing board of the institution is a critical element in the success of the institution. Good institutional governance requires that the board systematically asks itself, “How are we doing? What are we doing? Are we as effective as a board as we can be?” The process of institutional improvement underlies the *Principles of Accreditation*. While the means by which a governing board participates in that process may be different in scope, tone, and detail than that of the rest of the institution, it is still a necessary element in institutional leadership.

A good starting place is a self-reflective examination of the issues that underlie the governance standards of the *Principles of Accreditation* and the “Questions to Consider” in this section of this *Resource Manual*. How this is done is something best determined by a governing board itself. Some institutions use a board retreat format. Some boards build self-reflection into an annual orientation/reorientation of the board. Some boards facilitate this process by using external resources such as a facilitator or a book, although that is not a requirement of this standard. What is expected of this standard is something more substantive than a statement that “the board conducted a self-evaluation.”

#### NOTE

*If the institution has multiple governing boards [see Standard 4.3 (Multi-level governance)], then the institution should address the self-evaluation process for all relevant boards.*

## Questions to Consider

- What are the legal obligations of board members? Does each member of the board understand these expectations?
- Do bylaws and other written documents for board procedures make clear the role of and limits of board actions?
- Do bylaws and other written documents for board distinguish the roles between the board (policy-making) and the CEO (administrative)?
- Is the board structure working well? Are committee responsibilities well defined?
- Is the orientation of new board members effective?
- How does the board stay informed as to the financial health of the institution?
- How does the board maintain its focus on the institutional mission?
- Is review of the mission statement a regular expectation of the governing board?
- What is the relationship between the institution's chief executive officer and the institution's governing board?
- What protections are built into the board structure to ensure the board is not subject to undue influence by a minority of members or by external forces?
- Are board minutes clear and accurate? Do they provide sufficient detail to capture the results of deliberations?
- Do board procedures regarding protection from internal conflicts of interest work appropriately?
- Does the board have a functioning self-evaluation process?
- Are procedures for CEO succession clear?
- If the governing board interacts with other boards (e.g., system boards, foundation boards, alumni boards), are duties and expectations clear?

## Sample Documentation

- Statements of board responsibilities and expectations.
- Schedule used by the board for self-review.
- Board policies and procedures regarding board self-evaluation.
- Board minutes or reports detailing the findings of board self-evaluation.
- Materials used as part of the self-examination process (e.g., excerpts from board books, retreat handouts, summaries).

## Reference to SACSCOC Documents, If Applicable

None noted.



## Annual Self-Evaluation

**Please assess the Board’s performance in the following areas:**

	Poor	Fair	Satisfactory	Very Good	Excellent	Don't Know
Serves as a sounding board and thought partner to the President	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Understands the University’s business model and ensures its adequacy for the future	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ensures the administration involves the Board on high-profile issues that present significant risk to the University	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monitors the University’s financial performance (E&G, Auxiliary Enterprise, Student Financial Aid and Sponsored Programs.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the right committees and uses them well	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adheres to a comprehensive conflict-of-interest policy and addresses conflicts appropriately	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promotes trust among Board members through a culture based on openness and respect	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charges the executive committee to operate with transparency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ensures that decisions are made without undue influence from individual board members	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Focuses its time on issues of greatest consequence to the University	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide comments or suggestions related to the board’s performance.

**RADFORD UNIVERSITY BOARD OF VISITORS**

**Resolution  
August 5, 2020**

Approval of Resolution

**WHEREAS**, Radford University adopted a resolution on June 12, 2020 regarding the COVID-19 global health pandemic, the Commonwealth of Virginia biennial budget, and Radford University's budget reduction plan development, review, and implementation process; and

**WHEREAS**, the Radford University Board of Visitors hereby clarifies that, except those referenced in the June 12, 2020 resolution, the Teaching and Research Faculty Handbook, including tenure and promotion, remain in effect; and

**WHEREAS**, the Board of Visitors further clarifies that Sections 1.8 (appeals) and 1.9 (grievances) of the Teaching and Research Faculty Handbook remain in effect for all matters except the budget reduction strategies addressed in the June 12, 2020 resolution; and

**NOW, THEREFORE, BE IT RESOLVED** that the Radford University Board of Visitors approves this resolution as an addendum to the previously approved resolution dated June 12, 2020.

Adopted: August 5, 2020



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Robert A. Archer  
Rector  
Radford University Board of Visitors



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Karen Castele  
Secretary to the Board of Visitors  
Radford University

# End of Board of Visitors Materials

