

Board of Visitors

Quarterly Meeting

September 2021

RADFORD UNIVERSITY

Board of Visitors

RADFORD UNIVERSITY

Board of Visitors

QUARTERLY MEETING
9 A.M. **
SEPTEMBER 10, 2021
KYLE HALL, ROOM 340, RADFORD, VA

DRAFT
AGENDA

- **CALL TO ORDER** Mr. Robert A. Archer, *Rector*
- **APPROVAL OF AGENDA** Mr. Robert A. Archer, *Rector*
- **APPROVAL OF MINUTES** Mr. Robert A. Archer, *Rector*
 - April 23, 2021, May 12, 2021, August 8, 2021, and August 9-10, 2021
- **RECOGNITION** Mr. Robert A. Archer, *Rector*
- **PRESIDENT'S REPORT** Dr. Carolyn R. Lepre, *Interim President*
- **ACADEMIC EXCELLENCE AND RESEARCH COMMITTEE** Dr. Thomas Brewster, *Chair*
 - Report to the Board of Visitors
- **BUSINESS AFFAIRS AND AUDIT COMMITTEE** Dr. Debra K. McMahon, *Chair*
 - Report to the Board of Visitors
 - Recommendation to Approve the 2022-28 Six-Year Capital Plan
 - Recommendation to Approve the 2021 Six-Year Plan
 - Recommendation to Approve Radford University's 2021-22 Operating Budget
 - Recommendation to Approve 2021-22 Supplemental Tuition and Fee Rate
- **GOVERNANCE, ADMINISTRATION AND ATHLETICS COMMITTEE** Mr. David A. Smith, *Chair*
 - Report to the Board of Visitors

- **STUDENT SUCCESS COMMITTEE**
 - Report to the Board of Visitors
- **UNIVERSITY ADVANCEMENT, UNIVERSITY RELATIONS AND ENROLLMENT MANAGEMENT COMMITTEE**
 - Report to the Board of Visitors
- **REPORT TO THE BOARD OF VISITORS FROM THE FACULTY REPRESENTATIVE TO THE BOARD**
- **REPORT TO THE BOARD OF VISITORS FROM THE STUDENT REPRESENTATIVE TO THE BOARD**
- **REPORT ON THE RADFORD UNIVERSITY FOUNDATION**
- **PRESENTATION**
 - SACSCOC Reaffirmation
- **CLOSED SESSION**
Virginia Freedom of Information Act §2.2-3711 (A) (1) and (29)
- **OTHER BUSINESS**
 - Bylaws Amendment
- **ANNOUNCEMENTS**
 - **Meeting Dates**
December 2-3, 2021
February 10-11, 2022
April 28-29, 2022
July 24-26, 2022 Retreat
September 8-9, 2022
December 1-2, 2022
- **ADJOURNMENT**

Dr. Debra K. McMahon, *Vice Chair*

Ms. Lisa Throckmorton, *Chair*

Dr. Katie Hilden, *Faculty Representative to the Board of Visitors*

Ms. Grace Hurst, *Student Representative to the Board of Visitors*

Dr. Rachel Fowlkes, *BOV Liaison to RU Foundation*

Dr. Sandra Nicks Baker, *Director of Institutional Effectiveness and Quality Improvement*

Mr. Robert A. Archer, *Rector*

Mr. Robert A. Archer, *Rector*

Mr. Robert A. Archer, *Rector*

Mr. Robert A. Archer, *Rector*

**All start times are approximate only. The Board meeting either may begin before or after the listed approximate start time as Board members are ready to proceed.

BOARD MEMBERS

Mr. Robert A. Archer, Rector
 Dr. Jay A. Brown, Vice Rector
 Dr. Thomas Brewster
 Ms. Krisha Chachra
 Ms. Charlene A. Curtis

Dr. Rachel D. Fowlkes
Dr. Susan Whealler Johnston
Mr. Mark S. Lawrence
Dr. Debra K. McMahon
Ms. Lisa W. Pompa
Ms. Nancy Angland Rice
Mr. David A. Smith
Mr. Marquett Smith
Ms. Georgia Anne Snyder-Falkinham
Ms. Lisa Throckmorton

September 2021 Meeting Materials

RADFORD UNIVERSITY

Board of Visitors

Radford University Board of Visitors
RESOLUTION
Approval of the Six-Year Capital Outlay Plan for 2022-2028
September 10, 2021

BE IT RESOLVED, the Radford University Board of Visitors approves the Radford University Six-Year Capital Outlay Plan for 2022-2028, as presented in Appendixes A and B.

RADFORD UNIVERSITY

Appendix A: Summary of the Radford University Six-Year Capital Outlay Plan for 2022-2028

Project Priority	Capital Project Description	Funding	State General Fund	University Nongeneral Fund	University Debt	Other	Total Funding Requested
Current Active Projects							
	Artis Center for Adaptive Innovation and Creativity	E&G	\$101,651,000	\$0	\$0	\$0	\$101,651,000
	Renovate Norwood Hall and Tyler Hall Residences	Auxiliary	\$0	\$5,000,000	\$12,000,000	\$0	\$17,000,000
	Property Acquisition	Auxiliary	\$0	\$28,500,000	\$17,500,000	\$0	\$46,000,000
2023-2024 Biennium							
1	Renovate McConnell Library	E&G	\$49,535,000	\$0	\$0	\$0	\$49,535,000
2	Expand Create Riverway Experience	Auxiliary	\$0	\$5,000,000	\$0	\$5,000,000	\$10,000,000
3	Improve Campus Infrastructure - Utilities/Safety/Security	E&G	\$15,425,000	\$0	\$0	\$0	\$15,425,000
2025-2026 Biennium							
4A	Radford University Carilion Academic Building	E&G	\$112,800,000	\$0	\$0	\$0	\$112,800,000
4B	Radford University Carilion Auxiliary Building	Auxiliary	\$0	\$0	\$78,325,000	\$0	\$78,325,000
5	Athletics Umbrella Fund (Renovate Dedmon Center)	Auxiliary	\$0	\$0	\$20,000,000	\$0	\$20,000,000
6	Renovate Muse Hall Residences	Auxiliary	\$0	\$0	\$96,000,000	\$0	\$96,000,000
2027-2028 Biennium							
7	Renovate Walker Hall	E&G	\$28,400,000	\$0	\$0	\$0	\$28,400,000
8	Renovate Ingles Hall Residences	Auxiliary	\$0	\$0	\$12,500,000	\$0	\$12,500,000
9	Construct Combined Heat and Power Co-Generation Facility	ESCO	\$0	\$0	\$0	\$16,000,000	\$16,000,000
10	Construct New Administrative Services Addition	E&G	\$0	\$3,000,000	\$0	\$0	\$3,000,000
2029 and Beyond							
11	Renovate Waldron Hall	E&G	\$36,200,000	\$0	\$0	\$0	\$36,200,000
12	Renovate Peters Hall	E&G	\$57,486,000	\$0	\$0	\$0	\$57,486,000
13	Renovate Governor's Quad Residence Halls	Auxiliary	\$0	\$0	\$49,500,000	\$0	\$49,500,000
14	Construct New Public Safety Building	E&G	\$20,000,000	\$0	\$0	\$0	\$20,000,000
15	Construct New Welcome Center	E&G/Auxiliary	\$7,500,000	\$0	\$7,500,000	\$0	\$15,000,000
16	Construct New University Convocation Center	E&G/Auxiliary	\$58,000,000	\$0	\$58,000,000	\$0	\$116,000,000
17	Athletics Umbrella Fund (Construct Concessions/Ticketing)	Auxiliary	\$0	\$0	\$10,000,000	\$0	\$10,000,000
18	Construct Hurlburt Addition	Auxiliary	\$0	\$10,000,000	\$10,000,000	\$0	\$20,000,000
	Totals		\$385,346,000	\$18,000,000	\$341,825,000	\$21,000,000	\$766,171,000

Appendix B: Summary of Radford University's Six-Year Capital Outlay Plan for 2022-2028

2023-2024 Biennium

1. Renovate McConnell Library

The footprint that forms the McConnell Library consists of an original 14,000 square foot building built in 1931, a 47,500 square foot addition built in 1965, and a 46,444 square foot addition built in 1995. Both the 1965 addition and the 1995 addition, which represent approximately 90 percent of the library's square footage and operations, remain in their original configuration with building systems and equipment which have far exceeded their expected useful life. The original 1931 section of the building has been renovated for aesthetic improvements and space upfits, but still relies on end-of-life utility systems and components.

Given the fact that the building was constructed in multiple phases over many decades, with dozens of small interior upfit projects executed over the life of the building, there are a multitude of basic issues that need to be corrected by this overall renovation project. Accessibility systems and components are not consistently provided in all building spaces, such that the building provides a circuitous and confusing wayfinding situation, and public facilities such as toilets have been grandfathered for continued use. Building security likewise has been provided through inconsistent systems and components which are not in line with current technology. Portions of the building also contain hazardous materials such as asbestos and lead-based paint.

Various single pieces of HVAC equipment have been replaced as they have worn out, but no building-wide ventilation and indoor environment improvements have been undertaken. The remaining existing mechanical components do not operate with current efficiencies, such that energy consumption in the building is well above the campus average. Further, the HVAC humidity control capabilities do not meet current requirements for collections and archives storage. The electrical secondary distribution systems and components are original in many parts of the building, which does not provide adequate support for today's academic power needs, and data systems and components have likewise been inconsistently assembled over time. The proposed renovation will replace all of the aged and inefficient building systems and equipment with modern efficient solutions.

The renovation will also incorporate repurposing and space changes to provide amenities found in and expected within modern libraries. With the increasing move to electronic resources and purging of print collections, the University plans to repurpose print storage space for alternative configurations. Spaces targeted for repurposing are home to some of the library's print collection along with Archives and Special Collections. The print collection located in these areas is in the process of being weeded and the remaining books moved to compact storage.

The purging and relocation of existing collections will also create the necessary space for the Radford University Innovation Lab (RU iLab). Reflective of current library trends, this space will include learning commons, breakout rooms, interdisciplinary presentation spaces and classrooms, and multiple maker-spaces. This move will rebrand the library as a hub for innovation and productivity. In particular, the RU iLab will create the infrastructure for students to engage in collaborative, interdisciplinary thinking to confront present-day needs and pressing future problems.

The renovated space will also include student support areas for group study; provide technology-emphasized rooms for both instruction and information retrieval; incorporate student service functions such as tutoring and writing instruction; and incorporate the RU iLab.

2. Expand Create Riverway Experience

The New River is directly adjacent to the Athletics/Recreation Campus, with boat access points at several locations near University property. Also, an extensive partially developed greenway/trail system parallels the river and extends to Bissett Park and other City of Radford facilities to the west of campus. This series of projects to expand the overall riverway experience will serve to better connect students and others to the New River, for both instructional and recreational uses.

Several gathering areas with appropriate outdoor furniture and shelters are proposed along this greenway development, to provide spaces for relaxation and contemplation along with potential academic research and student life activities. Boat and canoe launch ramps would be provided to provide direct access to the river for recreational use. Festival event areas along with an amphitheater are proposed adjacent to the river. Recreational elements such as ziplines, ropes courses, and climbing walls would be located in the area, potentially for both student and public use. A restaurant adjacent to the river would provide food service and event spaces. A rails-to-trails connection along the existing trestle bridge would provide connectivity to other greenways in the New River Valley.

To further enhance connections to the river campus area, it is proposed to move the RU Able program to campus from its current off-campus leased space location. In conjunction with RU Outdoors and the Tourism and Special Events Resource Lab, these programs will enhance and facilitate greater connectivity to the overall significant assets made available by the New River. The gateway bridge into the river campus area and traffic patterns around the adjacent Dedmon Center will also be improved for efficiency and aesthetics, in partnership with the City of Radford.

3. Improve Campus Infrastructure

The university needs to make improvements to many infrastructure systems and components across campus. Systems include water, sanitary, storm drainage, electrical, steam, security, and information technology. Many basic utilities and services were installed for the citizens of the city of Radford. These services were incorporated for university use when the campus was first developed more than 75 years ago, and still provide service to many buildings and various areas of campus even today. The increased importance of electrical/data resiliency has also brought about the need for generator power to supplement the basic power grid.

As financial and facilities resources have been available, upgrades have been implemented to various elements of campus infrastructure. This approach has been partially successful, but new regulations for many utilities such as storm water and facility resiliency require additional upgrades, along with increased need due to the expanded campus footprint. For example, only a portion of the occupied buildings on campus have been retrofitted with access-control doors, security enhancements, and improved exterior site lighting. This project would provide funding necessary to bring the overall campus infrastructure up to date with current needs and regulatory requirements.

2025-2026 Biennium

4. Radford University Carilion Academic and Auxiliary Buildings

Radford University's 2019 merger with the Jefferson College of Health Sciences, Virginia created Radford University Carilion (RUC). RUC's operations are housed in Carilion Roanoke Community Hospital (CRCH), an active health care facility, which is part of the Carilion Clinic, a not-for-profit health care provider in southwest Virginia. CRCH is a 10-story, 408,000 square-foot hospital, providing a variety of health care services. RUC leases approximately 171,000 square feet in CRCH, including administrative, academic, laboratory, and other associated activities.

In today's environment, both RUC and Carilion have identified the need for expanded facilities to provide for both anticipated academic program growth and increased need for regional health care services. RUC's enrollment has grown over the last two years, and the demand for nursing and health sciences program graduates is very strong. RUC's current space in CRCH allows little to no flexibility to serve potential academic program growth, while future Carilion health care capital demands will likely require reclaiming of current RUC space. RUC's current programs benefit greatly from the immersive nature of the academic spaces within a working hospital; however, there are some basic academic and administrative needs which might be better served in a more flexible environment outside of the hospital proper.

The continued growth of health sciences initiatives in Roanoke offers unique opportunities to provide students with classroom, research, and real-world clinical education settings only a few steps away from one another. Along with the increased concentration of educational offerings will come the need for various student services. In January 2021, a Master Planning Committee was established that consists of members from both Carilion Clinic and Radford University and will work collaboratively with the Virginia Tech Carilion (VTC) Master Planning Committee to ensure potentially mutually beneficial approaches are identified to define desired growth areas of education and research offerings, the layout of Roanoke health sciences campus, and facility needs both now and in the next 3 to 5 years. Initial findings highlight the shared desire for increased academic space, expansion of student health and wellness space, as well as providing additional student housing and dining options. Additional priorities also include the need for expanded research and innovation space to support the cross pollination and collaboration of evolving activities and needs supported by Carilion Clinic, RUC, and VTC.

5. Athletics Umbrella Funding - Renovate Dedmon Center

The Dedmon Center was constructed in 1980, as a combination overall university recreation and athletic venue and support space. The facility originally included basketball, volleyball, gymnastics, and swimming performance venues along with locker rooms, training rooms, and athletics administrative offices. The facility is not designed for effective fan experiences in the way that current facilities are designed, and locker and training spaces are woefully inadequate. This project will reconfigure the arena seating bowl to provide more appropriate fan seating and viewing for indoor athletic events, and adjacent spaces will be renovated to include new locker rooms, athletic training rooms, and concessions.

6. Renovate Muse Hall Residences

Muse Hall is by far the largest residential housing unit on campus with approximately 900 beds, or about one-fourth of all students housed. Built in the late 1960s, the building has never undergone a complete renovation, and is in significant need of a variety of system repairs and upgrades. The building has a commanding presence on campus, and includes a 13-story resident tower along with a penthouse and three below-grade levels. The building is the only residence hall on campus with virtually no resident room air conditioning, and is the least desirable available on-campus housing. The building also includes the university's secondary dining facility, which is extremely important particularly during the week at mid-day meals. The building also has many basic building systems such as plumbing and electrical at end-of-life. Portions of the building also contain hazardous materials such as asbestos and lead-based paint, given their age.

This project would modernize the facility with renovated rooms, new finishes, and improved building systems. The renovated rooms will be done in a manner to make them more appealing to

students – less sharing of bathrooms space, provisions for some apartment-style accommodations, and improved student study and gathering areas.

2027-2028 Biennium

7. Renovate Walker Hall

Walker Hall was originally constructed in 1935 with an addition in 1963, and has housed a multitude of different occupant groups over the life of the building. Accessibility systems and components are not consistently provided in all building spaces, such that the building provides a circuitous and confusing wayfinding situation, and public facilities such as toilets have been grandfathered for continued use. Building security likewise has been provided through inconsistent systems and components which are not in line with current technology.

Various single pieces of HVAC equipment have been replaced as they have worn out, but no building-wide ventilation and indoor environment improvements have been undertaken. The remaining existing mechanical components do not operate with current efficiencies, such that energy consumption in the building is well above the campus average. The electrical secondary distribution systems and components are original in many parts of the building, which does not provide adequate support for today's academic and IT organizational power needs, and data systems and components have likewise been inconsistently assembled over time. The proposed renovation will replace all of the aged and inefficient building systems and equipment with modern efficient solutions.

The university's Department of Information Technology Services is currently scattered about campus housed at multiple locations. One objective of the project is to bring together the department's scattered operations under one roof, which offers both production and fiscal efficiencies. The renovated building would house IT administration and support functions, and provide appropriate areas for computer deployment and repair, software installation, web and content development, and IT infrastructure. The renovated building would also utilize space for general use classrooms and computer labs for overall campus use. To support the critical continuity of operation required of the IT departments, emergency and UPS back-up power will be provided.

8. Renovate Ingles Hall Residences

Ingles Hall was built in 1950 as a residence hall for students during a period of growth of the University. The dormitory building is in significant need of system repairs and upgrades. This project would modernize the building with renovated rooms, new finishes, and improved systems and components. The proposed renovation will replace all of the aged and inefficient building systems and equipment with modern efficient solutions. The renovated rooms will be done in a

manner to make them more appealing to students – less sharing of bathrooms spaces, provisions for some apartment-style accommodations, and improved student study and gathering areas.

9. Construct Combined Heat and Power Co-Generation Facility

This project would convert an existing building into a combined heat and power (CHP) facility for the overall campus. The conversion of the facility to CHP would consist of one or two 4.4 megawatt natural gas (NG) fired reciprocating engines. The engines would generate electricity for campus utilization while the waste heat generated from the equipment would supplement the university steam plant generation. The overall project costs for construction are approximately \$8 million for the single engine and \$16M for the twin unit option. This project would not require the utilization of Commonwealth or university funds due to the nature of the project being an Energy Savings Company (ESCO) partnership with Trane. The ESCO will complete the construction of the project, using their resources, and the project will ultimately being paid for by guaranteed energy savings realized by the university from the current utility expenses. The current pro forma has an approximate payoff period of 9 to 10 years.

10. Construct New Administrative Services Addition

Various university administrative functions are currently scattered in multiple locations both on- and off-campus, with several groups in leased spaces. This project will provide a relatively small addition adjacent to the existing Armstrong Building to house the support team for the Controller, the Compliance team, Accounts Payable, Payroll, Procurement, and Human Resources.

2029 and Beyond

11. Renovate Waldron Hall

Waldron Hall was completed in the fall of 2000, and houses the Waldron College of Health and Human Services (WCHHS). Academic occupant groups include the Dean's Offices; the Departments of Communication Sciences and Disorders, Physical Therapy, and Occupational Therapy; and the Schools of Nursing and Social Work. Special facilities include an interdisciplinary clinic and health services laboratories, along with campus general use classrooms and offices. The clinic spaces also support the community through immersive experiences for students in real-life settings with actual patients.

The WCHHS represents one of the signature programs of academic emphasis for the University as stated in the 2018 Strategic Plan. This emphasis is based on the current and projected strong demand for graduates from the WCHHS, including nurses, therapists, and other health science professions. These professions have proven to be even more in demand in the aftermath of the

COVID-19 pandemic. Further demands on the WCHHS faculty and academic footprint have come about due to the introduction of the Radford University Carilion (RUC) campus in Roanoke. RUC has attracted additional students to the WCHHS for the opportunity to go into these high-demand fields, with an accompanying growth in required facilities and faculty.

Much of the original equipment and furnishings are still in use in Waldron Hall, including outdated lab equipment and simulators. This places the students at a disadvantage, given the rapidly evolving nature of medical equipment, and does not portray the necessary environment when competing for students. The lab spaces are also still in their original configurations, which does not allow teaching and training to match current actual conditions in health care settings.

This project will allow the current building space footprint to be significantly revamped to provide more accurate teaching spaces in accordance with today's health care delivery methods. Certain conventional classroom settings will be repurposed into more appropriate lab and learning spaces. Existing equipment will be replaced, along with appropriate furnishings and casework. The renovation will also create a more effective and efficient overall building layout, and will create badly needed student study and collaborative spaces.

Given the age of the building, there are also a number of basic original building systems and components that are approaching their end of life. Further, the electrical power and data infrastructures are not readily adaptable to today's highly specialized clinical environments. This renovation project will replace these systems and equipment, along with greatly increasing the robustness of the data/IT backbone.

12. Renovate Peters Hall

Peters Hall was originally constructed in 1951, with additions in 1956 and 1967, and a renovation and addition in 2001. The building is the home for the College of Education and Human Development (CEHD), but has also housed a multitude of different occupant groups over the life of the building, including the School of Dance, athletics, student recreation, and a swimming pool. As several of these organizational units have moved to other locations on campus, remaining spaces have been upfit as well as possible using university funding in a somewhat piecemeal way.

The CEHD represents one of the signature programs of academic emphasis for the University as stated in the 2018 Strategic Plan. This emphasis is based on the current and projected strong demand for graduates from the CEHD to serve in various educational roles. In order to provide the types of spaces to support today's education pedagogical methods, it is necessary to reprogram many of the outdated classroom and lab spaces to provide an appropriate learning environment. There is also significant need for student study and collaborative spaces to support learning both inside and outside the classroom. This renovation project will reprogram and repurpose many spaces in the building to meet these needs.

Given the age of the building since the most recent renovation, there are also a number of basic original building systems and components that are approaching their end of life. Further, the electrical power and data infrastructures are not readily adaptable to today's highly specialized academic environments. This renovation project will replace these systems and equipment, along with greatly increasing the robustness of the data/IT backbone.

13. Renovate Governor's Quad Residences

The Governor's Quad consists of four basically identical residence halls for students built in 1965 during a period of growth of the University. The buildings included in the Governor's Quad are Trinkle, Stuart, Floyd, and Peery. The dormitory buildings underwent partial renovations in 2002-2005, but still need certain system repairs and upgrades. This project would modernize the building with renovated rooms, new finishes, and improved systems and components. The proposed renovation will replace all of the aged and inefficient building systems and equipment with modern efficient solutions, and will abate all remaining asbestos-containing materials. The renovated rooms will be done in a manner to make them more appealing to students – less sharing of bathrooms spaces, provisions of some apartment-style accommodations, and improved student study and gathering areas.

14. Construct New Public Safety Building

The RU Police Department, Emergency Medical Services team, Emergency Preparedness personnel, Emergency Operations Center, and Environmental Health and Safety Department staff are currently located in multiple buildings around campus. Further, these functions are located in shared building spaces which are not up to current standards for these critical areas of university services. This new building will be designed to maximize the safety and emergency capabilities of the university, including up-to-date hardware and software and associated furnishings.

15. Construct New Welcome Center

Students and their parents currently desire sophisticated engagement and support staff and facilities during their entire university experience. This proposed new building will include a campus Welcome Center to help guide both prospective and current students and their parents to desired resources and locations around campus.

16. Construct New University Convocation Center

The university has outgrown the central gathering areas necessary to address the needs of the student body. Other than the current basketball arena, there is no single interior space large enough to handle an address or event that involves more than a small minority of students. This project would build a convocation hall sufficient to handle large events such as convocation, commencement, new student move-in events, family weekend, and homecoming, along with

various athletic events. The center would also serve to provide a venue for orientation programs, conference services, and concerts, and would promote a wide variety of activities involving the local community.

17. Athletics Umbrella Funding - Construct New Athletics Ticketing/Concessions Center

Recent athletics construction projects have renovated and/or replaced the university athletics softball, baseball, and tennis facilities. These facilities are co-located together and include fields and dugouts along with a new indoor practice and coach's facility, but lack common fan ticketing, concession, and restroom areas. This project will provide a new building containing these common fan functions, such that accessible services are effectively provided in this area of the university athletics complex.

18. Construct Hurlburt Hall Addition

Various university student support functions and groups are currently housed in Hurlburt Hall. This project will provide an addition adjacent to Hurlburt Hall to expand the space for student support groups, along with campus-wide large meeting and gathering spaces, conference spaces, and event venues.

RADFORD UNIVERSITY BOARD OF VISITORS
Resolution

Approval of Radford University's 2021 Six-Year Plan
September 10, 2021

WHEREAS, the Higher Education Opportunity Act of 2011 became effective July 1, 2011, and requires each public institution of higher education in Virginia to develop and submit an institutional six-year plan; and

WHEREAS, § 23.1-306 of the Act requires, “*The governing board of each public institution of higher education shall (i) develop and adopt biennially and amend or affirm annually a six-year plan for the institution; (ii) submit such plan to the Council (State Council of Higher Education for Virginia), the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance no later than July 1 of each odd-numbered year; and (iii) submit amendments to or an affirmation of that plan no later than July 1 of each even-numbered year or at any other time permitted by the Governor or General Assembly*”; and

WHEREAS, Radford University prepared a six-year plan in accordance with the requirements of the Higher Education Opportunity Act of 2011 and guidelines provided by the State Council of Higher Education for Virginia; and

WHEREAS, the University submitted the six-year plan to the State Council of Higher Education for Virginia by the stated deadline of July 1, 2021 for the 2021 submission; and

WHEREAS, the 2021 Six-Year Plan must be approved by the Board of Visitors prior to the October 1 final submission;

THEREFORE, BE IT RESOLVED the Radford University Board of Visitors approves the Radford University 2021 Six-Year Plan (Part I and Part II) as presented in the format provided by the State Council of Higher Education for Virginia; and

BE IT FURTHER RESOLVED, that the University is authorized to revise the 2021 Six-Year Plan as required by State officials for final submission by the stated deadline.

RADFORD UNIVERSITY BOARD OF VISITORS

Resolution

September 10, 2021

Approval of the Radford University 2021-22 Operating Budget

BE IT RESOLVED, the Radford University Board of Visitors approves the fiscal year 2021-22 operating budget as presented in Schedule A for Total Operating Budget and Schedule B for Auxiliary Enterprises.

Radford University
Proposed University Operating Budget
2021-22

Dollars in Thousands

	Annual Budget for 2020-21			2020-21	2021-22 Adjustments			2021-22
	Original Total Budget ^(a)	Adjustments	Adjusted Total Budget ^(b)	Adjusted Total Budget	Technical Adjustments	Base Adjustments	One-Time Adjustments	Recommended Total Budget ^(c)
Educational and General Programs								
Revenues								
General Fund	\$59,565	\$4,228	\$63,794	\$63,794	(\$4,228)	15,630	\$1,331	\$76,526
Tuition and Fees	83,159	(1,921)	81,238	81,238	1,921	(15,975)	0	67,184
All Other Income	3,326	870	4,197	4,197	(2,615)	176	0	1,757
Revenue	\$146,051	\$3,177	\$149,228	\$149,228	(\$4,922)	(\$169)	\$1,331	\$145,468
Expenditures								
Instructional & Academic Support	(\$94,944)	\$1,319	(\$93,625)	(\$93,625)	(\$1,533)	\$637		(\$94,521)
All Other Support Programs	(51,107)	(4,496)	(55,603)	(\$55,603)	5,925	(1,269)		(\$50,946)
Expenditures	(\$146,051)	(\$3,177)	(\$149,228)	(\$149,228)	\$4,392	(\$632)	\$0	(\$145,468)
Reserve Draw (Deposit)	0	0	0	0	530	801	(1,331)	0
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Student Financial Assistance								
Revenue	\$13,542	\$2,427	\$15,969	\$15,969	(\$2,427)	\$2,538	\$0	\$16,080
Expenditures	(13,542)	(2,427)	(15,969)	(15,969)	2,427	(2,538)	0	(16,080)
Reserve Draw (Deposit)	0	0	0	0	0	0	0	0
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sponsored Programs								
Revenue	\$8,962	\$250	\$9,212	\$9,212	(\$250)	\$0	\$0	\$8,962
Expenditures	(8,962)	(250)	(9,212)	(9,212)	250	0	0	(8,962)
Reserve Draw (Deposit)	0	(0)	(0)	(0)	(0)	0	0	(0)
NET	\$0	(\$0)	(\$0)	(\$0)	\$0	\$0	\$0	(\$0)
Auxiliary Enterprises								
Revenues	\$68,269	\$2,956	\$71,226	\$71,226	(\$1,372)	\$394	(\$275)	\$69,973
Expenditures	(64,824)	(4,372)	(69,196)	(69,196)	4,294	1,160	(355)	(64,097)
Reserve Draw (Deposit)	(3,446)	1,416	(2,030)	(2,030)	(2,923)	(1,554)	630	(5,876)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total University								
Revenues	\$236,824	\$8,810	\$245,634	\$245,634	(\$8,971)	\$2,764	\$1,056	\$240,482
Expenses	(233,378)	(10,227)	(243,604)	(243,604)	11,364	(2,010)	(355)	(234,606)
Reserve Draw (Deposit)	(3,446)	1,416	(2,030)	(2,030)	(2,393)	(753)	(700)	(5,876)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

(a) Original Total Budget - Reflects the 2020-21 Operating Budget as of July 1, 2020 which was approved by the Board at the September 2020 meeting. Both recurring and one-time operating budgets are included.

(b) Adjusted Total Budget - Reflects the 2020-21 Operating Budget as of June 30, 2021. Both recurring and one-time operating budgets are included.

(c) Recommended Total Budget - Reflects the proposed 2021-22 Original Total Budget as of July 1, 2021. Both recurring and one-time operating budgets are included.

Radford University
Proposed Auxiliary Enterprise Budget
2021-22

Dollars in Thousands

	Annual Budget for 2020-21			2020-21	2021-22 Adjustments			2021-22
	Original		Adjusted	Adjusted	Technical	Base	One-Time	Recommended
	Total Budget (a)	Adjustments	Total Budget (b)	Total Budget	Adjustments	Adjustments	Adjustments	Total Budget (c)
Residential & Dining Programs								
Revenues	\$34,339	\$3,988	\$38,327	\$38,327	(\$2,403)	(\$467)	(\$275)	\$35,182
Expenditures	(32,761)	(2,578)	(35,339)	(35,339)	1,426	686	(35)	(33,261)
Reserve Draw (Deposit)	(1,579)	(1,410)	(2,989)	(2,989)	977	(219)	310	(1,921)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bookstore								
Revenues	\$285	(\$102)	\$183	\$183	\$102	\$0	\$0	\$285
Expenditures	(272)	7	(265)	(265)	(7)	(0)	0	(272)
Reserve Draw (Deposit)	(13)	95	82	82	(95)	0	0	(13)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Parking & Transportation								
Revenues	\$1,828	(\$181)	\$1,647	\$1,647	\$181	\$11	\$0	\$1,839
Expenditures	(1,695)	189	(1,505)	(1,505)	(156)	(94)	(143)	(1,898)
Reserve Draw (Deposit)	(134)	(8)	(142)	(142)	(25)	83	143	59
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Telecommunications								
Revenues	\$560	\$0	\$560	\$560	\$0	\$0	\$0	\$560
Expenditures	(529)	58	(471)	(471)	(33)	(2)	0	(505)
Reserve Draw (Deposit)	(31)	(58)	(89)	(89)	33	2	0	(55)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Student Health Services								
Revenues	\$2,815	\$541	\$3,355	\$3,355	(\$541)	\$87	\$0	\$2,901
Expenditures	(2,599)	(560)	(3,159)	(3,159)	560	(144)	(5)	(2,747)
Reserve Draw (Deposit)	(215)	19	(197)	(197)	(19)	57	5	(154)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Student Programming								
Revenues	\$7,525	(\$537)	\$6,988	\$6,988	\$537	(\$829)	\$0	\$6,696
Expenditures	(7,217)	627	(6,590)	(6,590)	(627)	819	(145)	(6,543)
Reserve Draw (Deposit)	(308)	(90)	(398)	(398)	90	10	145	(153)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Building & Facilities								
Revenues	\$2,489	(\$376)	\$2,113	\$2,113	\$1,934	(\$81)	\$0	\$3,967
Expenditures	(1,373)	(3,093)	(4,466)	(4,466)	418	81	0	(3,967)
Reserve Draw (Deposit)	(1,116)	3,469	2,352	2,352	(2,352)	0	0	0
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Enterprise Functions								
Revenues	\$7,246	\$1,175	\$8,421	\$8,421	(\$2,733)	\$1,447	\$0	\$7,135
Expenditures	(7,049)	31	(7,019)	(7,019)	3,658	(506)	(28)	(3,894)
Reserve Draw (Deposit)	(197)	(1,206)	(1,403)	(1,403)	(925)	(941)	28	(3,241)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Intercollegiate Athletics								
Revenues	\$11,181	(\$1,551)	\$9,630	\$9,630	\$1,551	\$226	\$0	\$11,408
Expenditures	(11,329)	946	(10,383)	(10,383)	(946)	320	0	(11,010)
Reserve Draw (Deposit)	148	605	753	753	(605)	(546)	0	(398)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Auxiliary Enterprise								
Revenues	\$68,269	\$2,956	\$71,226	\$71,226	(\$1,372)	\$394	(\$275)	\$69,973
Expenses	(64,824)	(4,372)	(69,196)	(69,196)	4,294	1,160	(355)	(64,097)
Reserve Draw (Deposit)	(3,446)	1,416	(2,030)	(2,030)	(2,923)	(1,554)	630	(5,876)
NET	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:

- (a) Original Total Budget - Reflects the projected 2020-21 Operating Budget as of July 1, 2020 which was approved by the Board at the September 2020 meeting. Both recurring and one-time
(b) Adjusted Total Budget - Reflects the 2020-21 Operating Budget as of June 30, 2021. Both recurring and one-time operating budgets are included.
(c) Recommended Total Budget - Reflects the proposed 2021-22 Original Total Budget as of July 1, 2021. Both recurring and one-time operating budgets are included.

RADFORD UNIVERSITY BOARD OF VISITORS
Resolution
September 10, 2021

Approval of 2021-22 Competency-Based Education Tuition and Fees

NOW, THEREFORE, BE IT RESOLVED that the Radford University Board of Visitors approves Competency-Based Education (CBE) tuition and fees for the 2021-22 academic year as reflected in the Summary of Proposed 2021-22 CBE Tuition and Fees beginning with enrollment in the Fall of 2021 and thereafter until otherwise adjusted by the Board of Visitors.

Program	Approved	Proposed		
Approved	Per Credit	Per Credit	Dollar	Percent
2021-22	Hour	Hour	Change	Change
	2021-22	2021-22		

Radford University

Competency Based Education (CBE)

Cybersecurity - CBE

Tuition	\$5,688	\$316	\$316		
Mandatory Technology Fee	72	4	4		
Mandatory Online Comprehensive Fee	540	30	30		
Total Cybersecurity - CBE	\$6,300	\$350	\$350	\$0	0.00%

Geospatial - CBE

Tuition	\$5,824	\$416	\$316		
Mandatory Technology Fee	56	4	4		
Mandatory Online Comprehensive Fee	420	30	30		
Total Geospatial - CBE	\$6,300	\$450	\$350	(\$100)	-22.22%

Education - CBE

Tuition	\$1,250	\$417	\$316		
Mandatory Technology Fee	0	0	4		
Mandatory Online Comprehensive Fee	0	0	30		
Total Education - CBE	\$1,250	\$417	\$350	(\$67)	-16.00%

Data Science - CBE

Tuition	N/A	N/A	\$316		
Mandatory Technology Fee	N/A	N/A	4		
Mandatory Online Comprehensive Fee	N/A	N/A	30		
Total Data Science - CBE	N/A	N/A	\$350	N/A	N/A

Student Representative

RADFORD
UNIVERSITY

Page 23 of 434

Introduction: Grace Hurst



Board of Visitors Student Representative

Class of 2025



radfordclassof2025 [Follow](#)  

264 posts 850 followers 542 following

Radford Class of 2025!
College & University
Student ran!


- Congratulations Highlanders! 
- DM us up to 5 pictures and a short bio to be featured!
- DM for the group chat link

invite.patio.app/community-invite/12a00f2d-5acc-4bfa-a270-7bda02732dec

Followed by bethking29, kelseybae516, goodness_graceious +4 more



Patio



Class of 2...



Group cha...



Q&A



Intro your...

Mental Health

- Encourage school-life balance
- Trauma-informed training
- Wellness coaching programs
- Creating a “community of care”

Title IX and Sexual Assault Awareness

- Decrease stigma
- Continued education on Title IX reporting
- Sexual assault awareness campaigns

Questions?

SACSCOC Reaffirmation

Sandra Nicks Baker, Ph.D.

Director of Institutional Effectiveness and Quality Improvement

RADFORD
UNIVERSITY

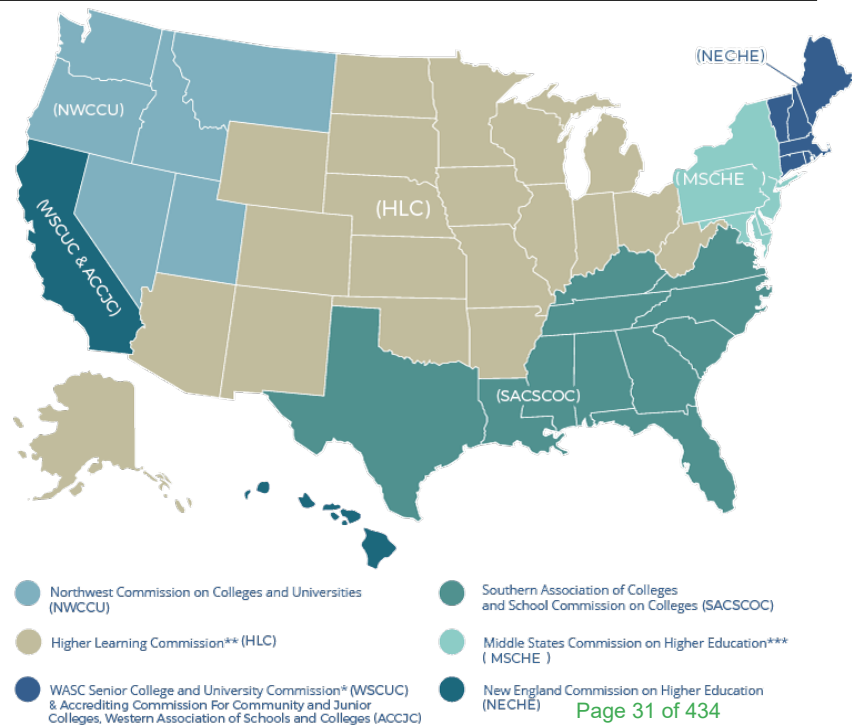
Agenda

- Overview of SACSCOC
- Overview and timeline of SACSCOC reaffirmation process
- Current and next steps

Regional Accreditor

11 Southern States

Mexico, Costa Rica and
United Arab Emirates

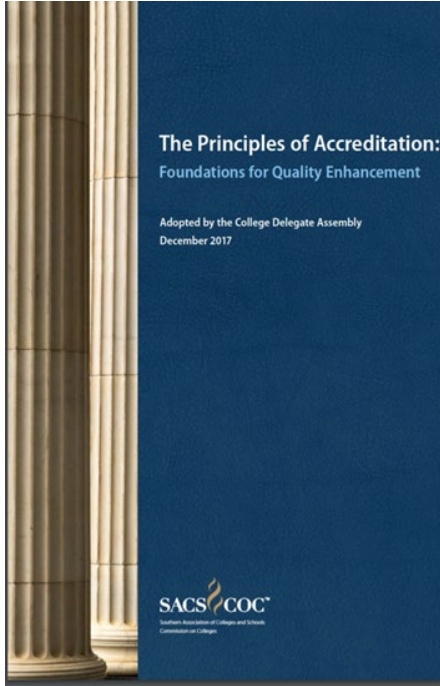


Three Types of Accreditation Reviews

Decennial Comprehensive Review

5th Year Interim Review

Substantive Change Reviews



Principles of Accreditation: Foundation for Quality Enhancement (2018)

<https://sacscoc.org/app/uploads/2019/08/2018PrinciplesOfAcreditation.pdf>

Decennial Comprehensive Review Process

Fall 2022

Compliance Certification Report (due Sept. 2022)

Off-Site Review (Nov. 2022)

Decennial Comprehensive Review Process

February 2023

Focused Report

Quality Enhancement Plan (QEP)

Decennial Comprehensive Review Process

March 2023

Onsite Review (March 27-30, 2023)

- Day 1 – Visit approved off-site campuses (RUC, RHEC, Abingdon)
- Day 2 and 3 – Interviews and QEP review
- Day 4 – Exit meeting

Decennial Comprehensive Review Process

Fall 2023

Response to the Visiting Committee Report (Five-Months Following Onsite)

Review by SACSCOC Board of Trustees (December 2023)

SACSCOC Board of Trustees Actions

- Reaffirm Institution for another 10 Years
- Monitoring (up to two-year period)
- Sanctions
 - Warning
 - Probation
 - Removal from Membership

Most Negatively Cited Standards - Offsite

- Faculty Qualifications 92%
- Academic Program Assessment 61%
- General Education Assessment 56%
- Academic and Student Services Assessment 52%
- Faculty Appointment and Evaluation 49%

Most Negatively Cited Standards - Onsite

- QEP 45%
- Academic Program Assessment 32%
- General Education Assessment 30%
- Faculty Qualifications 22%
- Academic and Student Services Assessment 17%
- Administrative Assessment 13%

Most Negatively Cited Standards – SACSCOC BOT

- Academic Program Assessment and General Education Assessment 12%
- Faculty Qualifications 6%
- Academic and Student Services Assessment, QEP, Administrative Assessment and Financial Responsibility 5%

Quality Enhancement Plan (QEP)

Proposal:

- a) Topic identified through ongoing planning and evaluation processes
- b) Has broad-based support
- c) Focuses on student learning/student success
- d) Commitment of resources
- e) Assessment plan

QEP

- Call for pre-proposals (7)
- Top 3 pre-proposals were chosen to go forward with full-proposals
- “Diversity, Equity and Inclusion” chosen by QEP Topic Identification Committee as Topic
- Moves to QEP Development Committee

Current Efforts

- Faculty Credentials Audit
- Campus-Wide Assessment
- Updating Department/Office Websites
- QEP Development
- Convening Reaffirmation Advisory Committees
- Writing Compliance Certification Report

Communication Strategy

- Division Leadership Teams
- College Leadership Teams
- Campus Senates
- Student Government
- Town Hall Meetings
- Reaffirmation Website

Questions??

**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 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, **a family member's medical condition that requires the member to provide care for such family member**, or medical condition that prevents the member from attending in person, in accordance with the Code of Virginia §2.2-3708.2 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, **a family member's medical condition that requires the member to provide care for such family member**, 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.
2. The Board of Visitors may hold meetings through electronic communication in accordance with other parts of §2.2-3708.2.

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. Organize the working processes of the Board;
 - b. Recommend best practices for Board governance;
 - c. Develop and recommend to the Board a statement of governance setting forth the Board's role;
 - d. Periodically review the Board's Bylaws and recommend amendments;
 - e. Provide advice to the Board on committee structure, appointments, and meetings;
 - f. Develop an orientation and continuing education process for Board members that includes training on the Virginia Freedom of Information Act;

- g. 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;
 - h. Develop a set of qualifications and competencies for membership on the Board for approval by the Board and recommendation to the Governor.
 - i. 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.

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. **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 Executive 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 and Direct Reports to the President

The Provost, Vice Presidents 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, as follows:

Section 1 D. Removal of Board Members

Delete

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.~~

Section 3 E. Member(s) Participation via Electronic Communications.

Add

A. Member(s) Participation via Electronic Communications.

1. 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, **a family member's medical condition that requires the member to provide care for such family member**, or medical condition that prevents the member from attending in person, in accordance with the Code of Virginia §2.2-3708.2 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, **a family member's medical condition that requires the member to provide care for such family member**, or medical condition that prevents the member's physical presence, and the member identifies with specificity the nature of the emergency or personal matter.

Section 6 A. 1 Executive Committee

Add

1. The Executive Committee is authorized and required to:
 - a. **Organize the working processes of the Board;**
 - b. **Recommend best practices for Board governance;**

Minutes

RADFORD UNIVERSITY

Board of Visitors

RADFORD UNIVERSITY

Board of Visitors

QUARTERLY MEETING
9:00 A.M.
APRIL 23, 2021
JOSEPH P. SCARTELLI ATRIUM
COVINGTON CENTER, RADFORD, VA

DRAFT **MINUTES**

BOARD MEMBERS PRESENT

Mr. Robert A. Archer, Rector
Mr. James R. Kibler, Vice Rector
Dr. Thomas Brewster
Dr. Jay A. Brown
Ms. Krisha Chachra
Dr. Rachel D. Fowlkes
Dr. Susan Whealler Johnston
Mr. Mark S. Lawrence
Dr. Debra K. McMahon
Ms. Nancy Angland Rice
Mr. David A. Smith
Ms. Georgia Anne Snyder-Falkinham
Ms. Lisa Throckmorton
Dr. Katie Hilden, Faculty Representative (Non-voting Advisory Member)

BOARD MEMBERS ABSENT

Mr. Gregory A. Burton
Ms. Karyn K. Moran
Ms. Samantha Powell, Student Representative (Non-voting Advisory Member)

OTHERS PRESENT

Dr. Brian O. Hemphill, President
Ms. Karen Casteale, Secretary to the Board of Visitors and Special Assistant to the President
Mr. Craig Cornell, Vice President for Enrollment Management
Dr. Lyn Lepre, Provost and Vice President for Academic Affairs
Ms. Wendy Lowery, Vice President for Advancement and University Relations
Mr. Chad A. Reed, Vice President for Finance and Administration and Chief Financial Officer
Ms. Ashley Schumaker, Chief of Staff and Vice President for Strategic Operations
Dr. Susan Trageser, Vice President for Student Affairs
Mr. Allen T. Wilson, Assistant Attorney General, Commonwealth of Virginia

CALL TO ORDER AND OPENING COMMENTS

Rector Robert A. Archer called the quarterly meeting of the Radford University Board of Visitors to order at 8:59 a.m. in the Joseph P. Scartelli Atrium of the Covington Center.

Rector Archer began the meeting by welcoming everyone and thanking the Board of Visitors members for their continued focus and hard work on behalf of Radford University, especially during this time of planning for the leadership transition at the University. Rector Archer thanked those involved in the second successful public comment session on tuition and fees held on campus on April 5, 2021, with a special thank you extended to Vice President for Finance and Administration and Chief Financial Officer Chad A. Reed for his presentation on budget projections and recommendations. Rector Archer added that the Board continues to be very aware of the impact of tuition and fees on the students and their families. Rector Archer said that it important that we continue to thank all involved in dealing with the on-going pandemic in a most successful manner.

Rector Archer stated that, in recognition of this Board meeting being the last one for President Hemphill, he would like to recognize and thank him and his family for their leadership and outstanding accomplishments while at Radford University by setting a course of continued growth and greatness in to the future. Rector Archer added that there is on-going work to establish a presidential search committee, retain a search firm and establish a workable timeline, with the goal of locating and retaining the very best president possible. In closing, Rector Archer congratulated Dr. Katie Hilden on her reelection as Faculty Senate President for the upcoming year.

APPROVAL OF AGENDA

Rector Archer asked for a motion to approve the Board of Visitors meeting agenda for April 23, 2021, as published. Dr. Susan Whealler Johnston so moved, Mr. Mark S. Lawrence seconded, and the motion carried unanimously.

APPROVAL OF MINUTES

Rector Archer asked for a motion to approve the February 12, 2021 minutes of the Board of Visitors meeting. Mr. Lawrence so moved, Ms. Nancy Angland Rice seconded, and the motion carried unanimously.

RECOGNITION

Rector Archer invited former Vice President for Information Technology and Chief Information Officer Danny Kemp and President Hemphill to join him at the front of the room. Rector Archer began by sharing that Mr. Kemp retired from Radford University in June 2020 and, due to the pandemic, the Board of Visitors has been unable to properly recognize him until this meeting. Rector Archer asked Mr. James R. Kibler to read the Resolution Recognizing Danny M. Kemp. Following the reading, Mr. Kibler asked for a motion to approve the resolution. Mr. Lawrence made the motion, Dr. Jay A. Brown seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as *Attachment A* and is made a part hereof.

Rector Archer invited Director of Athletics Robert Lineburg to the podium who then introduced newly hired Men's Basketball Head Coach Darris Nichols, a Radford native who has spent the past six seasons as an assistant coach at the University of Florida. Coach Nichols stated he looks forward to being surrounded by great people and feels the love and support for the basketball program.

PRESIDENT'S REPORT

President Brian O. Hemphill, Ph.D. began his final report by acknowledging the Radford family, comprised of talented students, world-class faculty, dedicated staff, and passionate alumni, for their amazing work and incredible progress over the past five years. He shared that following a special

remembrance, he would highlight a number of accomplishments and highlights from the 2020-2021 academic year.

President Hemphill began by paying a heartfelt tribute to George M. Harvey, Sr., who passed away in February 2021, and reflected on his friendship with Mr. Harvey and what it had meant to him. President Hemphill stated that, without question, our campus, community, and Commonwealth mourn the loss of a business pioneer, family man, and incredible friend. Mr. Harvey served as a successful business owner and caring community leader with unbelievable distinction for more than 70 years. He will forever be remembered as a true statesman and beloved Highlander.

Mr. Harvey was publicly recognized by the University during the Spring 2017 Commencement for his many contributions and was awarded an honorary Bachelor of Business Administration degree in recognition of his lifetime achievement in the business sector and faithful service to his local community. In 2018, Mr. Harvey received yet another honor as the University proudly dedicated and officially opened the Harvey Knowledge Center, which is located on the fourth floor of McConnell Library and represents a combination of the Harvey Learning Center, established in 1997, and the Warren P. Self Learning Assistance Resource Center, or LARC.

Following a moment of silence in remembrance of Mr. Harvey, President Hemphill provided an update on the hotel project. Following more than a year of planning, demolition of the four existing structures on the hotel site, at the intersection of Tyler Avenue and Calhoun Street, has officially begun to make way for The Highlander. He added that the hotel, with 125 rooms, is designed to reflect the local region and its rich history, as well as Radford University's tradition of hard work. In addition, it will provide amenities not available at current area hotels, such as a stunning rooftop steakhouse and bar that will overlook campus with a backdrop of the Blue Ridge Mountains. A highlight of the structure will be a 4,000-square-foot conference space that will accommodate 250-300 people, allowing the University to potentially host large-scale events, such as business expos and conferences. President Hemphill added that demolition is scheduled to be completed by the end of May 2021 with construction to immediately follow. A formal groundbreaking event is planned for June 15, 2021, and the hotel will be completed in late 2022.

President Hemphill updated the Board of Visitors on a variety of academic accolades and recent rankings recently received that spotlight the high-quality degree program offerings, including the Radford University and Radford University Carilion Nursing: Post-Licensure (RN to BSN) programs have been ranked as the best online nursing programs in the Commonwealth of Virginia by registerednursing.org; U.S. News & World Report has listed the Davis College of Business and Economics' Part-time Master of Business Administration (MBA) program in its 2022 Best Part-time MBA rankings; for the second consecutive year, Intelligent.com has ranked Radford University's fully online math education program on its listing of the best online master's in mathematics degree programs; the University's five online bachelor's degree programs ranked No. 19 out of 50 in a nationwide listing of the Best Online Colleges and Universities for 2021 by [College Consensus](http://CollegeConsensus.com), a college ratings website that aggregates publisher rankings and student reviews; and Radford University has been named a 2021 Top Adult Degree Program institution by [Abound](http://Abound.com), a college guidance system for degree-seeking adults.

President Hemphill stated that, throughout the 2020-2021 academic year, Radford University has been proactive and thoughtful about the planning and response to the COVID-19 global health pandemic. The Fall 2020 semester presented a number of barriers and challenges as a majority of students returned to campus for an in-person experience. The Fall 2020 semester was defined by the continued offering of

testing, as well as direct care for impacted individuals. The Spring 2021 semester was marked by continued testing, but also included the availability and administration of vaccines for faculty and staff, as well as students. President Hemphill added that the University's success in the Spring semester can be attributed to the care and compassion demonstrated by all Highlanders, as well as the hard work of the COVID-19 Working Group, which recently prepared and distributed detailed operational plans for Summer and Fall 2021. Our success was also made possible due to our strong partnership with the New River Health District.

In closing, President Hemphill shared that the University community is looking forward to celebrating the Class of 2020 and Class of 2021 with in-person ceremonies to be held from April 29, 2021 through May 2, 2021. A copy of the report is attached hereto as **Attachment B** and is made a part hereof.

REPORT FROM THE ACADEMIC EXCELLENCE AND RESEARCH COMMITTEE

Dr. Thomas Brewster, Chair, stated that the Academic Excellence and Research Committee met on April 22, 2021 and brought forth the following action items for consideration.

ACTION ITEMS

Recommendation to Approve Teaching and Research Faculty Tenure for 2021-2022

Dr. Brewster presented the recommendation from the Committee for Approval of Teaching and Research Faculty Tenure for the 2021-2022 academic year. Following discussion, Rector Archer asked for a motion to approve the resolution. Ms. Rice so moved, Mr. Kibler seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as **Attachment C** and is made a part hereof.

Recommendation to Approve Discontinuance of the Post Graduate Certificate of Gerontology

Dr. Brewster presented the recommendation for the Discontinuance of the Post Graduate Certificate of Gerontology. Following discussion, Rector Archer asked for a motion to approve the resolution. Mr. Kibler so moved, Mr. Lawrence seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as **Attachment D** and is made a part hereof.

Recommendation to Approve Discontinuance of the Post-Baccalaureate Certificate in Music Pedagogy

Dr. Brewster presented the recommendation for the Discontinuance of the Post-Baccalaureate Certificate in Music Pedagogy. Following discussion, Rector Archer asked for a motion to approve the resolution. Mr. Kibler so moved, Ms. Rice seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as **Attachment E** and is made a part hereof.

Recommendation to Approve to Separate the School of Nursing from the Waldron College of Health and Human Services as a Stand-Alone Academic Unit

Dr. Brewster presented the recommendation for Approval to Separate the School of Nursing from the Waldron College of Health and Human Services as a Stand-Alone Academic Unit. Following discussion, Rector Archer asked for a motion to approve the resolution. Mr. Lawrence so moved, Dr. Rachel D. Fowlkes seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as **Attachment F** and is made a part hereof.

Dr. Brewster reported that Faculty Senate President Katie Hilden provided a Faculty Senate update, including Faculty Senate had considered and passed 157 motions to date; the Course Minimums Committee is meeting; results of the Faculty Morale Survey and initiatives for 2021-2022. Dr. Hilden

also shared information about the collaborative and worthwhile work of the Department of Sociology and the Division of Student Affairs' Helping Eradicate Homelessness through Resources Opportunities and Supplies program (HEHROS) in establishing a Food Pantry on main campus. Dr. Brewster added that Provost Lepre discussed the faculty members who will be promoted effective Fall 2021 and the faculty who were awarded emeriti status this academic year. Dr. Brewster also shared that Executive Director of General Education Nicole Hendrix, Ph.D. provided an update and discussion on the new REAL curriculum, including the REAL curriculum sets Radford University apart and offers something no other institution in the Commonwealth has to offer.

REPORT FROM THE ADVANCEMENT, UNIVERSITY RELATIONS AND ENROLLMENT MANAGEMENT COMMITTEE

Ms. Lisa Throckmorton stated that the Committee met April 22, 2021 and shared the following information.

Ms. Throckmorton reported that Vice President for Enrollment Management Craig Cornell shared freshmen applications for main campus continue to follow national trends, however, a strong pool of students has allowed a stronger admit percentage this year, being up 6% compared to last year. Ms. Throckmorton added that following 2019 benchmarks, it is expected we will see a freshman class ranging from approximately 1,400-1,450. Ms. Throckmorton shared that main campus is seeing an increase in new transfer applications allowing for larger percentage of admits and growing deposit numbers and overall RUC enrollment growth from previous year was shared. Ms. Throckmorton summarized the Division of Enrollment Management's student communications and activities. She also shared that Vice President Cornell distributed a packet of the communication and recruitment materials that an entering student at main campus would receive.

Ms. Throckmorton stated that Vice President for Advancement and University Relations Wendy Lowery reported on the successes in working with VisionPoint and that Radford is significantly out performing benchmarks on Instagram and Facebook. Ms. Throckmorton shared updates on new marketing efforts for Radford University Carilion and that the design team in University Relations won a Gold Addy for the Radford University Brand Guide. Ms. Throckmorton also shared updates on fundraising, including the current overall giving is the largest amount raised in one fiscal year in University history.

REPORT FROM BUSINESS AFFAIRS AND AUDIT COMMITTEE

Mr. Mark Lawrence, Vice Chair, stated that the Committee met April 22, 2021 and shared the following information.

Mr. Mark Lawrence reported that the Committee first heard from Zachary Borgerding, with the Auditor of Public Accounts, who provided a status update of their audit of the University's FY 2020 financial statements. Mr. Lawrence stated that University Auditor Margaret McManus presented an oral report on the review of the University Discretionary Fund expenditures for the quarter ended March 31, 2021 and that 100% of the fund's expenditures were reviewed and found to be in compliance with the Board of Visitors' guidelines. Mr. Lawrence also shared that Vice President for Finance and Administration and Chief Financial Officer Chad A. Reed provided an update on capital projects currently in progress, including the Center for Adaptive Innovation and Creativity and the hotel project, the Highlander.

ACTION ITEMS

Adoption of the Investment of Employee Benefit Funds Policy and Retirement Administrative Committee Charter

Mr. Lawrence presented the recommendation for the Adoption of the Investment of Benefits Funds Policy and Retirement Administrative Committee Charter. Following discussion, Rector Archer asked for a motion to approve the resolution. Mr. Kibler so moved, Mr. Lawrence seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as *Attachment G* and is made a part hereof.

Approval of the 2021-2022 Tuition and Fees

Mr. Lawrence presented the recommendation for the Approval of the 2021-2022 Tuition and Fees. Following discussion, Rector Archer asked for a motion to approve the resolution. Mr. Kibler so moved, Dr. Johnston seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as *Attachment H* and is made a part hereof.

REPORT FROM THE GOVERNANCE, ADMINISTRATION AND ATHLETICS COMMITTEE

Dr. Jay A. Brown, Chair, stated that the Committee met April 22, 2021 and shared the following information.

Dr. Brown reported that Director of Athletics Robert Lineburg shared news and updates with the Committee, including the naming of Darris Nichols as the eighth Men's Basketball Head Coach in program history. Dr. Brown continued with an update of the overall records of the athletic teams, including several academic accolades. Dr. Brown reported that as of March 25, Radford Athletics has secured over \$2.1 million dollars in new gifts and pledges for the 2020-21 Fund Drive and this includes a new \$1 million partnership, which will be announced over the summer. Dr. Brown shared the success of the RAD48 campaign, which was the first athletics-only giving challenge. Dr. Brown concluded his report by sharing upcoming Athletic events.

REPORT FROM THE STUDENT SUCCESS COMMITTEE

Dr. Debra K. McMahan stated that the Committee met April 22, 2021 and shared the following information.

Dr. Mahon stated that the Committee first heard from Student Government President Chris Davis, who shared updates on the initiatives for the 2020-2021 academic year, including the Executive Board receiving Trauma Informed Care training. Dr. McMahan shared that Ms. Grace Hurst, as the SCHEV Student Representative, provided information on the focus of the SCHEV Student Advisory Council this past year. The members organized into two committees and worked on financial aid eligibility, expansion of the Virginia Talent and Opportunity Partnership, increasing vaccine awareness, and raising awareness of the Student Advisory Council. Dr. McMahan also shared that Vice President for Student Affairs Susan Trageser, Ed.D. provided updates on current collaborations, programs and initiatives. Dr. McMahan shared that 600 new freshmen achieved the Dean's List and that each student received a personal video message from the Deans and an achievement certificate. Dr. McMahan also stated that the Committee learned that faculty and staff have volunteered 4500 hours to assist the Virginia Department of Health at the vaccination clinics held at the Dedmon Center. Dr. McMahan reported that the Student Counseling Services (SCS) and SAVES hosted many events this semester to raise awareness of suicide prevention, sexual assault, stalking, domestic violence and alcohol abuse and that Trauma Informed Care training will be offered this summer for interested

faculty and staff. Dr. McMahon closed by stating that she looks forward to seeing how the Trauma Informed Care will positively impact our students and make a difference on campus.

REPORT FROM THE STUDENT REPRESENTATIVE TO THE BOARD

Rector Archer stated that Student Representative to the Board Samantha Powell was unable to be at the meeting, and there would be no report provided.

REPORT ON THE RADFORD UNIVERSITY FOUNDATION

Dr. Fowlkes, Representative to the Radford University Foundation Board of Directors, provided an update on recent Foundation news and activities.

Dr. Fowlkes began her report by stating that the Foundation closed on a sale of nearly \$17 million worth of student housing. The properties were sold to the University and was discussed in the Business Affairs and Audit Committee. Dr. Fowlkes added that in spite of this sale, the total assets of the Foundation are still over \$116 million. Investment returns during the current fiscal year helped offset the impact of the sale. Dr. Fowlkes added that the Foundation closed on the hotel project last week and demolition has started. The groundbreaking ceremony is scheduled for June 15, 2021, and the hotel is expected to open in late 2022. Dr. Fowlkes stated that the Foundation Annual Report should go to print by early next week, and the next Foundation Board of Directors meeting will be on June 15, 2021. Dr. Fowlkes distributed an asset summary report, attached hereto as *Attachment I* and made a part hereof.

2018-2023 RADFORD UNIVERSITY STRATEGIC PLAN UPDATE

Chief of Staff and Vice President for Strategic Operations Ashley Schumaker provided a mid-term progress report on the 2018-2023 Radford University Strategic Plan. Chief of Staff Schumaker began by stating the Board of Visitors approved the plan in December 2017, which included a bold vision, ambitious goals and detailed strategies. She added that, since the implementation in January 2018, work has been heavily focused on transparency with regular progress reports provided, as well as annual reports organized by the focal areas of the strategic plan. Chief of Staff Schumaker continued by discussing a featured accomplishment in each focal area. She described the highlight for the Academic Excellence and Research focal area was the merger with Jefferson College of Health Sciences resulting in the creation of Radford University Carilion. Chief of Staff Schumaker continued by sharing details of the 3Rs (Responsive, Resilient, Real) campaign under the Brand Identity focal area and the Vinod Chachra IMPACT Lab under the Economic Development and Community Partnerships focal area. In the Philanthropic Giving and Alumni Engagement area, the historic fundraising efforts were highlighted, as well as the Capital Campaign launch. Chief of Staff Schumaker continued by discussing the featured accomplishment of the Strategic Enrollment Growth focal area, which was the Highlander Distinction Program, a \$13 million investment for incoming students which was created in December 2019. With student success as the foundation of the mission of the University, the creation of the Academic Success Center provides engagement and support for students across the campus. This highlight in the Student Success focal area came to life in Fall 2020 and was an outcome of the Retention Summit in January 2019. A copy of the report is attached hereto as *Attachment J* and is 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) Item 1, 7 and 11 under the Virginia Freedom of Information Act for the discussion of personnel matters; 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; and the discussion or consideration of honorary degree. Ms. Rice seconded the motion. The Board of Visitors went into closed session at 10:49 a.m.

RECONVENED SESSION

Following closed session, public access to the meeting was reconnected. Rector Archer called the meeting to order at 1:05 p.m. On the 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.

Roll Call	Vote
Mr. James R. Kibler, Vice Rector	Yes
Dr. Thomas Brewster	Yes
Dr. Jay A. Brown	Yes
Ms. Krisha Chachra	Yes
Dr. Rachel D. Fowlkes	Yes
Dr. Susan Whealler Johnston	Yes
Mr. Mark S. Lawrence	Yes
Dr. Debra K. McMahan	Yes
Ms. Nancy Angland Rice	Yes
Mr. David A Smith	Yes
Ms. Georgia Anne Snyder-Falkinham	Yes
Ms. Lisa Throckmorton	Yes
Mr. Robert A. Archer, Rector	Yes

The resolution of certification was unanimously adopted.

CLOSED SESSION

Rector Archer requested a motion to move into a second 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) Item 3 under the Virginia Freedom of Information Act for the discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy. Ms. Rice seconded the motion. The Board of Visitors went into closed session at 1:08 p.m.

RECONVENED SESSION

Following closed session, public access to the meeting was reconnected. Rector Archer called the meeting to order at 1:16 p.m. On the 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.

Roll Call	Vote
Mr. James R. Kibler, Vice Rector	Yes
Dr. Thomas Brewster	Yes
Dr. Jay A. Brown	Yes
Ms. Krisha Chachra	Yes
Dr. Rachel D. Fowlkes	Yes
Dr. Susan Whealler Johnston	Yes
Mr. Mark S. Lawrence	Yes
Dr. Debra K. McMahon	Yes
Ms. Nancy Angland Rice	Yes
Mr. David A Smith	Yes
Ms. Georgia Anne Snyder-Falkinham	Yes
Ms. Lisa Throckmorton	Yes
Mr. Robert A. Archer, Rector	Yes

The resolution of certification was unanimously adopted.

ACTION ITEMS

Student Representative to the Board of Visitors

Rector Archer asked for a motion to elect Ms. Grace Hurst to serve as the Non-voting Advisory Student Representative to the Board of Visitors for 2021-2022. Dr. Debra McMahon so moved, Ms. Lisa Throckmorton seconded, and the motion carried unanimously.

Approval of Evaluation and Compensation

Rector Archer asked for a motion to approve the Performance Plan Update for 2020-2021 for President Hemphill. Mr. Lawrence so moved, Ms. Chachra seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as *Attachment K* and is made a part hereof.

Approval of Bylaws Amendments

Rector Archer called upon Assistant Attorney General Wilson to review the proposed Bylaws amendments. Mr. Wilson explained that the proposed updates make the Bylaws consistent with current Code of Virginia requirements for members participation by electronic communications and cleans up other language regarding positions that are no longer current. Rector Archer asked for a motion approve the Bylaws Amendments. Dr. Brown so moved, Mr. Lawrence seconded, and the motion carried unanimously. A copy of the proposed changes and resolution are attached hereto as *Attachment L and M*, respectively, and made a part hereof.

Radford University Foundation Memorandum of Understanding

Rector Archer called upon Assistant Attorney General Allen T. Wilson, who provided background information of the Memorandum of Understanding with the Radford University Foundation, including the explanation of why the Board policy needs to be revoked and replaced. A copy of the resolution is attached hereto as *Attachment N* and is made a part hereof.

Recommendation of Honorary Degree

Rector Archer asked for a motion to approve the honorary degree to be awarded at the 2021 Spring Commencement ceremony on April 30, 2021. Mr. Kibler so moved, Mr. Lawrence seconded, and the motion carried unanimously.

Recommendation to Adopt the First Amendment to the Radford University Qualified Governmental Excess Benefit Arrangement

Rector Archer asked for a motion for approval to adopt the First Amendment to the Radford University Qualified Governmental Excess Benefit Arrangement. Dr. Brown so moved, Mr. Kibler seconded, and the motion carried unanimously. A copy of the resolution is attached hereto as *Attachment O* and is made a part hereof.

Recommendation to Approve the Strategic Budget Reduction Plan

Rector Archer asked for a motion to approve the strategic budget reductions as presented and discussed in closed session. Mr. Lawrence so moved, Ms. Rice seconded, and the motion carried unanimously.

Election of Rector and Vice Rector for 2021-2022

Dr. Johnston reported to the Board of Visitors that the Governance, Administration and Athletics Committee, serving as the Nominations Committee, was bringing forward nominations for Rector and Vice Rector for 2021-2022 with Mr. Robert A. Archer as Rector and Dr. Jay A. Brown as Vice Rector. Dr. Johnston asked for any other nominations from the floor. After hearing none, Dr. Johnston stated that before Rector Archer could be re-elected, the Bylaws would need to be suspended to allow Rector Archer to serve a third consecutive term. Dr. Johnston asked Dr. Brewster to read the resolution to suspend the Bylaws. Following the reading, Dr. Johnston asked for a motion to approve the resolution. Mr. Lawrence so moved, Dr. McMahon seconded and the motion passed unanimously. Dr. Johnston then asked for a motion to re-elect Robert A. Archer as Rector of the Radford University Board of Visitors for 2021-2022. Dr. Brewster so moved, Mr. Lawrence seconded, and the motion passed unanimously. Dr. Johnston asked for a motion to elect Dr. Jay A. Brown as Vice Rector of the Radford University Board of Visitors for 2021-2022. Dr. McMahon so moved, Mr. Kibler seconded, and the motion passed unanimously. A copy of the resolution is attached hereto as *Attachment P* and is made a part hereof.

OTHER BUSINESS

Recognition

Rector Archer recognized Samantha Powell, who served as the Non-voting Advisory Student Representative to the Board of Visitors for 2020-2021. Vice President Trageser accepted the plaque on Ms. Powell's behalf.

Approval of Resolutions

Rector Archer asked Mr. Lawrence to please read a resolution of appreciation to Mr. James R. Kibler, as his current term on the Board of Visitors expires June 30, 2021. A copy of the resolution is attached hereto as *Attachment Q* and is made a part hereof. Additionally, the Board of Visitors recognized Mr. Gregory A. Burton and Ms. Karyn Moran, whose also have terms on the Board of Visitors expiring on June 30, 2021. Copies of the resolutions are attached hereto as *Attachment R and S*, respectfully, and are made a part hereof. Rector Archer asked for a motion to approve the resolutions. Dr. Brown so moved, Ms. Georgia Anne Snyder-Falkinham seconded, and the motion carried unanimously.

Other Recognition

Rector Archer asked Chief of Staff Ashley Schumaker to come forward. Rector Archer expressed that the Board of Visitors wanted Ashley to know how much they appreciated her hard work on behalf of the University and presented her with a framed photo collage of projects completed while at Radford with a plaque which reads:

“Sometimes you are lucky enough to work with people who can make dreams a reality. Ashley Schumaker is one of those people. The Radford University Board of Visitors recognizes Ashley for her unwavering support, enduring dedication, contagious passion and limitless hard work on behalf of Radford University’s mission and our valued current and future generations of students.”
Presented with heartfelt gratitude and best wishes in future endeavors by the Radford University Board of Visitors, April 23, 2021

The Rector then asked President Hemphill to come forward. Rector Archer again expressed to President Hemphill his gratitude for his leadership and historic accomplishments while at Radford University and presented him with his Presidential Medallion framed with a plaque which reads:
“An inspiring leader of great integrity with true compassion for all Highlanders”
Presented with grateful appreciation by the Radford University Board of Visitors, April 23, 2021

Rector Archer asked Ms. Krisha Chachra to read the resolution honoring President Hemphill. Mr. Kibler made the motion to approve the resolution, Mr. Lawrence seconded, and the motion passed unanimously. A copy of the resolution is attached hereto as *Attachment T* and is made a part hereof.

President Hemphill extended a heartfelt thank you to Board of Visitors for their support during his presidency and for the recognition received at the meeting. He continued by providing accolades to the team that will be in place after he leaves and who will continue the great work of the University.

ANNOUNCEMENTS

Rector Archer announced the upcoming meeting dates.

August 8-10, 2021 Retreat

September 9-10, 2021

December 2-3, 2021

ADJOURNMENT

With no further business to come before the Board, Rector Archer adjourned the meeting at 2:20 p.m.

Respectfully submitted,

Karen Castele

Secretary to the Board of Visitors and Special Assistant to the President



**RESOLUTION RECOGNIZING
DANNY M. KEMP**

WHEREAS, Danny M. Kemp became a beloved member of the Radford family in 2006 bringing a diverse skillset, respected character and proficient leadership style to creatively transform the information technology enterprise in meeting the growing demands of the future; and

WHEREAS, Mr. Kemp received a Bachelor of Science and Master of Business Administration from Mississippi State University and spent over 26 years as their Director of Information Systems before going to Wake Forest University as their Director of Software Solutions; and

WHEREAS, Mr. Kemp provided vision, leadership, coordination and strategic planning for all aspects of information technology pertaining to academic, administrative and research needs of the University; and

WHEREAS, Mr. Kemp was responsible for the University-wide technology infrastructure, the development and support of information systems and technology support for faculty, students and staff, including infrastructure, enterprise systems, technology support services, web and mobile technologies, printing services, information security, electronic engineering and communication services, information technology planning, policy and compliance and project management; and

WHEREAS, during his tenure at Radford, Mr. Kemp saw significant growth and changes where his proven record of careful planning, effective engagement and results-driven approach led to successes in the Division of Information Technology and across the entire University; and

WHEREAS, Mr. Kemp was always willing to go the extra mile to finish a project early or extend a helping hand to others, all while sharing a warm and comforting smile to all of those who came into contact with him; and

WHEREAS, Mr. Kemp served the campus, the community, the region and the Commonwealth of Virginia with distinction, integrity, passion and pride; and

WHEREAS, Mr. Kemp created opportunities for past, present and future generations of Highlander students, faculty and staff through strategic planning and expanded investments in technology initiatives and programs, while demonstrating an in-depth understanding of emerging technologies and their applicability to higher education in both learning and working environments; and

WHEREAS, Mr. Kemp retired from Radford University, following an exemplary career spanning five decades of dedicated service and in full recognition of a meaningful career comprised of effective and thoughtful decision-making and sound leadership;

NOW, THEREFORE BE IT RESOLVED, that on this twenty-third day of the month of April in the year two thousand twenty-one, the Radford University Board of Visitors does hereby consider and pass this resolution of commendation and appreciation for the extraordinary service Mr. Danny M. Kemp has rendered to Radford University, to higher education and to the Commonwealth of Virginia, and furthermore that this resolution be preserved in perpetuity in the permanent business records of the Radford University Board of Visitors and a copy presented to Mr. Kemp.

A handwritten signature in black ink that reads "Robert A. Archer".

Robert A. Archer
Rector

A handwritten signature in black ink that reads "Brian O. Hemphill".


Brian O. Hemphill, Ph.D.
President

RADFORD UNIVERSITY

Brian O. Hemphill, Ph.D.
President

MEMORANDUM

TO: Members of the Board of Visitors

FROM: Brian O. Hemphill, Ph.D. 
President

DATE: April 23, 2021

RE: President's Report

I would like to begin my final report by acknowledging the Radford family, comprised of talented students, world-class faculty, dedicated staff, and passionate alumni, for their amazing work and incredible progress over the past five years. Following a special remembrance, I will highlight a number of accomplishments and highlights from the 2020-2021 academic year.

Remembering George M. Harvey, Sr.

On February 26, 2021, Radford University shared the news of the passing of George M. Harvey, Sr., a business owner, community leader, and University supporter. In celebrating George's life and legacy, the University pays tribute to his long and successful business career, family dedication, and community involvement. After serving in the U.S. Army and taking classes at the National Business College in Roanoke, George was always self-employed. He began his professional career owning a service station, then a used car dealership, gas distributorship, and a new car business. With each business success, he would use his profits to invest in the next and even more successful business.

In 1959, George founded what we know today as Harvey's Chevrolet. In 1989, TIME Magazine named George a Quality Dealer Award finalist, and his selection was announced by TIME Magazine at the National Automobile Dealers Association (NADA) Convention in New Orleans on January 28, 1989. He was only one of 10 dealers nationwide to be named a finalist for his outstanding business performance and exceptional community service. In addition to being a successful businessman, George was fully dedicated to his family and the community. He held positions on boards of directors in the areas of healthcare, banking, education, and community organizations. He proudly and skillfully served as the second president of the Radford University Foundation Board of Directors and was a current member of the Capital Campaign Steering Committee.

Over the years, I became close friends with George. Without question, our campus, community, and Commonwealth mourn the loss of a business pioneer, family man, and incredible friend. George served as a successful business owner and caring community leader with unbelievable distinction for more than 70 years. He will forever be remembered as a true statesman and beloved

Highlander. The Radford family will deeply miss George, his warm personality, and his engaging stories. His monumental legacy will live on through his loving family and our fond memories!

During the Spring 2017 Commencement, George was publicly recognized by the University for his many contributions. On Moffett Lawn in front of more than 10,000 attendees, I bestowed upon George an honorary Bachelor of Business Administration degree in recognition of his lifetime achievement in the business sector and faithful service to his local community. Immediately after receiving his honorary degree, George took to the podium to share his passion for Radford University and its mission of access and opportunity. He said, "The most important part of Radford University is its students. Radford University is here to give all of the students a quality education at a reasonable price. To me, that is the number one priority." His commitment to students was followed by his passion for the institution. He added, "We want the University to prosper and grow!"

In 2018, the year after George earned an honorary degree, George received yet another honor as the University proudly dedicated and officially opened the Harvey Knowledge Center, which is located on the fourth floor of McConnell Library and represents a combination of the Harvey Learning Center, established in 1997, and the Warren P. Self Learning Assistance Resource Center, or LARC. The Harvey Knowledge Center provides an array of helpful resources for both students and faculty, including small and private study areas, one-on-one academic coaching, study groups, and other forms of group collaboration and workshops designed to help students become lifelong learners.

In reflecting on George's legacy and impact, his career and life truly embodied his unwavering commitment to serving others. There is no way the Radford family could adequately express its everlasting appreciation and sincere gratitude for George, but we certainly took advantage of several opportunities to highlight his larger than life accomplishments and his love for his wife Juanita, children, grandchildren, and extended family of loved ones. George's unwavering dedication to the community and the institution had no limit! As a campus and a community, we are better because George was a part of our journey. As an individual, my life has forever been positively impacted by my close friendship with George in recent years and in his final days. We express our deepest condolences to the Harvey family. However, as a Radford family, we find comfort in knowing that George's family will carry on his far-reaching impact and undeniable legacy.

Hotel Project Update

Following more than a year of planning, demolition of four existing structures on the hotel site, at the intersection of Tyler Avenue and Calhoun Street, has officially begun to make way for The Highlander, the highly anticipated hotel to be constructed right off Radford University's main campus. The project is a joint effort between the University and the Radford University Foundation to bring an upscale, full-service boutique hotel to the area.

The Highlander, with 125 rooms, is designed to reflect the local region and its rich history, as well as Radford University's tradition of hard work. In addition, it will provide amenities not available

at current area hotels, such as a stunning rooftop steakhouse and bar that will overlook campus with a backdrop of the Blue Ridge Mountains. A highlight of the structure will be a 4,000-square-foot conference space that will accommodate 250-300 people, allowing the University to potentially host large-scale events, such as business expos and conferences.

The team of private companies, working with Radford University and the Radford University Foundation, have partnered to deliver this project including:

- S.B. Ballard, of Virginia Beach, as the general contractor;
- Blur Workshop, of Atlanta, Georgia, as the designer;
- Preston Hollow Capital, of Dallas, Texas, as the capital partner; and
- Aimbridge Hospitality, of Arlington, Texas, the largest third-party management company in the U.S., as the manager of the hotel.

Demolition is scheduled to be completed by the end of May 2021 with construction to immediately follow. With a formal groundbreaking event planned for June 15, 2021, the hotel will be completed in late 2022.

Academic Accolades and Recent Rankings

Radford University has received a variety of academic accolades and recent rankings that spotlight our high-quality degree program offerings. Highlights are as follows.

- The Radford University and Radford University Carilion Nursing: Post-Licensure (RN to BSN) programs have been ranked as the best online nursing programs in the Commonwealth of Virginia by registerednursing.org.
- U.S. News & World Report has listed the Davis College of Business and Economics' Part-time Master of Business Administration (MBA) program in its 2022 Best Part-time MBA rankings.
- For the second consecutive year, Intelligent.com has ranked Radford University's fully online math education program on its listing of the best online master's in mathematics degree programs.
- The University's five online bachelor's degree programs ranked No. 19 out of 50 in a nationwide listing of the Best Online Colleges and Universities for 2021 by College Consensus, a college ratings website that aggregates publisher rankings and student reviews.
- Radford University has been named a 2021 Top Adult Degree Program institution by Abound, a college guidance system for degree-seeking adults.

Combating COVID-19

Throughout the 2020-2021 academic year, Radford University has been proactive and thoughtful about the planning and response to the COVID-19 global health pandemic. The Fall 2020 semester presented a number of barriers and challenges as a majority of students returned to campus for an in-person experience. The Fall semester was defined by the continued offering of testing, as well as direct care for impacted individuals. The Spring 2021 semester was marked by continued testing, but also included the availability and administration of vaccines for faculty and staff, as well as students. Our success in the Spring semester can be attributed to the care and compassion demonstrated by all Highlanders, as well as the hard work of the COVID-19 Working Group,

which prepared and distributed detailed operational plans for Summer and Fall 2021. Our success was also made possible due to our strong partnership with the New River Health District.

I am pleased to share that, as part of the current semester, the University has administered a total of 6,906 tests with 117 positives, representing an overall positivity rate of 1.69 percent. For the most recent reporting period, April 12-18, 2021, Radford University administered 395 tests with five positives, representing a weekly positivity rate of 1.27 percent.

As this week represents the last week of classes, the following highlights are provided from the Spring 2021 semester. The overall positivity rate ranged from a low of 1.34% to a high of 1.82%. The number of campus-based administered tests ranged from a low of 270, as part of weekly testing, to a high of 1,492, as part of re-entry testing. The number of positive results ranged from a low of two to a high of 23. The weekly updates will continue for two weeks with the final update, including exit testing results, to be shared on May 4, 2021.

Again, the Radford family is to be acknowledged and celebrated for the responsiveness and resiliency demonstrated throughout this semester and the entire year. Students, faculty, and staff truly displayed a remarkable amount of care and diligence in following COVID-19 protocols and being extremely mindful of the health, safety, and well-being of our campus and our community!

Celebrating the Class of 2020 and 2021

Radford University is looking forward to celebrating the Class of 2020 and 2021 with in-person ceremonies to be held from April 29, 2021 through May 2, 2021. As part of next week's ceremonies, there will be lot to celebrate!

The main campus Class of 2020 stands strong at 1,971 graduates with 1,644 receiving undergraduate degrees and 327 receiving graduate degrees. The Radford University Carilion, or RUC, Class of 2020 includes 408 graduates with 313 at the undergraduate level and 95 at the graduate level. The main campus Class of 2021 stands strong at 1,524 graduates with 1,188 receiving undergraduate degrees and 336 receiving graduate degrees. The RUC Class of 2021 includes 239 graduates with 165 at the undergraduate level and 74 at the graduate level. The youngest graduate is 19 years of age, and the oldest graduate is 75 years of age. A total of 22 students will be celebrating their graduation and birthday on the same day, while 34 sets of twins will share their special moment together, and 1,151 students become the first in their family to graduate from college!

Health and safety are of the greatest concern and, in order to have a successful in-person experience, several Commonwealth of Virginia mandates and Radford University protocols will be instituted by the University and followed by all participations throughout the celebrations. Graduates, who are planning to participate in one of the ceremonies, were required to pre-register themselves as well as their guests, which is limited to a total of four. We look forward to this long-awaited and much-anticipated milestone for our graduates and their families!

Mr. Rector and members of the Board, this concludes my report.

RADFORD UNIVERSITY BOARD OF VISITORS
RESOLUTION OF TENURE RECOMMENDATIONS

April 23, 2021

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>
Amy M. Balija	Department of Chemistry

COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT

<u>Name</u>	<u>Department</u>
Ryan C. Smith	School of Teacher Education and Leadership

COLLEGE OF HUMANITIES AND BEHAVIORAL SCIENCES

<u>Name</u>	<u>Department</u>
Jamie Lynn McDaniel	Department of English
Melinda A. Cruz	Department of Psychology
Nicholas A. Lee	Department of Psychology
Pei-Chun Tsai	Department of Psychology
Joanna M. Hunter	Department of Sociology

COLLEGE OF VISUAL AND PERFORMING ARTS

Robyn Lynn Berg Department of Theatre

DAVIS COLLEGE OF BUSINESS AND ECONOMICS

Can Dogan Department of Economics
 Jae Hwan Jeong Department of Management

WALDRON COLLEGE OF HEALTH AND HUMAN SERVICES

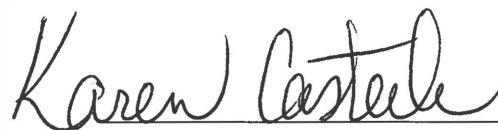
<u>Name</u>	<u>Department</u>
Shala Christine Cunningham	Department of Physical Therapy-RUC
William H. Kolb	Department of Physical Therapy-RUC
Wendy Rogister Downey	School of Nursing
Marjorie Higgins Young	School of Nursing

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 2021-2022 academic year.

Approved: April 23, 2021



Robert A. Archer
 Rector
 Radford University Board of Visitors



Karen Casteel
 Secretary to the Board of Visitors
 Radford University

RADFORD UNIVERSITY BOARD OF VISITORS

**RESOLUTION FOR DISCONTINUANCE OF THE
POST GRADUATE CERTIFICATE OF GERONTOLOGY**

APRIL 23, 2021

WHEREAS, the School of Nursing in the Waldron College of Health and Human Services (WCHHS) at Radford University proposes to discontinue the Post Graduate Certificate of Gerontology; and

WHEREAS, the purpose of the Graduate Gerontology Certificate was to prepare individuals to meet the growing needs, in multiple disciplines, of an aging population that they may serve in the future;

HOWEVER, the availability of this certificate and the curriculum did not attract any students and no student has ever enrolled for the certificate; and

WHEREAS, in the four years during which the post-baccalaureate certificate has been available and in the Graduate College catalog no student has enrolled;

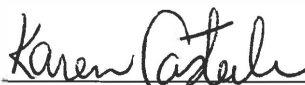
NOW, THEREFORE, BE IT RESOLVED, a decision has been made to discontinue the certificate and remove it from the Radford University degree inventory; and it is further

RESOLVED, that the President and/or his designee(s) are hereby authorized to submit any and all documentation that may be required to receive approval of the discontinuance of the program to the State Council of Higher Education of Virginia (SCHEV) and the Southern Association of Colleges and Schools Commission on Colleges.

Approved: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors



Karen Castele
Secretary to the Board of Visitors
Radford University

Proposed Intent to Discontinue

Radford University is discontinuing the Post-Baccalaureate Certificate in Gerontology (CIP code: 30.1101).

Background

In November 2014, the Association for Gerontology in Higher Education (AGHE) adopted gerontology competencies for undergraduate and graduate education. These competencies were designed to unify approaches to the discipline of gerontology. The School of Nursing, located in the Waldron College of Health and Human Services at Radford University initiated a Post-Baccalaureate Certificate in Gerontology spring 2016 that addressed the competencies. The purpose of the Graduate Gerontology Certificate is to prepare individuals to meet the growing needs, in multiple disciplines, of an aging population that they may serve in the future. The program is designed for graduate students wishing to work in the field of gerontology/aging or community members wishing to expand their career options within a gerontology focus.

The availability of this certificate and the curriculum however did not attract any students. No student ever enrolled for the certificate.

Rationale for Intent to Discontinue

In the four years during which the post-baccalaureate certificate has been available and in the Graduate College catalog no student has enrolled. A decision therefore has been made to discontinue this certificate and remove it from the Radford University degree inventory.

Critical Shortage

This post-baccalaureate certificate is not in a critical shortage area.

Teach-out Plan

No new students are currently enrolled in the Gerontology certificate program. A teach out plan is not needed.

“Stopped-out” Students

Institutional records do not indicate that any students have “stopped-out” of the certificate program. No plan is needed to notify students.

RADFORD UNIVERSITY BOARD OF VISITORS
RESOLUTION FOR DISCONTINUANCE OF THE
POST-BACCALAUREATE CERTIFICATE IN MUSIC PEDAGOGY

APRIL 23, 2021

WHEREAS, the Department of Music in the College of Visual and Performing Arts (CVPA) at Radford University proposes to discontinue the Post-Baccalaureate Certificate in Music Pedagogy; and

WHEREAS, the purpose of the certificate was to prepare teachers to take graduate coursework in music to enhance their professional development and acquire the latest skills and knowledge in music pedagogy; and

WHEREAS, the Post-Baccalaureate Certificate in Music Pedagogy was initiated in 2010 and no student were ever enrolled in the certificate program;

HOWEVER, the availability of this certificate and the curriculum did not attract any students and no student has ever enrolled for the certificate; and

NOW, THEREFORE, BE IT RESOLVED, a decision has been made to discontinue the certificate and remove it from the Radford University degree inventory; and it is further

RESOLVED, that the President and/or his designee(s) are hereby authorized to submit any and all documentation that may be required to receive approval of the discontinuance of the program to the State Council of Higher Education of Virginia (SCHEV) and the Southern Association of Colleges and Schools Commission on Colleges.

Approved: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors



Karen Castele
Secretary to the Board of Visitors
Radford University

Proposed Intent to Discontinue

Radford University is proposing the discontinuance of the Post-Baccalaureate Certificate in Music Pedagogy (CIP code: 50.0912). The certificate is located in the College of Visual and Performing Arts.

Background

The Post-Baccalaureate Certificate in Music Pedagogy was initiated in 2010. No students were ever enrolled in the certificate program. In fall 2020, faculty members along with the College's administration discussed options. It was determined that the certificate program be discontinued.

Rationale for Intent to Discontinue

The purpose of the Post-Baccalaureate Certificate in Music Pedagogy was to prepare teachers to take graduate coursework in music to enhance their professional development and acquire the latest skills and knowledge in music pedagogy. The certificate was never approved by the National Association of Schools of Music so no students were ever enrolled.

Critical Shortage

The program is not in a critical shortage area.

Teach-out Plan

No students are enrolled in the Music Pedagogy certificate program. A teach-out plan is not needed.

“Stopped Out” Students

Institutional records indicate that no students have “stopped out” of the certificate program. No plan is needed to notify students.

RADFORD UNIVERSITY BOARD OF VISITORS

**RESOLUTION TO RECOMMEND SEPARATION OF THE SCHOOL OF NURSING
FROM WALDRON COLLEGE AS A STAND-ALONE ACADEMIC UNIT**

APRIL 23, 2021

WHEREAS, the School of Nursing in the Waldron College of Health and Human Services (WCHHS) at Radford University proposes to separate the School of Nursing from Waldron College of Health and Human Services as a stand-alone Academic Unit; and

WHEREAS, the proposed organizational change is necessary because of the following: the increased complexity in function and governance of the Radford University School of Nursing post-merger, as well as the increased number and size of academic programs; and

WHEREAS, the School of Nursing is currently too large and complex to function as a college department or school within another academic unit; and

WHEREAS, the undergraduate and graduate nursing programs require accreditation by multiple state and national organizations. accreditations of degree programs, concentrations, and the simulation centers. The School of Nursing's current structure requires that all the functions (admissions, progressions, graduations, curriculum, etc.) for each degree program and concentration to be ratified at the degree level, the school level, and the college level. These duplicative functions are increasingly complex to manage across multiple instructional sites; and

WHEREAS, the proposed change would streamline the function of the Radford University School of Nursing and improve the responsiveness to the dynamic nature of the healthcare industry needs related to nursing education; and

WHEREAS, the proposed organizational change is necessary because of the following: the increased complexity in function and governance of the Radford University School of Nursing post-merger, as well as the increased number and size of academic programs.;

NOW, THEREFORE, BE IT RESOLVED, that the President and/or his designee(s) are hereby authorized to submit any and all documentation that may be required to receive approval of the Separation of the School of Nursing from the Waldron College of Health and Human Services as a stand-alone Academic Unit, to the State Council of Higher Education of Virginia (SCHEV) and the Southern Association of Colleges and Schools Commission on Colleges.

Approved: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors



Karen Casteel
Secretary to the Board of Visitors
Radford University

RADFORD UNIVERSITY BOARD OF VISITORS**April 23, 2021****Action Item****Adoption of the Investment of Employee Benefit Funds Policy and Retirement Administrative Committee Charter****Item:**

Adoption of the Investment of Employee Benefit Funds Policy and Retirement Administrative Committee Charter.

Background:

The University currently offers employees access to invest in a voluntary supplemental deferred savings plan (403(b)) as a workplace benefit. The Investment of Employee Benefit Funds Policy for Radford University provides policy direction and procedural guidelines for the selection, management, and ongoing monitoring of investment options with respect to the employee benefit plan. Currently, this policy only applies to the Radford University Supplemental 403(b) Plan as referenced in supplement A of the Retirement Administrative Committee Charter.

The policy includes strategic objectives and a framework that promotes investment oversight and administration of the employment benefit plan including the following:

- Establishes the roles and responsibilities of the Retirement Administrative Committee as investment fiduciary and the Investment Consultant/Advisor who assists in the fulfillment of the Committee's duties;
- Identifies appropriate investment asset classes for inclusion in the menu of investment options;
- Establishes a prudent process for selecting appropriate investment options to be made available for participant direction;
- Designates an investment option to which all assets will be directed in the absence of a positive election by a participant or beneficiary;
- Establishes a prudent process by which selected investment options generally will be monitored for compliance with this policy; and
- Develops methods for adding new investment options and for replacing existing investment options that do not comply with the terms of this policy.

The Retirement Administrative Committee Charter sets forth the authority and responsibilities of the Committee with respect to the 403(b) benefit plan. The Charter defines the composition of the committee and designates the Vice President for Finance and Administration & Chief Financial Officer as the plan administrator that is responsible for facilitating and supervising the daily operation and administration of the Plan. The Committee serves as the fiduciary responsible for the investment of the assets of the Plan.

The Committee shall provide written annual reports to the Board highlighting the key actions performed under its authority as further outlined in the Charter.

Action:

Radford University Board of Visitors adoption of the Investment of Employee Benefit Funds Policy and Retirement Administrative Committee Charter, as presented.

Radford University Board of Visitors

RESOLUTION

**Adoption of the Investment of Employee Benefit Funds Policy and Retirement
Administrative Committee Charter
April 23, 2021**

Adoption of the Investment of Employee Benefit Funds Policy;

WHEREAS, the Board of Visitors of Radford University has overall responsibility with respect to the employee Supplemental 403(b) Plan sponsored by Radford University; and

WHEREAS, the Investment of Employee Benefit Funds Policy for Radford University (University) provides policy direction and procedural guidelines for the selection, management, and ongoing monitoring of investment options with respect to the employee benefit plan; and

WHEREAS, the Policy establishes the roles and responsibilities of the Retirement Administrative Committee as investment fiduciary and the Investment Consultant/Advisor who assists in the fulfillment of the Committee's duties; and

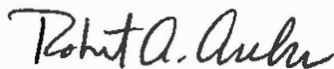
WHEREAS, the Board of Visitors has delegated oversight to the Vice President for Finance and Administration & Chief Financial Officer as Plan Administrator for the employee benefit plan under this policy; and

WHEREAS, the Board of Visitors has further delegated to the Retirement Administrative Committee the authority and full responsibility for the prudent management of investments for the employee benefit plan under this policy; and

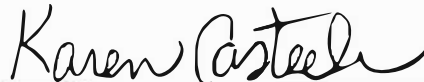
WHEREAS, the Retirement Administrative Committee shall provide written annual reports to the Board highlighting the key actions performed under its authority provided.

NOW THEREFORE, BE IT RESOLVED that the Radford University Board of Visitors does hereby officially adopt the Investment of Employee Benefit Funds Policy and Retirement Administrative Committee Charter.

Approved: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors



Karen Castele
Secretary to the Board of Visitors
Radford University

**RADFORD UNIVERSITY BOARD OF VISITORS
Resolution
April 22, 2021**

Approval of 2021-22 Tuition and Fees

NOW, THEREFORE, BE IT RESOLVED that the Radford University Board of Visitors approves tuition and fees for the 2021-22 academic year as reflected in the Summary of Proposed 2021-22 Tuition and Fees beginning with the Fall 2021 semester and thereafter until otherwise adjusted by the Board of Visitors.

Approved: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors



Karen Castele
Secretary to the Board of Visitors
Radford University

Schedule B
Summary of Proposed 2021-22 Tuition and Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Radford University				
Undergraduate¹				
<u>In-state Undergraduate (full-time)</u>				
Tuition	\$7,922	\$7,922	\$0	
Mandatory Technology Fee ²	58	96	38	
Mandatory Comprehensive Fee ²	3,436	3,524	88	
Total In-state Undergraduate	\$11,416	\$11,542	\$126	1.10%
Room - Standard Double	5,495	5,660	165	
Board - 19 Meal Plan	4,356	4,487	131	
Total In-state Undergraduate Living in University Housing	\$21,267	\$21,689	\$422	1.98%
<u>Out-of-state Undergraduate (full-time)</u>				
Tuition	\$19,557	\$19,557	\$0	
Mandatory Capital Fee ²	447	447	0	
Mandatory Technology Fee ²	58	96	38	
Mandatory Comprehensive Fee ²	3,436	3,524	88	
Total Out-of-state Undergraduate	\$23,498	\$23,624	\$126	0.54%
Room - Standard Double	5,495	5,660	165	
Board - 19 Meal Plan	4,356	4,487	131	
Total Out-of-state Undergraduate Living In University Housing	\$33,349	\$33,771	\$422	1.27%

¹ Full-time tuition rates are based on 12-16 credit hours.

² For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Graduate ¹				
<u>In-state Graduate (full-time)</u>				
Tuition	\$8,915	\$8,915	\$0	
Mandatory Technology Fee ²	58	96	38	
Mandatory Comprehensive Fee ²	3,436	3,524	88	
Total In-state Graduate	\$12,409	\$12,535	\$126	1.02%
<u>Out-of-State Graduate (full-time)</u>				
Tuition	\$17,441	\$17,441	\$0	
Mandatory Capital Fee ²	447	447	0	
Mandatory Technology Fee ²	58	96	38	
Mandatory Comprehensive Fee ²	3,436	3,524	88	
Total Out-of-state Graduate	\$21,382	\$21,508	\$126	0.59%

¹ Full-time tuition rates are based on 12-16 credit hours.

² For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees

Per Credit Hour Rates¹

Tuition (per credit hour)

Undergraduate

In-state	\$329	\$329	\$0	0.00%
Out-of-state	814	814	0	0.00%

Graduate

In-state	\$371	\$371	\$0	0.00%
Out-of-state	726	726	0	0.00%
Virginia Educator	284	284	0	0.00%

Other Mandatory Fees (per credit hour)

Technology Fee	\$3	\$4	\$1	33.33%
Capital Fee (out-of-state only)	19	19	0	0.00%
Online Program Fee	25	0	(25)	-100.00%
Comprehensive Fee ²	143	147	4	2.81%
Online Comprehensive Fee ²	0	30	30	N/A

¹ Summer III tuition and mandatory fees are charged at regular academic year rates.

² The Comprehensive fee applies to seat based programs, whereas the Online Comprehensive fee applies to select differential programs that are offered fully online. The Online Comprehensive fee is assessed on a per credit hour basis in lieu of the Comprehensive fee.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition & Fees¹				
<u>RN to BSN²</u>				
In-State (per credit hour):				
Tuition	\$329	\$299	(\$30)	
Program Fee	63	0	(63)	
Mandatory Technology Fee	3	4	1	
Mandatory Online Program Fee	25	0	(25)	
Mandatory Online Comprehensive Fee	0	30	30	
Total In-state RN to BSN	\$420	\$333	(\$87)	-20.71%
Out-of-State (per credit hour):				
Tuition	\$329	\$299	(\$30)	
Program Fee	63	0	(63)	
Mandatory Technology Fee	3	4	1	
Mandatory Online Program Fee	25	0	(25)	
Mandatory Online Comprehensive Fee	0	30	30	
Total Out-of-state RN to BSN	\$420	\$333	(\$87)	-20.71%
<u>Master of Occupational Therapy (MOT)</u>				
In-State (per credit hour):				
Tuition	\$376	\$376	\$0	
Program Fee	63	63	0	
Mandatory Technology Fee	3	4	1	
Mandatory Comprehensive Fee	143	147	4	
Total In-state Graduate MOT	\$585	\$590	\$5	0.86%
Out-of-State (per credit hour):				
Tuition	\$587	\$587	\$0	
Program Fee	63	63	0	
Mandatory Capital Fee	19	19	0	
Mandatory Technology Fee	3	4	1	
Mandatory Comprehensive Fee	143	147	4	
Total Out-of-state Graduate MOT	\$815	\$820	\$5	0.62%

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

² Proposed rates in accordance with 7-week term online campus expansion program. Absent 7-week term structure prior year rates would apply.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition & Fees¹				
<u>Master of Fine Arts in Design Thinking (MFA)</u>				
In-State (per credit hour):				
Tuition	\$744	\$744	\$0	
Mandatory Technology Fee	3	4	1	
Mandatory Online Program Fee	25	0	(25)	
Mandatory Online Comprehensive Fee	0	30	30	
Total In-state MFA	\$772	\$778	\$6	0.78%
Out-of-State (per credit hour):				
Tuition	\$744	\$744	\$0	
Mandatory Capital Fee	19	19	0	
Mandatory Technology Fee	3	4	1	
Mandatory Online Program Fee	25	0	(25)	
Mandatory Online Comprehensive Fee	0	30	30	
Total Out-of-state MFA	\$791	\$797	\$6	0.76%
<u>Doctor of Nursing Practice (DNP)</u>				
In-State (per credit hour):				
Tuition	\$504	\$504	\$0	
Mandatory Technology Fee	3	4	1	
Mandatory Online Program Fee	25	0	(25)	
Mandatory Online Comprehensive Fee	0	30	30	
Total In-state DNP	\$532	\$538	\$6	1.13%
Out-of-State (per credit hour):				
Tuition	\$997	\$997	\$0	
Mandatory Capital Fee	19	19	0	
Mandatory Technology Fee	3	4	1	
Mandatory Online Program Fee	25	0	(25)	
Mandatory Online Comprehensive Fee	0	30	30	
Total Out-of-state DNP	\$1,044	\$1,050	\$6	0.57%

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition & Fees¹				
<u>Doctor of Education (Ed.D)</u>				
In-State (per credit hour):				
Tuition	\$371	\$371	\$0	
Program Fee	101	101	0	
Mandatory Technology Fee	3	4	1	
Mandatory Online Program Fee	25	0	(25)	
Mandatory Online Comprehensive Fee	0	30	30	
Total In-state Ed.D	\$500	\$506	\$6	1.22%
Out-of-State (per credit hour):				
Tuition	\$371	\$371	\$0	
Program Fee	101	101	0	
Mandatory Capital Fee	19	19	0	
Mandatory Technology Fee	3	4	1	
Mandatory Online Program Fee	25	0	(25)	
Mandatory Online Comprehensive Fee	0	30	30	
Total Out-of-state Ed.D	\$519	\$525	\$6	1.18%
<u>Masters of Business Administration (MBA-7 Week program) (per credit hour)</u>				
In-State (per credit hour):				
Tuition	N/A	\$410	N/A	
Mandatory Technology Fee	N/A	4	N/A	
Mandatory Comprehensive Fee	N/A	0	N/A	
Mandatory Online Comprehensive Fee	N/A	30	N/A	
Total In-state MBA-7 Week	N/A	\$444	N/A	N/A
Out-of-State (per credit hour):				
Tuition	N/A	\$410	N/A	
Mandatory Capital Fee	N/A	0	N/A	
Mandatory Technology Fee	N/A	4	N/A	
Mandatory Comprehensive Fee	N/A	0	N/A	
Mandatory Online Comprehensive Fee	N/A	30	N/A	
Total Out-of-state MBA-7 Week	N/A	\$444	N/A	N/A

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition & Fees¹				
<u>Tech Talent Investment Program (TTIP)</u>				
In-State (per credit hour):				
Tuition	N/A	\$216	N/A	
Mandatory Technology Fee	N/A	4	N/A	
Mandatory Online Comprehensive Fee	N/A	30	N/A	
Total In-state Undergraduate TTIP	N/A	\$250	N/A	N/A
Out-of-State (per credit hour):				
Tuition	N/A	\$216	N/A	
Mandatory Capital Fee	N/A	19	N/A	
Mandatory Technology Fee	N/A	4	N/A	
Mandatory Online Comprehensive Fee	N/A	30	N/A	
Total Out-of-state Undergraduate TTIP	N/A	\$269	N/A	N/A

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

Competency Based Education (CBE)¹

Cybersecurity - CBE (18 credit hours)^{2, 3}

Tuition	\$6,000	\$5,688	(\$312)	
Mandatory Technology Fee	0	72	72	
Mandatory Online Comprehensive Fee	0	540	540	
Total Cybersecurity - CBE	\$6,000	\$6,300	\$300	5.00%

Geospatial - CBE (14 credit hours)^{2, 3}

Tuition	\$6,000	\$5,824	(\$176)	
Mandatory Technology Fee	0	56	56	
Mandatory Online Comprehensive Fee	0	420	420	
Total Geospatial - CBE	\$6,000	\$6,300	\$300	5.00%

Education - CBE (3 credit hours)

Tuition	\$1,250	\$1,250	\$0	
Total Education - CBE	\$1,250	\$1,250	\$0	0.00%

¹ Actual rates may vary based on the credit hours assessed

² Rate reduction of 10% may be applied for prepaid certificate program.

³ Rates are effective with the launch of the online proposed expansion program.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved</u> <u>2020-21</u>	<u>Proposed</u> <u>2021-22</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>
Comprehensive Fee¹				
Mandatory Comprehensive Fee				
Athletics	\$1,269	\$1,299	\$30	
Auxiliary Building/Facilities	265	272	7	
Auxiliary Support	237	243	6	
Debt Service	306	305	(1)	
Recreation	309	319	10	
Student Activities	148	152	4	
Student Health	353	361	8	
Student Services	97	103	6	
Student Union	305	320	15	
Transit	147	150	3	
Total Comprehensive Fee	\$3,436	\$3,524	\$88	2.56%

¹The Online Comprehensive Fee is allocated utilizing a pro rata distribution of the full time rate allocation.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Fall & Spring Annual Room Rates^{1,2}				
On-Campus Room				
Traditional Double	\$4,865	\$5,011	\$146	3.00%
Standard Double - Phase I	5,495	5,660	165	3.00%
Standard Double - Phase II	5,659	5,829	170	3.00%
Traditional Single	7,102	7,315	213	3.00%
Standard Single - Phase I	7,816	8,050	234	2.99%
Standard Single - Phase II	8,051	8,293	242	3.01%
Standard - Super Suite	5,942	6,120	178	3.00%
Deluxe - Super Suite	6,332	6,522	190	3.00%
Off-Campus Room				
University Apartment - 1 bed	7,650	7,880	230	3.01%
University Apartment - 2 bed	7,283	7,501	218	2.99%
University Apartment - 3 bed	6,916	7,123	207	2.99%
University Apartment - 4 bed	6,548	6,744	196	2.99%
University Apartment - 5 bed	6,181	6,366	185	2.99%
University Apartment - 1 bed (incl. laundry)	8,017	8,258	241	3.01%
University Apartment - 2 bed (incl. laundry)	7,650	7,880	230	3.01%
University Apartment - 3 bed (incl. laundry)	7,283	7,501	218	2.99%
University Apartment - 4 bed (incl. laundry)	6,916	7,123	207	2.99%
University Apartment - 5 bed (incl. laundry)	6,548	6,744	196	2.99%
Fall & Spring Annual Board & Meal Plan Rates^{2,3}				
Residential Board Plan				
Flex Plan	\$4,225	\$4,352	\$127	3.01%
19 Meal Plan	4,356	4,487	131	3.01%
15 Meal Plan	4,237	4,364	127	3.00%
Apt Block	2,225	2,292	67	3.01%
Non-Residential Meal Plan (optional)				
Flex Jr. Plan	\$2,136	\$2,200	\$64	3.00%
65 Meal Plan	1,065	1,097	32	3.00%
90 Meal Plan	1,474	1,518	44	2.99%
5 Meal Plan	1,569	1,616	47	3.00%

¹ Rates are listed on a per student/per bed basis.

² Summer and break rates are prorated based on the approved annualized rate.

³ Select board and meal plans may not be available each term.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

<u>Approved</u>	<u>Proposed</u>	<u>Dollar</u>	<u>Percent</u>
<u>2020-21</u>	<u>2021-22</u>	<u>Change</u>	<u>Change</u>

Radford University Carilion

Undergraduate Tuition¹ & Fees²

In-state Undergraduate (full-time)

Tuition	\$7,922	\$7,922	\$0	
Health Sciences Fee	6,000	0	(6,000)	
Program Fee	7,400	0	(7,400)	
Mandatory Technology Fee	470	96	(374)	
Mandatory Comprehensive Fee	0	3,524	3,524	
Total In-state Undergraduate	\$21,792	\$11,542	(\$10,250)	-47.04%

Out-of-state Undergraduate (full-time)

Tuition	\$7,922	\$20,246	\$12,324	
Health Sciences Fee	6,000	0	(6,000)	
Program Fee	9,795	0	(9,795)	
Mandatory Capital Fee	0	447	447	
Mandatory Technology Fee	470	96	(374)	
Mandatory Comprehensive Fee	0	3,524	3,524	
Total Out-of-state Undergraduate	\$24,187	\$24,313	\$126	0.52%

¹ Full-time tuition rates are based on 12-16 credit hours.

² For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Per Credit Hour Rates¹				
<u>In-state Undergraduate (per credit hour)</u>				
Tuition	\$329	\$329	\$0	
Health Sciences Fee	250	0	(250)	
Program Fee	309	0	(309)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total In-state Undergraduate	\$908	\$480	(\$428)	-47.11%
<u>Out-of-state Undergraduate (per credit hour)</u>				
Tuition	\$329	\$843	\$514	
Health Sciences Fee	250	0	(250)	
Program Fee	409	0	(409)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total Out-of-state Undergraduate	\$1,008	\$1,013	\$5	0.50%
<u>In-state Graduate (per credit hour)</u>				
Tuition	\$371	\$371	\$0	
Health Sciences Fee	250	0	(250)	
Program Fee	174	298	124	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total In-state Graduate	\$815	\$820	\$5	0.67%
<u>Out-of-state Graduate (per credit hour)</u>				
Tuition	\$371	\$371	\$0	
Health Sciences Fee	250	0	(250)	
Program Fee	174	298	124	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total Out-of-state Graduate	\$815	\$839	\$24	2.95%

¹ Summer III tuition and mandatory fees are charged at regular academic year rates.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition and Fees¹				
<u>Emergency Services, BS</u>				
In-state Undergraduate (per credit hour):				
Tuition	\$329	\$329	\$0	
Program Fee	123	0	(123)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total In-State Emergency Services, BS	\$472	\$480	\$8	1.79%
Out-of-state Undergraduate (per credit hour):				
Tuition	\$329	\$329	\$0	
Program Fee	123	0	(123)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total Out-of-state Emergency Services, BS	\$472	\$499	\$27	5.74%
<u>Medical Laboratory Science (MLS), BS</u>				
In-state Undergraduate (per credit hour):				
Tuition	\$329	\$329	\$0	
Program Fee	123	0	(123)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total In-state MLS, BS	\$472	\$480	\$8	1.79%
Out-of-state Undergraduate (per credit hour):				
Tuition	\$329	\$329	\$0	
Program Fee	123	0	(123)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total Out-of-state MLS, BS	\$472	\$499	\$27	5.74%

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition and Fees¹				
<u>Nursing, BS (RN-BSN)²</u>				
In-state Undergraduate (per credit hour):				
Tuition	\$329	\$299	(\$30)	
Program Fee	71	0	(71)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Online Comprehensive Fee	0	30	30	
Total In-state RN-BSN	\$420	\$333	(\$87)	-20.64%
Out-of-state Undergraduate (per credit hour):				
Tuition	\$329	\$299	(\$30)	
Program Fee	71	0	(71)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Online Comprehensive Fee	0	30	30	
Total Out-of-state RN-BSN	\$420	\$333	(\$87)	-20.64%
<u>Healthcare Administration, BS</u>				
In-state Undergraduate (per credit hour):				
Tuition	\$329	\$307	(\$22)	
Program Fee	101	0	(101)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total In-state Healthcare Administration, BS	\$450	\$458	\$8	1.88%
Out-of-state Undergraduate (per credit hour):				
Tuition	\$329	\$307	(\$22)	
Program Fee	101	0	(101)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total Out-of-state Healthcare Admin., BS	\$450	\$477	\$27	6.02%

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

² Proposed rates in accordance with 7-week term online campus expansion program. Absent 7-week term structure prior year rates would apply.

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition and Fees¹				
<u>Public Health, BS</u>				
In-state Undergraduate (per credit hour):				
Tuition	\$329	\$307	(\$22)	
Program Fee	101	0	(101)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total In-state Public Health, BS	\$450	\$458	\$8	1.88%
Out-of-state Undergraduate (per credit hour):				
Tuition	\$329	\$307	(\$22)	
Program Fee	101	0	(101)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total Out-of-state Public Health, BS	\$450	\$477	\$27	6.02%
<u>Health Sciences, MS</u>				
In-state Graduate (per credit hour):				
Tuition	\$371	\$371	\$0	
Program Fee	220	223	3	
Mandatory Technology Fee	20	4	(16)	
Mandatory Online Comprehensive Fee	0	30	30	
Total In-state Health Sciences, MS	\$611	\$628	\$17	2.85%
Out-of-state Graduate (per credit hour):				
Tuition	\$371	\$371	\$0	
Program Fee	220	223	3	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Online Comprehensive Fee	0	30	30	
Total Out-of-state Health Sciences, MS	\$611	\$647	\$36	5.90%

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition and Fees¹				
<u>Masters of Science in Nursing, MSN²</u>				
In-state Graduate (per credit hour):				
Tuition	\$371	\$420	\$0	
Clinical Site Fee	250	0	0	
Program Fee	174	0	0	
Mandatory Technology Fee	20	4	0	
Mandatory Online Comprehensive Fee	0	30	0	
Total In-state MSN	\$815	\$454	\$0	-44.27%
Out-of-state Graduate (per credit hour):				
Tuition	\$371	\$420	\$0	
Clinical Site Fee	250	0	0	
Program Fee	174	0	0	
Mandatory Technology Fee	20	4	0	
Mandatory Online Comprehensive Fee	0	30	0	
Total Out-of-state MSN	\$815	\$454	\$0	-44.27%
<u>Healthcare Administration, MS</u>				
In-state Graduate (per credit hour):				
Tuition	\$371	\$371	\$0	
Program Fee	220	212	(8)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Online Comprehensive Fee	0	30	30	
Total In-state Healthcare Admin., MS	\$611	\$617	\$6	1.05%
Out-of-state Graduate (per credit hour):				
Tuition	\$371	\$371	\$0	
Program Fee	220	212	(8)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Online Comprehensive Fee	0	30	30	
Total Out-of-state Healthcare Admin., MS	\$611	\$636	\$25	4.10%

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

² Proposed rates in accordance with 7-week term online campus expansion program. Absent 7-week term structure prior year rates would apply.

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition and Fees¹				
<u>Master of Occupational Therapy, MOT</u>				
In-state Graduate (per credit hour):				
Tuition	\$376	\$376	\$0	
Program Fee	189	63	(126)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total In-state MOT	\$585	\$590	\$5	0.93%
Out-of-state Graduate (per credit hour):				
Tuition	\$587	\$587	\$0	
Program Fee	208	63	(145)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total Out-of-state MOT	\$815	\$820	\$5	0.62%
<u>Occupational Therapy Doctorate, OTD</u>				
In-state Graduate (per credit hour):				
Tuition	\$376	\$376	\$0	
Program Fee	189	181	(8)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Online Comprehensive Fee	0	30	30	
Total In-state OTD	\$585	\$591	\$6	1.10%
Out-of-state Graduate (per credit hour):				
Tuition	\$587	\$587	\$0	
Program Fee	208	181	(27)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Online Comprehensive Fee	0	30	30	
Total Out-of-state OTD	\$815	\$821	\$6	0.74%

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

	<u>Approved 2020-21</u>	<u>Proposed 2021-22</u>	<u>Dollar Change</u>	<u>Percent Change</u>
Differential Tuition and Fees¹				
<u>Health Sciences Doctorate, DHSC</u>				
In-state Graduate (per credit hour):				
Tuition	N/A	\$371	N/A	
Program Fee	N/A	416	N/A	
Mandatory Technology Fee	N/A	4	N/A	
Mandatory Online Comprehensive Fee	N/A	30	N/A	
Total In-state DHSC	N/A	\$821	N/A	N/A
Out-of-state Graduate (per credit hour):				
Tuition	N/A	\$371	N/A	
Program Fee	N/A	416	N/A	
Mandatory Capital Fee	N/A	19	N/A	
Mandatory Technology Fee	N/A	4	N/A	
Mandatory Online Comprehensive Fee	N/A	30	N/A	
Total Out-of-state DHSC	N/A	\$840	N/A	N/A
<u>Doctor of Physical Therapy, DPT</u>				
In-state Graduate (per credit hour):				
Tuition	\$371	\$480	\$109	
Program Fee	232	0	(232)	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total In-state DPT	\$623	\$631	\$8	1.36%
Out-of-state Graduate (per credit hour):				
Tuition	\$876	\$966	\$90	
Program Fee	232	0	(232)	
Mandatory Capital Fee	0	19	19	
Mandatory Technology Fee	20	4	(16)	
Mandatory Comprehensive Fee	0	147	147	
Total Out-of-state DPT	\$1,128	\$1,136	\$8	0.71%

¹ For applicable differential tuition programs, students enrolled in 12 to 18 credit hours will be assessed up to the annualized rates for mandatory fees.

Radford University Board of Visitors - Business Affairs and Audit Committee
 April 22, 2021
 Recommendation for 2021-22 Tuition & Fees

<u>Approved</u> <u>2020-21</u>	<u>Proposed</u> <u>2021-22</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>
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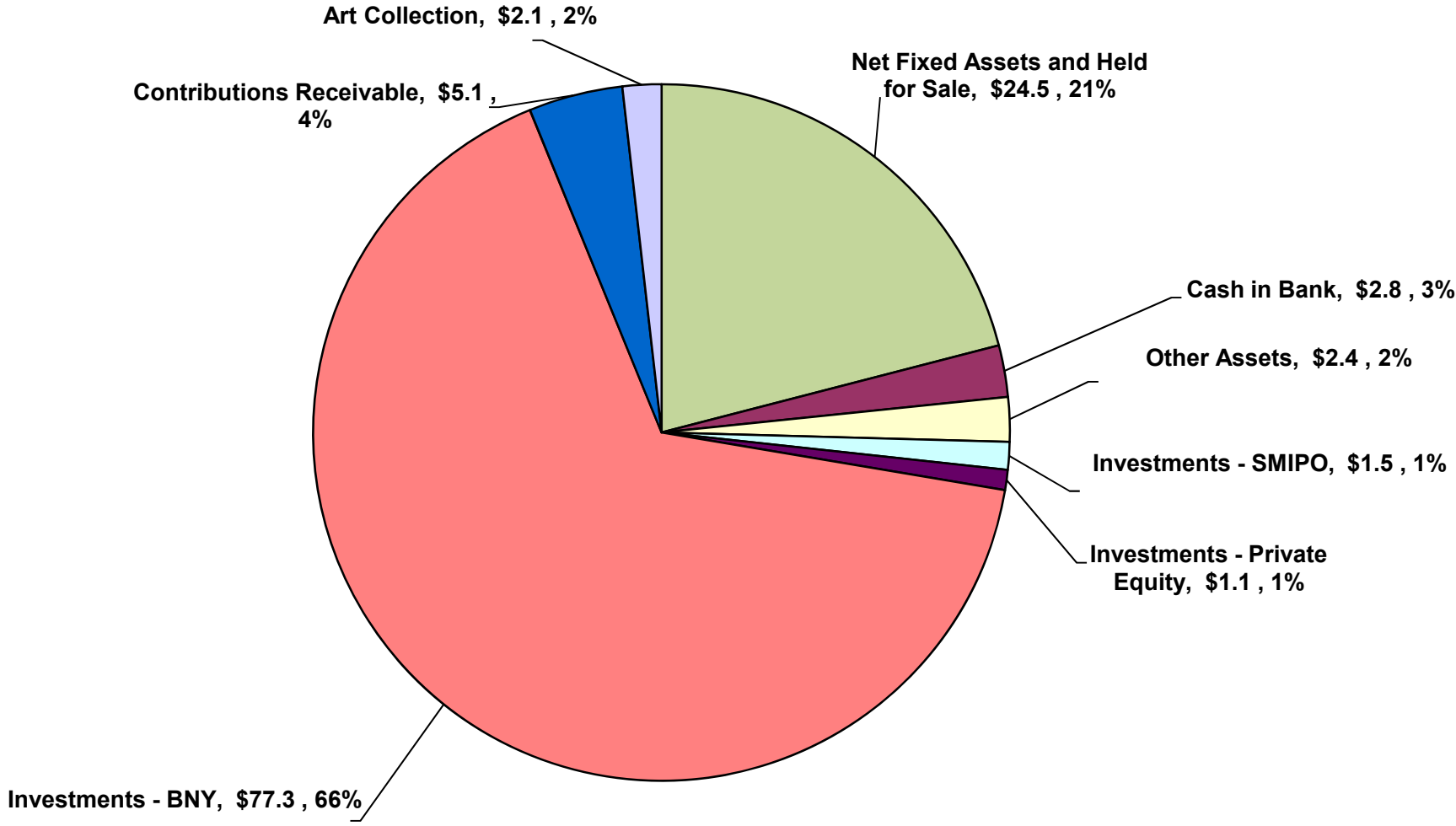
Fall & Spring Annual Room Rates¹

Off-Campus Rooms

Patrick Henry - 1 bed studio (incl. laundry)	\$5,870	\$7,880	\$2,010	34.24%
Patrick Henry - 2 bed standard (incl. laundry)	5,870	7,501	1,631	27.79%
Patrick Henry - 2 bed studio (incl. laundry)	5,870	7,123	1,253	21.35%
Patrick Henry - 4 bed standard (incl. laundry)	5,870	6,744	874	14.89%

¹Summer rates are prorated based on the approved annualized rate.

Radford University Foundation Asset Composition as of 3/31/21-PRELIMINARY



(in millions)
Total Assets: \$116.8M

2018-2023 Strategic Plan Mid-Term Progress Report

RADFORD
UNIVERSITY

Regular Reporting

- **Progress Reports**
 - Fall 2018 Update
 - Spring 2019 and Fall 2019 Update
 - Spring 2020 and Fall 2020 Update
- **Annual Reports**
- **Mid-Term Progress Report**

Focal Areas

- Academic Excellence and Research
- Brand Identity
- Economic Development and Community Partnerships
- Philanthropic Giving and Alumni Engagement
- Strategic Enrollment Growth
- Student Success

Focal Areas

- Academic Excellence and Research
- Brand Identity
- Economic Development and Community Partnerships
- Philanthropic Giving and Alumni Engagement
- Strategic Enrollment Growth
- Student Success

Academic Excellence and Research

1. Be a leading institution of higher education in the Commonwealth of Virginia to produce students with a high level of applied learning capabilities for productive professional and personal lives
2. Garner recognition for signature academic programs in health sciences, healthcare, and human services across the lifespan
3. Garner recognition for signature academic programs that provide expertise for enhancing information safety and security for Virginians and the global community
4. Increase faculty and student-faculty collaborative research, scholarship, and creative activities that are externally validated through peer review and supported by grants

Academic Excellence and Research

- **Featured Accomplishment**
 - *Jefferson College of Health Sciences Merger/
Radford University Carilion*
- **Other Highlights**
 - *Highlander Research Rookies Program*
 - *Tech Talent Investment Program*

Brand Identity

1. Cultivate a fierce pride among internal constituents (i.e., current students, faculty, and staff) through a shared understanding and experience of the Highlander identity and values (Responsive, Resilient, Real)
2. Integrate the Highlander brand identity and values (Responsive, Resilient, Real) into communications with external constituents (e.g., alumni, employers, prospective students, and family members)

Brand Identity

- **Featured Accomplishment**
 - *3Rs (Responsive, Resilient, Real)*
- **Other Highlights**
 - *“I am a Highlander!”*
 - *Healthcare Heroes*

Brand Identity

- **Merchandise Sales**
 - *2017: \$1,139,548*
 - *2018: \$1,119,219*
 - *2019: \$1,254,820*
 - *2020: \$891,179*
- ***Royalties Collected***
- ***Licensees***

Economic Development and Community Partnerships

1. Contribute to overall economic growth and increased employment opportunities in the region through both indirect and direct economic development activities in the health, education, arts and culture, natural resources, and infrastructure sectors
2. Facilitate and support the City of Radford and the New River Valley as focal points for business, social, tourism, and cultural activities

Economic Development and Community Partnerships

- **Featured Accomplishment**
 - *Vinod Chachra IMPACT Lab*
- **Other Highlights**
 - *Venture Lab Initial Opening and On-Going Operation*
 - *World-Class Hotel Partnership Project*

Economic Development and Community Partnerships

- **CBE Enrollment Snapshot**
 - *October 2017: 8*
 - *October 2018: 465*
 - *October 2019: 2,518*
 - *October 2020: 2,227*
- **Corporate Partners: 32**

Philanthropic Giving and Alumni Engagement

1. Broaden engagement for all constituents
2. Increase giving and engagement
3. Inform constituents about giving opportunities and highlight success and impact

Philanthropic Giving and Alumni Engagement

- **Featured Accomplishment**
 - *Culture of Engagement and Philanthropy*
- **Other Highlights**
 - *Operations and Staffing*
 - *Highlander Family Tour*
 - *Highlander Wisdom Series*

Philanthropic Giving and Alumni Engagement

- **Fundraising**

- *FY 2017: \$10,792,480*
- *FY 2018: \$15,340,113*
- *FY 2019: \$12,510,840*
- *FY 2020: \$7,489,470*
- *FY 2021: \$10,233,581 (as of March 31, 2021)*
- *FY 2021: Up-to-date amount*

Strategic Enrollment Growth

1. Support enrollment growth through the development and utilization of actionable data and predictive analytics
2. Grow in-state freshman student headcount enrollment by three percent annually
3. Grow out-of-state freshman student headcount enrollment by three percent annually
4. Grow new transfer student headcount enrollment by three percent annually
5. Grow veteran and active military student headcount enrollment by ten percent annually
6. Grow international student headcount enrollment by 50 students annually
7. Grow graduate student headcount enrollment by three percent annually
8. Increase academic success of the undergraduate student population

Strategic Enrollment Growth

- **Featured Accomplishment**
 - *Highlander Distinction Program*
- **Other Highlights**
 - *Bridge Program*
 - *Partnership Agreements*
 - *Academic Partnerships*

Strategic Enrollment Growth

- **Annual Expanded Investment**
 - *FY 21: \$3.2 million*
 - *FY 22: \$3.8 million*
 - *FY 23: \$3.4 million*
 - *FY 24: \$3.4 million*

Strategic Enrollment Growth

Year	New Freshman	International (NEW)	Transfer	Continuing Undergraduate	Total Undergraduate	Graduate	CBE	Total
Fall 2017	1,848	49	672	5,890	8,410	1,000	8	9,418
Fall 2018	1,762	46	593	5,535	7,890	957	488	9,335
Fall 2019	1,651	30	704	5,575	7,930	1,323	2,617	11,870
Fall 2020	1,336	14	648	5,313	7,297	1,336	2,062	10,695

Student Success

1. Assist students in becoming more independent, self-confident, and effective learners who disseminate knowledge, innovate, and solve problems creatively
2. Increase student engagement in both the social and academic arenas to enrich the Radford experience and increase student retention and success
3. Intentionally lead students from their transition into Radford University through graduation toward their unique path in life

Student Success

- **Featured Accomplishment**
 - *Academic Success Center*

- **Other Highlights**
 - *Living-Learning Communities*
 - *Traditions Week*
 - *Highlander Discovery Institute*
 - *The REAL Education Model*

Student Success

Year	Retention Rate	Graduation Rate
2016-2017	75.7%	55.2%
2017-2018	70.9%	59.3%
2018-2019	71.3%	55.4%
2019-2020	74.8%	56.0%

**Performance Plan Update 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 that President Brian O. Hemphill met all metrics outlined in the Performance Plan for 2020-2021, under Spring Strategic Implementation and Annual Philanthropic Giving, as discussed in closed session on April 23, 2021, 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.

Approved: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors



Karen Castele
Secretary to the Board of Visitors
Radford University

**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.~~

2.1. 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 §2.2-3708.2+ 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.

2. The Board of Visitors may hold meetings through electronic communication in accordance with other parts of §2.2-3708.2.

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.

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. **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~~ Executive 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 3 E. Member(s) Participation via Electronic Communications**, as follows:

delete

- ~~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.~~~~

Change numbering

1. 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 §2.2-3708.24 and provided that:

Add

2. The Board of Visitors may hold meetings through electronic communication in accordance with other parts of §2.2-3708.2.

And Article II as follows:

Update wording

Section 1.

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~~ Executive 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.

Adopted: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors



Karen Castele
Secretary to the Board of Visitors
Radford University

RADFORD UNIVERSITY BOARD OF VISITORS

**RESOLUTION FOR RADFORD UNIVERSITY FOUNDATION
MEMORANDUM OF UNDERSTANDING**

APRIL 23, 2021

WHEREAS, the Radford University Board of Visitors adopted the “Policy on University-Related Foundations” on May 24, 2007; and

WHEREAS, the Radford University Board of Visitors revised the “Policy on University-Related Foundations” on September 4, 2008, and that such policy remains in effect with no further revisions since the Board’s 2008 consideration and subsequent action; and

WHEREAS, Radford University officials have been working diligently with Radford University Foundation officials to both develop and implement a Memorandum of Understanding between the two entities;

NOW, THEREFORE, BE IT RESOLVED, that the Radford University Board of Visitors hereby revokes the “Policy on University-Related Foundations” effective today in order to both finalize and implement the aforementioned Memorandum of Understanding; and it is further

RESOLVED, that the Radford University Board of Visitors, Radford University President, Radford University Foundation Board of Directors Chair, and the Radford University Foundation Chief Executive Officer will serve as signatories on the final Memorandum of Understanding, which will remain in effect until such a time when University and Foundation officials are able to develop a replacement policy for presentation to and consideration by the Board of Visitors.

Approved: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors



Karen Castele
Secretary to the Board of Visitors
Radford University

RADFORD UNIVERSITY BOARD OF VISITORS
April 23, 2021

Action Item
Adoption of the First Amendment to the Radford University Qualified Governmental Excess Benefit Arrangement

Item: Adoption of the First Amendment to the Radford University Qualified Governmental Excess Benefit Arrangement (As Amended and Restate Effective January 1, 2017).

Background:

The Radford University Qualified Governmental Excess Benefit Arrangement was amended and restated effective January 1, 2017. The Plan is intended to be a qualified governmental excess benefit arrangement under section 415(m) of the Internal Revenue Code and an exempt governmental deferred compensation plan described in Code section 3121(v)(3). This plan is utilized when the amounts contributed by the eligible employee on behalf of their supplemental plan would exceed the applicable limitations described in Code section 415 for the limitation year.

Regarding the eligibility of distribution, the plan currently states “a participant shall elect the timing and form of distribution of his Excess Benefit Account no later than the last day of the calendar year prior to his date of severance from employment.”

This amendment allows for any participant in the plan as of December 31, 2020, for the Participant’s Excess Benefit Account be distributed in equal annual installments over a period of five (5) years beginning on August 17, 2029. No additional earnings shall be credited to the Participant’s Excess Benefit Account pursuant to Section 3.2 during the period over which the Excess Benefit Account is distributed.

Action:

Radford University Board of Visitors adoption of the First Amendment to the Radford University Qualified Governmental Excess Benefit Arrangement, as presented.

**Radford University Board of Visitors
RESOLUTION
April 23, 2021**

**FIRST AMENDMENT
TO THE RADFORD UNIVERSITY
QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENT
(As Amended and Restated Effective January 1, 2017)**

WITNESSETH

WHEREAS, the Radford University Qualified Governmental Excess Benefit Arrangement (the "Arrangement") was established by Radford University ("University") effective January 1, 2009, as a portion of the Radford University Supplemental Defined Contribution Benefit Plan, and was amended and restated effective January 1, 2017; and

WHEREAS, Section 5.1 of the Plan permits the University, through action by the Board, to amend the Plan at any time.

NOW, THEREFORE, in accordance with the foregoing, the Plan is hereby amended to as follows effective as of the date of execution:

1. The following paragraph shall be added to the end of Section 4.1 to read as follows:

Notwithstanding the preceding or Section 4.2, for any Participant in the Plan as of December 31, 2020, the Participant's Excess Benefit Account shall be distributed in equal annual installments over a period of five (5) years beginning on August 17, 2029. No additional earnings shall be credited to the Participant's Excess Benefit Account pursuant to Section 3.2 during the period over which the Excess Benefit Account is distributed.

IN WITNESS WHEREOF, the undersigned, being an authorized officer of the University, has caused this First Amendment to be executed on behalf of the University as of the date set forth below.

Adopted: April 23, 2021



Robert A. Archer
Rector
Radford University Board of Visitors

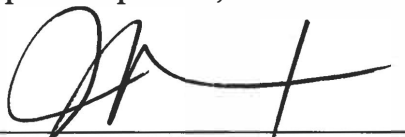


Karen Castele
Secretary to the Board of Visitors
Radford University

**Suspension of Bylaws – Officer Term
Resolution for Board of Visitors Review and Consideration**

Now Therefore Be It Resolved, the Board of Visitors hereby suspends Section 4(B)(3) of its bylaws as it relates to the number of consecutive terms an officer may serve, specifically for the current Rector, Mr. Robert A. Archer. The approved suspension of this specific section shall be limited to the aforementioned individual for the year to begin July 1, 2021 and ending June 30, 2022.

Adopted: April 23, 2021



James R. Kibler, Jr., J.D.
Vice Rector
Radford University Board of Visitors



Karen Castele
Secretary to the Board of Visitors
Radford University



RESOLUTION RECOGNIZING

JAMES R. KIBLER, JR., J.D.

WHEREAS, James R. Kibler, Jr., J.D. served the Commonwealth of Virginia with distinction as a member of the Radford University Board of Visitors from 2017 to 2021; and

WHEREAS, throughout his tenure, Mr. Kibler provided exemplary service, leadership, insight and advice for fellow Board members and University leadership; and

WHEREAS, Mr. Kibler served as Vice Rector of the Radford University Board of Visitors from 2019 to 2021; Vice Chair of the Executive Committee from 2019 to 2021; Vice Chair of the Advancement, University Relations and Enrollment Management Committee from 2018 to 2019; member of the Business Affairs and Audit Committee from 2018 to 2019; a member of the Advancement, University Relations and Enrollment Management from 2017 to 2018; and a member of the Governance, Administration and Athletics Committee from 2017 to 2018; and

WHEREAS, Mr. Kibler earned a Bachelor of Arts degree in history from the University of Virginia and a Juris Doctor degree with honors from the University of Richmond; and

WHEREAS, Mr. Kibler currently serves as Founder, Chief Executive Officer and Managing Member of Next Paradigm, LLC and previously served as President of Virginia Natural Gas, Senior Vice President of External Affairs and Public Policy for Southern Company Gas and a private practice energy and telecommunications attorney; and

WHEREAS, Mr. Kibler is active in local and regional activities, including the Virginia Chamber of Commerce, Hampton Roads Chamber of Commerce, Hampton Roads Business Roundtable and Region Five Council of the Virginia Growth and Opportunity Council, also known as GO Virginia; and

WHEREAS, during his tenure on the Board of Visitors, Mr. Kibler demonstrated his support of Radford University and was a champion for promoting the value of internships and workplace experience for students, as well as scholarship support;

NOW, THEREFORE BE IT RESOLVED, that on this twenty-third day of the month of April in the year two thousand twenty-one, the Radford University Board of Visitors does hereby consider and pass this resolution of commendation and appreciation for service and contribution to the Radford University Board of Visitors, the Radford University students, faculty and staff and the many contributions to national and regional communities, and furthermore that this resolution be preserved in perpetuity in permanent business records of the Radford University Board of Visitors and a copy be presented to James R. Kibler, Jr., J.D.

A handwritten signature in black ink, appearing to read "Robert A. Archer", written over a horizontal line.

Robert A. Archer
Rector

A handwritten signature in black ink, appearing to read "Brian O. Hemphill", written over a horizontal line.

Brian O. Hemphill, Ph.D.
President



RESOLUTION RECOGNIZING

GREGORY A. BURTON

WHEREAS, Mr. Gregory A. Burton served the Commonwealth of Virginia with distinction as a member of the Radford University Board of Visitors from 2017 to 2021; and

WHEREAS, throughout his tenure, Mr. Burton demonstrated thoughtful consideration for students, faculty and staff, exemplary leadership for fellow Board members and insightful guidance for University leadership; and

WHEREAS, Mr. Burton served as a member of the Governance, Administration and Athletics Committee from 2017 to 2021; member of the Business Affairs and Audit Committee in 2017; Chair of the Business Affairs and Audit Committee from 2018 to 2021; and member of the Executive Committee from 2018 to 2021; and

WHEREAS, Mr. Burton received a Bachelor of Science degree in Business from the University of Charleston, a Master of Business Administration degree from the University of Kentucky, a Presidential Honorary Degree from West Virginia University in 2018 and was inducted into the Marshall University Business College Hall of Fame in 2018; and

WHEREAS, Mr. Burton has been the executive chair of Motorists Insurance Group since its affiliation with BrickStreet Mutual closed in April 2017, and was previously BrickStreet's chief executive officer and president; and

WHEREAS, Mr. Burton has more than 30 years of management experience in the insurance and financial services industries and in both state and local government, including serving as cabinet secretary of the West Virginia Department of Administration; and

WHEREAS, Mr. Burton's term on the Board of Visitors was during an unprecedented time of collective excitement, programmatic innovation and overall growth, and his knowledgeable guidance and leadership positively impacted the forward momentum in fulfilling the mission of Radford University;

NOW, THEREFORE BE IT RESOLVED, that on this twenty-third day of the month of April in the year two thousand twenty-one, the Radford University Board of Visitors does hereby consider and pass this resolution of commendation and appreciation for service and contribution to the Radford University Board of Visitors, the Radford University students, faculty and staff and the many contributions to national and regional communities, and furthermore that this resolution be preserved in perpetuity in permanent business records of the Radford University Board of Visitors and a copy be presented to Mr. Gregory A. Burton.

A handwritten signature in black ink, appearing to read "Robert A. Archer", written over a horizontal line.

Robert A. Archer
Rector

A handwritten signature in black ink, appearing to read "Brian O. Hemphill", written over a horizontal line.

Brian O. Hemphill, Ph.D.
President



RESOLUTION RECOGNIZING

KARYN K. MORAN '88

WHEREAS, Ms. Karyn K. Moran served the Commonwealth of Virginia with distinction as a member of the Radford University Board of Visitors from 2017 to 2021; and

WHEREAS, throughout her tenure, Ms. Moran demonstrated heartfelt compassion for students, faculty and staff and insightful guidance for the Board of Visitors and University leadership as a proud Highlander alumna and dedicated Commonwealth citizen; and

WHEREAS, Ms. Moran served as a member of the Advancement, University Relations and Enrollment Management Committee from 2017 to 2021; a member of the Student Success Committee from 2017 to 2021; and as Vice Chair of the Student Success Committee from 2018 to 2020; and

WHEREAS, Ms. Moran is a loyal and proud alumna, a member of the class of 1988, having earned a Bachelor of Business Administration in Management; and

WHEREAS, Ms. Moran has over 20 years of experience in the field of project management and technical recruiting, currently serving as Talent Acquisition Leader at HHHunt Corporation and previously served as Client Services Director at Korn Ferry Futurestep; and

WHEREAS, Ms. Moran and her husband, The Honorable Brian J. Moran, are passionate civic leaders who work fervently to make life stronger and safer for the citizens of Virginia, particularly children and young adults, while also being proud parents of a son and daughter; and

WHEREAS, Ms. Moran is an advocate for the mission of Radford University and the opportunities provided to talented students through the engaged world-class faculty and unique experiences offered in and out of the classroom;

NOW, THEREFORE BE IT RESOLVED, that on this twenty-third day of the month of April in the year two thousand twenty-one, the Radford University Board of Visitors does hereby consider and pass this resolution of commendation and appreciation for service and contribution to the Radford University Board of Visitors, the Radford University students, faculty and staff and the many contributions to national and regional communities, and furthermore that this resolution be preserved in perpetuity in permanent business records of the Radford University Board of Visitors and a copy be presented to Ms. Karyn K. Moran.

A handwritten signature in black ink, appearing to read "Robert A. Archer", written over a horizontal line.

Robert A. Archer
Rector

A handwritten signature in black ink, appearing to read "Brian O. Hemphill", written over a horizontal line.

Brian O. Hemphill, Ph.D.
President



**RESOLUTION RECOGNIZING
PRESIDENT BRIAN O. HEMPHILL, PH.D.**

WHEREAS, Brian O. Hemphill, Ph.D. joined the Radford University family on July 1, 2016 as the seventh president since the institution's founding in 1910; and

WHEREAS, at an early age, President Hemphill viewed education as a gift and, as a first-generation student, pursued the exciting and limitless opportunities of higher education, ultimately receiving a doctorate in Higher Education Administration and Policy Studies; and

WHEREAS, President Hemphill began his tenure at Radford University with an impressive record of serving students who were seeking to fulfill their own dreams in his prior leadership roles as an Associate Vice Chancellor and Dean of Students; Vice President for Student Affairs and Enrollment Management and Associate Professor; and President and Professor; and

WHEREAS, President Hemphill's arrival at Radford ushered in a new level of achievement and enthusiasm for the Radford family, thereby creating a strong foundation for limitless opportunities, now and well into the future; and

WHEREAS, President Hemphill negotiated and implemented a comprehensive merger of Jefferson College of Health Sciences into Radford University, thereby establishing Radford University Carilion and making Radford University's nursing program the second largest in Virginia, then continued his work with the Virginia General Assembly gaining the financial support to equalize tuition between Radford University Carilion and the main campus; and

WHEREAS, President Hemphill secured \$34 million to renovate Reed and Curie Halls, which reopened in January 2020; obtained \$101 million for construction of the Center for Adaptive Innovation and Creativity, representing the largest capital project and academic building in the University's history; and announced a partnership to bring a world-class hotel to the City of Radford in close proximity to the main campus through a partnership with the Radford University Foundation, Inc. with continued work to bring the project to reality for occupancy in late 2022; and

WHEREAS, President Hemphill conducted the inaugural University-wide Retention Summit in order to improve student engagement and success, thereby resulting in the re-envisioning of the first-year experience and retention model by establishing the Academic Success Center through the co-location of Academic Advising; New Student and Family Programs; and Student Success in a dedicated and newly-renovated space; and

WHEREAS, President Hemphill launched IMPACT, a competency-based program targeting the adult student population with a focus on cybersecurity, geospatial intelligence and K-12 professional development, and secured a \$13.8 million grant from the U.S. Department of Education, thereby representing the largest grant in the history of the University; and

WHEREAS, during President Hemphill's tenure as a student-centered and visionary leader, Radford University saw the highest enrollment in history at 11,870 in fall 2019; the highest graduate enrollment in history at 3,903 in fall 2019; the highest percentage of first-generation students in history at 39% in fall 2019; the most new freshman applications in history at 16,138 in fall 2019; the highest average GPA in history at 3.32 in fall 2020; and the most degrees annually conferred in history at 2,430 in 2019-2020; and

WHEREAS, President Hemphill immediately connected with the Radford University family across the country by hosting two Highlander Family Tours in 2016 and 2019, reinstating the Alumni Association Board of Directors and Regional Chapters shortly after his arrival and recognizing the importance and role of alumni support throughout his presidency; and

WHEREAS, under President Hemphill's leadership, the University's endowment increased by 42.3% with an \$8 million gift to name the Davis College of Business and Economics, representing the largest gift by an individual in the history of the University; a \$5 million gift to name the Artis College of Science and Technology, representing the largest gift by an alumna in the history of the University; and the most ambitious comprehensive campaign in University history, having already raised \$69 million of the \$100 million goal; and

WHEREAS, in the midst of Spring 2020 semester, Radford joined the world in experiencing a shattering global health pandemic, and through President Hemphill's decisive, timely and vigilant actions, the health, safety and well-being of students, faculty and staff remained the focus and the important work of teaching, research and service continued as a testament to thoughtful planning and clear communication, as well as the responsive and resilient nature of all Highlanders; and

WHEREAS, while President's Hemphill leaves a legacy of professional achievements at Radford University, what will be remembered most is who he is as a person, a character defined by integrity and genuine care for others, which formed the foundation for building trust, meaningful partnerships and long-lasting relationships, and a humility that never put himself in the spotlight, rather never missing an opportunity to give credit to others; and

WHEREAS, to acknowledge the core of President Hemphill's professional career and lasting legacy as a champion of student engagement and success, while reducing barriers and overcoming challenges, the Radford University Board of Visitors hereby establishes the President Brian O. Hemphill, Ph.D. Student Scholarship Fund, providing life-changing opportunities for future generations of Highlander students; and

WHEREAS, in further recognition and honor of President Hemphill's contributions to the pursuit of teaching, research and service, and the value he has placed on education as a student, mentor, professor and president, the Radford University Board of Visitors hereby names the College of Humanities and Behavioral Sciences Building and henceforth, it will be known as Hemphill Hall;

NOW, THEREFORE BE IT RESOLVED, that on this twenty-third day of the month of April in the year two thousand twenty-one, the Radford University Board of Visitors does hereby consider and pass this resolution of commendation and appreciation for heartfelt service and historic contributions to Radford University and the long-lasting impact on the lives of generations of the Radford family, including students, faculty, staff and friends, and for the many contributions to regional and national communities, and furthermore that this resolution be preserved in perpetuity in permanent business records of the Radford University Board of Visitors and a copy be presented to President Brian O. Hemphill, Ph.D.



Robert A. Archer

Robert A. Archer
Rector

End of Board of Visitors Materials



RADFORD UNIVERSITY

Board of Visitors

SPECIAL MEETING

9:00 A.M.

MAY 12, 2021

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

DRAFT MINUTES

BOARD MEMBER PRESENT IN BOARD ROOM

Mr. Robert A. Archer, Rector

BOARD MEMBERS PARTICIPATING BY ELECTRONIC COMMUNICATION

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. Nancy Angland Rice

Mr. David A. Smith

Ms. Georgia Anne Snyder-Falkinham

Ms. Lisa Throckmorton

BOARD MEMBERS ABSENT

Mr. James R. Kibler, Jr., Vice Rector

Ms. Karyn K. Moran

OTHERS PRESENT IN BOARD ROOM

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

Dr. Susan Trageser, Vice President for Student Affairs

OTHERS PARTICIPATING BY ELECTRONIC COMMUNICATION

Mr. Allen T. Wilson, Assistant Attorney General, Commonwealth of Virginia

Advanced notice for real-time public electronic access to the meeting was provided.

CALL TO ORDER

Rector Robert A. Archer called the meeting to order at 9:01 a.m. and welcomed the Board of Visitors members and the public to the special convened meeting. Due to a technical issue and no sound, a recess was called. The meeting reconvened at 9:27 a.m. Rector Archer stated that the meeting was called to continue the discussion of the global health pandemic and its impact on the University. Rector Archer applauded President Brian O. Hemphill, Ph.D. for his leadership during the pandemic and stated that the Board of Visitors and the administration continue to work together to make the best possible decisions for the health, safety and well-being of the students, faculty and staff, as well as the community at large.

RESOLUTION FOR REQUIRED IMMUNIZATION RECORDS FOR STUDENTS

Rector Archer called upon Assistant Attorney General Allen T. Wilson, J.D. to provide background on the recent opinion issued by Virginia Attorney General Mark R. Herring regarding whether public institutions of higher education can condition in-person attendance on receipt of an approved COVID-19 vaccine during this time of the pandemic. In summary, Mr. Wilson stated that the opinion of the Attorney General is that the Boards of Visitors of the Virginia's state institutions of higher education have the authority to require students to have the COVID -19 vaccine.

Chief of Staff and Vice President for Strategic Operations Ashley Schumaker provided an overview of recent endorsements of the COVID-19 vaccine and national trends, including announcements made by other institutions.

Vice President for Student Affairs Susan P. Trageser, Ed.D. shared with the Board of Visitors members the preliminary updates to health records and other documentation and processes should a requirement of the vaccine be required.

A copy of the presentation is attached hereto as *Attachment A* and is made a part hereof.

CLOSED SESSION

Rector Archer requested a motion to move into closed session. Dr. Thomas Brewster made the motion that the Radford University Board of Visitors convene a closed session pursuant to 2.2-3711 (A) Item 7 under the Virginia Freedom of Information Act for consultation with legal counsel on matters related to student vaccinations, requiring the provision of legal advice.

Mr. Mark S. Lawrence seconded the motion. The Board of Visitors went into closed session at 9:40 a.m.

RECONVENED SESSION

Following closed session, public access to the meeting was reconnected after a delay with a technical issue. Rector Archer called the meeting to order at 10:50 a.m. On the motion made by Dr. Brewster and seconded by Ms. Nancy Angland Rice, 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.

Roll Call	Vote
Dr. Thomas Brewster	Yes
Dr. Jay A. Brown	Yes
Mr. Gregory A. Burton	Yes
Ms. Krisha Chachra	Yes
Dr. Rachel D. Fowlkes	Yes
Mr. Mark S. Lawrence	Yes
Dr. Debra K. McMahan	Yes
Ms. Nancy Angland Rice	Yes
Mr. David A Smith	Yes
Ms. Georgia Anne Snyder-Falkinham	Yes
Ms. Lisa Throckmorton	Yes
Mr. Robert A. Archer, Rector	Yes

Dr. Susan Whealler Johnston left the meeting at 10 a.m.

The resolution of certification was unanimously adopted.

Rector Archer asked for a motion to approve the resolution as discussed in closed session. Dr. Brewster so moved, Ms. Rice seconded, and the motion carried by roll call vote. (Ayes: Brewster, Brown, Burton, Chachra, Fowlkes, Lawrence, McMahan, Rice, Smith, Snyder-Falkinham, Throckmorton and Archer; Nays: None) A copy of the resolution is attached hereto as ***Attachment B*** and is made a part hereof.

ADJOURNMENT

With no further business to come before the Board, Rector Archer adjourned the meeting at 10:55 a.m.

Respectfully submitted,

Karen Castele
Secretary to the Board of Visitors and Special Assistant to the President

COVID-19 Vaccination

RADFORD
UNIVERSITY

Attorney General's Recent Issuance

Recent Endorsements

In late April, the American College Health Association (ACHA) recommended that higher education institutions mandate COVID-19 vaccination for all students entering and returning to campuses in the fall.

ACHA did qualify its statement by adding “where state law and available resources allow.”

National Trends

- **No Requirement**
- **Requirement**
- **Delayed Requirement**

Impacted Groups

- **Students**
- **Students, Faculty, and Staff**

Latest Announcements

- **Rowan University** has announced a vaccine requirement for students who live or study on campus, and some incentives for getting the vaccine.
 - Full-time students who provide proof of vaccination will receive a \$500 credit on course registration.
 - Students who live on campus will receive a \$500 housing credit.
- **Harvard University** announced that it will require all students who will be on campus this fall to be vaccinated.

Latest Announcements

- The **University System of Maryland** will require all students, faculty members and other employees to get vaccinated against COVID-19 by the fall.
- The **University of Michigan** will require vaccines for students who plan to live on campus in the fall.
- The **University of California and California State University** systems are planning to require all students, faculty members and other employees to be vaccinated against COVID-19 by the fall.

Latest Announcements

- **Wayne State University** will pay students \$10 if they provide proof of vaccination by May 10.
- **Iowa's public universities** will encourage but not require COVID-19 vaccinations in the fall for students.
- **Rutgers University** was the first college with such a requirement. It was followed by **Cornell University** and **Nova Southeastern University** (*which subsequently reversed its position due to the passage of a state law*).

Updated Forms and Other Processes

COVID-19 Vaccination

RADFORD
UNIVERSITY

**RADFORD UNIVERSITY BOARD OF VISITORS
RESOLUTION**

MAY 12, 2021

WHEREAS, the health and safety of the Radford University campus are of the highest priority; and

WHEREAS, the Radford University Board of Visitors fully supports the benefits and importance of the COVID-19 vaccine in both responding to and managing the ongoing global health pandemic;

THEREFORE, BE IT RESOLVED, the Radford University Board of Visitors delegates its authority and directs the President to determine if the requirement of the COVID-19 vaccine be a condition of in-person attendance by students, as well as to take any further actions necessary as dictated by current conditions to implement any such requirement, and that any decision will be based upon the health and safety of the campus and surrounding community.

Adopted: May 12, 2021



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





**NEW MEMBER ORIENTATION
AUGUST 8, 2021
THE HOTEL ROANOKE & CONFERENCE CENTER
ROANOKE, VIRGINIA**

MEMBERS PRESENT

Mr. Robert A. Archer, Rector
Ms. Charlene Curtis
Ms. Lisa W. Pompa
Mr. Marquett Smith

OTHERS PRESENT

Dr. Carolyn R. Lepre, Interim President
Ms. Karen Castele, Secretary to the Board of Visitors and Special Assistant to the President
Dr. Angela M. Joyner, Interim Chief of Staff
Ms. Heather Miano, Executive Director of Administration
Other Radford University administrators for presentations

Mr. Robert A. Archer, Rector, welcomed the new members to the Board of Visitors and shared that he believes serving on the Board will be a meaningful experience for them and that their experiences, skills and passion for their alma mater will make them great assets to the University.

Interim President Carolyn R. Lepre, Ph.D. provided a welcome to the new members, an introduction of herself and an overview of the University, adding some historical elements to illustrate just how far we have come, yet how the mission, values and goals have remained consistent. A copy of the report is attached hereto as ***Attachment A*** and is made a part hereof.

Interim Provost and Vice President for Academic Affairs Orion Rogers, Ph.D. provided an overview of the Academic Affairs division. A copy of the report is attached hereto as ***Attachment B*** and is made a part hereof.

Vice President for Advancement and University Relations Wendy Lowery provided an overview of the Advancement and University Relations division. A copy of the report is attached hereto as ***Attachment C*** and is made a part hereof.

Vice President for Enrollment Management Craig Cornell provided an overview of the Enrollment Management division. A copy of the report is attached hereto as ***Attachment D*** and is made a part hereof.

Vice President for Finance and Administration and Chief Financial Officer Chad A. Reed provided an overview of the Finance and Administration division. A copy of the report is attached hereto as **Attachment E** and is made a part hereof.

Vice President for Student Affairs Susan Trageser, Ed.D. provided an overview of the Student Affairs division. A copy of the report is attached hereto as **Attachment F** and is made a part hereof.

University Auditor Margaret McManus provided an overview of Audit and Advisory Services. A copy of the report is attached hereto as **Attachment G** and is made a part hereof.

Interim Chief of Staff Angela M. Joyner, Ph.D. provided an overview of Innovation, including Vinod Chachra IMPACT Lab and the Center for Career and Talent Development. A copy of the report is attached hereto as **Attachment H** and is made a part hereof.

Secretary to the Board of Visitors Karen Castele pointed out that much of the information that would normally be covered in the New Member Orientation will be provided during the Annual Retreat, and referred them to their notebook for a copy of the Freedom of Information Act. A copy of the report is attached hereto as **Attachment I** and is made a part hereof.

Both Rector Archer and Dr. Lepre thanked the new Board members for their participation and shared their anticipation for a productive year.

Respectfully submitted,

Ms. Karen Castele
Secretary to the Board of Visitors and Special Assistant to the President

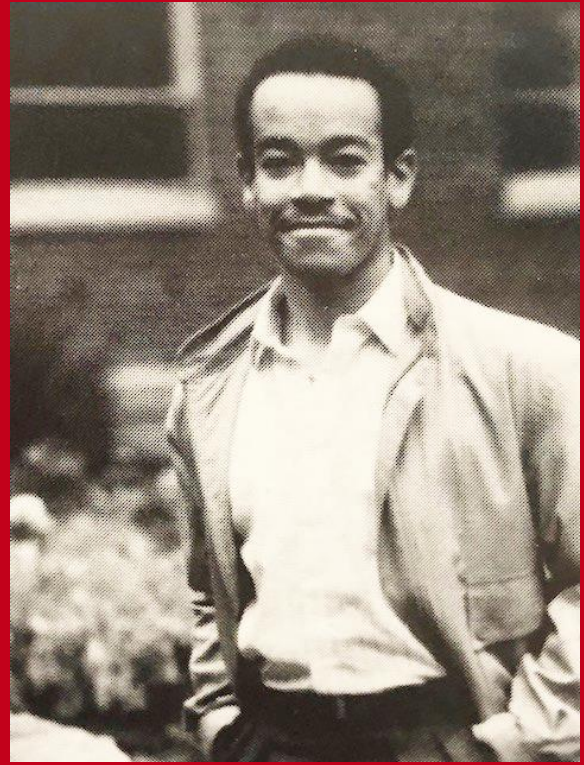
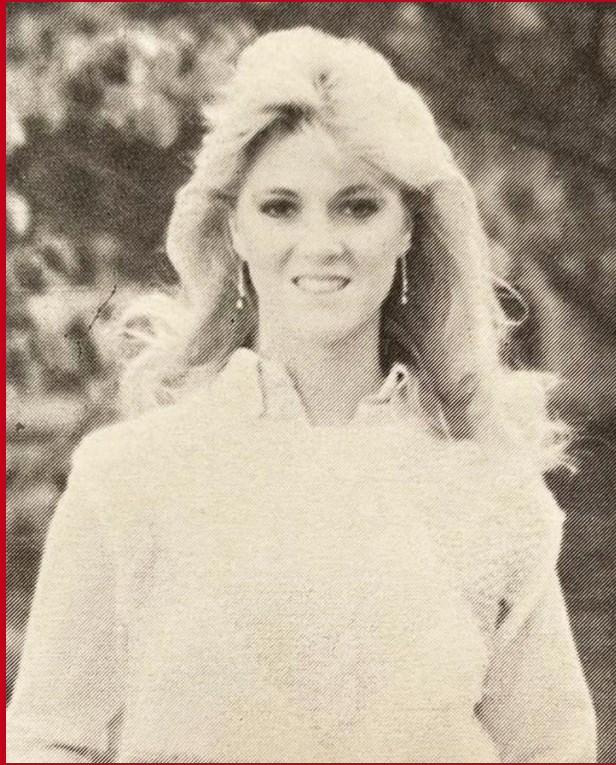
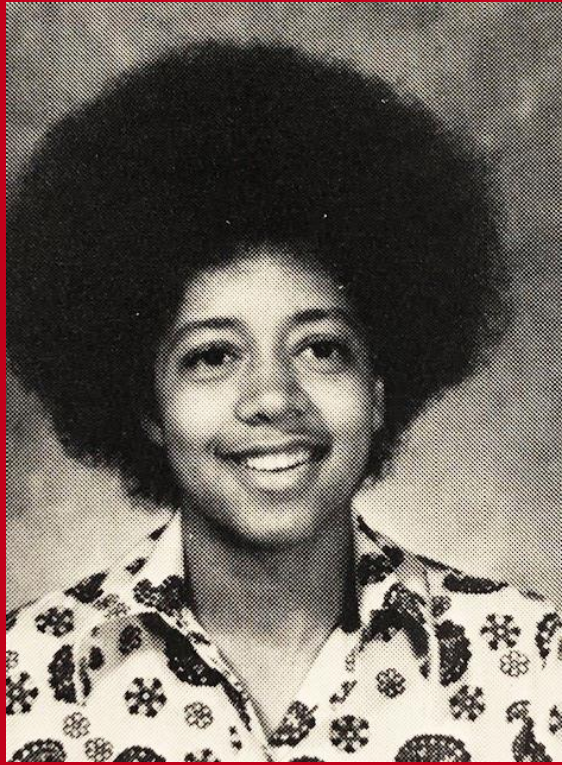
New Member Orientation 2021

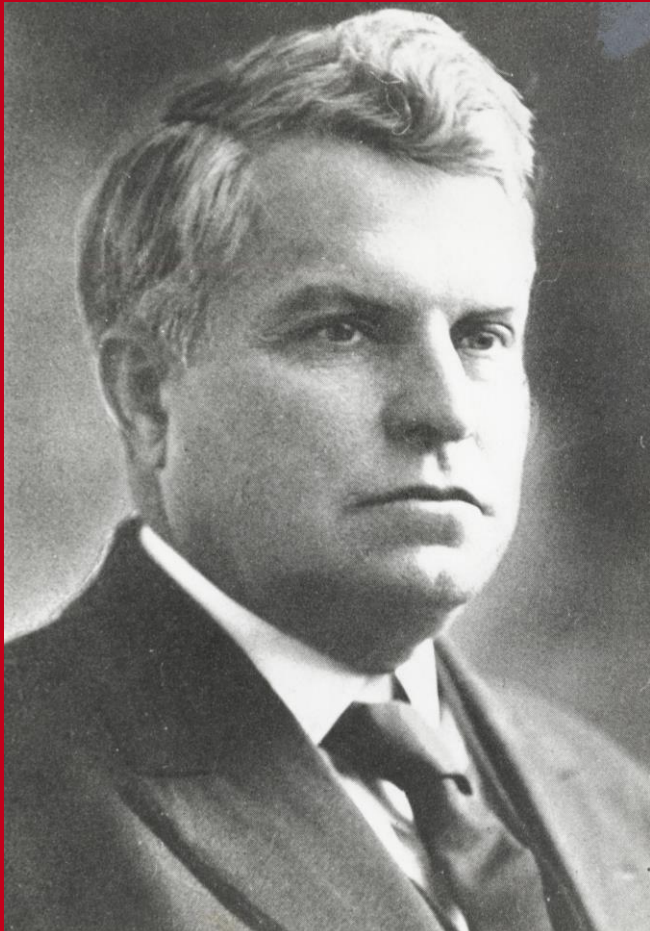
RADFORD UNIVERSITY

Board of Visitors









IMPACT

INNOVATIVE AND PERSONALIZED
ACCELERATED COMPETENCY TRAINING

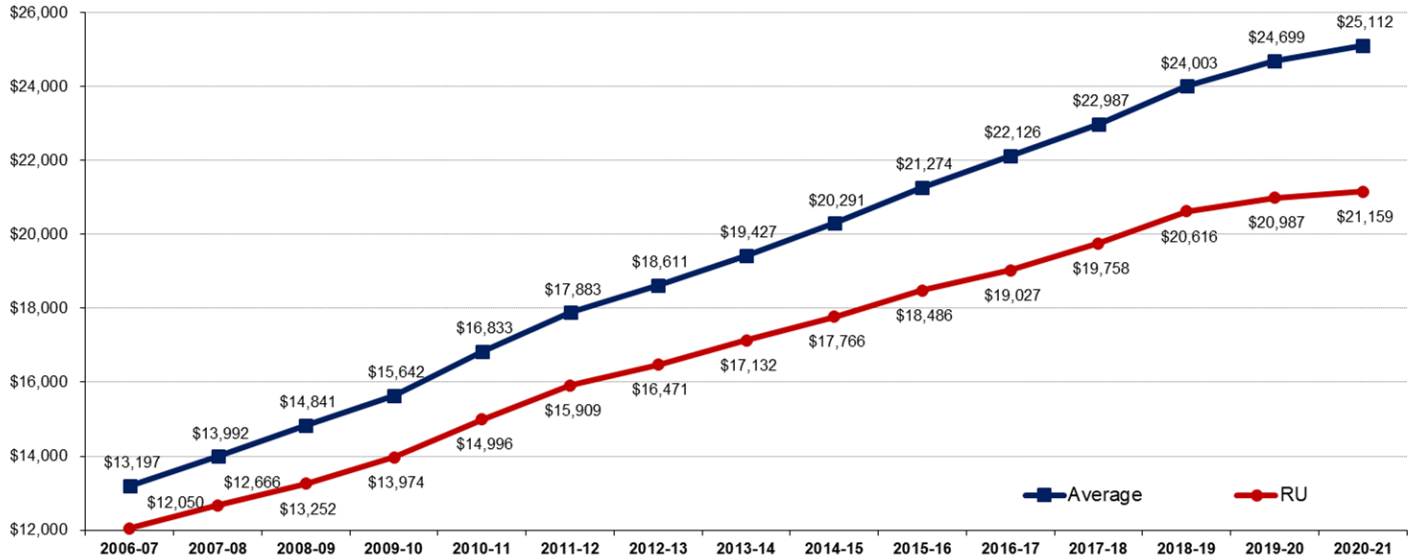
- Online and On-Demand Learning
- Competency-Based, Self-Paced:
Anytime, Anywhere
- Cutting-Edge Industry Development

Reality

UNIVERSITY



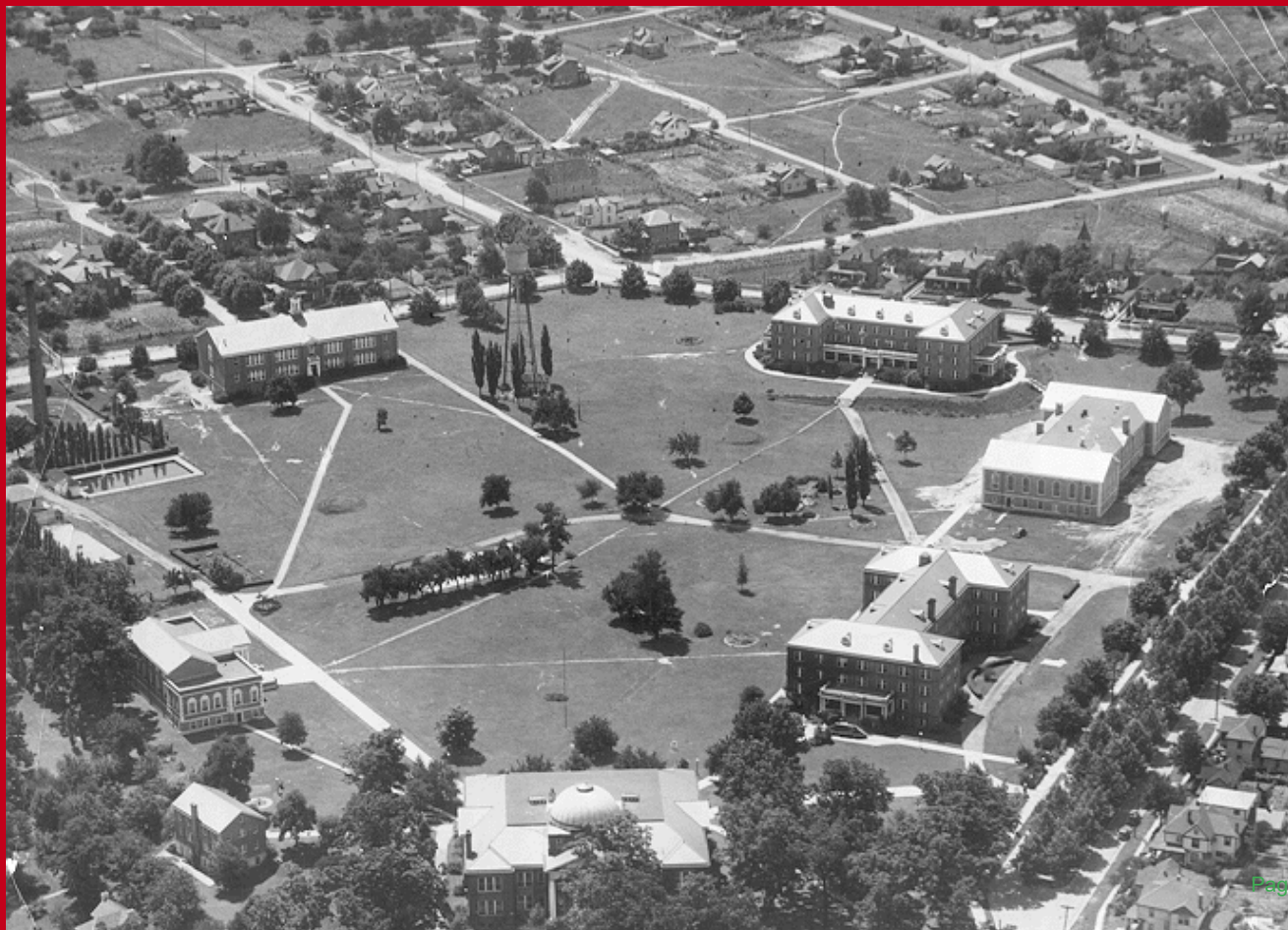
Comparison, In-State Undergraduate
 RU and Average 4-year VA Public Institutions of Higher Education



Rank	Inst.	2020-21
1	CWM	\$ 36,984
2	UVA	\$ 29,379
3	VMI	\$ 29,270
4	CNU	\$ 26,684
5	VCU	\$ 26,007
6	LU	\$ 25,930
7	GMU	\$ 25,104
8	JMU	\$ 23,678
9	UMW	\$ 23,678
10	VT	\$ 23,305
11	ODU	\$ 22,224
12	UVA-W	\$ 22,114
13	RU	\$ 21,159
14	VSU	\$ 20,698
15	NSU	\$ 20,466
Average =		\$25,112

























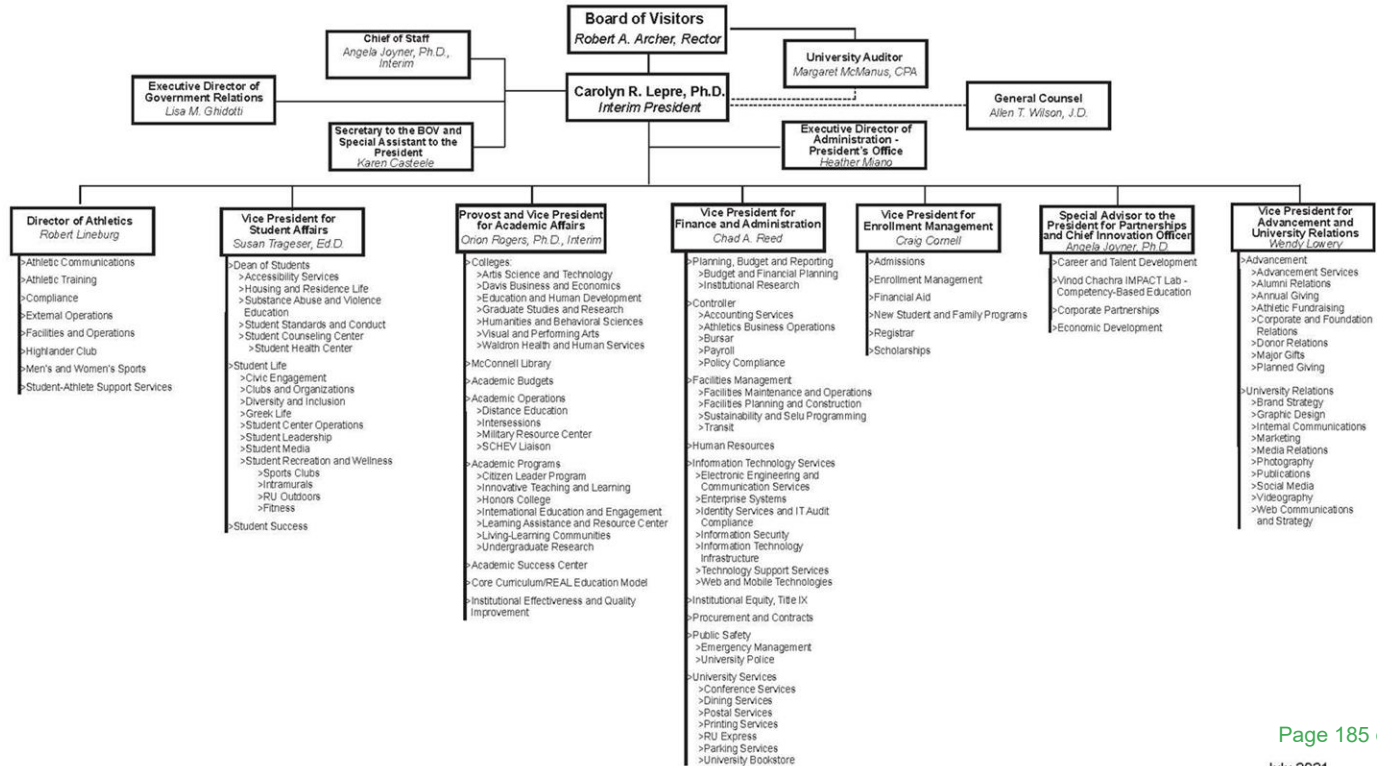


**DRIVEN BY
WHAT'S NEXT**

RADFORD UNIVERSITY CARILION



RADFORD UNIVERSITY



Academic Affairs

RADFORD
UNIVERSITY

Mission

The Mission of the Academic Affairs Division at Radford University is to create a **challenging, supportive** and **engaging** educational culture that is anchored in the liberal arts tradition and is **ethically responsive** to the needs of the 21st century global society.

Areas of Focus and Priorities

- **Recruitment and Retention**

- Respond to the **changing demographics** of who, when and how our students are coming to Radford University.
- Recruit and retain **talented and self-determined students**.
- Strengthen **partnerships and pathways** for transfer students and degree completers.
- Target **need-based** and **merit scholarships** to better benefit recruitment and retention.

Areas of Focus and Priorities

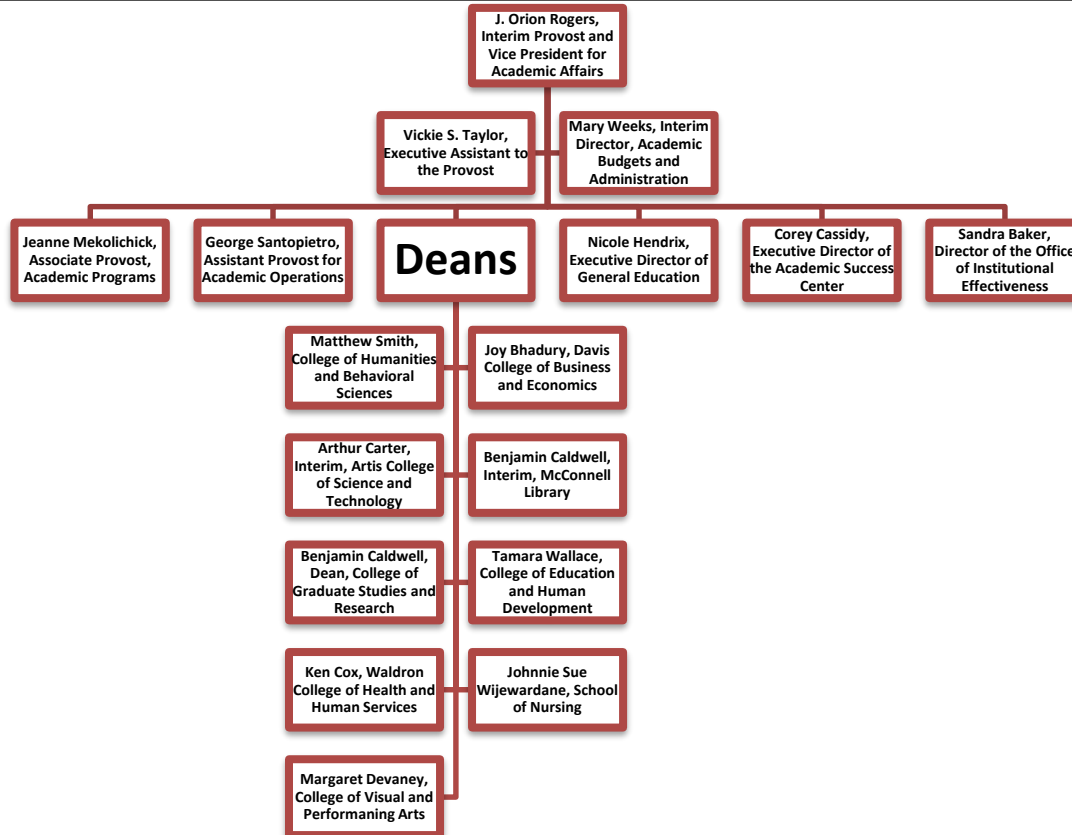
- **Enhance Scholarly Reputation**

- Continue pursuit of **accreditation, certification and national recognition** for programs.
- Increase **external support** for discipline-based and pedagogical research.
- Increase **support** for faculty professional development in **research, scholarship and creative activity.**

Areas of Focus and Priorities

- **Support Faculty Development of Pedagogy and Curriculum**
 - Garner support for **innovations, initiatives** and **programs**.
 - Support development of **high-impact** practices within and beyond the classroom.
 - Pursue **external** sources of **funding** and **repurpose internal** sources, where feasible, to support programmatic initiatives.

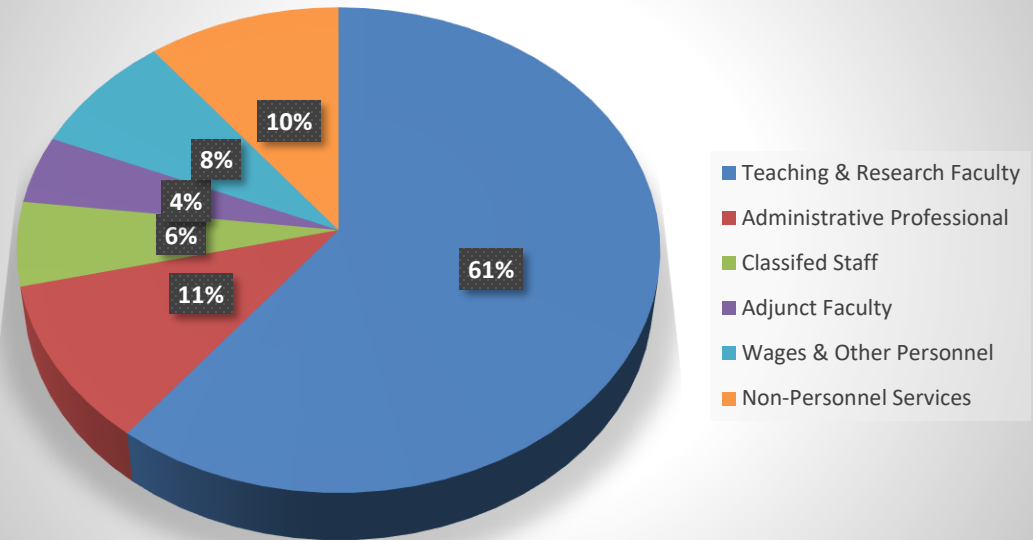
Organizational Structure



Budget

Teaching & Research Faculty	\$	41,628,633
Administrative Professional	\$	7,389,325
Classified Staff	\$	3,842,191
Adjunct Faculty	\$	3,084,827
Wages & Other Personnel	\$	5,570,203
Non-Personnel Services	\$	7,235,595
Total	\$	68,750,774

Academic Affairs Budget



Data from FY 2021-2022 Budget

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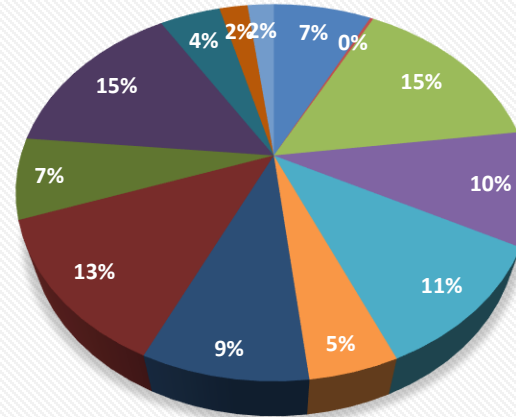
Budget

College/Support Area	Amount
Provost	\$ 5,049,002
Academic Success Center *	\$ 157,412
College of Humanities and Behavioral Sciences	\$ 10,391,742
Davis College of Business and Economics	\$ 6,629,744
College of Education and Human Development	\$ 7,400,619
College of Graduate Studies and Research	\$ 3,204,516
School of Nursing	\$ 5,959,374
Waldron College of Health and Human Services	\$ 8,622,537
College of Visual and Performing Arts	\$ 4,714,758
Artis College of Science and Technology	\$ 10,058,475
McConnell Library	\$ 3,130,186
Academic Operations	\$ 1,453,155
Academic Programs	\$ 1,354,685
General Education	\$ 188,873
Institutional Effectiveness/Assessment	\$ 407,696
	\$ 68,722,774

Data from FY 2021-2022 Budget

*Since this budget was loaded, transfers have been completed to move all advising personnel from the academic colleges to the Academic Success Center.

Budget

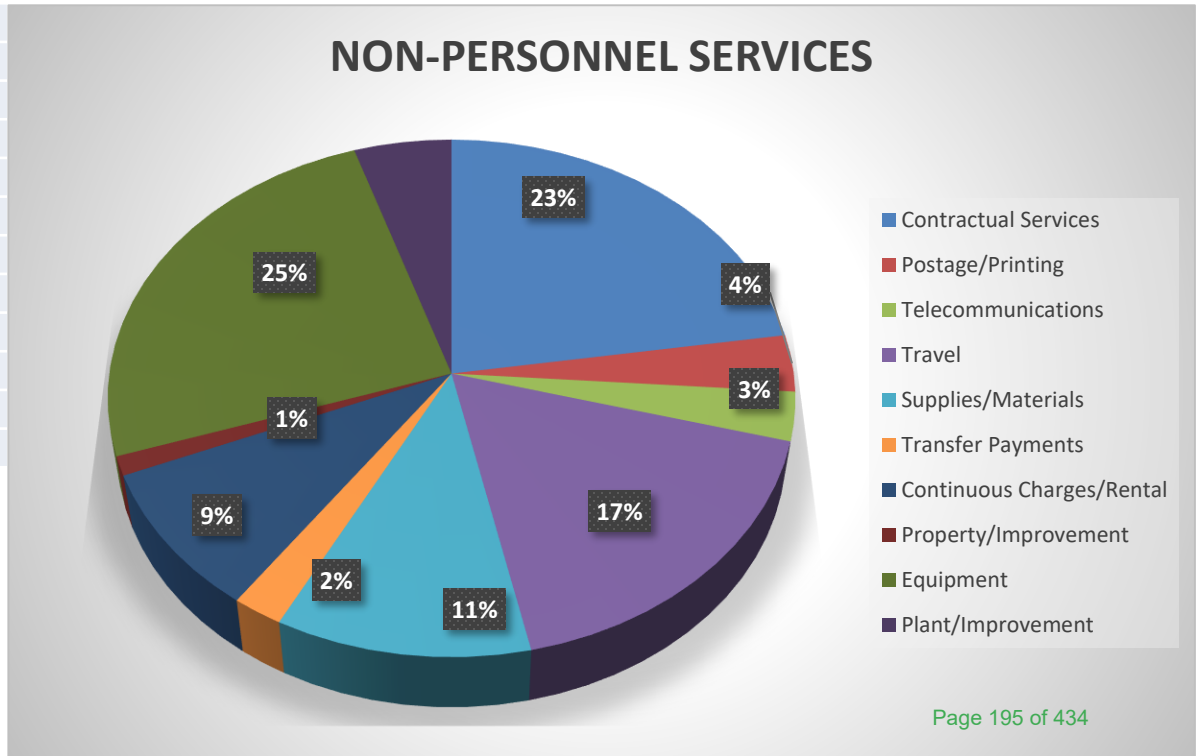


- Provost
- College of Humanities and Behavioral Sciences
- College of Education and Human Development
- School of Nursing
- College of Visual and Performing Arts
- McConnell Library
- Academic Programs
- Academic Success Center
- Davis College of Business and Economics
- College of Graduate Studies and Research
- Waldron College of Health and Human Services
- Artis College of Science and Technology
- Academic Operations

Data from FY 2020-2021

Budget

NON-PERSONNEL SERVICES	
Contractual Services	\$ 1,633,504
Postage/Printing	\$ 256,289
Telecommunications	\$ 220,212
Travel	\$ 1,262,544
Supplies/Materials	\$ 796,957
Transfer Payments	\$ 158,686
Continuous Charges/Rental	\$ 644,982
Property/Improvement	\$ 86,469
Equipment	\$ 1,812,686
Plant/Improvement	\$ 363,266
	\$ 7,235,595



Data from FY 2021-2022 Budget

Opportunities

- Create anchors for student success.
- Build reputation for academic excellence and diversity.
- Increase resources for academic support through innovation, creative reallocation and interdisciplinary initiatives.

Discussion

Advancement and University Relations

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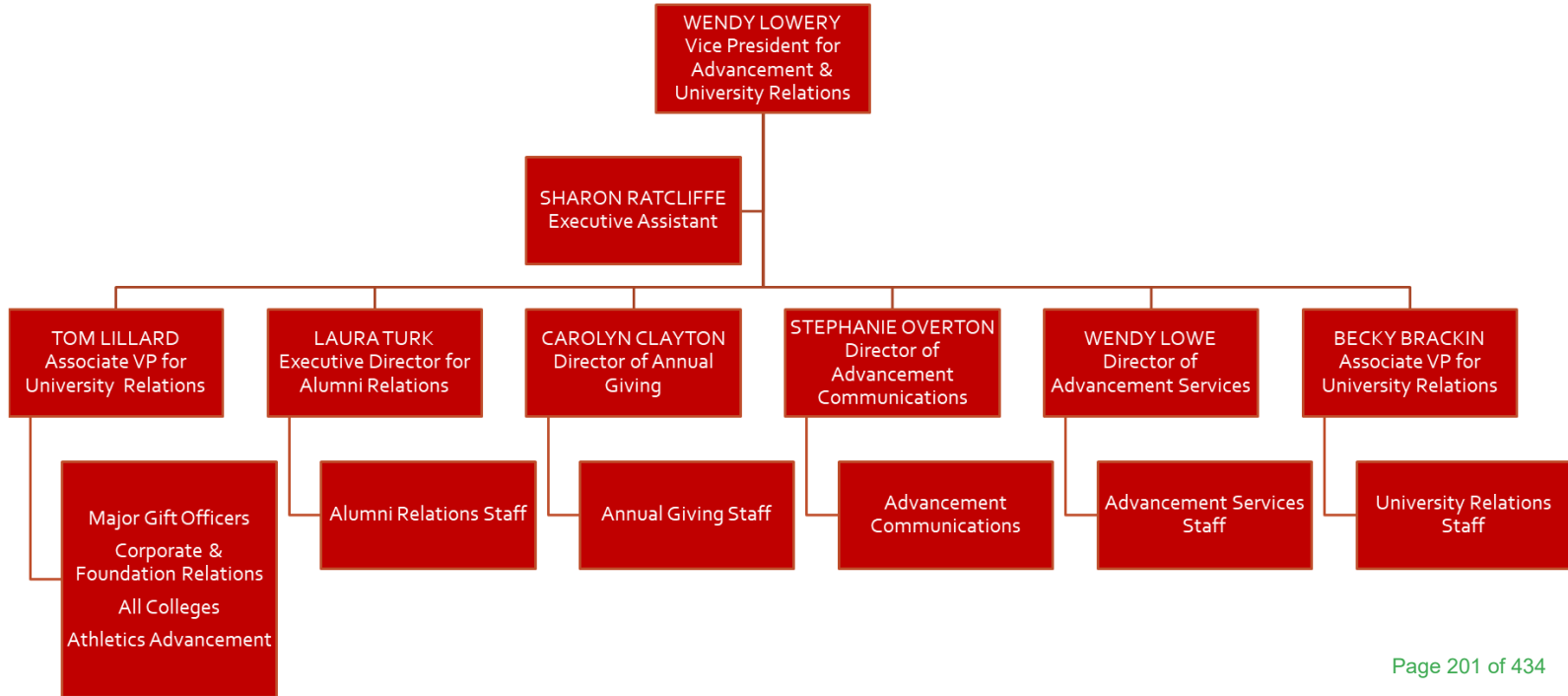
Office of Advancement Structure

- Office of the Vice President
- Major Gift Officers
- Annual Giving
- Advancement Services
- Advancement Communication
- Alumni Relations

Office of University Relations Structure

- Office of the Associate Vice President
- Media Services
- Digital Communications and Marketing
- Creative Services

Organization Chart



Strategic Priorities

- TOGETHER Campaign
- Donor and Alumni Engagement
- Foundation Scholarship Oversight
- Strategic Marketing Investments and Management
- Organizational Efficiencies
- Student Engagement (Career Development | Brand Ambassadors)
- Team RAD Culture

Final Giving Report for FY21

Comparative Giving Report by Fiscal Year

	FY 2020-2021	FY 2019-2020	FY 2018-2019	FY 2017-2018	FY 2016-2017	FY 2015-2016	FY 2014-2015	FY 2013-2014
	Final	Final	Final	Final	Final	Final	Final	Final
New Pledges	\$ 2,857,172	\$ 3,955,582	\$ 10,040,001	\$ 11,039,677	\$ 7,855,710	\$ 1,504,726	\$ 1,299,287	\$ 1,614,196
New Planned Gifts	\$ 11,928,850	\$ 1,391,622	\$ 539,964	\$ 1,565,555	\$ 1,192,050	\$ 5,090,000	\$ 1,282,000	\$ 752,500
Outright Cash Gifts	\$ 1,950,285	\$ 1,934,134	\$ 1,856,843	\$ 1,751,071	\$ 1,563,936	\$ 1,178,318	\$ 1,336,277	\$ 1,365,443
Gifts-in-kind	\$ 44,914	\$ 15,812	\$ 31,902	\$ 336,320	\$ 128,299	\$ 223,955	\$ 200,775	\$ 105,257
Gifts of Real Estate	\$ -	\$ -	\$ -	\$ 590,000	\$ -	\$ -	\$ -	\$ 222,500
Sponsored Programs	\$ 148,459	\$ 192,319	\$ 42,130	\$ 57,490	\$ 52,485	\$ 10,000	n/a	n/a
Total Giving	\$ 16,929,679	\$ 7,489,470	\$ 12,510,840	\$ 15,340,113	\$ 10,792,480	\$ 8,006,999	\$ 4,118,339	\$ 4,059,897
Total Number of Donors	2,815	3,303	4,758	5,262	5,253	4,435	4,731	5,221
Total Number of New Donors	821	981	1,978	2,018	2,090	1,350	1,076	1,199

TOGETHER Campaign Snapshot

Campaign Pillar	Total Towards Campaign Through June 2021
Total Academic Excellence and Research (25% or \$25,000,000)	\$ 2,999,701.48
Total Access and Opportunity (35% or \$35,000,000)	\$ 44,706,943.46
Total Student Success and Engagement (25% or \$25,000,000)	\$ 14,097,946.94
Total Athletic Experience (10% or \$10,000,000)	\$ 8,661,847.08
Total Emerging Needs (5% or \$5,000,000)	\$ 3,110,665.04
Holding - Other	\$ 2,105,481.82
Total Campaign Dollars Raised as of June 30, 2021	\$ 75,682,585.82

Campaign Goal: \$100,000,000

Discussion

Enrollment Management

RADFORD
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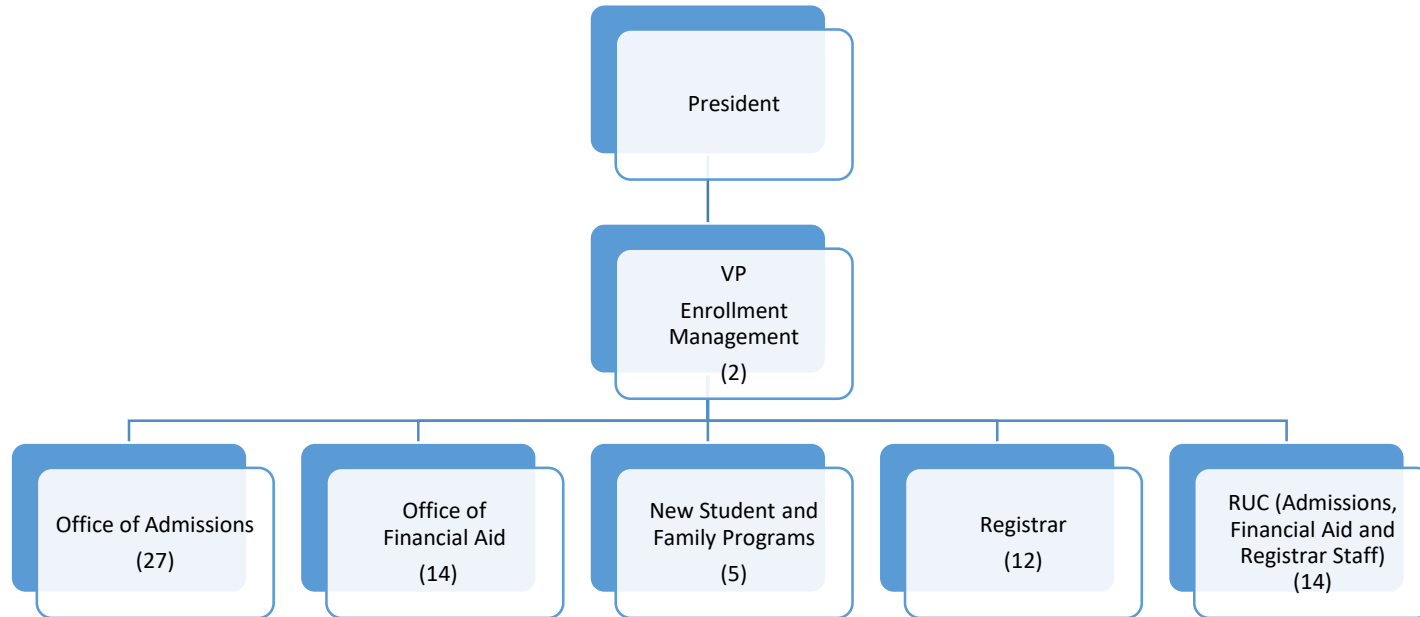
Strategic Vision for the Enrollment Management Division

- The Strategic Vision of the Enrollment Management Division is to provide collaborative leadership, strategy and support for effective recruitment, enrollment, retainment and graduation of a talented and diverse student body for Radford University.
- Coordinate academic support services offered within a professional and welcoming environment to ensure that the campus both attracts and retains students to meet Radford University's enrollment goals.
- Be recognized for providing timely and accurate data, efficient systems, resources and services in a positive and respectful manner.

Mission

- Meet enrollment goals, as established by the Strategic Plan, through effectively communicating with, recruiting, admitting, enrolling and orienting new undergraduates;
- Support students with financial aid leveraging strategies that maximize enrollments and net tuition revenue, in combination with all other federal, state and foundations programs, as applicable;
- Provide efficient systems, resources and services to assist students; and
- Support student retention and improve the likelihood of students' degree completion.

Organizational Structure



Budget by Functional Area

	FY22
Enrollment Management VP	309,802
Admissions (RU + RUC)	2,861,374
Registrar (RU + RUC)	652,498
Financial Aid (RU + RUC)	822,531
New Student and Family Programs*	1,047,536
Grand Total	\$5,383,939

Salaries account for 70.5% of budget

*Includes auxiliary funds for Quest orientation

Areas of Focus and Priorities

- New student recruitment for both RU and RUC
- Growing our market share of available students
- Effectively collaborate across all divisions
- Continue to find ways to connect students to their academic homes through programmatic approaches
- Enhance social media, parent communications and make relevant all student communications to the changing demographic
- Maximize the utility of our systems to gain efficiency and better communications with students and family members (e.g., our state-of-the art CRM system)

Challenges and Opportunities

- National, regional and local high school graduation declining nationally
- Regaining momentum lost from COVID impact
- Continued and systematic growth of top competitors influencing our enrollments
- Market share decline related to maximizing our outreach efforts in Virginia and our out-of-state markets
- Maintaining our strong position and capitalizing on our affordability/value proposition

Board Presentation- What to Expect

- Share up-to-date enrollment data relevant to the time of the year (i.e., applications, admits or enrollments) for both RU and RUC.
- Provide updates on new enrollment initiatives, or evaluation of current initiatives in play, with a focus on the return on the investment and key performance indicators.
- Discuss cross-divisional collaborative efforts to best meet enrollment goals.
- Engage BOV members in providing input, perspective and support of new ideas and/or initiatives we are planning or have recently tested.

Discussion

Finance and Administration

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Leadership



Chad A. Reed

Vice President for Finance and
Administration and Chief
Financial Officer

Pamela Fitchett

Administrative Assistant

The Division of Finance and Administration at Radford University is committed to providing superior, innovative and responsive administrative services to the entire University community.

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Finance-Based Activities

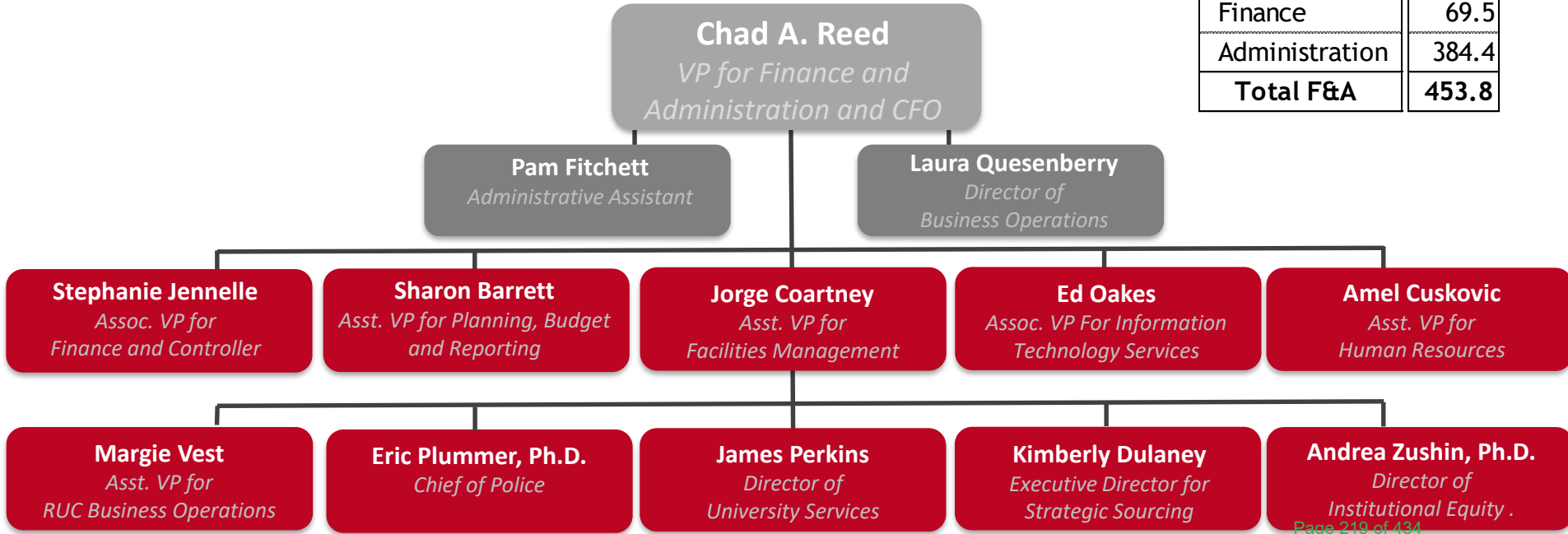
- 1) **Controller Operations**- Responsible for the execution of sound fiscal processes in accordance with GAAP and all applicable federal and state statutes.
- 2) **Planning, Budget and Reporting** - Facilitate the execution of the University planning process and assess the availability of resources to be used in support of University initiatives.
- 3) **Procurement and Contracts** - Responsible for contracting and purchasing quality goods and services at competitive prices, using proper financial stewardship for payments, and providing responsive and responsible service to all University departments.
- 4) **Institutional Research** - Collect, analyze and maintain data in support of University decision-making while ensuring compliance with all applicable reporting requirements.

Administration-Based Activities

- 1) **Public Safety** - Ensure the safety and well-being of University students, faculty, staff and visitors.
- 2) **Facilities Management** - Efficiently administer resources for the maintenance, operation and capital construction of world-class campus facilities.
- 3) **University Services** - Provide student-focused services in support of the Radford University experience, including Dining Services, University Bookstore, Post Office, Selu, etc.
- 4) **Human Resources** - Recruit, develop and retain a high performing and diverse workforce while promoting a positive work environment for all employees.
- 5) **Information Technology Services** - Responsible for meeting the technology needs of Radford University by providing computing and telecommunications services and support to faculty, students and staff.
- 6) **Institutional Equity** - Responsible for assisting Radford University in creating and maintaining diverse, inclusive and safe learning, living and working environments.

Organizational Structure

Positions	FTE
Finance	69.5
Administration	384.4
Total F&A	453.8



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2021-22 Position Allocations

	<u>FTE</u>
Facilities Management	214.5
Information Technology Services	87.7
Controller Operations	49.2
Public Safety	33.8
University Services	26.4
Human Resources	15.0
Procurement	11.3
Planning, Budget, & Reporting	5.0
Institutional Research	4.0
Institutional Equity	4.0
Vice President	3.0
Total F&A	453.8

2021-22 Operating Budget

2021-22 E&G expenditure budget is **\$22.5 million**

	Dollars \$	% Total
Information Technology Services	\$8,173,777	36.3%
Facilities Management	6,725,129	29.9%
Controller Operations	2,789,189	12.4%
Public Safety	1,786,394	7.9%
Human Resources	1,155,621	5.1%
Procurement & Contracts	714,437	3.2%
Planning, Budget, & Reporting	370,998	1.6%
Institutional Equity	300,926	1.3%
Institutional Research	291,327	1.3%
University Services	212,933	0.9%
Total F&A	\$22,520,731	100.0%

Distinguished based on the ten areas of primary focus

2021-22 Auxiliary expenditure budget is **\$37.2 million**

	Dollars \$	% Total
Dining Services	14,998,321	40.3%
Residential Services	13,387,263	36.0%
Student Union & Recreation	2,074,610	5.6%
Parking & Transportation	1,896,271	5.1%
Auxiliary Support	1,412,505	3.8%
Other Enterprise Functions	1,243,933	3.3%
Intercollegiate Athletics	1,193,159	3.2%
Telecommunications	504,224	1.4%
Conference Services	457,731	1.2%
Bookstore	62,043	0.2%
Debt Service	6,000	0.0%
Total F&A	\$37,236,060	100.0%

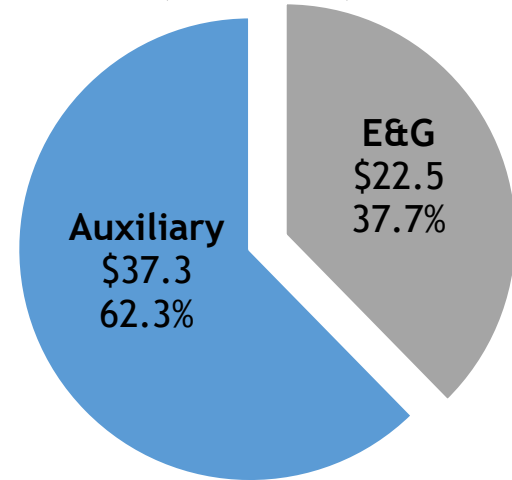
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2021-22 Operating Budget (cont.)

	2021-22 Finance & Administration	
	E&G	Auxiliary
Salaries	16,932,632	\$4,274,338
Wages	233,983	201,254
Central Fringes ¹	-	2,523,079
Operating	8,527,188	23,201,535
Auxiliary Indirect	-	3,342,182
Debt Service	-	3,966,855
Recoveries	(3,173,073)	(249,200)
Total Budget	\$22,520,730	\$37,260,043

¹ Central Fringes for E&G personnel are budgeted in Central Resources

2021-22 Finance & Administration
Total Operating Budget
(\$ in millions)



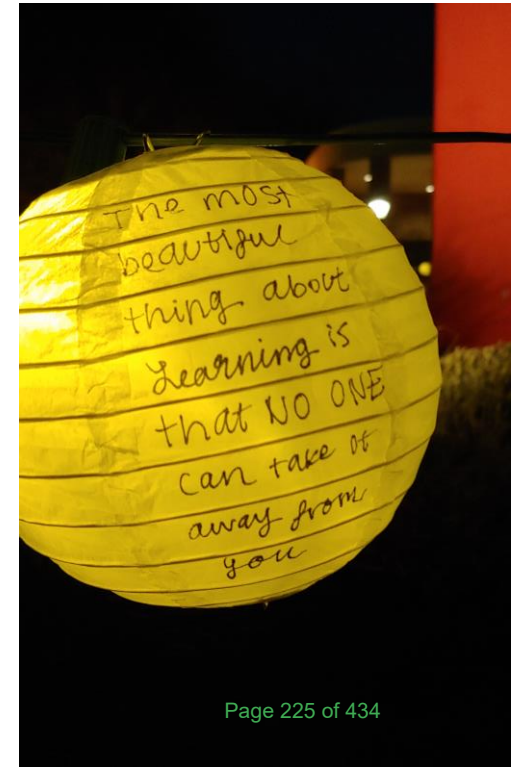
Discussion

Student Affairs

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Vision

Preparing Students for Lives of Meaning and Purpose



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Mission

Through co-curricular experiences, the Division of Student Affairs engages students in developing an inclusive and accessible campus environment encouraging life-long learning, citizenship, success and well-being.



Areas of Focus and Priorities

- Promote student learning and development, resilience, retention and graduation.
- Provide a diverse and distinctive Radford student experience.
- Provide safe, accessible and inviting student-focused facilities, services and programs that enhance student life.
- Provide enhanced resources for students' academic and emotional support, thereby recognizing the interdependence and importance of academic and emotional support.
- Strengthen staff retention and excellence.

Organizational Structure

- **Vice President for Student Affairs: Susan Trageser, Ed.D.**
 - **Associate Vice President/Dean of Students: Angie Mitchell**
 - Student Standards and Conduct
 - Center for Accessibility Services
 - Student Counseling Services
 - Substance Abuse and Violence Education Support Services
 - Student Health Center
 - Housing and Residence Life
 - **Associate Vice President for Student Life: Tricia Smith**
 - Student Involvement
 - Center for Diversity and Inclusion
 - Student Recreation and Wellness
 - Fraternity and Sorority Life
 - **Associate Vice President for Campus Life (Roanoke based): Nancy Loosle (Sept 10)**
 - **Assistant Vice President for Student Success and Retention: Jamie Penven, Ph.D.**

Budget by Functional Area

2021-2022

E&G

VP Student Affairs	\$	278,633
Dean of Students	\$	396,827
Center for Diversity & Inclusion	\$	169,979
Student Standards and Conduct	\$	129,510
Student Success & Retention	\$	125,281
Radford University Carilion Student Affairs	\$	185,864
Total	\$	<u>1,286,094</u>

AUXILIARY

Housing & Residence Life	\$	3,658,918
Radford University Carilion Housing	\$	834,258
Student Health & Counseling Contract	\$	1,367,858
Center for Accessibility Services	\$	432,609
Center for Accessibility Services - Interpreters	\$	136,497
Sexual Assault & Violence, Substance Abuse	\$	222,326
Student Counseling Center	\$	578,173
Student Center & Activities	\$	2,634,957
Recreation and Wellness	\$	1,278,465
Retention Initiatives/Signature Programs	\$	90,347
Radford University Carilion Student Center Operations	\$	272,533
Total	\$	<u>11,506,941</u>

Overall Student Affairs Budget \$ **12,793,035**

Budget Source

EXPENDITURE BUDGET BY SOURCE

E&G	\$1,286,094	10%
Auxiliary Activities	\$11,416,594	89%
Other Enterprise Activities	\$90,347	1%
Total	\$ 12,793,035	100%

2021-2022 Initiatives

- Center for Opportunity and Social Mobility
- E-Sports
- Traditions
- New “Normal” for Engagement
- Family Engagement



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Retention Initiatives

- Partnership with Ruffalo Noel Levitz
- First-Year Experience
- Sophomore Year Experience
- You Matter Culture
- Structure Around Student Employment
- Engagement and Programming for Families
- Expanding Programs that Support Student Success

Upcoming Opportunities/Challenges

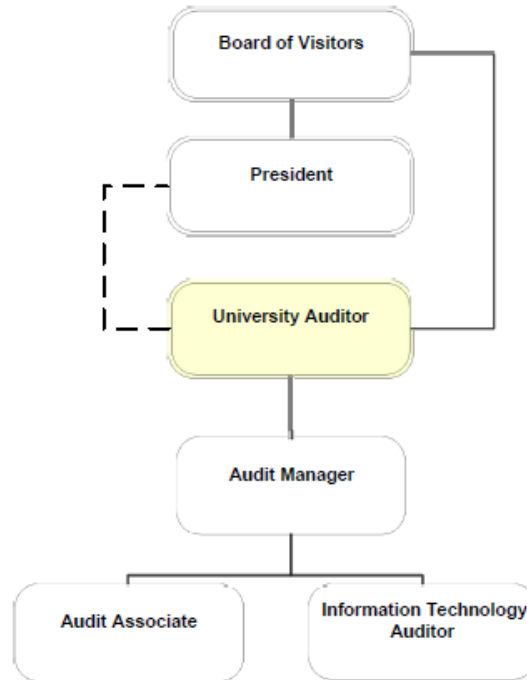
- **Student Persistence and Retention**
 - Proactive vs. Reactive
 - Freshman to Sophomore Year Melt
 - Early Intervention System: Starfish
 - Retention Initiatives in all Student Affairs Units
- **Supporting Special Populations**
 - First-Generation and Under-Represented Students
 - Income-Limited Students
 - Students with Transfer Credit
 - Sophomores
- **Housing**
 - Residential Curriculum

Discussion

Audit and Advisory Services

RADFORD
UNIVERSITY

Organizational Structure



Difference between External and Internal Auditors

External Auditors

Auditor of Public Accounts (APA)
“State Auditors”

- Based in Richmond; dual reporting to General Assembly and Joint Legislative Audit & Review Commission (JLARC)
- Perform annual financial statement audit, NCAA agreed-upon procedures, federal financial aid compliance, state-wide audits

Internal Auditors

Office of Audit and Advisory Services
“Internal Audit”

- University employees on campus; dual reporting to President and Board of Visitors
- Mission and scope of work defined by Board-approved Internal Audit Charter Policy

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Mission

To assist the Board of Visitors, the President and senior management of Radford University 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.

Internal Audit Charter Policy - Approved by the Board of Visitors and defines:

- Mission
- Authority
- Scope of Work
- Responsibility
- Independence and Accountability
- Standards of Audit Practice

Areas of Focus and Priorities

Audits

- Planned audits based on risk assessment and other factors
- Annual audit projects

Advisory Services

- Multiple projects as resource for University

Follow-up on Audit Issues

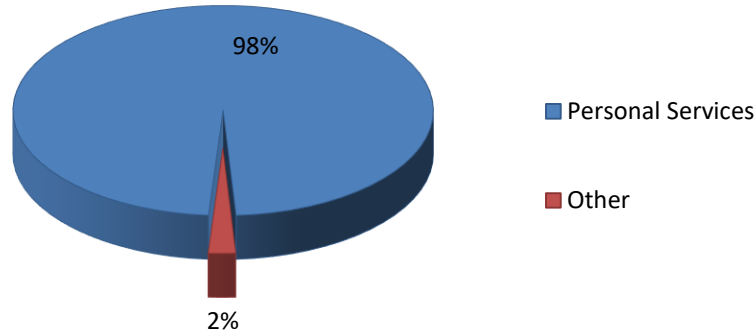
- Internal
- External

Investigations

- State Fraud, Waste and Abuse Hotline
- Other investigations

Budget

Fiscal Year 2021 Expenditures - Actual



Fiscal Year 2021 Expenditures

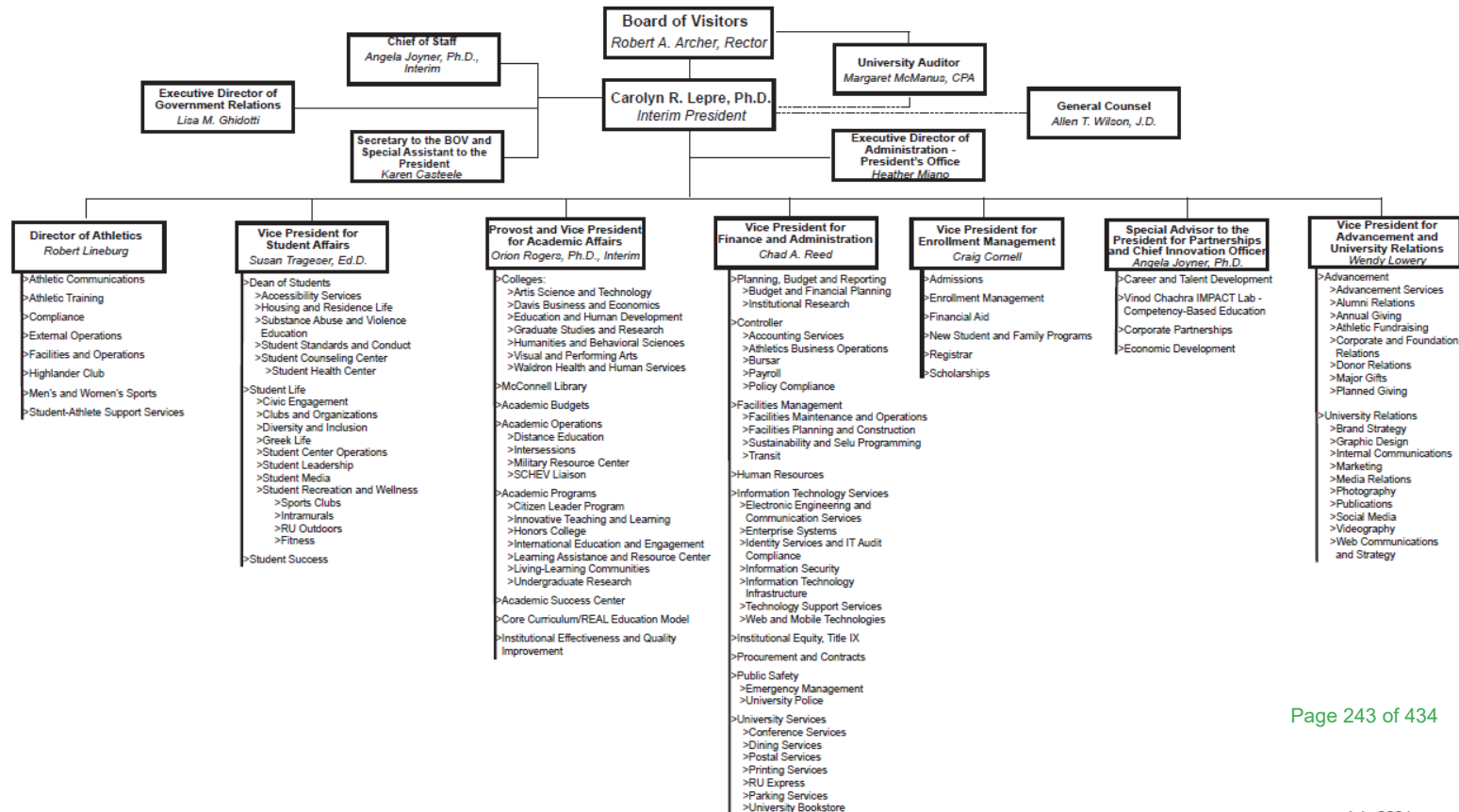
Budget Category	Budget Amount	%
Personal Services	\$ 294,326	98%
Other	\$ 6,273	2%
Total	\$ 300,599	100%

Discussion

Innovation



RADFORD UNIVERSITY





VINOD CHACHRA IMPACT LAB

INNOVATIVE MOBILE PERSONALIZED ACCELERATED COMPETENCY TRAINING

Vinod Chachra IMPACT Lab Team



Nancy Franklin, Ph.D.



MaDonna Overstreet



Matt Dunleavy, Ph.D.



Tom Bennett



Competency-Based Education (CBE)

- Enhance career mobility through self-paced training aligned with workforce trends
- Working adults who want to upskill their talents
- Flexible model, online, on demand content
- Launched with B2B model
- Certificates in Cybersecurity, Geo-Spatial Intelligence
- K-12 Micro-credentials - \$13M Department of Education Grant



Industry Segments

The Vinod Chachra IMPACT Lab provides online, self-paced, competency based learning in high growth and high demand industry sectors.

Technology



Analytics



Intelligence & Security



Healthcare*



Education



Page 247 of 134

Strategic Overview - IMPACT Lab

Strategic Imperatives



Strategies

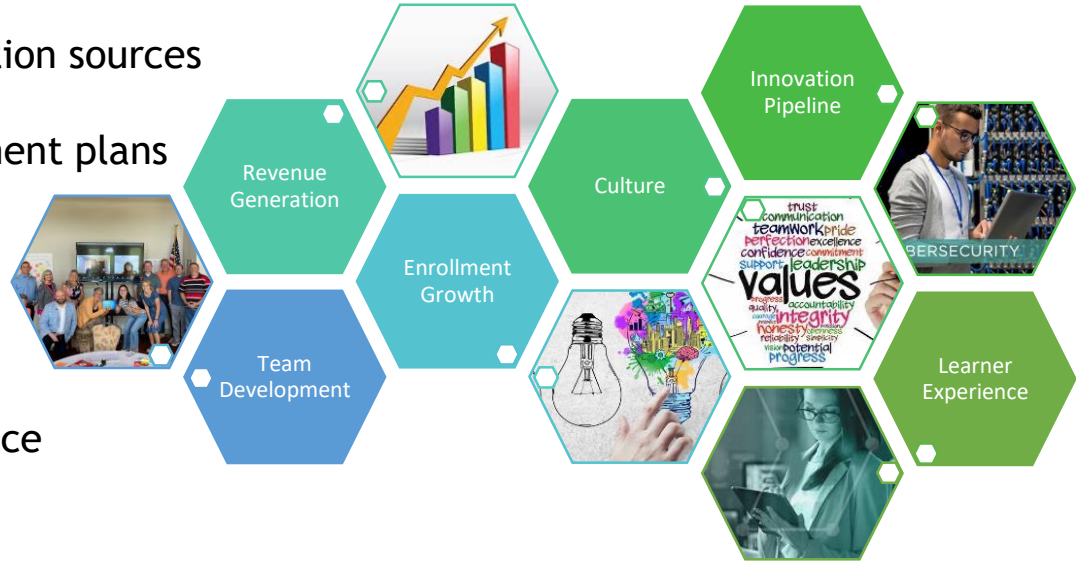
- ✓ Launch B2C model to provide flexibility to learners and drive enrollment and revenue growth.
- ✓ Foster a culture that is empowering, inspiring, collaborative, and transparent.
- ✓ Develop an innovation pipeline that is market driven, and improves learner experience.
- ✓ Expand viable partnerships to drive enrollment and inform innovation.
- ✓ Increase engagement and completion rates.

Our Strategic Partners

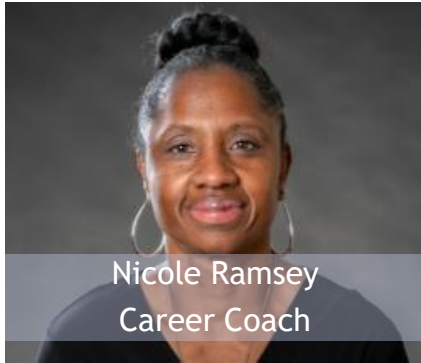
Radford City Public Schools	Giles County Public Schools	Montgomery Public Schools	Henry County Public Schools	Buchanan County Public Schools	Mecklenburg County Public Schools
Louisa County Public Schools	Colonial Heights Public Schools	Lynchburg City Public Schools	Grayson County Public Schools	Smyth County Public Schools	Frederick County Public Schools
Brooke County Public Schools	Patrick County Public Schools	VCOMM	PLT Consulting, LLC	Virginia Department of Education	Ennoble First
ElevateU	Town of Blacksburg	Rockingham County Public Schools	Carroll County Public Schools	HealthFirst	Bath County Public Schools
Radford City Police Department	Blacksburg Police Department	Private Advisors, LLC	NC4	TRGroup	New College Institute
Citizens Telephone Coop	Stamattina, LLC	CivilianCyber	Commonwealth of Virginia, Chief Data Officer		

Opportunities

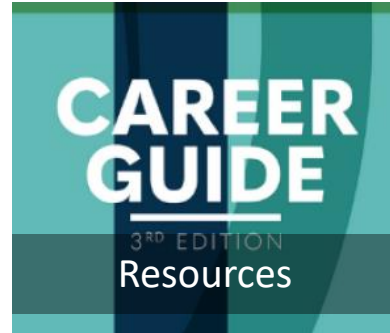
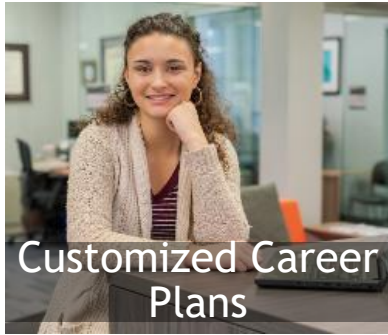
- Increase enrollment
- Identify sustainable revenue generation sources
- Implement comprehensive development plans
- Foster an innovative culture
- Build a robust innovation pipeline
- Deliver exceptional learner experience



Career and Talent Development Team



Discover. Experience. Thrive.



Opportunities

- Diversify appointment strategy
- Implement comprehensive development plans
- Expand virtual recruiting options
- Develop employer cultivation strategy
- Launch ExL - Experiential Learning Plan
- Improve outcomes approach and reporting
- Cultivate partner collaborations



Discussion

Code of Virginia

Virginia Freedom of Information Act

§ 2.2-3700. Short title; policy

A. This chapter may be cited as "The Virginia Freedom of Information Act."

B. By enacting this chapter, the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request. All public records and meetings shall be presumed open, unless an exemption is properly invoked.

The provisions of this chapter shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government. Any exemption from public access to records or meetings shall be narrowly construed and no record shall be withheld or meeting closed to the public unless specifically made exempt pursuant to this chapter or other specific provision of law. This chapter shall not be construed to discourage the free discussion by government officials or employees of public matters with the citizens of the Commonwealth.

All public bodies and their officers and employees shall make reasonable efforts to reach an agreement with a requester concerning the production of the records requested.

Any ordinance adopted by a local governing body that conflicts with the provisions of this chapter shall be void.

1968, c. 479, § 2.1-340; 1976, c. 467, § 2.1-340.1; 1989, c. 358; 1990, c. 538; 1999, cc. [703](#), [726](#); 2001, c. [844](#); 2002, c. [393](#).

§ 2.2-3701. Definitions

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ [2.2-3705.1](#) through [2.2-3705.7](#), means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or

through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

1968, c. 479, § 2.1-341; 1970, c. 456; 1974, c. 332; 1975, c. 307; 1977, c. 677; 1978, cc. 573, 826; 1979, cc. 369, 687; 1980, c. 754; 1984, c. 252; 1989, c. 358; 1990, c. 538; 1993, cc. 270, 720; 1994, cc. 845, 931; 1996, c. 609; 1997, c. 641; 1999, cc. 703, 726; 2001, c. 844; 2002, c. 393; 2003, c. 897; 2007, c. 945; 2008, cc. 233, 789; 2010, c. 706; 2011, c. 242; 2015, cc. 131, 195, 224; 2016, cc. 620, 716; 2017, cc. 616, 778; 2018, cc. 54, 55; 2019, c. 358.

§ 2.2-3702. Notice of chapter

Any person elected, reelected, appointed or reappointed to any body not excepted from this chapter shall (i) be furnished by the public body's administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment or reappointment and (ii) read and become familiar with the provisions of this chapter.

1976, c. 467, § 2.1-341.1; 1999, cc. 703, 726; 2001, c. 844; 2002, c. 393.

§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; and (iii) all records concerning the finances of the Virginia Parole Board shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;

2. Petit juries and grand juries;

3. Family assessment and planning teams established pursuant to § 2.2-5207;

4. Sexual assault response teams established pursuant to § 15.2-1627.4, except that records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team shall be public records and subject to the provisions of this chapter;

5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;

6. The Virginia State Crime Commission; and

7. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which clerks are custodians under § 16.1-69.54, including those transferred for storage,

maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as appropriate. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

1999, cc. 703, 726, § 2.1-341.2; 2001, c. 844; 2003, cc. 989, 1018; 2004, cc. 398, 690; 2007, cc. 438, 548, 626; 2017, c. 620; 2018, cc. 127, 584; 2019, c. 729.

§ 2.2-3703.1. Disclosure pursuant to court order or subpoena

Nothing contained in this chapter shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena. No discretionary exemption from mandatory disclosure shall be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law.

2014, c. 319.

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc

A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic

or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

1968, c. 479, § 2.1-342; 1973, c. 461; 1974, c. 332; 1975, cc. 307, 312; 1976, cc. 640, 709; 1977, c. 677; 1978, c. 810; 1979, cc. 682, 684, 686, 689; 1980, cc. 678, 754; 1981, cc. 456, 464, 466, 589; 1982, cc. 225, 449, 452, 560, 635; 1983, cc. 372, 462, 607; 1984, cc. 85, 395, 433, 513, 532; 1985, cc. 81, 155, 502, 618; 1986, cc. 273, 291, 383, 469, 592; 1987, cc. 401, 491, 581; 1988, cc. 39, 151, 395, 411, 891, 902; 1989, cc. 56, 358, 478; 1990, cc. 217, 538, 721, 819, 968; 1991, cc. 213, 561; 1992, cc. 40, 150, 167, 200, 203, 207, 593, 612; 1993, cc. 205, 270, 296, 537, 552, 638, 750, 883;

1994, cc. [485](#), [532](#), [606](#), [839](#), [853](#), [918](#);1995, cc. [299](#), [362](#), [499](#), [562](#), [638](#), [722](#), [812](#), [837](#);1996, cc. [168](#), [469](#), [589](#), [599](#), [783](#), [786](#), [794](#), [855](#), [862](#), [902](#), [905](#), [1001](#), [1046](#);1997, cc. [198](#), [295](#), [439](#), [567](#), [636](#), [641](#), [777](#), [782](#), [785](#), [838](#), [861](#);1998, cc. [427](#), [891](#);1999, cc. [438](#), [703](#), [726](#);2001, c. [844](#);2002, cc. [715](#), [830](#);2003, cc. [275](#), [981](#), [1021](#);2007, c. [439](#);2009, c. [626](#);2010, c. [627](#);2011, c. [604](#);2016, cc. [620](#), [716](#);2017, c. [778](#);2020, c. [1142](#);2021, Sp. Sess. I, c. [483](#).

§ 2.2-3704.01. Records containing both excluded and nonexcluded information; duty to redact

No provision of this chapter is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by this chapter or by any other provision of law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under this chapter or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under this chapter or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed.

2016, cc. [620](#), [716](#).

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council

A. All state public bodies subject to the provisions of this chapter, any county or city, any town with a population of more than 250, and any school board shall make available the following information to the public upon request and shall post a link to such information on the homepage of their respective official public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;
2. Contact information for the FOIA officer designated by the public body pursuant to § [2.2-3704.2](#) to (i) assist a requester in making a request for records or (ii) respond to requests for public records;
3. A general description, summary, list, or index of the types of public records maintained by such public body;
4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;
5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and
6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at

the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia."

B. Any state public body subject to the provisions of this chapter and any county or city, and any town with a population of more than 250, shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body.

C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

2004, c. 730;2009, c. 626;2014, c. 421;2016, c. 748;2017, cc. 645, 778.

§ 2.2-3704.2. Public bodies to designate FOIA officer

A. All state public bodies, including state authorities, that are subject to the provisions of this chapter and all local public bodies and regional public bodies that are subject to the provisions of this chapter shall designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of this chapter.

B. For such state public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available to the public upon request and be posted on the respective public body's official public government website at the time of designation and maintained thereafter on such website for the duration of the designation.

C. For such local public bodies and regional public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body's place of business, posting on its official public government website, or including such information in its publications.

D. For the purposes of this section, local public bodies shall include constitutional officers.

E. Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session by legal counsel for the public body or the Virginia Freedom of Information Advisory Council (the Council) or through an online course offered by the Council. Any such training shall document that the training required by this subsection has been fulfilled.

F. The name and contact information of a FOIA officer trained by legal counsel of a public body shall be (i) submitted to the Council by July 1 of the year a FOIA officer is initially trained on a form developed by the Council for that purpose and (ii) updated in a timely manner in the event of any changes to such information.

G. The Council shall maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the public body such FOIA officers serve.

2016, c. 748;2017, cc. 290, 778;2020, c. 1141.

§ 2.2-3704.3. Training for local officials

A. The Virginia Freedom of Information Advisory Council (the Council) or the local government attorney shall provide in-person or online training sessions for local elected officials and the executive directors and members of industrial development authorities and economic development authorities, as created by the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), on the provisions of this chapter.

B. Each local elected official and the executive director and members of each industrial development authority and economic development authority, as created by the Industrial Development and Revenue Bond Act, shall complete a training session described in subsection A within two months after assuming the local elected office and thereafter at least once during each consecutive period of two calendar years commencing with the date on which he last completed a training session, for as long as he holds such office. No penalty shall be imposed on a local elected official or an executive director or member of an industrial development authority or an economic development authority for failing to complete a training session.

C. The clerk of each governing body or school board shall maintain records indicating the names of elected officials and executive directors and members of industrial development authorities and economic development authorities subject to the training requirements in subsection B and the dates on which each such official completed training sessions satisfying such requirements. Such records shall be maintained for five years in the office of the clerk of the respective governing body or school board.

D. For purposes of this section, "local elected officials" shall include constitutional officers.

2019, c. 531;2020, cc. 76, 80, 904.

§ 2.2-3705. Repealed

Repealed by Acts 2004, c. 690.

§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Personnel information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of such information and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such information shall be disclosed. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

No provision of this chapter or any provision of Chapter 38 (§ 2.2-3800 et seq.) shall be construed as denying public access to (i) contracts between a public body and its officers or employees, other than contracts settling public employee employment disputes held confidential as personnel records under § 2.2-3705.1;(ii) records of the name, position, job classification, official salary, or rate of pay of, and records of the allowances or reimbursements for expenses paid to,

any officer, official, or employee of a public body; or (iii) the compensation or benefits paid by any corporation organized by the Virginia Retirement System or its officers or employees. The provisions of this subdivision, however, shall not require public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other information protected by the attorney-client privilege.

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the public records of a public body. For the purpose of this subdivision, "vendor proprietary information software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, public institution of higher education in the Commonwealth, or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease.

9. Information concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a

claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal contact information furnished to a public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members, unless the recipient of such electronic communications indicates his approval for the public body to disclose such information. However, access shall not be denied to the person who is the subject of the record. As used in this subdivision, "personal contact information" means the information provided to the public body or any of its members for the purpose of receiving electronic communications from the public body or any of its members and includes home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.

11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

12. Information relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such information would adversely affect the bargaining position or negotiating strategy of the public body. Such information shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of information relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. Account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the information. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, c. 690; 2010, c. 553; 2016, cc. 620, 716, 729; 2017, cc. 140, 778; 2021, Sp. Sess. I, c. 484.

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Confidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

3. Information that would disclose the security aspects of a system safety program plan adopted pursuant to Federal Transit Administration regulations by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

4. Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event or (ii) any person on school property has suffered or been threatened with any personal injury.

5. Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall information identifying the victims of a sexually violent predator be disclosed.

6. Subscriber data provided directly or indirectly by a communications services provider to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if the data is in a form not made available by the communications services provider to the public generally. Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

7. Subscriber data collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.) and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if such records are not otherwise publicly available.

Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

8. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets provided to the Council or such commission or organizations in connection with their work.

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to prevent the disclosure of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

9. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, if disclosure of such information would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

10. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, or programming maintained by or utilized by STARS or any other similar local or regional public safety communications system.

11. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

12. Information concerning the disaster recovery plans or the evacuation plans in the event of

fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

13. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.

14. Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants:

a. Critical infrastructure information or the location or operation of security equipment and systems of any public building, structure, or information storage facility, including ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, or utility equipment and systems;

b. Vulnerability assessments, information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities, or security plans and measures of an entity, facility, building structure, information technology system, or software program;

c. Surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational or transportation plans or protocols; or

d. Interconnectivity, network monitoring, network operation centers, master sites, or systems related to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system.

The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure information security and resilience. Such statement shall be a public record and shall be disclosed upon request.

Any public body receiving a request for records excluded under clauses (a) and (b) of this subdivision 14 shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

Nothing in this subdivision 14 shall prevent the disclosure of records relating to (1) the structural or environmental soundness of any such facility, building, or structure or (2) an inquiry into the

performance of such facility, building, or structure after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

As used in this subdivision, "critical infrastructure information" means the same as that term is defined in 6 U.S.C. § 131.

15. Information held by the Virginia Commercial Space Flight Authority that is categorized as classified or sensitive but unclassified, including national security, defense, and foreign policy information, provided that such information is exempt under the federal Freedom of Information Act, 5 U.S.C. § 552.

1999, cc. [485](#), [518](#), [703](#), [726](#), [793](#), [849](#), [852](#), [867](#), [868](#), [881](#), § 2.1-342.01; 2000, cc. [66](#), [237](#), [382](#), [400](#), [430](#), [583](#), [589](#), [592](#), [594](#), [618](#), [632](#), [657](#), [720](#), [932](#), [933](#), [947](#), [1006](#), [1064](#); 2001, cc. [288](#), [518](#), [844](#), § 2.2-3705; 2002, cc. [87](#), [155](#), [242](#), [393](#), [478](#), [481](#), [499](#), [522](#), [571](#), [572](#), [633](#), [655](#), [715](#), [798](#), [830](#); 2003, cc. [274](#), [307](#), [327](#), [332](#), [358](#), [704](#), [801](#), [884](#), [891](#), [893](#), [897](#), [968](#); 2004, cc. [398](#), [482](#), [690](#), [770](#); 2005, c. [410](#); 2008, c. [721](#); 2009, c. [418](#); 2010, c. [672](#); 2011, cc. [111](#), [536](#); 2012, cc. [617](#), [803](#), [835](#); 2013, c. [600](#); 2015, c. [183](#); 2016, cc. [554](#), [620](#), [716](#), [717](#); 2017, c. [778](#); 2018, cc. [52](#), [741](#); 2019, c. [358](#).

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § [2.2-3704.01](#).

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ [18.2-340.15](#) et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.
2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § [54.1-108](#).
3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.
4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ [32.1-323](#) et seq.) of Title 32.1.
5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ [2.2-3900](#) et seq.) or under any local ordinance adopted in accordance with the authority specified in § [2.2-524](#), or adopted pursuant to § [15.2-](#)

965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names, addresses, and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or

investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 605, 690, 766; 2005, c. 601; 2006, cc. 25, 95; 2008, cc. 387, 668, 689, 758; 2009, cc. 237, 326, 340; 2011, cc. 798, 871; 2012, cc. 476, 507, 803, 835; 2013, cc. 571, 572, 690, 717, 723; 2014, cc. 225, 414, 609, 788; 2015, cc. 38, 730; 2016, cc. 272, 620, 716; 2017, c. 778; 2020, c. 48.

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in

accordance with § [2.2-3704.01](#).

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.

5. Information held by the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § [2.2-3801](#), provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ [23.1-700](#) et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § [23.1-700](#), (ii) designated survivors, or (iii)

authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

"Authorized individual" means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

"Designated survivor" means the person who will assume account ownership in the event of the account owner's death.

7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. The exclusion provided by this subdivision shall not apply to protect from disclosure (a) information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor or (b) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or the terms and conditions of such grants or contracts. For purposes of clause (a), the identity of the donor may be withheld if (1) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (2) the pledge or donation does not impose terms or conditions directing academic decision-making.

8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor.

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be

required. For any other student, written consent of the parent or legal guardian of such student shall be required.

1999, cc. [485](#), [518](#), [703](#), [726](#), [793](#), [849](#), [852](#), [867](#), [868](#), [881](#), § 2.1-342.01; 2000, cc. [66](#), [237](#), [382](#), [400](#), [430](#), [583](#), [589](#), [592](#), [594](#), [618](#), [632](#), [657](#), [720](#), [932](#), [933](#), [947](#), [1006](#), [1064](#); 2001, cc. [288](#), [518](#), [844](#), § 2.2-3705; 2002, cc. [87](#), [155](#), [242](#), [393](#), [478](#), [481](#), [499](#), [522](#), [571](#), [572](#), [633](#), [655](#), [715](#), [798](#), [830](#); 2003, cc. [274](#), [307](#), [327](#), [332](#), [358](#), [704](#), [801](#), [884](#), [891](#), [893](#), [897](#), [968](#); 2004, c. [690](#); 2006, c. [518](#); 2008, cc. [561](#), [665](#); 2010, cc. [456](#), [524](#); 2014, c. [313](#); 2016, cc. [554](#), [620](#), [716](#); 2017, c. [778](#); 2018, c. [756](#); 2019, cc. [638](#), [639](#); 2020, cc. [71](#), [78](#).

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § [2.2-3704.01](#).

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § [32.1-127.1:03](#).

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § [20-124.6](#). In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § [16.1-338](#) or [54.1-2969](#), the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be disclosed. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants; information required to be provided to the Department of Health Professions by certain licensees pursuant to § [54.1-2506.1](#); information held by the Health Practitioners' Monitoring Program Committee within the Department of Health Professions that identifies any practitioner who may be, or who is actually, impaired to the extent that disclosure is prohibited by § [54.1-2517](#); and information relating to the prescribing and dispensing of covered substances

to recipients and any abstracts from such information that are in the possession of the Prescription Monitoring Program (Program) pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

3. Reports, documentary evidence, and other information as specified in §§ 51.5-122 and 51.5-184 and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2 and information and statistical registries required to be kept confidential pursuant to Chapter 1 (§ 63.2-100 et seq.) of Title 63.2.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Education in connection with an active investigation of an applicant or licensee pursuant to Chapter 14.1 (§ 22.1-289.02 et seq.) of Title 22.1; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. However, nothing in this subdivision shall prevent the disclosure of information from the records of completed investigations in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Information acquired (i) during a review of any child death conducted by the State Child Fatality Review Team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent that such information is made confidential by § 32.1-283.2;(ii) during a review of any death conducted by a family violence fatality review team to the extent that such information is made confidential by § 32.1-283.3;(iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent that such information is made confidential by § 32.1-283.6;(iv) by a local or regional overdose fatality review team to the extent that such information is made confidential by § 32.1-283.7;(v) during a review of any death conducted by the Maternal Mortality Review Team to the extent that such information is made confidential by § 32.1-283.8;or (vi) during a review of any death conducted by the Developmental Disabilities Mortality Review Committee to the extent that such information is made confidential by § 37.2-314.1.

8. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

9. Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et

seq.) of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data identifying individual patients or (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

10. Any information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ [32.1-137.4](#) and [32.1-137.5](#), including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

11. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § [38.2-5002.2](#).

12. Information held by the State Health Commissioner relating to the health of any person subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ [32.1-48.05](#) et seq.) of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to prevent the disclosure of statistical summaries, abstracts, or other information in aggregate form.

13. The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § [63.2-600](#).

14. Information held by certain health care committees and entities that may be withheld from discovery as privileged communications pursuant to § [8.01-581.17](#).

15. Data and information specified in § [37.2-308.01](#) relating to proceedings provided for in Article 16 (§ [16.1-335](#) et seq.) of Chapter 11 of Title 16.1 and Chapter 8 (§ [37.2-800](#) et seq.) of Title 37.2.

16. Records of and information held by the Emergency Department Care Coordination Program required to be kept confidential pursuant to § [32.1-372](#).

1999, cc. [485](#), [518](#), [703](#), [726](#), [793](#), [849](#), [852](#), [867](#), [868](#), [881](#), § [2.1-342.01](#); 2000, cc. [66](#), [237](#), [382](#), [400](#), [430](#), [583](#), [589](#), [592](#), [594](#), [618](#), [632](#), [657](#), [720](#), [932](#), [933](#), [947](#), [1006](#), [1064](#); 2001, cc. [288](#), [518](#), [844](#), § [2.2-3705](#); 2002, cc. [87](#), [155](#), [242](#), [393](#), [478](#), [481](#), [499](#), [522](#), [571](#), [572](#), [633](#), [655](#), [715](#), [798](#), [830](#); 2003, cc. [274](#), [307](#), [327](#), [332](#), [358](#), [704](#), [801](#), [884](#), [891](#), [893](#), [897](#), [968](#); 2004, cc. [65](#), [666](#), [690](#), [773](#), [1014](#), [1021](#); 2005, cc. [181](#), [227](#), [716](#); 2008, c. [539](#); 2009, cc. [472](#), [813](#), [840](#); 2011, cc. [110](#), [175](#), [535](#); 2012, cc. [476](#), [479](#), [507](#), [803](#), [835](#); 2015, cc. [22](#), [108](#), [127](#); 2016, cc. [620](#), [716](#); 2017, cc. [188](#), [475](#), [600](#), [719](#), [778](#); 2018, c. [600](#); 2019, c. [834](#); 2020, cc. [851](#), [860](#), [861](#).

§ 2.2-3705.6. (Effective until October 1, 2021) Exclusions to application of chapter; proprietary records and trade secrets

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § [2.2-3704.01](#).

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § [62.1-132.4](#) or [62.1-134.1](#).
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ [15.2-4900](#) et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ [32.1-239](#) et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § [28.2-204](#).
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ [32.1-331.12](#) et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § [2.2-4342](#) as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § [2.2-4317](#).
11. a. Memoranda, staff evaluations, or other information prepared by the responsible public

entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local

jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted,

or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or
- b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a

reviewing entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment applications, including any scoring or prioritization documents prepared for and forwarded to the Authority.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services or carbon sequestration agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to

the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 593, 690; 2005, cc. 258, 411; 2006, cc. 73, 76, 467, 831, 921, 936; 2006, Sp. Sess. I, c. 1; 2007, cc. 374, 693; 2008, cc. 71, 102, 266, 387, 633, 689, 736, 743; 2009, cc. 246, 311, 325, 765, 810, 869; 2010, cc. 310, 808; 2011, cc. 541, 781, 798, 871; 2012, cc. 693, 709; 2013, cc. 54, 482, 574; 2015, cc. 696, 697; 2016, cc. 620, 716, 724, 725, 775; 2017, cc. 662, 737, 778, 796, 816; 2018, cc. 470, 532, 533; 2019, cc. 358, 629; 2020, cc. 72, 79, 1164, 1169; 2021, Sp. Sess. I, c. 298.

§ 2.2-3705.6. (Effective October 1, 2021, until January 1, 2022) Exclusions to application of chapter; proprietary records and trade secrets

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion,

except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or

scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or
- b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection

from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and

memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment applications, including any scoring or prioritization documents prepared for and forwarded to the Authority.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services or carbon sequestration agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 593, 690; 2005, cc. 258, 411; 2006, cc. 73, 76, 467, 831, 921, 936; 2006, Sp. Sess. I, c. 1; 2007, cc. 374, 693; 2008, cc. 71, 102, 266, 387, 633, 689, 736, 743; 2009, cc. 246, 311, 325, 765, 810, 869; 2010, cc. 310, 808; 2011, cc. 541, 781, 798, 871; 2012, cc. 693, 709; 2013, cc. 54, 482, 574; 2015, cc. 696, 697; 2016, cc. 620, 716, 724, 725, 775; 2017, cc. 662, 737, 778, 796, 816; 2018, cc. 470, 532, 533; 2019, cc. 358, 629; 2020, cc. 72, 79, 1164, 1169; 2021, Sp. Sess. I, c. 298, 532.

§ 2.2-3705.6. (Effective January 1, 2022) Exclusions to application of chapter; proprietary records and trade secrets

The following information contained in a public record is excluded from the mandatory

disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where disclosure of such information would adversely affect the financial interest of the public body.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Proprietary information related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person in connection with a procurement transaction or by any person who has submitted to a public body an application for prequalification to bid on public

construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other information prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such information was made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity; (ii) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if such information was made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the information afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a

qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected.

13. Trade secrets or confidential proprietary information that is not generally available to the public through regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identify the data or other materials for which protection is sought, and (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Information of a proprietary or confidential nature furnished by a supplier or manufacturer of charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

15. Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets submitted by CMRS providers as defined in § 56-484.12 to the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, relating to the provision of wireless E-911 service.

17. Information relating to a grant or loan application, or accompanying a grant or loan application, to the Commonwealth Health Research Board pursuant to Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal proprietary business or

research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if disclosure of such information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the reasons why protection is necessary. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

19. Confidential proprietary information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets or financial information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other information prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial information, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing the information to the Authority; or
- b. Information provided by a private entity to the Commercial Space Flight Authority if disclosure of such information would (i) reveal (a) trade secrets of the private entity; (b) financial information of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity.

In order for the information specified in clauses (a), (b), and (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the

Authority:

- (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial information of the private entity. To protect other information submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

28. Information relating to a grant, loan, or investment application, or accompanying a grant, loan, or investment application, submitted to the Commonwealth of Virginia Innovation Partnership Authority (the Authority) established pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22, an advisory committee of the Authority, or any other entity designated by the Authority to review such applications, to the extent that such records would (i) reveal (a) trade secrets; (b) financial information of a party to a grant, loan, or investment application that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) research-related information produced or collected by a party to the application in the conduct of or as a result of study or

research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of a party to a grant, loan, or investment application; and memoranda, staff evaluations, or other information prepared by the Authority or its staff, or a reviewing entity designated by the Authority, exclusively for the evaluation of grant, loan, or investment applications, including any scoring or prioritization documents prepared for and forwarded to the Authority.

29. Proprietary information, voluntarily provided by a private business pursuant to a promise of confidentiality from a public body, used by the public body for a solar services or carbon sequestration agreement, where disclosure of such information would (i) reveal (a) trade secrets of the private business; (b) financial information of the private business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private business and (ii) adversely affect the financial interest or bargaining position of the public body or private business.

In order for the information specified in clauses (i)(a), (b), and (c) to be excluded from the provisions of this chapter, the private business shall make a written request to the public body:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

30. Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such information would identify specific trade secrets or other information that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

31. Trade secrets, including, but not limited to, financial information, including balance sheets and financial statements that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Virginia Department of Transportation for the purpose of an audit, special investigation, or any study requested by the Virginia Department of Transportation in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Virginia Department of Transportation shall determine whether the requested exclusion

from disclosure is necessary to protect trade secrets or financial records of the private entity. The Virginia Department of Transportation shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

32. Information related to a grant application, or accompanying a grant application, submitted to the Department of Housing and Community Development that would (i) reveal (a) trade secrets, (b) financial information of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant. The exclusion provided by this subdivision shall only apply to grants administered by the Department, the Director of the Department, or pursuant to § 36-139, Article 26 (§ 2.2-2484 et seq.) of Chapter 24, or the Virginia Telecommunication Initiative as authorized by the appropriations act.

In order for the information submitted by the applicant and specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Department:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data, information, or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Department shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. The Department shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

33. Financial and proprietary records submitted with a loan application to a locality for the preservation or construction of affordable housing that is related to a competitive application to be submitted to either the U.S. Department of Housing and Urban Development (HUD) or the Virginia Housing Development Authority (VHDA), when the release of such records would adversely affect the bargaining or competitive position of the applicant. Such records shall not be withheld after they have been made public by HUD or VHDA.

34. Information of a proprietary or confidential nature disclosed by a health carrier or pharmacy benefits manager pursuant to § 38.2-3407.15:6, a wholesale distributor pursuant to § 54.1-3436.1, or a manufacturer pursuant to § 54.1-3442.02.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 593, 690; 2005, cc. 258, 411; 2006, cc. 73, 76, 467, 831, 921, 936; 2006, Sp. Sess. I, c. 1; 2007, cc. 374, 693; 2008, cc. 71, 102, 266, 387, 633, 689, 736, 743; 2009, cc. 246, 311, 325, 765, 810, 869; 2010, cc. 310, 808; 2011, cc. 541, 781

, 798, 871;2012, cc. 693, 709;2013, cc. 54, 482, 574;2015, cc. 696, 697;2016, cc. 620, 716, 724, 725, 775;2017, cc. 662, 737, 778, 796, 816;2018, cc. 470, 532, 533;2019, cc. 358, 629;2020, cc. 72, 79, 1164, 1169;2021, Sp. Sess. I, cc. 298, 304, 532.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.
2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.
4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.
5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary

designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of

Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may

have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-

913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

- a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and
- b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

- (1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;
- (2) Identifying with specificity the data or other materials for which protection is sought; and
- (3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by former § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making

a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.

36. Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary exclusion program administered pursuant to § 58.1-4015.1.

37. Personal information provided to or obtained by the Virginia Lottery concerning the identity of any person reporting prohibited conduct pursuant to § 58.1-4043.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, cc. 426, 690, 832; 2005, cc. 165, 508; 2007, cc. 406, 652, 660, 737, 739; 2008, cc. 16, 739; 2009, cc. 223, 827, 845; 2010, c. 300; 2011, cc. 827, 867; 2012, c. 726; 2013, cc. 199, 481, 554, 574; 2014, cc. 225, 808; 2015, cc. 38, 137, 549, 730; 2016, cc. 550, 620, 716, 729; 2017, cc. 587, 642, 778, 804, 824; 2018, cc. 58, 141; 2019, cc. 163, 170, 247, 300, 358, 729, 775; 2020, cc. 70, 587, 1164, 1169, 1218, 1227, 1246, 1256; 2021, Sp. Sess. I, cc. 344, 345.

§ 2.2-3705.8. Limitation on record exclusions

Nothing in this chapter shall be construed as denying public access to the nonexempt portions of a report of a consultant hired by or at the request of a local public body or the mayor or chief executive or administrative officer of such public body if (i) the contents of such report have been distributed or disclosed to members of the local public body or (ii) the local public body has scheduled any action on a matter that is the subject of the consultant's report.

1999, cc. 485, 518, 703, 726, 793, 849, 852, 867, 868, 881, § 2.1-342.01; 2000, cc. 66, 237, 382, 400, 430, 583, 589, 592, 594, 618, 632, 657, 720, 932, 933, 947, 1006, 1064; 2001, cc. 288, 518, 844, § 2.2-3705; 2002, cc. 87, 155, 242, 393, 478, 481, 499, 522, 571, 572, 633, 655, 715, 798, 830; 2003, cc. 274, 307, 327, 332, 358, 704, 801, 884, 891, 893, 897, 968; 2004, c. 690; 2017, c. 778.

§ 2.2-3706. Disclosure of law-enforcement and criminal records; limitations

A. Records required to be released. All public bodies engaged in criminal law-enforcement activities shall provide the following records when requested in accordance with the provisions of this chapter:

1. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;
2. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and
3. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death" means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and "immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

B. Discretionary releases. The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where

such disclosure is prohibited by law:

1. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution not required to be disclosed in accordance with § 2.2-3706.1;
2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;
3. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;
4. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
5. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;
6. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;
7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;
8. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;
9. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made confidential by law;
10. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and
11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that

information is required to be posted on the Internet pursuant to § 9.1-913.

C. Prohibited releases. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

D. Noncriminal records. Public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system may withhold those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature where the release of such information would jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a law-enforcement agency shall be governed by the provisions of subdivision B 9 of this section and subdivision 1 of § 2.2-3705.1, as applicable.

E. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

F. Conflict resolution. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.

1999, cc. 703, 726, § 2.1-342.2; 2000, c. 227; 2001, c. 844; 2002, cc. 393, 715, 769, 830; 2004, cc. 685, 735; 2006, cc. 857, 914; 2007, c. 133; 2010, c. 627; 2011, cc. 798, 871; 2013, c. 695; 2016, cc. 184, 546; 2017, c. 828; 2018, c. 48; 2021, Sp. Sess. I, c. 483.

§ 2.2-3706.1. Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations

A. For purposes of this section:

"Immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

"Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide the following records and information when requested in accordance with the provisions of this chapter:

1. Criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:

- a. A general description of the criminal activity reported;
- b. The date and time the alleged crime was committed;
- c. The general location where the alleged crime was committed;
- d. The identity of the investigating officer or other point of contact;

- e. A description of any injuries suffered or property damaged or stolen; and
- f. Any diagrams related to the alleged crime or the location where the alleged crime was committed, except that any diagrams described in subdivision 14 of § 2.2-3705.2 and information therein shall be excluded from mandatory disclosure, but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subdivision 1; and

2. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, initial incident reports, filings through any incident-based reporting system, diagrams, maps, photographs, correspondence, reports, witness statements, or evidence, relating to a criminal investigation or proceeding that is not ongoing.

C. The provisions of subsection B shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;
2. Would deprive a person of a right to a fair trial or an impartial adjudication;
3. Would constitute an unwarranted invasion of personal privacy;
4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;
5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or
6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

D. Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement officer encounters with members of the public.

No photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified, except for transcripts of recorded interviews between a victim and law enforcement, shall be released pursuant to subdivision B 2 to anyone except (i) the victim; (ii) members of the immediate family of the victim, if the victim is deceased; or (iii) the parent or guardian of the victim, if the victim is a minor.

E. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law, including court sealing orders, that restrict disclosure of criminal investigative files, as defined in subsection B, shall control.

2021, Sp. Sess. I, c. 483.

§ 2.2-3707. Meetings to be public; notice of meetings; recordings; minutes

A. All meetings of public bodies shall be open, except as provided in §§ 2.2-3707.01 and 2.2-3711.

B. No meeting shall be conducted through telephonic, video, electronic or other electronic communication means where the members are not physically assembled to discuss or transact public business, except as provided in § 2.2-3708.2 or as may be specifically provided in Title 54.1 for the summary suspension of professional licenses.

C. Every public body shall give notice of the date, time, and location of its meetings by:

1. Posting such notice on its official public government website, if any;
2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

All state public bodies subject to the provisions of this chapter shall also post notice of their meetings on a central, publicly available electronic calendar maintained by the Commonwealth. Publication of meeting notices by electronic means by other public bodies shall be encouraged.

The notice shall be posted at least three working days prior to the meeting.

D. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the public body conducting the meeting.

E. Any person may annually file a written request for notification with a public body. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The public body receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the public body may provide electronic notice of all meetings in response to such requests.

F. At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body. The proposed agendas for meetings of state public bodies where at least one member has been appointed by the Governor shall state whether or not public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received.

G. Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The public body conducting the meeting may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but shall not prohibit or otherwise prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open. No public body shall conduct a meeting required to be open in any building or facility where such recording devices are prohibited.

H. Minutes shall be recorded at all open meetings. However, minutes shall not be required to be taken at deliberations of (i) standing and other committees of the General Assembly; (ii) legislative interim study commissions and committees, including the Virginia Code Commission; (iii) study committees or commissions appointed by the Governor; or (iv) study commissions or study committees, or any other committees or subcommittees appointed by the governing bodies

or school boards of counties, cities and towns, except where the membership of any such commission, committee or subcommittee includes a majority of the governing body of the county, city or town or school board.

Minutes, including draft minutes, and all other records of open meetings, including audio or audio/visual records shall be deemed public records and subject to the provisions of this chapter.

Minutes shall be in writing and shall include (a) the date, time, and location of the meeting; (b) the members of the public body recorded as present and absent; and (c) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken. In addition, for electronic communication meetings conducted in accordance with § 2.2-3708.2, minutes of state public bodies shall include (1) the identity of the members of the public body at each remote location identified in the notice who participated in the meeting through electronic communication means, (2) the identity of the members of the public body who were physically assembled at the primary or central meeting location, and (3) the identity of the members of the public body who were not present at the locations identified in clauses (1) and (2) but who monitored such meeting through electronic communication means.

1968, c. 479, § 2.1-343; 1973, c. 461; 1976, c. 467; 1977, c. 677; 1982, c. 333; 1989, c. 358; 1990, c. 538; 1993, c. 720; 1995, c. 562; 1999, cc. 696, 703, 726; 2000, c. 227; 2001, c. 844; 2004, cc. 730, 768; 2005, c. 352; 2007, c. 300; 2009, c. 628; 2010, c. 309; 2015, c. 131; 2017, c. 616; 2018, c. 55.

§ 2.2-3707.01. Meetings of the General Assembly

A. Except as provided in subsection B, public access to any meeting of the General Assembly or a portion thereof shall be governed by rules established by the Joint Rules Committee and approved by a majority vote of each house at the next regular session of the General Assembly. At least 60 days before the adoption of such rules, the Joint Rules Committee shall (i) hold regional public hearings on such proposed rules and (ii) provide a copy of such proposed rules to the Virginia Freedom of Information Advisory Council.

B. Floor sessions of either house of the General Assembly; meetings, including work sessions, of any standing or interim study committee of the General Assembly; meetings, including work sessions, of any subcommittee of such standing or interim study committee; and joint committees of conference of the General Assembly; or a quorum of any such committees or subcommittees, shall be open and governed by this chapter.

C. Meetings of the respective political party caucuses of either house of the General Assembly, including meetings conducted by telephonic or other electronic communication means, without regard to (i) whether the General Assembly is in or out of regular or special session or (ii) whether such caucuses invite staff or guests to participate in their deliberations, shall not be deemed meetings for the purposes of this chapter.

D. No regular, special, or reconvened session of the General Assembly held pursuant to Article IV, Section 6 of the Constitution of Virginia shall be conducted using electronic communication means pursuant to § 2.2-3708.2.

2004, c. 768; 2005, c. 352; 2018, c. 55.

§ 2.2-3707.1. Posting of minutes for state boards and commissions

All boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of this chapter shall post minutes of their

meetings on such body's official public government website and on a central electronic calendar maintained by the Commonwealth. Draft minutes of meetings shall be posted as soon as possible but no later than 10 working days after the conclusion of the meeting. Final approved meeting minutes shall be posted within three working days of final approval of the minutes.

2002, cc. [580](#), [618](#);2006, cc. [474](#), [595](#);2007, c. [300](#);2017, c. [616](#).

§§ 2.2-3708 and 2.2-3708.1. Repealed

Repealed by Acts 2018, c. [55](#), cl. 2.

§ 2.2-3708.2. Meetings held through electronic communication means

A. The following provisions apply to all public bodies:

1. Subject to the requirements of subsection C, all public bodies may conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that:

a. Such member is unable to attend the meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance; or

b. Such member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision b is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

2. If participation by a member through electronic communication means is approved pursuant to subdivision 1, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public. If participation is approved pursuant to subdivision 1 a, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 1 b, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to subdivision 1 b is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

3. Any public body, or any joint meetings thereof, may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § [44-146.17](#) or the locality in which the public body is located has declared a local state of emergency pursuant to § [44-146.21](#), provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities.

The public body convening a meeting in accordance with this subdivision shall:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
- b. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing if already used by the public body;
- c. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
- d. Otherwise comply with the provisions of this chapter.

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

The provisions of this subdivision 3 shall be applicable only for the duration of the emergency declared pursuant to § [44-146.17](#) or [44-146.21](#).

B. The following provisions apply to regional public bodies:

1. Subject to the requirements in subsection C, regional public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means if, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting.
2. If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection C, such disapproval shall be recorded in the minutes with specificity.

C. Participation by a member of a public body in a meeting through electronic communication means pursuant to subdivisions A 1 and 2 and subsection B shall be authorized only if the following conditions are met:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;
2. A quorum of the public body is physically assembled at one primary or central meeting location; and
3. The public body makes arrangements for the voice of the remote participant to be heard by all

persons at the primary or central meeting location.

D. The following provisions apply to state public bodies:

1. Except as provided in subsection D of § 2.2-3707.01, state public bodies may also conduct any meeting wherein the public business is discussed or transacted through electronic communication means, provided that (i) a quorum of the public body is physically assembled at one primary or central meeting location, (ii) notice of the meeting has been given in accordance with subdivision 2, and (iii) members of the public are provided a substantially equivalent electronic communication means through which to witness the meeting. For the purposes of this subsection, "witness" means observe or listen.

If a state public body holds a meeting through electronic communication means pursuant to this subsection, it shall also hold at least one meeting annually where members in attendance at the meeting are physically assembled at one location and where no members participate by electronic communication means.

2. Notice of any regular meeting held pursuant to this subsection shall be provided at least three working days in advance of the date scheduled for the meeting. Notice, reasonable under the circumstance, of special, emergency, or continued meetings held pursuant to this section shall be given contemporaneously with the notice provided to members of the public body conducting the meeting. For the purposes of this subsection, "continued meeting" means a meeting that is continued to address an emergency or to conclude the agenda of a meeting for which proper notice was given.

The notice shall include the date, time, place, and purpose for the meeting; shall identify the primary or central meeting location and any remote locations that are open to the public pursuant to subdivision 4; shall include notice as to the electronic communication means by which members of the public may witness the meeting; and shall include a telephone number that may be used to notify the primary or central meeting location of any interruption in the telephonic or video broadcast of the meeting. Any 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.

3. A copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body conducting the meeting.

4. Public access to the remote locations from which additional members of the public body participate through electronic communication means shall be encouraged but not required. However, if three or more members are gathered at the same remote location, then such remote location shall be open to the public.

5. If access to remote locations is afforded, (i) all persons attending the meeting at any of the remote locations shall be afforded the same opportunity to address the public body as persons attending at the primary or central location and (ii) a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body for the meeting shall be made available for inspection by members of the public attending the meeting at any of the remote locations at the time of the meeting.

6. The public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179.

7. Minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

8. Any authorized state public body that meets by electronic communication means pursuant to this subsection shall make a written report of the following to the Virginia Freedom of Information Advisory Council by December 15 of each year:

- a. The total number of meetings held that year in which there was participation through electronic communication means;
- b. The dates and purposes of each such meeting;
- c. A copy of the agenda for each such meeting;
- d. The primary or central meeting location of each such meeting;
- e. The types of electronic communication means by which each meeting was held;
- f. If possible, the number of members of the public who witnessed each meeting through electronic communication means;
- g. The identity of the members of the public body recorded as present at each meeting, and whether each member was present at the primary or central meeting location or participated through electronic communication means;
- h. The identity of any members of the public body who were recorded as absent at each meeting and any members who were recorded as absent at a meeting but who monitored the meeting through electronic communication means;
- i. If members of the public were granted access to a remote location from which a member participated in a meeting through electronic communication means, the number of members of the public at each such remote location;
- j. A summary of any public comment received about the process of conducting a meeting through electronic communication means; and
- k. A written summary of the public body's experience conducting meetings through electronic communication means, including its logistical and technical experience.

E. Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

2018, cc. 55, 56; 2019, c. 359; 2021, Sp. Sess. I, cc. 33, 490.

§ 2.2-3709. Expired

Expired.

§ 2.2-3710. Transaction of public business other than by votes at meetings prohibited

A. Unless otherwise specifically provided by law, no vote of any kind of the membership, or any part thereof, of any public body shall be taken to authorize the transaction of any public business, other than a vote taken at a meeting conducted in accordance with the provisions of this chapter. No public body shall vote by secret or written ballot, and unless expressly provided by this chapter, no public body shall vote by telephone or other electronic communication means.

B. Notwithstanding the foregoing, nothing contained herein shall be construed to prohibit (i) separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting as defined in this chapter or (ii) the House of Delegates or the Senate of Virginia from adopting rules relating to the casting of votes by members of standing committees. Nothing in this subsection shall operate to exclude any public record from the provisions of this chapter.

1987, c. 71, § 2.1-343.2; 1999, cc. 703, 726; 2000, c. 932; 2001, cc. 710, 844; 2002, c. 491.

§ 2.2-3711. Closed meetings authorized for certain limited purposes

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. 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 of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing

business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. 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. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § [2.2-3705.1](#).

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.
16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § [2.2-3705.5](#).
17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § [58.1-4007](#) regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § [2.2-3705.3](#) and subdivision 11 of § [2.2-3705.7](#).
18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.
19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § [2.2-3705.2](#), where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.
20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § [51.1-124.30](#), or of any local retirement system, acting pursuant to § [51.1-803](#), or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ [15.2-1544](#) et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § [23.1-2210](#), or by the Board of the Virginia College Savings Plan, acting pursuant to § [23.1-706](#), regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an

adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.
26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.
27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.
28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.
29. 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, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.
30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.
31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.
32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).
33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.
34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.
35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.
36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of

information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.4 related

to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two

or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

1968, c. 479, § 2.1-344; 1970, c. 456; 1973, c. 461; 1974, c. 332; 1976, cc. 467, 709; 1979, cc. 369, 684; 1980, cc. 221, 475, 476, 754; 1981, cc. 35, 471; 1982, cc. 497, 516; 1984, cc. 473, 513; 1985, c. 277; 1988, c. 891; 1989, cc. 56, 358, 478; 1990, cc. 435, 538; 1991, c. 708; 1992, c. 444; 1993, cc. 270, 499; 1995, c. 499; 1996, cc. 855, 862, 902, 905, 1046; 1997, cc. 439, 641, 785, 861; 1999, cc. 485, 518, 703, 726, 849, 867, 868; 2000, cc. 382, 400, 720, 1064; 2001, cc. 231, 844; 2002, cc. 87, 393, 455, 478, 499, 655, 715, 830; 2003, cc. 274, 291, 332, 618, 703; 2004, cc. 398, 690, 770; 2005, cc. 258, 411, 568; 2006, cc. 430, 499, 518, 560; 2007, cc. 133, 374, 566, 739; 2008, cc. 626, 633, 668, 721, 743; 2009, cc. 223, 325, 472, 765, 810, 827, 845; 2010, cc. 310, 630, 808; 2011, cc. 89, 111, 147, 536, 541, 816, 874; 2012, cc. 476, 507, 803, 835; 2013, cc. 571, 580, 695; 2014, c. 225; 2015, cc. 27, 38, 108, 169, 182, 549, 730; 2016, cc. 544, 620, 716, 724, 725, 775, 778, 779; 2017, cc. 587, 616, 778, 796, 804, 816, 824; 2018, cc. 48, 532, 533, 600, 829; 2019, cc. 4, 170, 358, 426, 500, 729, 775, 834; 2020, cc. 759, 851, 1164, 1169, 1197, 1218, 1248, 1256; 2021, Sp. Sess. I, cc. 7, 483.

§ 2.2-3712. Closed meetings procedures; certification of proceedings

A. No closed meeting shall be held unless the public body proposing to convene such meeting has taken an affirmative recorded vote in an open meeting approving a motion that (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in subsection A of § 2.2-3711 or other provision of law and (iii) cites the applicable exemption from open meeting requirements provided in subsection A of § 2.2-3711 or other provision of law. The matters contained in such motion shall be set forth in detail in the minutes of the open meeting. A general reference to the provisions of this chapter, the authorized exemptions from open meeting requirements, or the subject matter of the closed meeting shall not be sufficient to satisfy the requirements for holding a closed meeting.

B. The notice provisions of this chapter shall not apply to closed meetings of any public body held solely for the purpose of interviewing candidates for the position of chief administrative officer. Prior to any such closed meeting for the purpose of interviewing candidates, the public body shall announce in an open meeting that such closed meeting shall be held at a disclosed or undisclosed location within 15 days thereafter.

C. The public body holding a closed meeting shall restrict its discussion during the closed meeting only to those matters specifically exempted from the provisions of this chapter and identified in the motion required by subsection A.

D. At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this

chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.

E. Failure of the certification required by subsection D to receive the affirmative vote of a majority of the members of the public body present during a meeting shall not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with the provisions of this chapter. The recorded vote and any statement made in connection therewith, shall upon proper authentication, constitute evidence in any proceeding brought to enforce the provisions of this chapter.

F. A public body may permit nonmembers to attend a closed meeting if such persons are deemed necessary or if their presence will reasonably aid the public body in its consideration of a topic that is a subject of the meeting.

G. A member of a public body shall be permitted to attend a closed meeting held by any committee or subcommittee of that public body, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise that public body. Such member shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of § 2.2-3707, the minutes of the committee or other entity shall include the identity of the member of the parent public body who attended the closed meeting.

H. Except as specifically authorized by law, in no event may any public body take action on matters discussed in any closed meeting, except at an open meeting for which notice was given as required by § 2.2-3707.

I. Minutes may be taken during closed meetings of a public body, but shall not be required. Such minutes shall not be subject to mandatory public disclosure.

1989, c. 358, § 2.1-344.1; 1999, cc. 703, 726; 2001, c. 844; 2012, c. 428; 2017, c. 616.

§ 2.2-3713. Proceedings for enforcement of chapter

A. Any person, including the attorney for the Commonwealth acting in his official or individual capacity, denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. Such petition may be brought in the name of the person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. Venue for the petition shall be addressed as follows:

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;
2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and
3. In a case involving a board, bureau, commission, authority, district, institution, or agency of

the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond.

B. In any action brought before a general district court, a corporate petitioner may appear through its officer, director or managing agent without the assistance of counsel, notwithstanding any provision of law or Rule of Supreme Court of Virginia to the contrary.

C. Notwithstanding the provisions of § 8.01-644, the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing. However, if the petition or the affidavit supporting the petition for mandamus or injunction alleges violations of the open meetings requirements of this chapter, the three-day notice to the party against whom the petition is brought shall not be required. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.

D. The petition shall allege with reasonable specificity the circumstances of the denial of the rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges conferred by this chapter shall be sufficient to invoke the remedies granted herein. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. In making this determination, a court may consider, among other things, the reliance of a public body on an opinion of the Attorney General or a decision of a court that substantially supports the public body's position.

E. In any action to enforce the provisions of this chapter, the public body shall bear the burden of proof to establish an exclusion by a preponderance of the evidence. No court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation of this chapter.

F. Failure by any person to request and receive notice of the time and place of meetings as provided in § 2.2-3707 shall not preclude any person from enforcing his rights and privileges conferred by this chapter.

1968, c. 479, § 2.1-346; 1976, c. 709; 1978, c. 826; 1989, c. 358; 1990, c. 217; 1996, c. 578; 1999, cc. 703, 726; 2001, c. 844; 2007, c. 560; 2009, c. 634; 2010, c. 299; 2011, cc. 133, 783; 2016, cc. 620, 716; 2019, c. 531.

§ 2.2-3714. Violations and penalties

A. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3706.1, 2.2-3707, 2.2-3708.2, 2.2-3710, 2.2-3711 or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor

more than \$5,000.

B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of this chapter because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ [42.1-76](#) et seq.) by the State Library Board, the court may impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund.

C. In addition to any penalties imposed pursuant to subsections A and B, if the court finds that a public body voted to certify a closed meeting in accordance with subsection D of § [2.2-3712](#) and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of § [2.2-3712](#), the court may impose on the public body, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$1,000, which amount shall be paid into the Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the Freedom of Information Advisory Council.

1976, c. 467, § 2.1-346.1; 1978, c. 826; 1984, c. 252; 1989, c. 358; 1996, c. [578](#); 1999, cc. [703](#), [726](#); 2001, c. [844](#); 2003, c. [319](#); 2004, c. [690](#); 2008, cc. [233](#), [789](#); 2011, c. [327](#); 2017, c. [778](#); 2018, c. [55](#); 2019, c. [843](#); 2021, Sp. Sess. I, c. [483](#).

End of Board of Visitors Materials



RADFORD UNIVERSITY

Board of Visitors

**ANNUAL RETREAT
AUGUST 9-10, 2021
THE HOTEL ROANOKE & CONFERENCE CENTER
110 SHENANDOAH AVENUE, ROANOKE, VA**

**DRAFT
MINUTES**

AUGUST 9, 2021

BOARD MEMBERS PRESENT

Mr. Robert A. Archer, Rector
Dr. Jay A. Brown, Vice Rector
Dr. Thomas Brewster
Ms. Krisha Chachra
Ms. Charlene Curtis
Dr. Rachel D. Fowlkes
Mr. Mark S. Lawrence
Dr. Debra K. McMahan
Ms. Lisa W. Pompa
Ms. Nancy Angland Rice
Mr. David A. Smith
Mr. Marquett Smith
Ms. Georgia Anne Snyder-Falkinham
Ms. Lisa Throckmorton

Dr. Susan Whealler Johnston participated via electronic communication from her home. Dr. Johnston contacted the Rector prior to the meeting to inform him of a health-related matter that would prevent her from attending the meeting in person.

OTHERS PRESENT

Dr. Carolyn R. Lepre, Interim President
Ms. Karen Castele, Secretary to the Board of Visitors and Special Assistant to the President
Ms. Angela Joyner, Interim Chief of Staff
Ms. Heather Miano, Executive Director of Administration
Ms. Deb Love, Senior Assistant Attorney General, Education Section Chief
Mr. Allen T. Wilson, Assistant Attorney General, Commonwealth of Virginia
Dr. Betty Asher, Greenwood/Asher and Associates (Presentation)
Ms. Julie Holley, Greenwood/Asher and Associates (Presentation)

WELCOME AND OVERVIEW

Mr. Robert A. Archer, Rector, called the Retreat to order at 9:00 a.m. in the Shenandoah Room of The Hotel Roanoke & Conference Center in Roanoke, Virginia. Rector Archer thanked everyone for devoting their valuable time during this important Retreat, especially during this critical transition period at Radford. Rector Archer thanked Interim President Carolyn R. Lepre, Ph.D. for her willingness to serve in this critical role. Rector Archer also thanked Susan Whealler Johnston, Ph.D. and Jay A. Brown, Ph.D., along with other Board members, for serving on the Presidential Search Committee.

Rector Archer welcomed three new Board of Visitors members: Charlene Curtis '76, Lisa W. Pompa '86 and Marquett Smith '85, who began their four-year terms on July 1, 2021.

Rector Archer reviewed the accomplishments of the Board of Visitors in 2020-2021, and the Committee assignments for 2021-2022. A copy of the Committee assignments is attached hereto as *Attachment A* and is made a part hereof.

Rector Archer brought two action items to the full Board of Visitors from the Executive Committee. First, the Executive Committee is recommending approval of amendments to the Statement on Governance. The addition reflects current legislation for continuing education for all Board members. Rector Archer asked for a motion to approve the amended Statement on Governance. Ms. Nancy Angland Rice so moved, Mr. Mark S. Lawrence seconded, and the motion carried unanimously. A copy of the document is attached hereto as *Attachment B* and is made a part hereof. The second action item was the recommendation to reaffirm the Code of Ethics, originally approved in 2007. Rector Archer asked for the motion. Ms. Georgia Anne Snyder-Falkinham so moved, Mr. Lawrence seconded, and the motion carried unanimously. A copy of the Code of Ethics is attached hereto as *Attachment C* and is made a part hereof.

A YEAR IN REVIEW AND A LOOK FORWARD

Interim President Carolyn R. Lepre, Ph.D. shared with the Board of Visitors highlights of the many significant accomplishments and events from 2020-2021, including: the campus reopening, reinventing dining experiences, University rankings, student recognitions and achievements, faculty awards, the REAL Curriculum, program expansions, equalizing tuition at Radford University Carilion, facility upgrades, fundraising updates, naming of the Artis Center for Adaptive Innovation and Creativity and Hemphill Hall, and the Highlander Hotel groundbreaking. Dr. Lepre shared an overview of programs and projects being initiated, of which the Board of Visitors will receive regular updates in the coming year. The presentation is attached hereto as *Attachment D* and is made a part hereof.

GREENWOOD/ASHER & ASSOCIATES

Betty Asher, Ed.D. and Julie Holley, J.D., representing the search firm of Greenwood/Asher and Associates, provided an update to the Board of Visitors on the presidential search process and timeline.

REVIEW OF PROTOCOL AND COMMUNICATION

Rector Archer and Interim President Lepre provided a discussion on the expectations and protocol for communications, communication flow and the process for requesting information. The presentation is attached hereto as *Attachment E* and is made a part hereof.

SACSCOC ANNUAL SELF-EVALUATION INTRODUCTION

Susan Whealler Johnston, Ph.D. provided a foundation for the importance and responsibility of governance for the Board of Visitors members and asked each member to reflect on how business is conducted as a Board and any areas of improvement. Dr. Johnston asked members to think about each question on the assessment and answer as they feel appropriate. Dr. Johnston added that the results would be discussed at the conclusion of the Retreat. A copy of the handout and assessment are attached hereto as *Attachment F* and is made a part hereof.

BOARD'S LEGAL and ETHICAL RESPONSIBILITIES

Allen T. Wilson, J.D., Assistant Attorney General, provided training to the Board of Visitors on their legal and ethical responsibilities, including an overview of the Freedom of Information Act, Conflicts of Interest, fiduciary obligations and a review of the statutory duties in Chapter 13 of Title 23.1 of the Code of Virginia. The presentation is attached hereto as *Attachment G* and is made a part hereof.

RE-IMAGINING EXPERIENTIAL LEARNING AT RADFORD UNIVERSITY

Interim Chief of Staff Angela M. Joyner, Ph.D. shared the work of the Experiential Learning Taskforce, which included employer partners, faculty, staff, students and community leaders. The Taskforce was charged with creating a Vision Statement, Mission Statement, Common Language, Experiential Learning Plan and Budget Summary. Dr. Joyner shared the national landscape for experiential learning, career pathways for students via experiential learning, an overview of barriers and obstacles that impact outcomes and reviewed the comprehensive Experiential Learning Plan, addressing academic studies, career outcomes and financial well-being of students. The presentation is attached hereto as *Attachment H* and is made a part hereof.

The Board of Visitors members recessed at 4 p.m. for a reception and dinner.

AUGUST 10 , 2021

BOARD MEMBERS PRESENT

Mr. Robert A. Archer, Rector
Dr. Jay A. Brown, Vice Rector
Dr. Thomas Brewster
Ms. Krisha Chachra
Ms. Charlene Curtis
Dr. Rachel D. Fowlkes
Mr. Mark S. Lawrence
Dr. Debra K. McMahan
Ms. Lisa W. Pompa
Ms. Nancy Angland Rice

Mr. David A. Smith
Mr. Marquett Smith
Ms. Georgia Anne Snyder-Falkinham
Ms. Lisa Throckmorton

Dr. Susan Whealler Johnston participated via electronic communication from her home. Dr. Johnston contacted the Rector prior to the meeting to inform him of a health-related matter that would prevent her from attending the meeting in person.

OTHERS PRESENT

Dr. Carolyn R. Lepre, Interim President
Ms. Karen Castele, Secretary to the Board of Visitors and Special Assistant to the President
Ms. Angela Joyner, Interim Chief of Staff
Ms. Heather Miano, Executive Director of Administration
Ms. Deb Love, Senior Assistant Attorney General, Education Section Chief
Mr. Allen T. Wilson, Assistant Attorney General, Commonwealth of Virginia
Dr. Katie Hilden, Faculty Representation to the Board of Visitors (Presentation)
Dr. Susan P. Trageser, Vice President for Student Affairs (Presentation)

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.

COLLEGE BELONGING: HOW FIRST- YEAR AND FIRST-GENERATION STUDENTS NAVIGATE CAMPUS LIFE - BOOK DISCUSSION

Vice President for Student Affairs Susan P. Trageser, Ed.D. led a book discussion with the Board of Visitors members centered on belonging. Vice President Trageser stated, from the book, that students describe belonging as a sense of feeling accepted for who they are and feeling valued by the larger community. Vice President Trageser continued by describing the three realms of belonging: campus community belonging, academic belonging and social belonging. Following discussion, the Board of Visitors members agreed that a fourth realm, off-campus belonging, was also important. Vice President Trageser described ways that the University is working to increase the sense of belonging among students. The presentation is attached hereto as *Attachment I* and is made a part hereof.

FACULTY REPRESENTATIVE TO THE BOARD UPDATE

Faculty Representative to the Board of Visitors Katie Hilden, Ph.D. provided an update on the work of the Faculty Senate. Dr. Hilden stated that following the June 12, 2020 resolution by the Board of Visitors to address the financial stress related to COVID-19, Faculty Senate passed a motion which recommended the establishment of a task force to revise Handbook sections 1.15 - Reduction in Force under Fiscal Exigency and 1.16 - Reduction in Force Due to Program Restructuring or Discontinuance. Dr. Hilden stated that the task force consists of six tenured faculty senators representing the undergraduate colleges, one dean, the Vice President for Finance and Administration, the Vice President for Strategic Operations and the Provost. Dr. Hilden shared that the task force began meeting in May, has completed initial drafts, and is in the process of acquiring stakeholders' feedback to better inform

potential revisions. Dr. Hilden stated that it is the task force's intention that these revisions be considered by Faculty Senate by early October 2021. Rector Archer thanked Dr. Hilden for sharing this update with the Board of Visitors.

SACSCOC ANNUAL SELF-EVALUATION REVIEW

Susan Whealler Johnston, Ph.D. thanked her fellow Board of Visitors members for their thoughtful responses to the self-assessment and shared that the results were reflective of a Board who feels they have positive working relationships and trust while fulfilling their responsibilities. Dr. Johnston described that the responses were given points, one through five, with five being excellent. Dr. Johnston stated the item receiving the highest rating of 4.9 was "Promotes trust among Board members through a culture based on openness and respect." Three items received a 4.8 which were: "Adheres to a comprehensive conflict-of-interest policy and addresses conflicts appropriately"; "Charges the executive committee to operate with transparency"; and, "Ensures that decisions are made without undue influence from individual board members." Dr. Johnston added that all responses were above "Very Good." Dr. Johnston shared that she was pleased to see the Board members owning its own work and that Board members will need to continue to stay informed, ask questions and make the best decisions.

REFLECTION ON RETREAT AND OBJECTIVES FOR YEAR AHEAD TOGETHER

Rector Archer thanked everyone for their participation in the Retreat and stated the importance of working together toward accomplishing the goals in the Strategic Plan, especially during this time of transition. Board members shared their support for the University and optimism for the year ahead.

Rector Archer informed the Board of Visitors members that Mr. Allen T. Wilson will no longer be Radford's representative from the Office of the Attorney General and that Ms. Deb Love will represent the University until a replacement is named. Rector Archer thanked Mr. Wilson for his thoughtful attention and expert advice during his tenure with Radford University.

Rector Archer pointed out the schedule for the upcoming year and that a location for the 2022 Retreat will be determined.

ADJOURNMENT

With no further business to come before the Board, Rector Archer adjourned the Retreat at 1:13 p.m.

Respectfully submitted,

Karen Castele
Secretary to the Board of Visitors and Special Assistant to the President



Board of Visitors

STANDING COMMITTEES 2021-2022

Executive Committee

Mr. Robert A. Archer, Chair
 Dr. Jay A. Brown, Vice Chair
 Dr. Thomas Brewster, (AERC)
 Ms. Krisha Chachra, (SSC)
 Mr. Mark S. Lawrence, (Ex officio)**
 Dr. Debra K. McMahon, (BAAC)
 Mr. David A. Smith, (GAAC)
 Ms. Lisa Throckmorton, (AUREM)

Academic Excellence and Research Committee*

Dr. Thomas Brewster, Chair
 Ms. Georgia Anne Snyder-Falkinham, Vice Chair
 Ms. Charlene A. Curtis
 Dr. Rachel D. Fowlkes
 Mr. David A. Smith
 Dr. Katie Hilden (Non-Voting Faculty Advisory Representative)

Business Affairs and Audit Committee*

Dr. Debra K. McMahon, Chair
 Mr. Mark S. Lawrence, Vice Chair
 Dr. Susan Whealler Johnston
 Mr. Marquett Smith
 Ms. Nancy Angland Rice

Governance, Administration and Athletics Committee*

Mr. David A. Smith, Chair
 Ms. Nancy Angland Rice, Vice Chair
 Dr. Thomas Brewster
 Ms. Charlene A. Curtis
 Dr. Susan Whealler Johnston

Student Success Committee*

Ms. Krisha Chachra, Chair
 Dr. Debra K. McMahon, Vice Chair
 Ms. Lisa W. Pompa
 Mr. Marquett Smith
 Ms. Lisa Throckmorton
 Ms. Grace Hurst (Non-Voting Student Advisory Member)

Advancement, University Relations and Enrollment Management Committee*

Ms. Lisa Throckmorton, Chair
 Dr. Rachel Fowlkes, Vice Chair
 Ms. Krisha Chachra
 Mr. Mark S. Lawrence
 Ms. Lisa W. Pompa
 Ms. Georgia Anne Snyder-Falkinham

BOV liaison to the Radford University Foundation: Dr. Rachel Fowlkes

***The Rector and Vice Rector serve as ex officio members of all standing committees.**

****The immediate past Rector serves as an ex officio member.**

RADFORD UNIVERSITY BOARD OF VISITORS

STATEMENT ON GOVERNANCE

The Radford University Board of Visitors (“the Board”) is composed of 15 voting members appointed by the Governor of the Commonwealth of Virginia, subject to confirmation by the General Assembly. Each member serves a term of four years. In addition, each year the Board selects a student and a faculty member to serve as non-voting advisory representatives on the Board of Visitors.

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 Radford University ("the University"). The Board appoints a President to serve as Chief Executive Officer of the University.

The Board and the University are at all times subject to the control and legislative enactments of the General Assembly of the Commonwealth of Virginia.

The Board in executing their duties has adopted the Radford University Board of Visitors Bylaws to provide for the orderly, consistent, and efficient conduct of its business as the governing body of Radford University.

In carrying out its responsibilities, the following expectations are attendant to service on the Radford University Board of Visitors:

- Board members have a fiduciary responsibility to the University and are expected to act in the best overall interest of the University;
- Board members are expected to become familiar with key aspects of the University including, but not limited to, its mission, governance, financing, strategic plans and performance measures;
- Board members are expected to devote the necessary time, attention and preparation to Board activities to function effectively and to enable the Board as a whole to function effectively, including new Board of Visitor orientation, continuing education, committee meetings, board retreats and public meetings;
- Board members are expected to understand the Virginia Freedom of Information Act and act accordingly;
- Board members are expected to defer to the Board Rector for public comment on matters before the Board, or to make clear that any opinions expressed are expressed as an individual rather than on behalf of the Board as a whole; and
- Board members are expected to maintain a tradition of exemplifying the highest standards of ethical behavior, and to comply with the University’s Code of Ethics, and to comply with Federal, State and local laws and comply with all regulations and policies applicable to Board of Visitors of public colleges and universities in the Commonwealth of Virginia.



Code of Ethics

Radford University is committed to maintaining the highest ethical standards and to upholding the public's trust. We recognize that our behavior affects not only our own individual reputation, but also that of Radford University. Accordingly, this Code of Ethics forms the ethical principles that will guide all members of the university community in all decisions and activities. These principles are:

Respect: We will nurture a climate of care, concern, fairness, and civility toward others while recognizing and embracing each individual's dignity, freedom, and diversity even in the face of disagreement.

Honesty and Integrity: We will act and communicate truthfully and candidly. We will uphold the university's values and make decisions based on the greater good, conducting ourselves free of personal conflicts or appearances of impropriety and self-dealing.

Communication: We will openly share information with stakeholders regarding the processes used in developing policies and making decisions for the university.

Stewardship: We will use university resources in a wise and prudent manner in order to achieve our educational mission and strategic objectives. We will not use university resources for personal benefit or gain.

Excellence: We will conduct all university affairs diligently, exercising due professional care and striving to meet the high expectations we have set for ourselves as well as the expectations of those we serve.

Responsibility and Accountability: We will be trustworthy and answerable for our conduct, decisions and obligations and will comply with all applicable laws, regulations, policies and procedures. We recognize our obligation to report unethical conduct to appropriate authorities.

*Approved by Board of Visitors
August 23, 2007*

*Reaffirmed by Board of Visitors
August 9, 2021*

*Reviewed by President's Cabinet
October 19, 2020*

A Year in Review and A Look Forward

Carolyn R. Lepre, Ph.D.
Interim President

Responsive



Responsive:

- Reimagined Spaces
- Alternative Work Plans
- Virtual Engagements
- Campus Wellness



Reinventing Dining Experiences



Highlander Food Pantry



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University Rankings and Acknowledgements



University Rankings and Acknowledgements



Student Recognition



Karisma Woods



Vinicius Rios

Awards - Faculty



Theresa Burriss



Rachel Hall

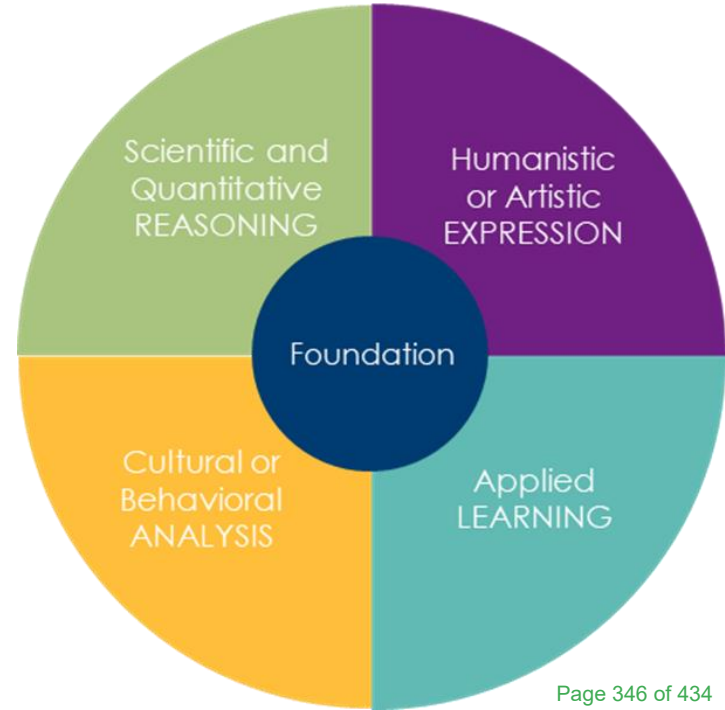


Skip Watts



Jolanta Wawrzycka

REAL – Innovative General Education Approach



Academic Success Center



Student Experiential Learning Pathway

ATTRACT

Attraction, recruitment and onboarding activities of prospective Highlanders

EXPLORE

Provide a foundation for work-based learning and prepare Highlanders to make the most of their academic and early career opportunities.

EXPOSE

Provide exposure to a variety of experiences that link classroom learning with talents, skills, competencies and paths to inform their career journey.

ENGAGE

Deepen learning and build skills through scaffolded work-based and experiential learning opportunities.

EXPERIENCE

Strengthen technical experience, leadership skills and competencies within the context of a work environment

ADVANCE

Integrate technical skills, experiential and work-based learning into compelling story to support a successful transition into first destination beyond graduation

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RUC - Equalizing Tuition



School of Nursing



Bridge Program



McGlothlin Center for Global Education



Vinod Chachra IMPACT Lab



- Completion of \$13MM SEED Grant
- New Partnerships
- \$100K Intel Foundation Grant
- Academic Partnership

Appalachian School of Law



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NCI Agreement



Sustainability Taskforce - Carbon Commitment



Homecoming 2020

THIS YEAR,
JOIN FELLOW ALUMNI
FROM AROUND THE GLOBE

Virtual
HOMECOMING 2020

...connecting October 16-17

A circular inset image of the Radford mascot, a bearded man in a red and white striped shirt with "RADFORD" written on it, giving a thumbs up. The background of the entire graphic is light blue with red and white brushstroke accents on the left and right sides.

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Homecoming 2020

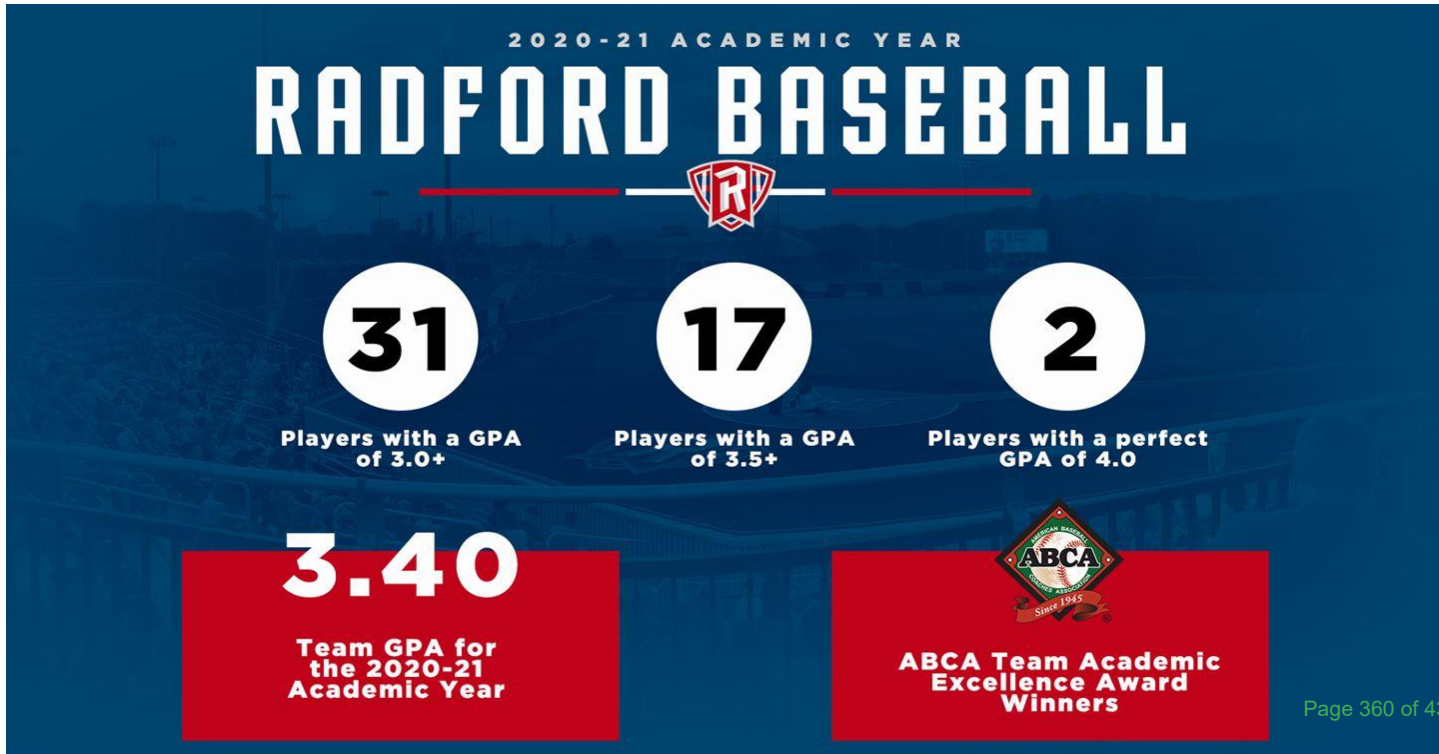


Athletics - New Baseball Field



Page 000 of 434

Athletics Academic Excellence



Athletics Academic Excellence



2020-21 BIG SOUTH

**WOMAN
OF
THE YEAR**

SYDNEY FISHER



**RISE AND
DEFEND**

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Athletics Talent Acquisition



Together Campaign



FISCAL YEAR 21 ACCOMPLISHMENTS BY VOLUME

Raised \$16.9 million – \$75.6 million
towards our campaign goal
**MOST DOLLARS RAISED IN
UNIVERSITY HISTORY**



Commencement 2020 and 2021



Hemphill Hall



Artis Center for Adaptive Innovation and Creativity



SACSCOC Reaffirmation



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Highlander Hotel



Page 369 of 434

A Look Forward



A Look Forward

- ✓ Fast Track Programs
- ✓ Retention Summit 2021
- ✓ Academic Leadership Fellows Program
- ✓ E-Sports Center
- ✓ Nurse Resilience
- ✓ Center for Social Opportunity and Mobility
- ✓ And more!



A Year in Review and A Look Forward

Carolyn R. Lepre, Ph.D.
Interim President

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Protocol and Communication

RADFORD
UNIVERSITY

Roles and Responsibilities

- **Board Bylaws**
- **Board Officers (Rector Bob Archer and Vice Rector Jay Brown)**
- **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
 - Advancement, University Relations and Enrollment Management Committee
- **Lines of Communication**
 - Board Members - Protocol and Expectations
 - Rector, Vice Rector or Committee Chair - first point of contact

Requests for Information

- **For Meeting Logistics**
 - Contact Board Secretary
- **For Data/Information Requests**
 - Contact Board Secretary ----- *if an email, copy Rector, President and Chief of Staff*. The information will be shared with full Board of Visitors or Committee, as appropriate.
- **For Sensitive Information**
 - Contact the Rector or President directly
- **Lines of Communication**
 - University Members - Protocol and Expectations

Types of Communication

- **Regular Communication**
 - Surrounding Meetings
- **Additional Communication to Board Members**
 - Advance Notice
 - Regular Campus Updates

Discussion

RESOURCE MANUAL

for The Principles of Accreditation:
Foundations for Quality Enhancement



Southern Association of Colleges and Schools
Commission on Colleges

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



FREEDOM OF INFORMATION ACT

“THE PUBLIC’S BUSINESS DONE IN PUBLIC”

Why does FOIA matter?



- Highly scrutinized by many groups: press, public, General Assembly
- First time violations can result in civil penalties from \$500 - \$2,000.
- Negative publicity for University, Board and administration
- Violation of the public trust

WHAT IS A PUBLIC RECORD?



- Any writing or recording
- Any format
- Prepared, owned by or in the possession of
- A public body or its employees
- In the transaction of public business

EXAMPLES



- Handwritten notes
- Typewritten documents
- Electronic files
- E-mail
- Audio and video recordings
- Photographs
- Any other written or recorded media

Requesting A Record



Who may request a record?

- Any Citizen of Virginia
- Newspapers or magazines with circulation in Virginia
- Radio and TV stations that broadcast in or into Virginia

Requesting a Record



- May be oral or in writing
- Does not have to mention FOIA
- Cannot require request to be in writing
- Can request name and legal address before responding

Responding To A Request



- Must be in writing
- Must be made within 5 days of receipt of request
- Failure to timely respond is considered a denial and violation of FOIA

FOIA Exclusions



- Exclusions of General Application – Va. Code § 2.2-3705.1
 - Personnel records
 - Legal Advice
 - Legal memoranda and work product related to litigation

FOIA Exclusions



- Exclusions related to higher education – Va. Code § 2.2-3705.4
 - Scholastic records
 - Confidential letters and statements of recommendation
 - Certain information related to fundraising

Meetings



- “Meeting” is defined as a meeting as a body or entity of 3 or more members of a public body. – Va. Code § 2.2-3701
- Meetings include work sessions and telephonic communication.

Meetings



- All meetings of public bodies shall be open, except when the requirements for holding a closed meeting are met. – Va. Code § 2.2-3707
- Notice of the date, time and location of the meeting is required.
- Notice must be posted at least 3 days prior to meeting.

Electronic Meetings



Members may participate in a meeting by phone from a remote location:

- Personal matter or medical condition
- Emergencies
- Old school electronic meeting

Closed Meetings



- Can only be held for limited purposes. – Va. Code § 2.2-3711.
- More than 40 exceptions, including:
 - **Personnel** – Discussion of specific employees
 - **Scholastic records** – Discussion of specific students
 - **Contracts** – Discussion of award of a contract using public funds where an open meeting would adversely affect the Institution's bargaining position
 - **Legal advice** – Consultation with legal counsel for advice on specific legal matters

Closed Meeting-Procedures



- Motion must be made in open meeting
 - Identifies subject matter of closed meeting;
 - States the purpose of the meeting; and
 - Makes reference to the specific exemption from the open meeting requirements.

Closed Meeting-Procedures



- Notice provisions do not apply.
- Discussion restricted to only those matters identified in the closed meeting motion.
- No action can be taken in closed meeting.
- Minutes are not required.
- Must immediately reconvene in open meeting and vote.

Enforcement



- Any person denied FOIA rights and privileges may file petition in court
- Agency has burden of proving that an exemption applies
- Court may award payment of attorneys' fees and cost
- A court finding of willful and knowing violation may result in civil penalty of \$500-\$2,000

Other Statutes of Note



- The Virginia Public Records Act – Va. Code § 42.1-76, *et seq.*
- Government Data Collection and Dissemination Practices Act – Va. Code § 2.2-3800, *et seq.*

Questions?

Thank you.





Re-Imagining Experiential Learning Taskforce Board of Visitors Retreat

August 2021

Taskforce Members - Thank You!

President Hemphill, Ph.D.
Angela Joyner, Ph.D.
Jeanne Mekolichick, Ph.D.
Ellen Taylor
Joy Bhadury, Ph.D.
Heather Keith, Ph.D.
Taylor Hawkins
Johnnie Sue Wijewardane, Ph.D.
Theresa Burriss, Ph.D.
Erin Burcham
Jonathan Sweet
Joe Wirgau, Ph.D.
James Cabler
Bruce Parsons, Ph.D.

Destiny Goodwin
Nicole Hendrix, Ph.D.
Laura Turk
Hari Talari
Sandra Baker, Ph.D.
Tricia Smith
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Agenda

1. Overview
2. Recommendations
3. Next Steps



Presidential Taskforce Deliverables

The Presidential Taskforce was charged with creating a comprehensive experiential learning (ExL) program at Radford University that is accessible to all students and provides a sustainable talent pipeline for southwest Virginia. The taskforce produced the deliverables outlined below.



Vision Statement



Mission Statement



Common Language



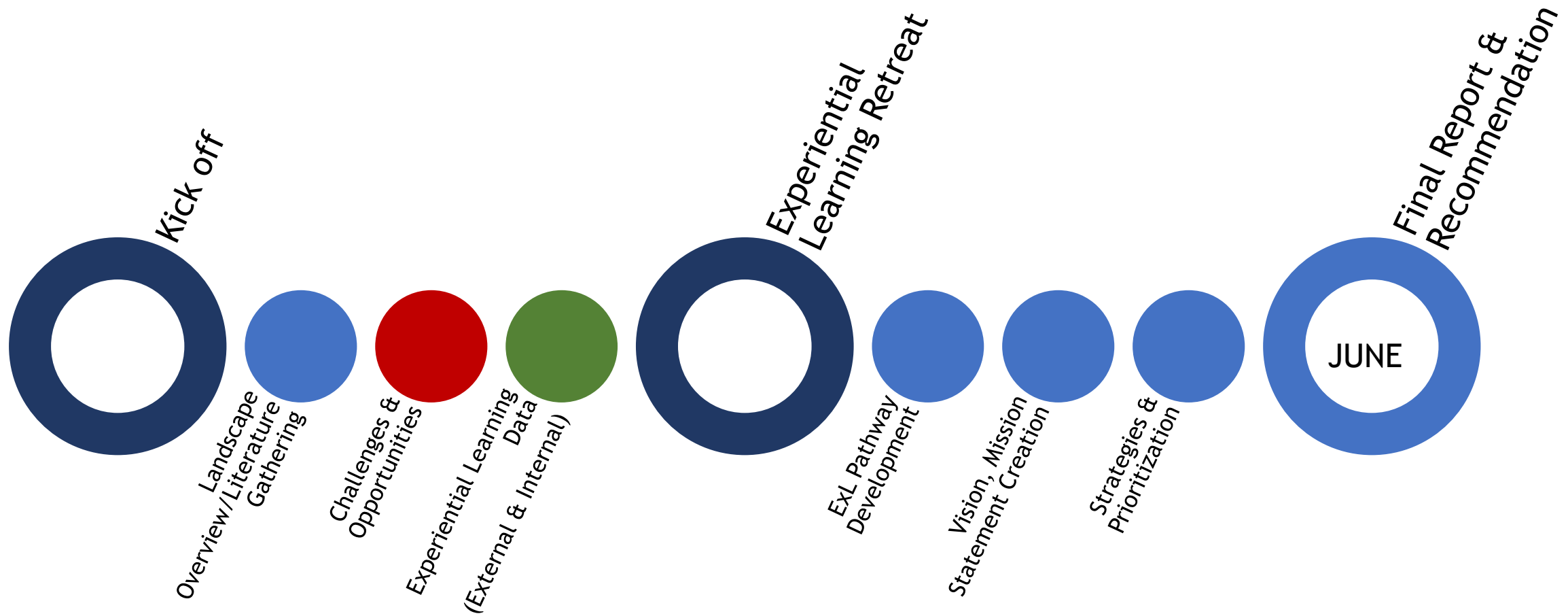
Experiential Learning Plan



Budget Summary

Progress to Date

The taskforce and advance team met over the course of nine months to understand the current landscape, identify opportunities and obstacles and develop recommendations for a comprehensive experiential learning plan.

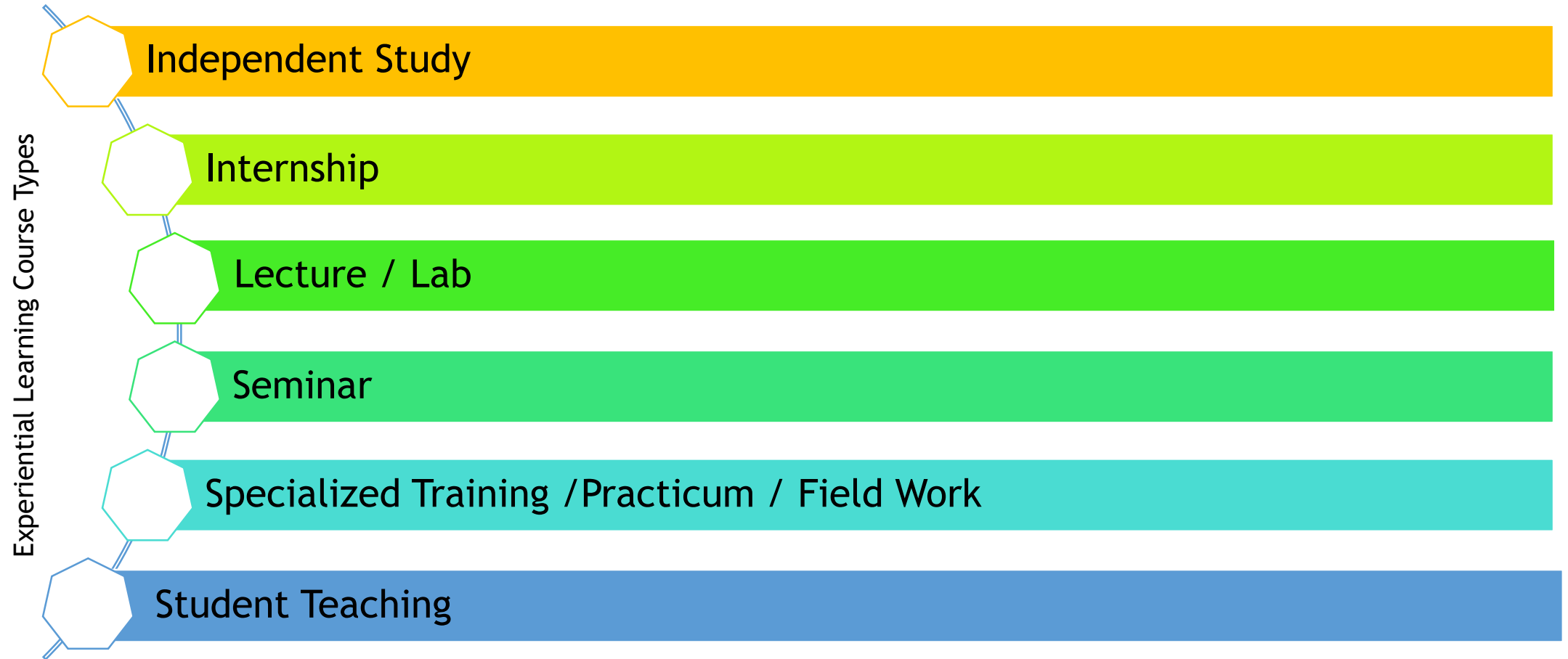


Report Overview



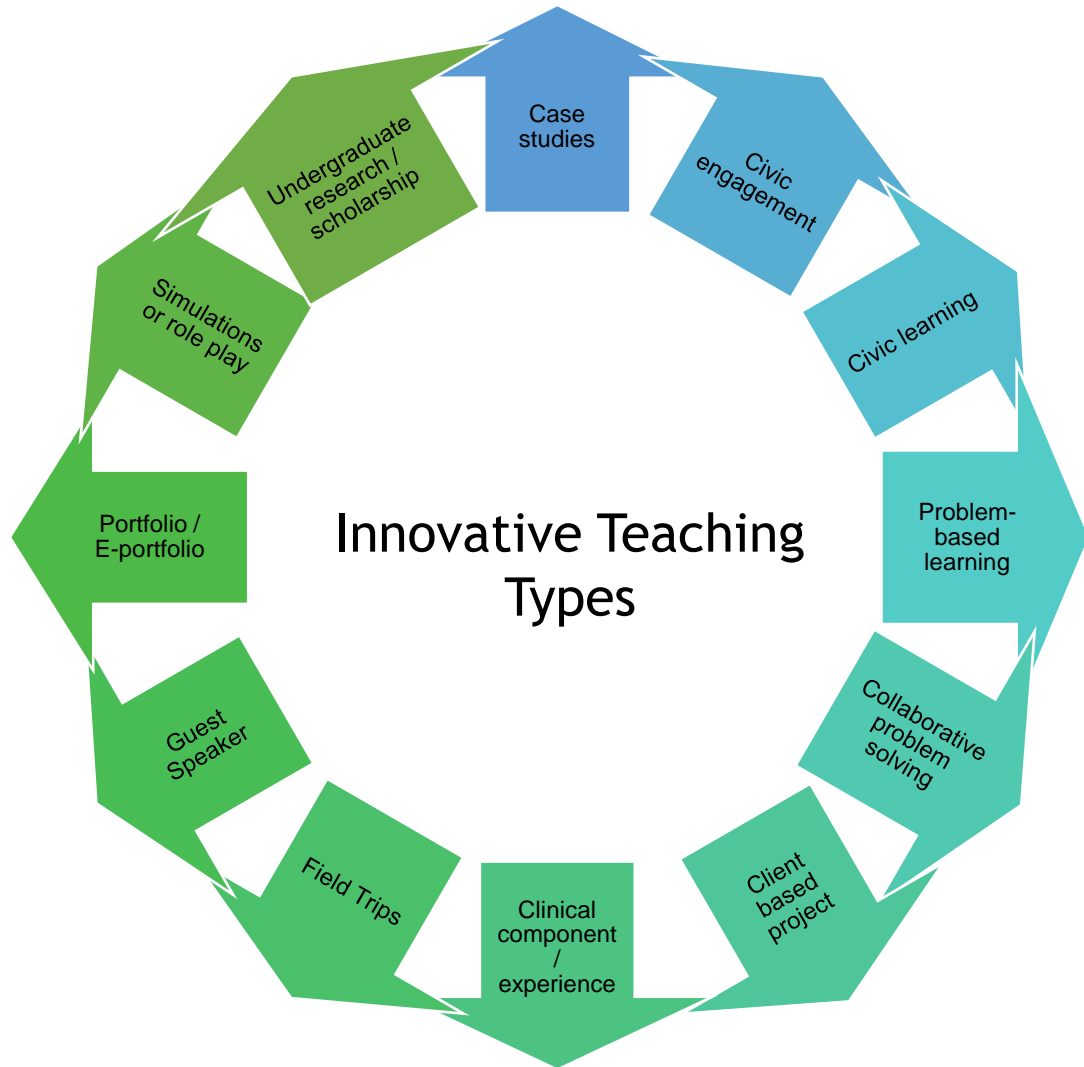
The taskforce is proposing several recommendations that will increase student engagement, address current opportunities and provide strategies that make experiential learning more accessible and equitable to Radford University students and stakeholders alike.

Types of Experiential Learning at Radford University



Source: Institutional Research Data 2021

Types of Experiential Learning at Radford University



Source: Partial list generated from Activity Insight Data 2020

Current Landscape - Student Perspective



Current Landscape - Employer Perspective



Current Landscape - Taskforce Perspective



Current Landscape - Opportunities



Awareness



Employer | Alumni Engagement



Student Engagement



Funding Sources



Data Collection



Common Approach



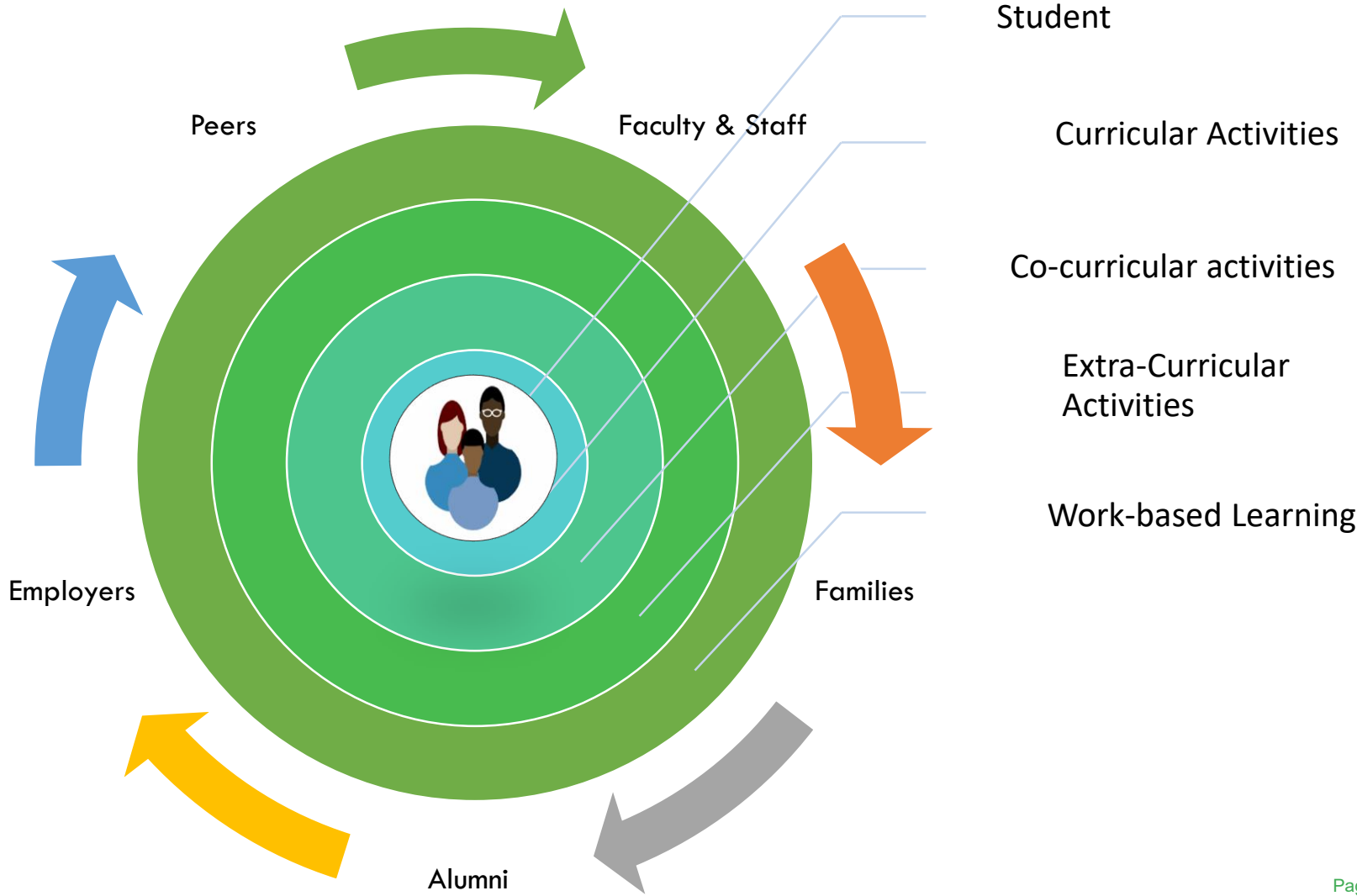
Access | Equity



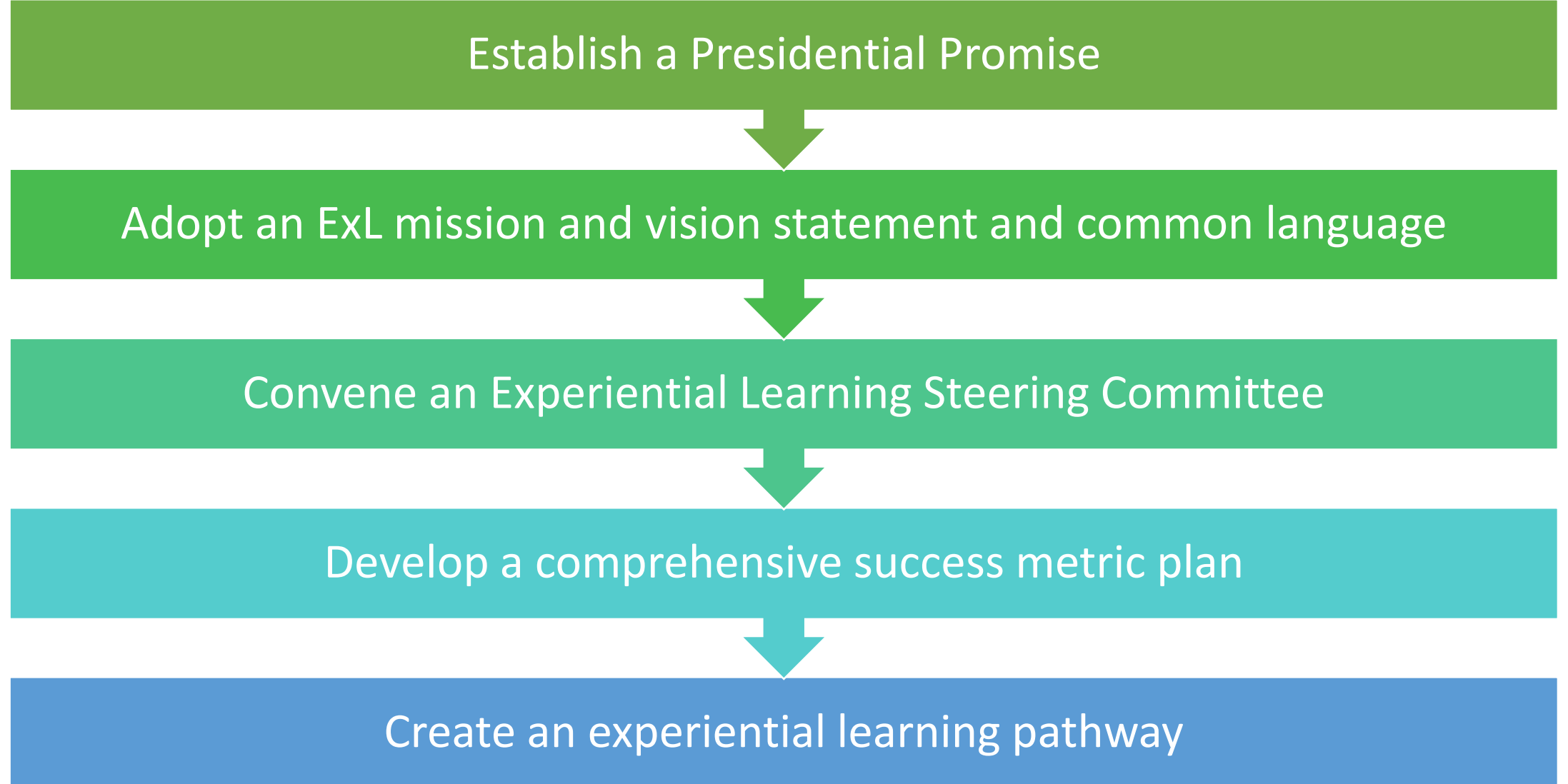
Common Language

There is a significant amount of experiential learning at Radford University. There is also recognition that our current can be strengthened by a bold vision, campus-wide approach, common language, learning outcomes, and consistent tracking and reporting mechanisms.

Experiential Learning Eco-System



Recommendation Summary



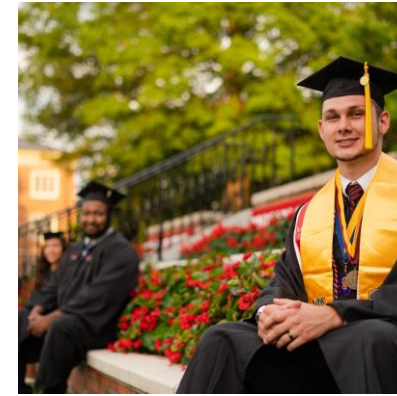
1. Establish a Presidential Promise



Every student will have the opportunity to participate in at least two (2) experiential learning activities.

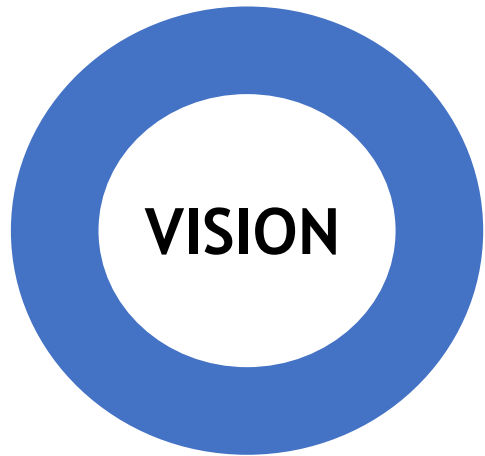


Every student will have the opportunity to complete 2 experiential learning opportunities including at least one work-based learning opportunity.



Every student will be required to complete at least one experiential learning activity prior to graduation.

2. Adopt an ExL mission and vision statement and common language



To provide an **immersive** and **innovative** experiential learning **ecosystem** that is **inclusive** and **accessible** to all students, and **responsive** to the comprehensive needs of our region and the world.

2. Adopt an ExL mission and vision statement and common language



Experiential learning at Radford University cultivates a sense of purpose and opportunity for students to think creatively and critically about the unique challenges and the equally unique opportunities of our times. **Every student—no matter their background or circumstance—will engage in experiential learning through transformative and innovative course-based, community-based, and work-based experiences.** Our graduates will enter local and global communities prepared to leverage their talents to address the social, economic, and environmental issues confronting our region, nation, and world.

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3. Convene an Experiential Learning Steering Committee

Roles & Responsibilities

- Identify ExL opportunities for students and employer partners.
- Collaborate with campus stakeholders to implement strategies.
- Provide updates on strategy implementation and resource needs.
- Provide input for and linkage to the strategic plan.

Committee Composition

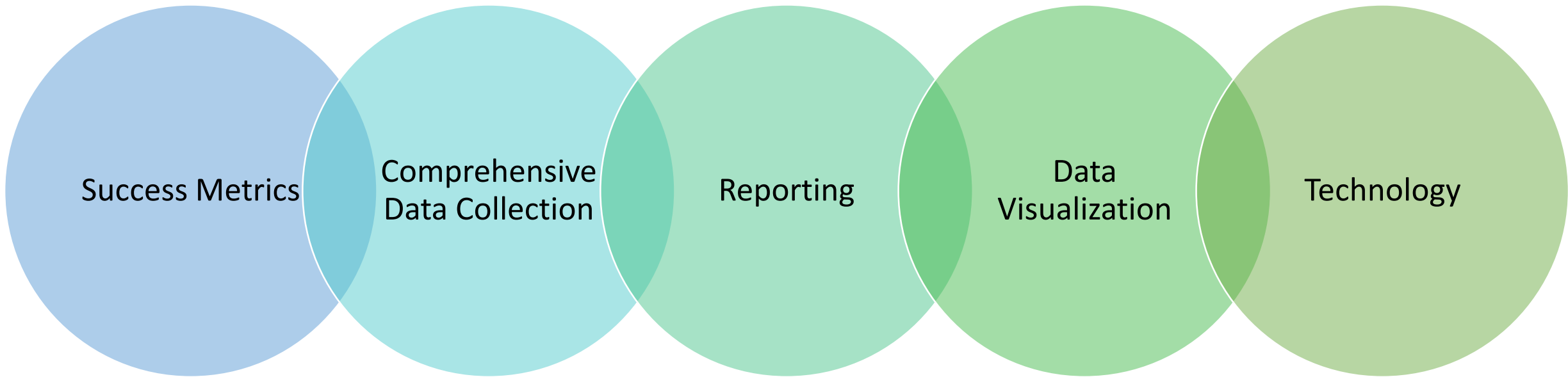
- Employer Partners
- Faculty
- Academic Success Center
- Students
- Faculty Development
- Student Affairs
- Career and Talent Development
- Academic Affairs
- Institutional Research
- Alumni Relations

Commitment

- 18 month appointment to provide continuity.

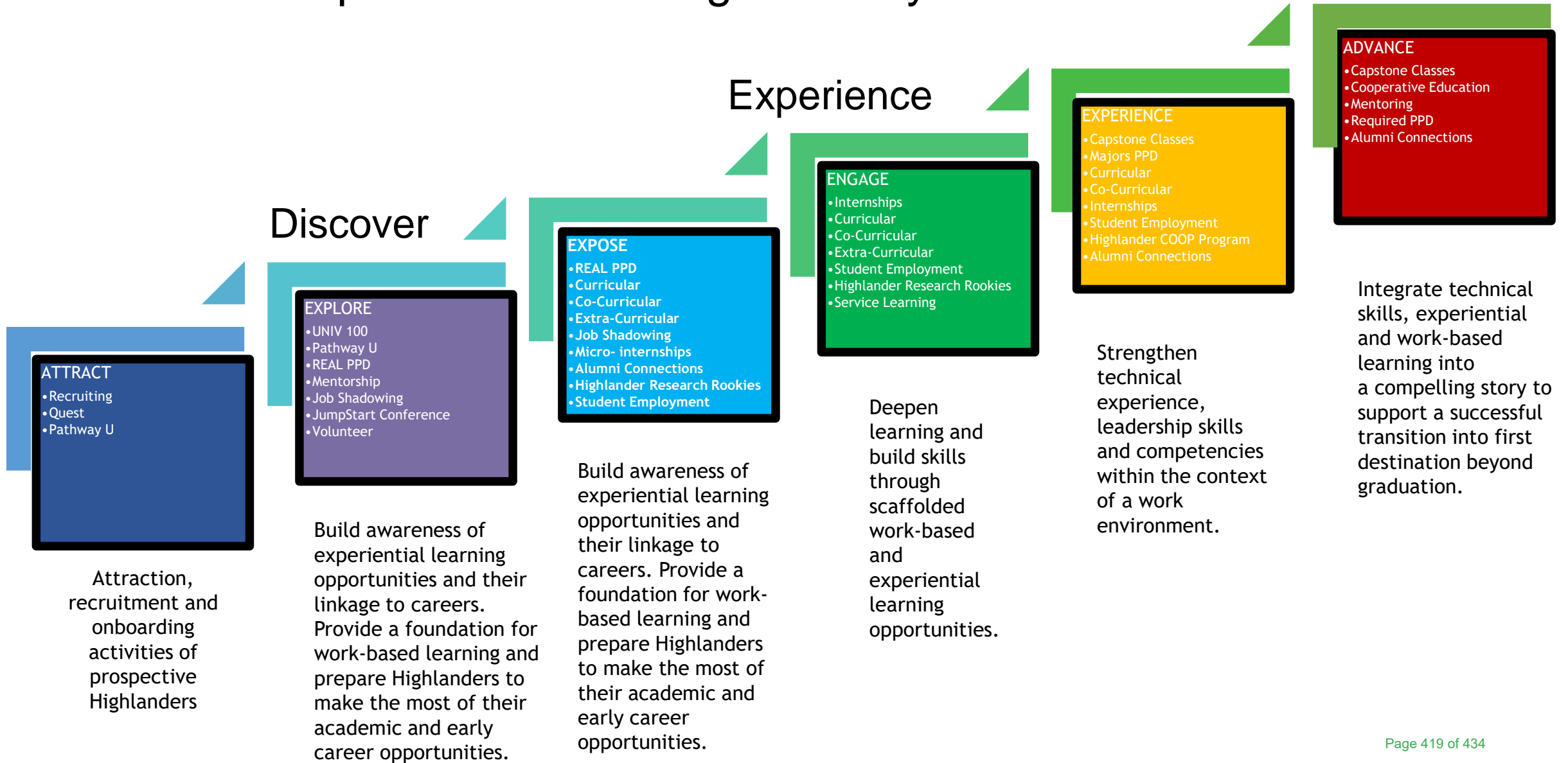


4. Develop a comprehensive plan to identify, track and report experiential learning engagement and outcomes.



5. Create an Experiential Learning Pathway

Thrive



ATTRACT

Introduce the experiential learning eco-system and our mission/vision as part of recruiting and attracting future Highlanders:

Initiative	Recommended Strategies	Resources Needed	Metrics	Implementation Timing (Immediate, Short-term, Long Term)
Recruiting	<ul style="list-style-type: none"> • Presidential Promise - All students will have the opportunity to complete an experiential learning activity to satisfy graduation requirement. • Highlighted in the campus visit process—engage with students involved in ExL • Education and marketing to parents • Training student tour guides to discuss experiential learning specifically; have prospective student visit field-based courses • Highlander Days - Engage prospective students in campus ExL such as participate in Radford Gives back as part of Highlander days. 	<ul style="list-style-type: none"> • Academic Affairs, Student Affairs, Faculty, Alumni Relations, Employer partners, \$\$\$ • Academic Affairs, Student Affairs, \$\$\$ • University Relations and Enrollment Management \$\$ • Infrastructure development; University Relations; Enrollment Management \$\$\$ 	<ul style="list-style-type: none"> • Retention of students participating in the program • Yield rates from students participating in program • Conversion related to ExL mentions (number of students) 	<ul style="list-style-type: none"> • Long Term • Immediate to Short term • Immediate short term • Short term

Notes:

- Immediate: <1 year
- Short Term: 1<3 years
- Long Term: > 3 years

EXPLORE

Build awareness of experiential learning opportunities and their linkage to careers. Provide a foundation for work-based learning and prepare Highlanders to make the most of their academic and early career opportunities.

Initiative	Strategies	Resources Needed	Metrics	Implementation Timing (Immediate, Short-term, Long Term)
<ul style="list-style-type: none"> ExL requirement for each Living Learning Community; curricular infusion; Student Employment 	<ul style="list-style-type: none"> Restructure each residence hall by theme and incorporate ExL courses; expanded to include all students (could be college or discipline based; each responsible for their Living Learning Community Recruitment for LLC by faculty and staff for ExL opportunities Department-based intro classes that infuse ExL Every first year and transfer student gets the opportunity to work on campus (with faculty, departments, etc.) Identify 1% budget savings by to fund student workers; Partner with industry partners to fund campus positions; Integrate work experiences with scholarship for P3 Partners (i.e.) Chartwells, Barnes & Noble, local non-profits, tech talent etc. Go Virginia and workforce development grants to fund on campus and near campus internships 	<ul style="list-style-type: none"> Academic Affairs, Center for Career and Talent Development, Alumni Affairs, Employer Partners, Budget Finance and Planning \$\$\$ 	<ul style="list-style-type: none"> Increase in student employment opportunities, retention, progression, graduation rates; post-graduation outcomes 	<ul style="list-style-type: none"> Long Term

Notes:

- Immediate: <1 year
- Short Term: 1-3 years
- Long Term: > 3 years

EXPOSE

Provide exposure to a variety of experiences that link classroom learning with talents, skills, competencies and paths to inform their career journey.

Initiative	Strategies	Resources Needed	Metrics	Implementation Timing (Immediate, Short-term, Long Term)
<ul style="list-style-type: none"> Department webpage Communication; infuse examples of students ExL stories; Faculty ExL Fair 	<ul style="list-style-type: none"> Invite faculty to share their research and opportunities to engage Create an event that invites conversations about experiential learning and connections to partners 	Faculty, Student Engagement Student Affairs, Academic Affairs	<ul style="list-style-type: none"> Increase in engagement in activities Increase in on campus internships, research projects and work-based learning opportunities 	Short Term
<ul style="list-style-type: none"> Faculty experiential learning 	<ul style="list-style-type: none"> Expose faculty to companies and industries in the region New Faculty orientation can include a tour of the industries. 	Community Engagement Partnerships, Center for Career and Talent Development, Alumni Relations; Employer partners CITL \$\$	<ul style="list-style-type: none"> Engagement 	Short Term

Notes:

- Immediate: <1 year
- Short Term: 1<3 years
- Long Term: > 3 years

ENGAGE

Deepen learning and build skills through scaffolded work-based and experiential learning opportunities.

Initiative	Recommended Strategies	Resources Needed	Metrics	Implementation Timing (Immediate, Short-term, Long Term)
Database for student-faculty connection Cross Disciplinary Faculty Liaison	Survey faculty- experiences that would benefit students (worked in fed gov, peace corps, research focus...)	-expert system to scan resume/CV/linkedin (build radford network) -survey of interest	-engagement data	Short Term (expert system)
Learning Circles	-create pods in which students who have engaged in ExL activities share knowledge and provide guidance for students wishing to engage	-define/identify the structure and where it would be administered	-survey -Engagement data	-Short Term (Pilot) -Long Term
“Highlander Huddle” Mentorship (formal/informal) Next phase of Learning Circles	-Young alumni for better student connection and lasting alumni relationships -Culture of giving back -Recruiting Tool	-Alumni Office -Career Center -Shared Language- family group experience for new students “Network language”	-Participation -Annual Survey Reporting -Recruiting Language- Marketing	-Short Term (Pilot) -Long Term

Notes:

- Immediate: <1 year
- Short Term: 1<3 years
- Long Term: > 3 years

EXPERIENCE

Strengthen technical experience, leadership skills and competencies within the context of a work environment



Initiative	Strategies	Resources Needed	Metrics	Implementation Timing (Immediate, Short-term, Long Term)
Integrate Career Competencies into on-campus work experiences and internships	<ul style="list-style-type: none"> Leverage federal work study and student wage to broaden scope of experiences to focus on building career competencies Seek other sources of funding to create more jobs Increase SURF grants / fellowships 	<ul style="list-style-type: none"> Training for on-campus supervisors in career competency development SkillSurvey type 360 evaluation instrument \$\$ for additional student positions, grants, fellowships 	<ul style="list-style-type: none"> # of positions created Career competency national benchmark data via SkillSurvey or similar assessment 	<ul style="list-style-type: none"> Short-Term Short-Term Long Term
Incorporate project-based learning and ExL Throughout the Curriculum (Beyond required Clinical Practicum Experience Student teaching)	<ul style="list-style-type: none"> Require and embed across majors Pair classes with local university nonprofits and businesses (IE: social media campaign) Develop mechanism to facilitate and build connections between faculty and local business and non-profits Connect faculty with alumni and employers and invite them into the classroom as partners 	<ul style="list-style-type: none"> Program coordination Faculty buy-in and training (CITL) Employer / Non-profit buy-in and training 	<ul style="list-style-type: none"> Track number of collaborative course-based projects Use rubrics, reflection, and e-portfolios to evaluate learning. Surveys to community / employer partners 	<ul style="list-style-type: none"> Long Term

Notes:

- Immediate: <1 year
- Short Term: 1<3 years
- Long Term: > 3 years

ADVANCE

Integrate technical skills, experiential and work-based learning into compelling story to support a successful transition into first destination beyond graduation



Initiative	Strategies	Resources Needed	Metrics	Implementation Timing (Immediate, Short-term, Long Term)
Create Your Story: Using reflection to translate your story into your Resume, CV, LinkedIn , e-portfolio and the interview	<ul style="list-style-type: none"> Center for Career and Talent Development skill-building for students Training for faculty on how to integrate reflection on transferable skills into courses Leveraging alumni and advisory boards to provide practice in skill building 	<ul style="list-style-type: none"> Many elements are in place. Create structure within Career Center. Coordination with Alumni Relations 	<ul style="list-style-type: none"> Assessment of documents (i.e. Resume, LinkedIn) Engagement metrics of faculty, students. Surveys / feedback by alumni and employers engaged in programs. 	<ul style="list-style-type: none"> Short-term
Showcase your Story: Building opportunities for creating and sharing your artifacts	<ul style="list-style-type: none"> Increase opportunities for students to showcase their “outputs” to encourage completion of ExL projects. More diverse options - some informal and some formal displays Framing as a capstone project. 	<ul style="list-style-type: none"> Many elements are in place. Create a structure building on best practices such as the Student Engagement Forum, CVPA performances, etc. 	<ul style="list-style-type: none"> Count of involvement in events Rubrics and reflection to assess students’ confidence and ability to articulate accomplishments 	<ul style="list-style-type: none"> Short term
Validate Accomplishments: Certifications and endorsements to show evidence of competencies	<ul style="list-style-type: none"> Provide opportunity for students to acquire certifications Create mechanism for students to acquire endorsements or validation of skills from faculty and employers 	<ul style="list-style-type: none"> Explore opportunities to provide credentialing (IMPACT Lab AWS, etc.) SkillSurvey or similar assessment validating Career Competencies 	<ul style="list-style-type: none"> SkillSurvey or similar assessment to validate career competencies Scores on certifications Qualitative assessments from employers 	<ul style="list-style-type: none"> Short-term (Pilot) Long term
Acceleration Programs to Practice: Apprenticeships	<ul style="list-style-type: none"> Explore apprenticeship programs that would allow students to work as apprentices while also learning. Assess interest from academic programs 	<ul style="list-style-type: none"> Coordination within the university Regional partnerships Explore grant funding opportunities 	<ul style="list-style-type: none"> Involvement count - # students; # partners participating 	<ul style="list-style-type: none"> Short-term

Reimagining How to Measure Career Readiness

SkillSurvey Career Readiness™ adapted its proven HR solution, developed by I/O Psychologists to help institutions discover insights into students' proficiency in the competency areas NACE employers value most – all within an easy-to-use online assessment for student work-related experiences.

Radford SkillSurvey Career Readiness Pilot – Fall 2021

SkillSurvey Implementation Team Orientation & Training	August 2021
Identification of Fall 2021 Cohort Faculty and work-Supervisor Training	August- September 2021
Administration of Survey Survey Feedback to Participants Analysis of Data	November – December 2021



[Watch the video](#)

Next Steps

1. Submission to SCHEV
2. Career Readiness Pilot - Skill Survey - Fall 2021
3. Next Steps



College Belonging

How First-Year and First-Generation Students Navigate Campus Life

By Lisa M. Nunn

Nunn, pg 2

Students describe belonging as a sense of feeling **accepted** for who they are and feeling **valued** by the larger community. They explain that belonging brings a kind of confidence, the liberty to let their guard down, to not feel self-conscious or worry about being judged. This in turn offers them the **freedom to explore** and **thrive** because they are unencumbered by doubt and insecurities about whether they are wanted. They describe belonging as feeling “comfortable” and “at home.”

The Three Realms of Belonging

- Campus Community Belonging
- Academic Belonging
- Social Belonging

“Fitting in is about knowing what you have to do to make yourself acceptable to a particular crowd but belonging is being accepted and valued for who you are.”

~Brene Brown

Case Studies

First-generation students generally do not receive the automatic validation and effortless acceptance that continuing-generation students often do – not in terms of campus-community belonging nor in terms of social belonging. Instead, they have to scramble for it.

Nunn, pg 41

Recommendations Poll

Promote targeted outreach with messages that remind students that the burden of figuring out how the campus works and where they belong in it does not rest on their shoulders.

Require that curricula and co-curricular programs meaningfully address issues of inequalities on campus, in the wider U.S. society, and around the world.

The critical element here is to strategically listen to the voices of students who numbers are small on campus, rather than making decisions based on what most students say they want.

Providing centers and other spaces that are safe havens for students is critically important.

Explicitly articulate to students and everyone else who is part of the campus community what your campus is all about and what you value.

Teach faculty small everyday ways to affirm the presence of first-generation and students of color.

They need flexibility in the system and unsolicited advice at every turn.

An important part of evaluating whether policies and programs meet your campus' goals is to assess whether they balance the needs of ... those with all forms of marginalized identities.

Design ways to "reach in" to students' lives to ask how they are doing and to offer mentorship and help.

Concluding Thoughts

“We must endeavor to meet students’ needs, and for first-generation students that means we need to do more than sit patiently in our offices and resource centers waiting for them to come to us for help.” p. 168

End of Board of Visitors Materials

