

**BOARD OF VISITORS**  
**BOARD MEETING**  
700 Park Avenue, Norfolk, VA 23504  
Student Center Board Room, Suite 301  
September 15, 2017

**MINUTES**

**1. Call to Order**

Dr. Byron L. Cherry, Rector, called the NSU Board of Visitors meeting to order at approximately 8:05 a.m. A quorum of the Board was established by Roll Call vote.

Board Members Present:

Dr. Byron L. Cherry, Sr., Rector  
Dr. Melvin T. Stith, Vice Rector  
Mr. Bryan D. Cuffee, Secretary  
Dr. Ann A. Adams (*departed 8:40 a.m. returned 11:35 a.m.*)  
Mrs. Corynne S. Arnett  
Mr. Elwood B. Boone, III  
Mr. Kenneth W. Crowder  
Dr. Deborah M. DiCroce (*arrived approximately 9:30 a.m.*)  
Mr. Larry A. Griffith  
Mr. B. Keith Fulton (*via Emergency electronic participation*)  
Mr. Devon M. Henry (*departed 12:10 p.m.*)  
Mr. Michael J. Helpinstill

Board of Visitors Member Absent:

Mr. Rodney O. Powell

Student Representative to the Board Present:

Mr. Joshua S. Marshatelli, SGA President

Faculty Senate Representative to the Board Present:

Dr. Lamiaa S. Youssef, Faculty Senate President

Members of the NSU Staff Present:

Mr. Eddie N. Moore, Jr., President and CEO  
Dr. Stacey Franklin Jones, Interim Provost and Vice President, Academic Affairs  
Mr. Gerald E. Hunter, Vice President, Finance and Administration  
Dr. Deborah C. Fontaine, Vice President, University Advancement  
Dr. Michael M. Shackelford, Vice President, Student Affairs and Enrollment Management  
Mrs. Clementine S. Cone, Executive Assistant to the President for University Compliance  
Mr. Marty L. Miller, Athletics Director  
Mr. Harry Aristakesian, Chief Audit Executive  
Mr. Ericke S. Cage, Executive Policy Advisor to the President and to the Board of Visitors  
Ms. Karla J. Amaya Gordon, Assistant VP for Finance and University Controller

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### Members of the NSU Staff Present: (continued):

Mr. Dennis Jones, Executive Director, Planning and Budget

Mr. Anton V. Kashiri, Associate Vice President, Facilities Management

Ms. Stevalynn Adams, Director, Communications and Marketing

Mr. Stanley Donaldson, Director, Media Relations

Yelena Arishina, Legal Secretary, University Counsel's Office (*morning portion*)

Mr. Obie Smith, Operations Manager, OIT

Mr. Rasool Shabazz, Academic Technology Support Technician

Ms. Tanya S. White, Executive Assistant to the VP for Finance and Administration

Mrs. Kimberly Gaymon, Financial Services Specialist I

Mrs. April T. Allbritton, Office Manager/Board Liaison

Mr. Joshua P. Bowerman, Exec. Director, Development (*present for Advancement Presentation*)

Dr. LaTanya Afolayan, Senior Dir., Planned & Major Giving (*present for Advancement Presentation*)

### Counsels Present:

Ms. Pamela F. Boston, University Counsel

Mr. Ronald Forehand, Former Senior Assistant Attorney General & Education Section Chief

Ms. Crystal Twitty, Esq., Twitty Legal Consulting, PLLC (*for portion of Closed Session*)

### APA (Presentation)

Mr. J. Michael Reinholtz, Audit Director, Auditor of Public Accounts

Mr. Blake Bialkowski, Audit Manager, Information Systems Security

### SGA Leadership (present for Student Affairs presentation)

Ms. Jadia Artis, Miss NSU

Mr. Dwight Parker, Chief Justice

### Faculty Members Present:

*Note: Faculty arrived approximately 12:55 p.m. or thereafter for the Academic Affairs presentation. Only two to three remained after the presentation.*

Dr. Suely Black, Professor, Chemistry and Center for Materials Research

Dr. Carl E. Bonner, Professor, Chemistry

Mr. Glenn R. Carrington, Dean, School of Business

Dr. Rajeev Chandra, Assistant Professor, Biology

Dr. James A. Curiel, Assistant Professor, Sociology

Dr. Joseph D'Silva, Associate Professor, Biology

Dr. Phyllis Eaton, Assistant Professor, Nursing and Allied Health

Dr. Anne M. Fernando, Assistant Professor, Mathematics

Dr. Ashley N. Haines, Associate Professor, Biology

Dr. Joseph C. Hall, Interim Dean, College of Science, Engineering and Technology

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### Faculty Members Present: *(continued)*:

Dr. Leroy Hamilton, Jr., Vice Provost

Dr. Bernadette J. Holmes, Professor and Acting Director Criminal Justice Program

Dr. Mamie Johnson, Associate Professor, English and Foreign Languages

Dr. Ganesan L. Kamatchi, Associate Professor, Biology

Dr. Patricia F. Mead, Professor, Optical Engineering and Graduate Program Coordinator

Dr. Felicia E. Mebane, Director, Dr. Patricia L. Stith Student Success Center

Dr. Rasha Morsi, Professor, Engineering and Graduate Program Coordinator

Dr. Cassandra L. Newby-Alexander, Interim Dean, College of Liberal Arts

Dr. Camellia M. Okpodu, Professor, Biology

Dr. Regina A. Oyesanya, Assistant Professor, Biology

Ms. Maureen Scott, Assistant Professor, Biology

Dr. Ronald Thomas, Professor, Psychology

Dr. Willie L. Todd, Jr., Interim Associate Vice Provost

## **2. Rector's Remarks** – The following statements, comments and announcements were made during the Rector's remarks.

- Welcome and introduction of new Board member, Mrs. Corynne S. Arnett.
- A request was made in writing from Mr. Fulton to participate in today's meeting from home through conference call due to an emergency. The request was approved by the Rector and Mr. Fulton was asked to explain.

Mr. Fulton gave an update of his wife's condition, who after having two aneurysms required brain surgery. The good news is that her speech and mobility are back and she is expected to make a full recovery, which is a miracle based on statistics.

- Mr. Powell, the second new Board appointee, is recovering at home from surgery. He plans to attend the SCHEV Board Orientation in late October, along with Ms. Arnett and he will join us for the November 10, 2017 Board meeting.
- Dr. Adams will leave to attend a business meeting and will return later in the day.
- Dr. DiCroce emailed this morning that she expects to arrive around 10:00 a.m.
- A welcome was extended to Dr. Youssef and Mr. Marshatelli, the Faculty and Student Representative to the Board, on their first meeting.

Dr. Youssef responded that she is happy to be here and to have a seat at the table. No comment was made by Mr. Marshatelli.

- The Rector attended various summer activities on behalf of the Board. Most recently, he attended the Ribbon-Cutting ceremony for the Brown Hall Replacement Building and the Labor Day Classic football game. The Rector will be on campus next week for several Founders Day activities.

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### 3. **President's Remarks** – The following statements, comments and announcements were made during President Moore's remarks:

- Welcomed Ms. Arnett to the Board and to Norfolk State University.
- Acknowledged and welcomed Dr. Youssef and Mr. Marshatelli. Stated that he counseled Mr. Marshatelli that his most important responsibility is to stay on course to complete his degree on time in the spring of 2019.
- Mentioned the opening of the Brown Hall Replacement Building and the renovations to the Scott-Dozier dining facility. President Moore recently had the pleasure of hosting Attorney General Mark Herring for lunch in this dining facility.
- Mentioned the exceptionally, well-executed freshman move-in and orientation program despite excessive rain. Provided kudos to members of the band and football team for their expeditious process of unpacking and transporting items from cars to the residence halls.
- Stated he, the Rector and others had the pleasure of entertaining the following individuals during the Labor Day Classic:
  - Lt. Governor Ralph Northam, Attorney General Mark Herring, U.S. Senator Tim Kaine, longtime NSU advocate, Congressman Bobby Scott and Justin Fairfax, candidate for Lt. Governor. Former Secretary of Education, Anne Holton was also present.
- Recommended to the Board to put some mechanism in place to handle some of the work that has to be done during the summer months. This would be extremely helpful and would shorten the length of the September meeting.
- NSU was ranked No. 27 among HBCUs in the *U.S. News and World Report*. He is happy to share a copy. Noted that NSU was evaluated on two things that he said the university needed to do when he arrived: 1) enhance the number of highest rank terminal degrees in the disciplines (*this translates to PhDs in most disciplines*); and 2) increase the number of full-time faculty. NSU was ranked low on expenditures per student and will not move up in this ranking if we continue to have the lowest tuition in the Commonwealth. Also, NSU needs to increase alumni giving, which is another criteria. If you are an alumni and have not given this year, please write a check.
- He stated the following as a quick overview of important agenda items requiring approval:
  - The draft Six-Year Plan being presented contains three core strategies: 1) student success; 2) accelerated five-year extended learning programs; and 3) research and innovation to spur workforce development.

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- The draft Six-Year Plan also reaffirms NSU's long-standing commitment to access and affordability with a five percent increase for in-state students included in the plan. The Board, however, will ultimately decide on the tuition increase.
- The university will continue to contribute to the economic growth of the region through its research in cyber security, minority health disparities outreach initiatives, and foundation related public-private partnerships.
- Faculty were involved in the review of the Faculty Handbook and approximately fourteen changes are being proffered for the Board's consideration. Changes can be made to the Faculty Handbook without the approval of faculty.
- The Master Plan was not initially slated for this meeting but because the university embraced the recommendation of the Department of Planning and Budget (DPB) to combine the science and arts building, this requires an update and approval by the Board before it can be considered by the General Assembly. The consolidation of the two buildings will be called the Interdisciplinary Science and Arts Building. The other item for the plan is reversing the President's residence as a receiving center back to the President's residence.
- Now that enrollment has increased, requesting consideration for the construction of residential housing by ratifying what the Board approved in 2010.
- The overall enrollment is slightly down but the full-time enrollment is up and full-time enrollment is what manages the budget. The state enrollment is down and the out-of-state enrollment is up approximately 15%.
- The SACSCOC reporting is mission critical. The goal is to have the report completed by March (approximately six months away). The report will be sent out to be reviewed before it is submitted SACSCOC.

#### **4. State Auditor** – Comments from Mr. Reinholtz and Mr. Bialkowski included the following.

- The university has been issued an unmodified opinion on its financial statements for the fiscal year ending June 30, 2016. The Auditor's opinion is included in the university's fiscal year 2016 Financial Statement Report.
- There are no material weaknesses, no indications of fraudulent transactions or illegal acts; however, the audit identified some deficiencies that included the following:
  - Finding from 2015 on promptly remitting Federal Student Aid Funds is ongoing. The university has implemented a corrective action. The auditors will follow up on this item when they return in the fall.
  - On compliance with the 1500-hour rule for wage employees, the test resulted in two instances where employees were over by just a few hours. This is nominal but since

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it is a compliance item, a recommendation was made to the university. The auditors will test this when they return in the fall.

- Information Security Items – There are four recommendations related to test work that was done for IT during the February/March timeframe. Some of this is due in part to turnover in key positions. These positions are the Chief Information Officer and the Information Security Officer, which are critical positions to lead and manage IT. The university will need to update its overall policies and procedures in this area, conduct risk assessments as required, ensure that there is a continuity of operations and update the Disaster Recovery Plan.

The Board was informed that the university has contracted with the Virginia Information Technologies Agency (VITA), which provides shared information – security office services. VITA will send staff to campus to help address the above named items.

The university also needs to conduct IT Security Audits on sensitive systems, as this is required every four years. VITA has been contracted to perform all of the audits for these systems to be completed by August 2018.

The last two items are FOIA exempt items so the Board will not see all of the detail; however, the university has been provided this information. The recommendation is for the university to continue to upgrade or decommission end-of-life technology and improve IT asset surplus and sanitization controls.

Mr. Bialkowski stated that Dr. Davis, the university's CIO, has reported that there is a very solid plan in place and this area has the support from executive leadership to correct the findings.

- There was only one audit adjustment that was required to be recorded in the audited financial statements in the breakdown of student aid (expense vs. allowance).
- There are no material changes to accounting and reporting policies and standards; no material alternative accounting treatments identified as a result of the audit; and no disagreements with management about auditing, accounting or disclosure matters.
- There are additional disclosures in the footnotes related to cash investments due to the implementation of GASB 72.
- The auditors will be back in the fall to follow up on the single audit, financial aid recommendations, perform the athletic work for the NCAA and for the first year follow up on the requirements of House Bill 1897 that relates to athletic fees from students and total athletic revenues.
- Plans are to be back in December or January to start planning and begin work on the 2017 audit. While here for the 2017 audit, they will perform some work to get a head

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start on the 2018 fiscal year audit so that the university will be in a good position to meet the financial requirements for the reaccreditation visit.

In response to President Moore, Mr. Reinholtz responded that there may have been some tests done in regards to House Bill 1897 but nothing was finalized. The percentages are different for each tier. A determination will be made whether to provide individual reports or to have one combined report for all the universities.

The auditors departed at approximately 8:45 a.m.

### **5. Closed Session**

Dr. Stith motioned, seconded by Mr. Helpinstill and with a 11-0 Roll Call vote the Board approved to move to adjourn and reconvene in Closed Session as permitted by §§2.2-3711.A.1, 4 and 7 of the Code of Virginia for the purpose of discussing (1) the report of the Audit Committee and the Internal Auditor's Report regarding the evaluation of performance of university departments and schools where such evaluation will necessarily involve discussion of the performance of specific individuals; (2) personnel matters; (3) evaluation of the President; and (4) current/potential litigation, university legal matters, along with any necessary consultation with legal counsel.

During various portions of the Closed Session, Mr. Aristakesian, Ms. Twitty and President Moore were invited to participate.

### **6. Open Session**

The Norfolk State University Board of Visitors having reconvened in open session, took an 11-0 Roll Call vote on certification that (i) only public business matters lawfully exempted from open meeting requirements, and (ii) only such public business matters as were identified in the motion by which the Board of Visitors closed meeting was convened were heard, discussed or considered in the meeting by the Board. Any member of the Board who believed that there was a departure from the requirements as stated above was asked to so state prior to the vote, indicating the substance of the departure that in his or her judgment has taken place.

*Note: The certification included the statements that Dr. Adams and Dr. DiCroce are only certifying for the times (return or arrival) that they were in Closed Session.*

**President's Goals and Objectives for 2017-2018** – Dr. Cherry stated that the goals and objectives were presented in May and asked for a motion to approve. Mr. Helpinstill did not recall this being presented in May. A reference was made as to whether another item might be added or if approval was needed provided the evaluation discussion held during

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Closed Session. Dr. DiCroce stated that the goals appear to be university goals except for the last one and there is no issue with approving goals and objectives as presented. She was not present at the May meeting and will abstain.

Dr. Stith motioned, seconded by Mr. Cuffee and with an 8-0 Roll Call vote approved the President's Goals and Objectives for 2017-2018.

*Abstain: Mrs. Arnett, Dr. DiCroce and Mr. Griffith*

### **7. Rector's Report**

**Board Retreat Agenda Recommendations** – Dr. Cherry asked the Board to email him any specific items that they would like to see on the Retreat Agenda. He will compile the list and send it out to members of the Board to select the top three agenda items.

**Board Budget Update** – Dr. Stith gave the Board budget update and noted that the total expenseS to date includes encumbered cost for known meetings and events through December 2017. The current balance is approximately \$29,000.

**Ad-Hoc Board Policies Committee** – Dr. Adams stated that the Committee completed its work by reviewing some outstanding policies, performing a second review of four policies for the new policy format, and also performed an annual review of the remaining Board policies. One of the recommendations of the Committee is that policy review be done on a triennial basic (every three years) and for individual policies that warrant a shorter cycle than that could be noted in that particular policy. Any policy requiring immediate attention may be brought before the Board at any time.

Dr. Adams asked Mr. Cage to highlight the significant changes to the policies. Mr. Cage's comments included the following:

- Noted that the major item was the Title IX Policy and Title IX Handbook, which have been reviewed and updated based on recommendations from the University Counsel and the Committee members.
- Cited the titles for BOV Policies #19, #20, #22 and #23 that underwent a second review for the new policy format.
- Stated that there were minimal changes for the annual review of the remaining policies. Of note, as mentioned by Dr. Adams, is the review date change in BOV Policy #01 from one year to three years. Any policy that needs to be reviewed before the three-year period should have the review date written into the policy. Also, the Committee recommended doing away with impact statements for administrative policies.



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- Stated that clarifying language was added to the Weapons Policy (#17), making it very clear that the police have absolute jurisdiction with respect to all items related to weapons on campus. This addition was recommended by the University Counsel.

Dr. Adams stated that Mr. Forehand has recommended that the Board approve a Weapons Regulation, which would cover anyone that comes on campus. This is on the agenda under new business. President Moore stated that the University Police Chief has identified a policy that covered civilians but he agrees that a regulation is much better and is needed.

There being no questions regarding the revisions to the policies, Dr. Adams made the motion to approve and added that this Committee could disband after the vote.

Dr. Adams motioned, seconded by Mr. Griffith and with an 11-0 Roll Call vote approved all of the Board policies as presented.

Board members asked whether it was necessary for the full Board to vote on the Committee minutes. Mr. Forehand responded that the Roll Call vote must be for the full Board, as the Committees are presenting as a whole and those who were not present for the particular Committee meeting may abstain from the vote.

Dr. DiCroce motioned, seconded by Dr. Adams and with a 5-0 Roll Call vote approved the Ad-Hoc Board Policies Committee Minutes for August 28, 2017.

*Abstain: Arnett, Cherry, Cuffee, Griffith, Helpinstill, Stith*

The Rector stated that Board would have a working lunch starting with the Academic Affairs presentation.

- 8. Academic Affairs Presentation** – Dr. Jones provided members of the Board with a flash drive that has a light (something that is given to students in her seminar class).

Dr. Jones' comments included the following:

- On July 24, 2017, a small contingent from NSU (she, the President, Mr. Hunter, Mr. Dennis Jones from the Budget Office and Dr. Eddie Modlin from the faculty) made a presentation to representatives from the Virginia Department of Planning and Budget and members of the General Assembly (generally called the Op-Six Committee).
- The main focus of the Six-Year Plan or what the Commonwealth affectionately referred to as the Op-Six Plan is the Interdisciplinary Science and Arts Building. The approval of this building is required to move forward with Six-Year Plan and the Strategic Plan.

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- The Six-Year Plan required approval by the Board and is due to the Commonwealth by October 1, 2017.
- The Six-Year Plan strategies for 2017-2023 include:
  - 1) Student success that focuses on the Green and Gold Standard, which she shared with the Board at a previous meeting;
  - 2) Accelerated extended learning programs (five-year masters programs, ten identified), which are the programs that were recommended by the conceptual framework teams or their faculty teams; and
  - 3) Workforce development that focuses on two research and innovation areas namely: 1) cybersecurity and cyberpsychology; and 2) biofuels.
- It will take \$1.4 M to launch the accelerated extended learning programs. The funds are E&G money that come from the state tuition and the requested difference of \$134,392 would come from the General Fund.
- The total of the three strategies is a little more than \$2.57 M from out of the General Fund.

In response to Mr. Helpinstill, Dr. Jones stated that in our plan is a five percent increase in tuition. This is recommended as part of the budget plan.

- Included in the current Master Plan is the construction of two buildings, a science building and a fine arts building. The Op-Six Committee recommended, and the university agrees, that the two buildings should be combined. The revised request includes the combining of the two buildings and this building would be called the Interdisciplinary Science and Arts (ISA) Building. In order to move forward with the combined building, the Board has to approve a revision to the Master Plan.

Mr. Helpinstill stated he is used to seeing more context or a business case and how this would affect future construction, priorities and tuition.

Dr. Jones directed the Board to the Master Plan presentation slide titled Updated CEFPI vs. SCHEV Total Space Needs. After she explained these figures, Mr. Helpinstill stated that this is the type of information that the Board needs in narrative form for future presentations when asked to approve the investment of millions of dollars.

President Moore emphasized that representatives from Richmond are in agreement with this recommendation and are ready to have a meeting soon after the Board gives its approval. Alternatively, the two buildings cost more than the consolidated building. If the Board does not approve the consolidated building, the project reverts back to what the Board approved in 2010.

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Dr. Stith stated that there is a lot of conversation in the academy about trying to get the STEM and Arts disciplines back together. He feels that is a good idea to combine the two buildings.

Dr. Stith motioned, seconded by Dr. DiCroce and with a 9-0 Roll Call vote approved the 2017 Six-Year Plan as presented.

*Abstain: Arnett, Helpinstill*

**Faculty Handbook** – Dr. Jones stated that in addition to the revisions to the Handbook, there are 30 to 40 academic policies that are being developed in preparation of SACSCOC. For this, she would recommend the continuation of the Ad-Hoc Board Policies Committee.

In response to a question on the policies, Dr. Jones stated some of the policies were not reviewed/revised as required but she is having them all done now to get the university back on track.

Dr. Jones stated that the substantive changes to the handbook are provided in a summary. The Faculty Teaching Handbook, the Administrative and Professional Handbook and the Graduate Handbook (not a Board-approved handbook) have been merged into one manual. A succinct crosswalk that outlines the revisions is provided. The document is currently pending legal review.

Mr. Forehand stated that his concern is that there is no mention of administrative and professional faculty in this handbook and no other category is listed that would include them, although this is supposed to be a merged document.

There was a lengthy discussion on the handbook and the following comments were made:

- Removing the merged reference should satisfy counsel's concern and review of the document should only take several hours.
- Faculty were involved in the review through an effort that was scheduled for six months but took eight months. The Faculty Senate and the faculty at-large were asked to provide recommendations.
- The hierarchy of the Administrative and Professional Handbook is fifteen years old and is basically none existent.
- Approval of the handbook is needed for SACSCOC review and the closer the Board's approval to the SACSCOC review draws attention and questions.
- The document should be tabled pending legal review, as the Board prefers legal review before voting on this important item.

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- In regards to SACSCOC, it does not pose a problem to table the handbook to the next meeting.
- Legal review should be performed in a timely manner to allow ample time for the administration to consider the revisions.

Dr. Stith recommended that the handbook be tabled to November 10, 2017 Board meeting and motioned accordingly.

Dr. Stith motioned, seconded by Dr. DiCroce and with a 11-0 Roll Call vote approved that the Faculty Handbook review and the emerging issues be tabled until the Board of Visitors' November 10, 2017 Board meeting, and in the interim period, all of the impacted parties get together and come back to us with a document that the Board will vote on at the November meeting.

The motion was reiterated several times to be inclusive that the review is only for legal, only for the document that has been presented today, and must be completed during the stated timeframe. The motion does not invite additional revisions from faculty.

Dr. Jones introduced new faculty within the Academic Affairs area and noted that the WNSB update is included in the Board materials.

**Faculty Senate Representative** – Dr. Youssef thanked the Board for the opportunity to bring the voice of the faculty to the table. She shared responses that were compiled into a SWOT analysis from reports, surveys, emails and personal communications from faculty and faculty senators.

The strengths centered on increased enrollment, new faculty hires, infrastructure updates and diverse credentialed faculty. The weaknesses include not applying the same level of credentialing for administrators, vague and/or contradictory instructions to faculty with shifting deadlines, implementing changes for protection of personnel decisions, extreme interpretations of concepts and the decline in respect and regard for faculty as professionals. The SACSCOC reaffirmation is seen as an opportunity for program review, internal assessment and a way to identify real compliance issues. Threats include high turnover on the administrative level and interim appointments with lack of proper vetting measures, arbitrary personnel decisions, lack of supporting data for program change and lack of fair conflict resolution.

Dr. Youssef spoke about the Faculty Handbook review and noted that the draft was submitted to the Provost on March 17, 2017. The Faculty Senate voted on the draft at its meeting on April 18, 2017. A survey was completed for additional comments and that was

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submitted to the Provost on May 1, 2017. Dr. Youssef stated that there have been three different drafts on the ground.

In response to Mr. Griffith, Dr. Youssef added that the final draft does not include the revisions of the Faculty Handbook Revision Committee.

Dr. Jones stated that final draft of the handbook that has been brought before the Board only addresses the inconsistencies.

President Moore stated that a letter was sent to the faculty outlining the differences. He noted that some of the recommendations that the Faculty Senate made were not agreed upon by the faculty at-large and there were liberties made by the President and Provost. The letter to faculty outlined those actions.

Dr. DiCroce stated that at no point in time will all faculty agree. It is just ensuring that their voice was heard and respectfully agreeing to disagree.

### **9. Audit Committee Meeting** – No discussion or presentation.

Mr. Helpinstill motioned, seconded by Dr. DiCroce and with a 6-0 Roll Call vote approved the Audit Committee Minutes for July 13 and 18, 2017.

*Abstain: Arnett, Boone, Cuffee, Griffith, Stith*

### **10. Finance and Administration Committee**

**Financial Report** - Mr. Hunter stated that the financial report reflects the financial position of the institution at the end of the previous quarter ending June 30, 2017. He described the five major revenue categories for the benefit of the new Board member which include: 1) Educational and General (E&G), 2) Auxiliary Enterprises, 3) Sponsored Programs, 4) Student Financial Assistance, and 5) Local Funds that make of the financial report. The Board authorized the university's budget at \$169 M. The year ended with a positive \$1.2 M.

There was a brief discussion on the financials based on the enrollment projection. Responding to Dr. Stith, President Moore stated that the enrollment number of 7,000 is used as the basis or "driver" because an enrollment of 7,000 will make the budget work without any issues. He constantly promotes this in front of the General Assembly, who on the other hand, feel that we could be smaller. However, smaller will not cover the budget for the things that have been approved.

Mr. Hunter stated that there is a chart in the presentation that shows our current revenues. The current enrollment is a little shy of the target. The budget for this was \$20.3 M but if

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you factor in the growth for out-of-state students, the shortfall would be approximately \$400,000. The university is on budget for the mandatory fee and in terms of the tuition revenue and fee revenue, the university is in a good position with the start of the fall semester.

President Moore discussed the unfunded priorities shown in a slide that he asked Mr. Hunter to include in the Finance presentation. President Moore explained the concept behind Title III funding and the OCR Accord. The programs implemented from these sources of funding should have become self-sustaining within the university's operations. The university will eventually need to find a sponsor to support the programs or raise tuition to generate the money to cover the program. Money is needed for Athletics, for University Advancement to expand its operations, and for new band uniforms. He has approved the order for the new uniforms at a cost of approximately \$200,000 and hopes that the money can be raised to cover the cost. If not, this expense will be a claim on the Auxiliary Fund balance.

In response to Dr. Adams, President Moore stated that the first two numbers in the slide are five year numbers. Annually, this would be \$1 M and \$1.2 M.

President Moore expressed concern on the elimination of the SEOG and Perkins loans, which equates to a little over \$1M in aid that our students will lose. There may be additional changes made at the federal level that will affect the university.

Mr. Helpinstill stated that these are the kinds of continuous risks that are part of the higher education environment.

**Campus Master Plan** – Mr. Hunter stated that the primary academic buildings in the current Master Plan include the Science building, the Fine Arts building (with a partial construction and renovation) and the Business building. The differences in the updated Master Plan are:

- The action the Board took to continue the President's House as a residence opposed to the creation of a welcome center;
- The combination of the Science and Fine Arts buildings as shared during the Academic Affairs presentation;
- The Business building is no longer included as a standalone facility;
- The Brown Hall A-Wing is now planned to be eliminated/razed;
- Recommending not to demolish the Twin Towers (being fully paid, the towers have been a sound financial vehicle for the university);
- The new structure to replace Gills Gym will be called the Physical Education Building;

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- Placing Facility Management at the Phyllis Wheatley location; and
- Adding parcels of land for acquisition, as we look to expand the campus in the out years.

President Moore stated that all of these items are state-funded items and would not increase tuition.

In response to Mr. Crowder, Mr. Hunter stated that there are a variety of plots of land that the university would like to purchase. President Moore stated that this is land that the City plans to condemn and sell; however, we cannot mention specifics, as this would influence the market and price. Since we are land locked, we have to look to expanding outside of our boundaries.

In response to Mr. Helpinstill, Mr. Hunter stated that approving the Campus Master Plan does not lock the university into approving the residence hall. The residence hall is a separate action for the Board's consideration.

In response to Ms. Arnett, President Moore stated that the Op-Six Plan incorporates both operating initiatives and capital initiatives that you would like to see completed in the next six years. The Campus Master Plan is only capital initiatives that go further out to approximately 10 years or so.

Mr. Helpinstill motioned, seconded by Mr. Cuffee and with an 11-0 Roll Call vote approved the 2018 Campus Master Plan.

**Six-Year Capital Outlay Plan for 2018-2014** – Mr. Hunter stated that the university is required to get Board action on this item. This plan is where the items are listed in priority order.

In response to Mr. Helpinstill, Mr. Hunter stated that the Residential Housing is not included in the General Fund. However, the \$10M listed is an increase in the scope for the project that was previously approved by the Board in 2010 at \$46 M but will now cost \$56 M relative to the increase in the number of beds (incremental increase).

President Moore added that the Commonwealth still has to authorize debt (Triple A debt with low interest) even though this is not General Fund money. Residential Housing will be funded through student fees for students who live on campus. In regards to the list, the top three items have a good chance of being considered.

Dr. Cherry motioned, seconded by Mr. Griffith and with an 11-0 Roll Call vote approved the Six-Year Capital Outlay Plan for 2018-2024 Plan.

## **BOARD OF VISITORS**

Board Meeting

September 15, 2017

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**Residential Housing** – Mr. Hunter asked Dr. Shackelford to present the business case for the Residential Housing presentation that was created through collaboration between the two. This addendum was at the request of Mr. Helpinstill to provide additional information for the Board.

Mr. Helpinstill stated that he was looking for information that would answer the following types of questions:

- What does 500 beds accomplish?
- In two years, will additional beds be needed?
- What does the 7500 enrollment plan require?
- How much will student fees be affected?
- What does this do for the university over time or is this just a bite of a larger apple?

Dr. Shackelford stated that the university is committed to growing enrollment and there are some things that will need to be in place for us to accomplish that. Just with two years of small growth, the housing occupancy is over capacity. The total housing capacity is 2,404 and we are currently at 2,417 with 49 upper class males staying in the Holiday Inn Hotel. The request for new housing would not come on line until 2019. With the freshman class increasing each year, we will have an even higher capacity issue. And, we hope to be at an 80% retention rate from the first to second year next year, which will have a significant impact on housing as well. You should note that Norfolk, VA does not have a lot of housing options (not considered a college friendly town for off-campus residency).

Dr. Shackelford stated students are looking for new, modern residential facilities. The 7500 enrollment number is the magic number to sustain our auxiliaries and to meet our E&G obligations.

In response to Ms. Arnett, Dr. Shackelford stated there were some students who declined because of the residential halls or because they had to stay off campus. In response to Mr. Helpinstill and Mr. Fulton, he stated that freshmen are required to stay on campus outside of 35 miles. The university has not addressed this for sophomores. Freshmen and sophomores occupy the majority of the spaces on campus. Research shows that students who reside on campus perform better.

Mr. Fulton stated that he could see the benefit of requiring students to live on campus until their junior year.

Dr. Shackelford discussed the student classification breakdown based on occupancy and stated that the proposed fee would be approximately \$1,640 more than the lowest current rate charged and \$176 more than the highest current rate.



## **BOARD OF VISITORS**

Board Meeting

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Dr. Shackelford stated that 500 beds is the base. There would likely be other phases. He would like the total capacity to be 3,800, which is another 1,000 beds. This correlates to growth of 7,500 around 2025. It is not in the Capital Six-Year Plan, as you get to make another request every two years.

Dr. Stith motioned, seconded by Mr. Cuffee and with a 10-0 Roll Call vote approved the Residential Housing – General Obligation Bonds 9(c).

Mr. Hunter discussed the two options and recommended the same method used for the Nursing Building, Brown Hall and the facility we are standing in. He listed the pros of this method, which has worked very well for the university.

Mr. Griffith motioned, seconded by Dr. Stith and with a 10-0 Roll Call vote approved the Construction Management Delivery Method for Residential Housing Project.

**Legislative Priorities** – Mr. Hunter and President Moore commented on the priorities. The following motion was made.

Dr. Cherry motioned, seconded by Dr. Stith and with a 10-0 Roll Call vote approved the 2018-2019 Legislative Priorities with the change in wording of “previous legislation” to “previous agreement” for the item §51.5-89.

At the recommendation of Mr. Forehand, President Moore will consider running the language requests through the Appropriations Act. President Moore stated that he is scheduled to meet with the Chair of the Appropriations Committee on September 27, 2017 and he will discuss this with him.

Mr. Griffith stated that the university should go forward with the best option for approving the language.

- 11. Student Affairs Committee** – Dr. Shackelford asked Mr. Marshatelli to introduce the student leadership. Mr. Marshatelli asked Ms. Jadia Artis, Miss NSU and Mr. Dwight Parker, the Chief Justice to stand.

Dr. Shackelford reported that there are 4,290 in-state students and 1,007 out-of-state students for a total of 5,297. This year, there are 38 Presidential Scholars and 88 Provost Scholars versus 22 and 57 last year. The housing occupancy is at 99.04%, which is very good.

**Athletics** – Mr. Miller stated the university continues to receive national publicity, our NCAA graduation rate for student-athletes increased from 59% to 63%. Currently, focusing

## **BOARD OF VISITORS**

Board Meeting

September 15, 2017

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on the football conference run, as the winner could take home \$1 M from the bowl game that will take place in Atlanta, GA.

- 12. University Advancement Committee** – Dr. Fontaine introduced her two new employees, Mr. Bowerman and Dr. Afolayan. The annual fund is at approximately 67% of the \$3.3 M goal. She talked about the recent Labor Day Classic challenge where NSU was victorious in its philanthropic efforts over VSU.

### **13. Consent Agenda**

Dr. Cherry motioned, seconded by Mr. Helpinstill and with a 10-0 Roll Call vote approved the following items on the Consent Agenda:

- Resolution on BOV Member Attendance at SCHEV Orientation for B. Keith Fulton
- 30<sup>th</sup> Anniversary Resolution for the Military Alumni Chapter
- Resolution to Affirm Constitutional Freedom of Expression
- May 5, 2017 Board of Visitors Meeting Minutes
- August 28, 2017 Emergency Board Meeting Minutes

- 14. President's Chart of Activities** – President Moore had no comments. This item is in the Board's package.

### **15. Old Business**

Dr. Cherry motioned, seconded by Mr. Helpinstill and with a 3-0 Roll Call vote approved the July 25, 2017 Ad-Hoc Committee Meeting Minutes.

*Abstain: Adams, Arnett, Boone, Crowder, Cuffee, DiCroce, Griffith, Stith*

### **16. New Business**

Dr. DiCroce motioned, seconded by Dr. Adams and with a 10-0 Roll Call vote approved to adopt the regulation prohibiting weapons in most areas of campus, and further move that the President be authorized to amend non-substantive portions of the regulation as necessary to assure compliance with proper form for publication.

**Brown Hall Naming Resolution** – Dr. Cherry stated that he was approached by the Brown family and they would like to see the new building renamed G.W.C. Brown Hall.

The matter was discussed briefly citing two opinions. Mr. Brown is a founding father, who brought the college into existence and the university is in need of large gifts and this new building is a philanthropic opportunity under the Naming Policy.

The Board deferred consideration of naming the building to the November meeting and asked Dr. Cherry to relay their sentiments to the family.

**17. Adjournment**

There being no further business, the meeting was adjourned at 4:08 p.m.

Respectfully submitted,

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April T. Allbritton, Board Liaison

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Bryan D. Cuffee, Secretary  
Board of Visitors

**NORFOLK STATE UNIVERSITY BOARD OF VISITORS**  
**ROLL CALL VOTE SEPTEMBER 15, 2017**

Item	Adams	Arnett	Boone	Cherry	Crowder	Cuffee	DiCroce	Fulton	Griffith	Helpinstill	Henry	Powell	Stith	Totals
Quorum established at approximately 8:05 a.m.	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Yes	Yes	Yes	Yes	Absent	Yes	11-0
Motion to go into Closed Session	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Yes	Yes	Yes	Yes	Absent	Yes	11-0
Closed Session Certification	Yes Portion	Yes	Yes	Yes	Yes	Yes	Yes Portion	Yes	Yes	Yes	Absent from Vote	Absent	Yes	11-0
Recommend Approval of the President's Goals and Objectives for 2017-2018	Yes	Abstain	Yes	Yes	Yes	Yes	Abstain	Yes	Abstain	Yes	Absent from Vote	Absent	Yes	8-0
Recommend Approval of Board Policies	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Yes	11-0
Recommend Approval of the August 28, 2017 Ad-Hoc Board Policies Committee Minutes	Yes	Abstain	Yes	Abstain	Yes	Yes	Yes	Yes	Abstain	Abstain	Absent from Vote	Absent	Abstain	5-0
Motion to defer Faculty Handbook to the November 10 Board Meeting	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Yes	11-0
Recommend Approval of Six-Year/ Op-Six Plan	Yes	Abstain	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Abstain	Absent from Vote	Absent	Yes	9-0
Recommend Approval of the Audit Committee Meeting Minutes for July 13 and 18, 2017	Yes	Abstain	Abstain	Yes	Yes	Abstain	Yes	Yes	Abstain	Yes	Absent from Vote	Absent	Abstain	6-0
Recommend Approval of the Campus Master Plan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Yes	11-0
Recommend Approval of the Six-Year Capital Outlay Plan 2018-2024	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Yes	11-0
Recommend Approval of the Residential Housing – General Obligation Bonds 9 (c)	Yes	Yes	Yes	Yes	Absent from Vote	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Yes	10-0
Recommend Approval of the Construction Management Delivery Method for Residential Housing Project	Yes	Yes	Yes	Yes	Absent from Vote	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Yes	10-0

**NORFOLK STATE UNIVERSITY BOARD OF VISITORS**  
**ROLL CALL VOTE SEPTEMBER 15, 2017**

Item	Adams	Arnett	Boone	Cherry	Crowder	Cuffee	DiCroce	Fulton	Griffith	Helpinstill	Henry	Powell	Stith	Totals
Recommend Approval of the 2018-2019 Legislative Priorities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Yes	10-0
Recommend Approval of the Consent Agenda Items	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Yes	10-0
Recommend Approval of the Weapons Policy Regulation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Absent from Vote	Absent	Absent from Vote	10-0
Recommend Approval of the July 25, 2017 Ad-Hoc Committee Minutes	Abstain	Abstain	Abstain	Yes	Abstain	Abstain	Abstain	Yes	Abstain	Yes	Absent from Vote	Absent	Absent from Vote	3-0

## RESOLUTION APPROVED SEPTEMBER 15, 2017

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### NORFOLK STATE UNIVERSITY BOARD OF VISITORS RESOLUTION TO APPROVE THE 2017 SIX-YEAR PLAN

**WHEREAS**, the Higher Education Opportunity Act of 2011 (TJ21) requires each public institution of higher education in Virginia to prepare and submit a Six-Year Plan; and

**WHEREAS**, during the 2015 General Assembly session, joint resolutions approved by the House (HJR 555) and Senate (SJ 228) also require that the mission, vision, goals, and strategies expressed in the statewide strategic plan framework guide the development of the strategic plan and the Six-Year Plan at each public institution of higher education; and

**WHEREAS**, the governing board of each public institution of higher education shall submit a Six-Year Plan to the Council (State Council of Higher Education for Virginia), the Governor and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance no later than July 1 of each odd-numbered year, and shall submit amendments to 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**, Norfolk State University prepared a Six-Year Plan in accordance with the requirements and guidelines and the Plan was submitted by the stated deadline of July 1, 2017; and

**WHEREAS**, the 2017 Six-Year Plan must be formally approved by the Board of Visitors prior to the October 1, 2017 final submission;

**THEREFORE, BE IT RESOLVED**, that after due consideration and careful review by the Interim Provost and Vice President for Academic Affairs, the University President, and by University Counsel for legal sufficiency, the Norfolk State University Board of Visitors approves this resolution for the 2017 Six-Year Plan as presented this 15<sup>th</sup> day of September, 2017; and

**BE IT FURTHER RESOLVED**, that the University is authorized to revise the 2017 Six-Year Plan with any changes recommended by the State officials of the Higher Education Advisory Committee (HEAC) before the final submission is due on October 1, 2017.

## RESOLUTION APPROVED SEPTEMBER 15, 2017

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### NORFOLK STATE UNIVERSITY BOARD OF VISITORS RESOLUTION TO APPROVE THE 2018 CAMPUS MASTER PLAN

**WHEREAS**, the proposed Campus Master Plan has been carefully reviewed by the Norfolk State University administration; and

**WHEREAS**, John Portman and Associates, Inc., an internationally recognized architectural and engineering firm, was commissioned to develop Norfolk State University's 2018 Campus Master Plan and this firm presented recommendations to the Board of Visitors on September 15, 2017; and

**WHEREAS**, the University administration has determined that the proposed Campus Master Plan request reflects the highest priority needs and initiatives of the University and is aligned with the mission of the University;

**THEREFORE, BE IT RESOLVED**, that after due consideration and careful review by the Vice President for Finance and Administration, the University President, and by University Counsel for legal sufficiency, the Norfolk State University Board of Visitors approves this resolution for the 2018 Campus Master Plan as presented this 15<sup>th</sup> day of September, 2017.

## RESOLUTION APPROVED SEPTEMBER 15, 2017

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### NORFOLK STATE UNIVERSITY BOARD OF VISITORS RESOLUTION TO APPROVE THE 2018-2024 SIX-YEAR CAPITAL OUTLAY PLAN

**WHEREAS**, the proposed 2018-2024 Six-Year Capital Outlay Plan requests have been carefully reviewed by the Norfolk State University administration; and

**WHEREAS**, the University administration has determined that the proposed 2018-2024 Six-Year Capital Outlay Plan requests reflect the highest priority needs and initiatives of the University and are aligned with the mission of the University;

**THEREFORE, BE IT RESOLVED**, that after due consideration and careful review by the Vice President for Finance and Administration, the University President, and by University Counsel for legal sufficiency, the Norfolk State University Board of Visitors approves this resolution for the 2018-2024 Six-Year Capital Outlay Plan as presented this 15<sup>th</sup> day of September, 2017.



## RESOLUTION APPROVED SEPTEMBER 15, 2017

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### RESOLUTION OF THE RECTOR AND VISITORS OF

#### Norfolk State University

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

**WHEREAS**, pursuant to the Acts, the Treasury Board of the Commonwealth of Virginia (the “Treasury Board”) is authorized, by and with the consent of the Governor, to sell and issue bonds or bond anticipation notes of the Commonwealth of Virginia (the “Commonwealth”) for the purpose of providing funds, together with other available funds, for paying the cost of acquiring, constructing, renovating, enlarging, improving and equipping certain revenue-producing capital projects at certain institutions of higher learning of the Commonwealth and for paying issuance costs, reserve funds and

## **RESOLUTION APPROVED SEPTEMBER 15, 2017**

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other financing expenses (the “Financing Expenses”), all in accordance with the provisions of Section 9(c) of Article X of the Constitution of Virginia;

**WHEREAS**, for **Norfolk State University** (the “Institution”), such revenue-producing capital projects include the Construction of Residence Hall Project 17818 (each individually, a “Project” and, collectively, the “Projects”); and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE RECTOR AND VISITORS OF NORFOLK STATE UNIVERSITY:**

Section 1. The Board of Visitors of the Institution (the “Board”) requests the Treasury Board to sell and issue bonds (the “Bonds”) or bond anticipation notes (“BANs”) in an aggregate principal amount not to exceed \$ 46,001,000 to finance all or a portion of the costs of each Project plus Financing Expenses (for each individual Project, the “Individual Project Bonds” or “Individual Project Notes” and, collectively, the “Individual Project Borrowing” and for all Projects, the “Project Bonds” or “Project Notes” and, collectively, the “Project Borrowings”). The Individual Project Borrowings will be identified by amount by the State Treasurer upon issuance of any Bonds or BANs.

Section 2. With respect to each Project, the Board (a) covenants to fix, revise, charge and collect a **Student Room** fee and other rates, fees and charges, for or in connection with the use, occupation and services of such Project and (b) pledges such rates, fees and charges remaining after payment of (i) the expenses of operating such Project and (ii) the expenses related to all other activities funded by the Student Room fee (“Individual Project Net Revenues”) to the payment of the principal of, premium, if any, and interest on the Individual Project Borrowing relating thereto. The Board further covenants that it will fix, revise, charge and collect such rates, fees and charges in such

## **RESOLUTION APPROVED SEPTEMBER 15, 2017**

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amounts so that Individual Project Net Revenues will at all times be sufficient to pay, when due, the principal of, premium, if any, and interest on the related Individual Project Borrowing and on any other obligations secured by such Individual Project Net Revenues (such payments collectively the “Required Payments”). Each Individual Project Borrowing shall be secured on a parity with other obligations secured by the Individual Project Net Revenues relating to such Individual Project Borrowing (other than any obligations secured by a prior right in Individual Project Net Revenues). Any Individual Project Net Revenues pledged herein in excess of the Required Payments for an Individual Project Borrowing may be used by the Institution for any other lawful purpose.

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

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

## **RESOLUTION APPROVED SEPTEMBER 15, 2017**

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

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

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

Section 8. The Board covenants that the Institution will proceed with due diligence to undertake and complete the Projects and that the Institution will spend all of the available proceeds

## **RESOLUTION APPROVED SEPTEMBER 15, 2017**

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derived from the sale of the Project Borrowings for costs associated with the Projects and appropriated for the Projects by the General Assembly.

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

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

Section 11. The Board covenants that for so long as any of the Bonds are outstanding, the Institution will not sell or dispose of all or any part of any of the Projects without first obtaining the written approval of the State Treasurer and an opinion of nationally recognized bond counsel

**RESOLUTION APPROVED SEPTEMBER 15, 2017**

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acceptable to the Treasury Board that such sale or disposition will not cause interest on the Bonds to be included in the gross income of the owners thereof for federal income tax purposes.

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

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

Section 14. This resolution shall take effect immediately.

The undersigned Secretary of the Board of Visitors of Norfolk State University does hereby certify that the foregoing is a true and correct copy of a resolution adopted at a meeting of the Board of Visitors of Norfolk State University duly convened and held on September 15, 2017 at which a quorum was present and voting, and that such resolution is now in full force and effect.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of Norfolk State University the 15<sup>th</sup> day of September, 2017.

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Secretary, Board of Visitors of Norfolk State  
University

## RESOLUTION APPROVED SEPTEMBER 15, 2017

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### NORFOLK STATE UNIVERSITY BOARD OF VISITORS RESOLUTION TO APPROVE CONSTRUCTION MANAGEMENT AT RISK DELIVERY METHOD FOR RESIDENTIAL HOUSING PROJECT

**WHEREAS**, the Norfolk State University Board of Visitors is engaged in a long-range Residential Housing building program; and

**WHEREAS**, the Board of Visitors has compared the advantages and disadvantages of using the Construction Management at Risk delivery method for the residential housing project in lieu of Design Build method identified in Code of Virginia § 2.2-4380 through § 2.2-4381; and

**WHEREAS**, the Board of Visitors finds the Construction Management at Risk delivery method allows for selection of the most qualified contractor for the project; and

**WHEREAS**, Construction Management at Risk provides an opportunity for involvement of the contractor during the design process for the purpose of providing the architect with feedback on constructability and other design issues; and

**WHEREAS**, Construction Management at Risk requires the Construction Manager to use prequalified subcontractors; and

**WHEREAS**, Construction Management at Risk allows for transparency of the overall bidding and construction process, including the costs incurred by the Construction Manager; and

**WHEREAS**, Construction Management at Risk has been shown to achieve significant Minority Business Enterprise (MBE) participation during the construction process; and

**WHEREAS**, the Construction Management at Risk delivery method can result in the consistent completion of the project on schedule; and

**WHEREAS**, the Board of Visitors has concluded the Construction Management at Risk delivery method is in the overall best interest of the Norfolk State University Residential Housing Project 17818 compared to Design Build method; and

**WHEREAS**, the Board of Visitors approves the Norfolk State University Housing Project 17818 as a part of the 2018 Bond program;

**THEREFORE, BE IT RESOLVED**, that after due consideration and careful review by the Vice President for Finance and Administration, the University President, and by University Counsel for legal sufficiency, the Norfolk State University Board of Visitors approves this resolution for the Residential Housing Project 17818 for the Construction Management at Risk delivery method in accordance with Code of Virginia § 2.2-4380 through § 2.2 -4381 as presented this 15<sup>th</sup> day of September, 2017.

## **RESOLUTION APPROVED SEPTEMBER 15, 2017**

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### **NORFOLK STATE UNIVERSITY BOARD OF VISITORS RESOLUTION TO APPROVE THE 2018-2019 LEGISLATIVE PRIORITIES**

**WHEREAS**, the proposed 2018-2019 Legislative Priorities have been carefully reviewed by the Norfolk State University administration; and

**WHEREAS**, the University administration has determined that the proposed 2018-2019 Legislative Priorities request reflect the highest priority needs and initiatives of the University and are aligned with the mission of the University; and

**THEREFORE, BE IT RESOLVED**, that after due consideration and careful review by the Vice President for Finance and Administration, the University President, and by University Counsel for legal sufficiency, the Norfolk State University Board of Visitors approves this resolution for the 2018-2019 Legislative Priorities as presented this 15<sup>th</sup> day of September, 2017.



## RESOLUTION APPROVED SEPTEMBER 15, 2017

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### NORFOLK STATE UNIVERSITY BOARD OF VISITORS RESOLUTION ON BOV MEMBER ATTENDANCE AT SCHEV ORIENTATION

September 15, 2017

**WHEREAS**, the Code of Virginia requires the State Council of Higher Education for Virginia (SCHEV) to provide educational programs for newly appointed board members at the public institutions of higher education within the first two years of their service. The topics to be covered by SCHEV are contained in the Code of Virginia and range from best practices in governance to future and national trends. The orientation has traditionally been held during autumn in Richmond; and

**WHEREAS**, Code of Virginia § 23.1-1300(E) requires members of the Board of Visitors of Norfolk State University and all public institutions of higher education in the Commonwealth of Virginia to attend the Board training provided by SCHEV and any member who does not attend such required training within the first two years of membership on the Board is subject to a determination by the Board that the member has sufficient cause for failing to attend.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Visitors of Norfolk State University hereby determines that Mr. B. Keith Fulton, as a member of the Board, has sufficient cause for failing to attend the required SCHEV training within the first two years due to key company business meetings in California that coincided with the dates of the SCHEV Orientation for 2016 and 2017. Mr. Fulton has agreed to forego his company meeting in 2018 to attend the SCHEV Orientation session scheduled for October 23-24, 2018. Provisionally, Mr. Fulton received SCHEV training as a member of Virginia Tech's Board of Visitors on October 23, 2012.

NORFOLK STATE UNIVERSITY

**RESOLUTION OF APPRECIATION**

HONORING

The Military Alumni Chapter

**WHEREAS**, the Military Alumni Chapter was chartered on November 14, 1987, as part of the Norfolk State University Alumni Association with twenty-two charter members with the membership consisting primarily of alumni and staff of the Army and Naval ROTC programs; and

**WHEREAS**, the purpose of the Military Alumni Chapter is to serve as an auxiliary arm of the Professor of Military Science Army ROTC program and the Officer In Charge Naval ROTC program assisting in the preparation of Senior Reserve Officer Training Corps Cadets for the transition to the Profession of Arms; and

**WHEREAS**, the Military Alumni Chapter has provided mentoring and professional education and development and funding for Cadet scholarships, extra-curricular activities, trips, material support, PMS discretionary funds, and contributed to various University-wide initiatives; and

**WHEREAS**, the Military Alumni Chapter formed the Military Alumni Chapter Foundation, Inc. as its non-profit 501(c)(3) auxiliary arm to enhance its fundraising efforts; and

**WHEREAS**, the Military Alumni Chapter established an endowed scholarship fund and room and board fund for the perpetual benefit of Norfolk State University ROTC Cadets; and

**WHEREAS**, the Military Alumni Chapter supports the NSU ROTC Hall of Fame, which annually recognizes the achievements of distinguished NSU graduates who bring recognition to the NSU ROTC programs; and

**WHEREAS**, members of the Military Alumni Chapter have reached prominent status serving in the General and Flag Officer ranks, Government Civilian Senior Executive Service, Corporate Business ranks, as well as appointments on the NSU Board of Visitors and the NSU Foundation Board of Directors; and

**NOW, THEREFORE BE IT RESOLVED** that the Norfolk State University Board of Visitors commend the outstanding achievements of the Military Alumni Chapter and its members during the celebration of its thirtieth anniversary.

**BE IT FURTHER RESOLVED** that the Board and the University family hereby express its sincere gratitude for your selfless service in the armed forces, which defends the freedom and security that this nation so richly enjoys.

**IN TESTAMENT THERETO**, I have hereunto set my hand and affixed the great seal of Norfolk State University this 15th day of September 2017, in the two hundred and forty-second year of the Commonwealth and the eighty-second year of the University.

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RECTOR

## RESOLUTION APPROVED SEPTEMBER 15, 2017

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### NORFOLK STATE UNIVERSITY BOARD OF VISITORS RESOLUTION TO AFFIRM THE UNIVERSITY'S COMMITMENT TO THE CONSTITUTIONAL FREEDOM OF EXPRESSION

**WHEREAS**, it is critical to the mission of Norfolk State University that different viewpoints are shared and examined; and

**WHEREAS**, the Board of Visitors is fully committed to the freedom of expression and ensuring that every member of the University community is respected and has an opportunity to be heard; and

**WHEREAS**, an unabridged commitment to the freedom of expression strengthens the University's core value system of academic excellence, student-centered focus, diversity, integrity and collegiality, and engagement; and

**WHEREAS**, during the 2017 session of the Virginia General Assembly, legislation was passed and subsequently signed into law by the Governor requiring that except as otherwise permitted by the First Amendment to the United States Constitution, no public institution of higher education shall abridge the constitutional freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus; and

**WHEREAS**, Norfolk State University is a public institution of higher education that is at all times under the direct control of the Virginia General Assembly and accountable to the citizens of the Commonwealth of Virginia;

**THEREFORE, BE IT RESOLVED**, that after due consideration and careful review by the University President and by the University Counsel for legal sufficiency, the Norfolk State University Board of Visitors approves this resolution to affirm the University's Commitment to the Constitutional Freedom of Expression as presented this 15th day of September, 2017.

# WEAPONS REGULATION APPROVED SEPTEMBER 15, 2017

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Virginia Administrative Code

Title 8. Education

Agency \_\_\_\_\_. Norfolk State University

Chapter \_\_\_\_\_. Regulation Prohibiting Weapons

8VAC\_\_\_\_\_. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Police officer" means law-enforcement officials appointed pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§ 15.2-1700 et seq.) of Title 15.2, Chapter 17 (§ 23-232 et seq.) of Title 23, Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, and Chapter 1 (§ 52-1 et seq.) of Title 52 of the Code of Virginia and sworn federal law-enforcement officers.

"University property" means any property owned, leased or controlled by Norfolk State University.

"Weapon" means any pistol, revolver, or other weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, razor slingshot, spring stick, metal knucks, blackjack, or any flailing instrument consisting of two or more rigid parts connected in such manner as to allow them to swing freely, which may be known as nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades that is designed to be thrown or propelled and that may be known as throwing star or oriental dart.

## **Statutory Authority**

§ \_\_\_\_\_ of the Code of Virginia.

8VAC\_\_\_\_\_. Possession of Weapons Prohibited.

Possession or carrying of any weapon by any person, except a police officer, is prohibited on university property in academic buildings, administrative office buildings, student residence buildings, dining facilities, or while attending sporting, entertainment or educational events. Entry upon the aforementioned university property in violation of this prohibition is expressly forbidden. Statutory Authority

§ \_\_\_\_\_ of the Code of Virginia.

8VAC\_\_\_\_\_. Person Lawfully in Charge.

In addition to individuals authorized by university policy, Norfolk State University police officers are lawfully in charge for the purposes of forbidding entry upon or remaining upon university property while possessing or carrying weapons in violation of this prohibition.

## **Statutory Authority**

§ \_\_\_\_\_ of the Code of Virginia.