THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Academic Excellence Committee
Thursday, February 9, 2023, 1:00 p.m.
Highlands Room

<u>Agenda</u>

1. Opening Remarks and Approval of Minutes for November 17, 2022 Meeting*

2. Academic Affairs Divisional Update
   Heather Coltman, Provost and Senior Vice President

3. College Spotlight: Business
   Mike Busing, Dean
   Theresa Clarke, Academic Unit Head, Marketing
   Samantha Collier, Director, Office of Professional Development and Engagement
   Jordan Pratt, '23 Finance BBA
   Jordan Lucas, '25 Finance BBA

4. Faculty Senate Report
   Kathy Ott Walter, Speaker

5. Curriculum Updates*
   Jeannie Corey, Professor, Nursing
   Christine Argenbright, Associate Professor, Nursing; DNP and MSN Program Coordinator
   M. Hossain Heydari, Professor, Computer Science and Program Director

6. Bridge to Madison Program
   Rudy Molina, Vice Provost, Student Academic Success and Enrollment Management
   Jolie Lewis, Associate Director of Transfer Student Success, University Advising
   Kate McDaniel, Transfer Advising Coordinator, University Advising
   Charles Stahr, First Year, Exploratory

*Action Required

Opening Remarks and Approval of Minutes

Matthew Gray-Keeling, Chair

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THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

<u>Minutes of the Academic Excellence Committee</u>

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The Academic Excellence Committee met on Thursday, November 17, 2022, in the Highlands Room of the Festival Conference and Student Center at James Madison University. Matthew Gray-Keeling, Chair, called the meeting to order at 1:00 p.m.

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Present:

Bell, Dickie	Falcon, Chris
Gray-Keeling, Matthew	Welburn, Craig
White, Jack	

Others:
Coltman, Heather, Provost and Senior Vice President for Academic Affairs
Lovell, Sharon, Dean, College of Health and Behavioral Studies
Lovin, LouAnn, Interim Associate Dean, Science and Mathematics
Maxwell, Paula, Associate Vice Provost, Faculty Affairs and Curriculum
Neydon, Kali, Class of 2024, Geology
Ott Walter, Kathy, Speaker, Faculty Senate
Prins, Samantha, Dean, College of Science and Mathematics
Sparkman-Key, Narketta, Associate Provost, Inclusive Strategies and Equity Initiatives
Whitmeyer, Steven, Associate Dean for Research and Scholarship, Science and Mathematics
Woodruff, Celes, Interim Assistant Dean, Science and Mathematics

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In his opening remarks, the chair acknowledged Transgender Awareness Week and expressed appreciation for the recent SOMOS Latinx Conference with keynote speaker Dolores Huerta. He invited Dean of the College of Health and Behavioral Studies Sharon Lovell to share brief remarks on the increasing interest in the college's programs and the associated rise in applications.

Approval of Minutes
On motion by Craig Welburn and seconded by Chris Falcon, the Academic Excellence Committee minutes of September 15 were approved.

Academic Affairs Divisional Update
The Provost began her remarks with condolences for those impacted by the recent shooting at the University of Virginia and reiterated the mental health supports that are available for our faculty, staff and students. Academic Affairs is addressing issues of affordability, accessibility and accountability by hosting an interactive workshop series for academic affairs leaders and faculty focused on increasing quality, access and inclusion.

The Provost is part of strong external networks to ensure currency with issues in higher education and highlighted organizations outside of JMU with which she is involved, such as the Sun Belt Provosts, the Virginia Provosts, and the Association of Chief Academic Officers.

The update concluded with a summary of significant research from faculty and students.

Faculty Senate Speaker Report
Dr. Kathy Ott Walter, Faculty Senate Speaker, shared that the senate will focus on strengthening shared governance by making policy, handbook and procedural recommendations and will emphasize the COACHE and climate study recommendations when making those suggestions. She highlighted research, projects and service-learning collaborations between faculty and students in the Kinesiology and Finance departments.

Curriculum Updates
Dr. Paula Maxwell, Associate Vice Provost for Faculty Affairs and Curriculum, presented a proposal to discontinue seven academic programs. She reported that these programs currently had no students enrolled and no students would be disadvantaged by their removal from our offerings. Identification of these programs was part of a curriculum review to ensure accuracy and efficiency in program offerings.

On motion by Chris Falcon and seconded by Jack White, the committee unanimously approved these academic programs for discontinuance:

      Autism Spectrum Disorders – (Undergraduate Certificate)
      Autism Spectrum Disorders – (Graduate Certificate)
      Network/Information Security (Graduate Certificate)
      Secure Computer and Database Systems (Graduate Certificate)
      Educational Technology Leadership (Graduate Certificate)
      International Management of Non-Governmental Organizations (Graduate Certificate)
      Writing, Rhetoric and Technical Communication (M.S. degree designation only)

Inclusive Strategies and Equity Initiatives
Dr. Narketta Sparkman-Key, Associate Provost for Inclusive Strategies and Equity Initiatives (ISEI), provided an overview of the area's activities and introduced Academic Affair's Strategic Plan Goal 2. This office focuses on fostering inclusive culture, supporting strategic planning, implementing inclusive hiring practices, addressing Task Force for Racial Equity Recommendations, collaboratively addressing themes from the climate study, cultivating safe spaces for all stakeholders and adjudicating faculty Title IX cases. ISEI worked collaboratively with DEI leaders throughout the division to evolve the AA Strategic Plan Goal 2 and its supporting objectives. Goal 2 states, "Centering evidenced-based anti-racist, anti-discriminatory and anti-harassment national best practices, Academic Affairs will foster an inclusive and evolving community that supports a thriving and supportive academic culture." ISEI's work aligns with the Academic Affairs mission, JMU's strategic plan and the guiding principles for Virginia education as proposed by Governor Youngkin.

College Spotlight: Science and Mathematics
Dr. Sam Prins, Dean; Dr. LouAnn Lovin, Interim Associate Dean; Dr. Steven Whitmeyer, Associate Dean; and Dr. Celes Woodruff, Interim Assistant Dean, highlighted new curricula in development, academic supports for student success within the college and involvement of faculty in outreach activities. The

college's strong track record of externally funded and validated research and scholarship continues to involve students in original research experiences. Kali Neydon, Class of 2024, shared the impact of their research experiences on the development of their professional identity.

There being no further business, on the motion of Craig Welburn and seconded by Dickie Bell, the Academic Excellence Committee meeting adjourned at 2:41 p.m.

Respectfully submitted,

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Matthew Gray-Keeling, Chair

_____
Donna Harper, Secretary to the Board

College of Business Student Success Programming

- Michael Busing, Dean
- Theresa Clarke, Academic Unit Head, Marketing
- Samantha Collier, Director, Office of Professional Development and Engagement
- Jordan Pratt, '23 Finance BBA
- Jordan Lucas, '25 Finance BBA
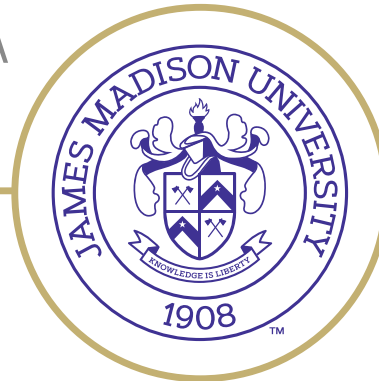
College of Business
Undergraduate Enrollment Overview

Major/Degree	Enrollment
Accounting BBA	407
Computer Information Systems BBA	557
Economics BBA, BS, BA	256
Finance BBA, BS	945
International Business BBA	129
Management BBA	834
Marketing BBA	1000
Hospitality Management BS	293
Sport and Recreation Management BS	645
Total Undergraduate, CoB	**5066**

College of Business Graduate Overview

Program/Degree	Enrollment
MBA (Innovation, InfoSec, Exec Leadership)	211
Master of Science in Accounting	41
Strategic Leadership Studies Ph.D.	27
Sport & Recreation Leadership, MS	35
Total Graduate Enrollment, CoB	**314**

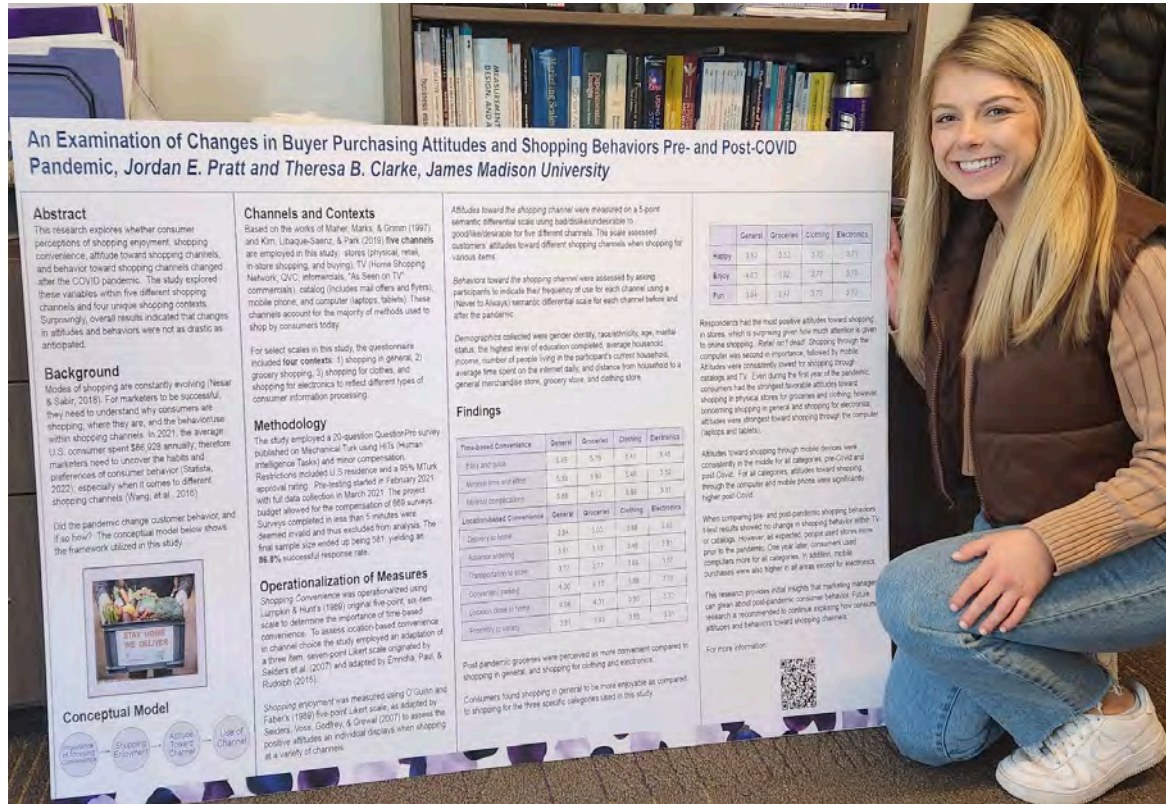# Office of Professional Development and Engagement (OPDE)

- Samantha Collier, Director
- Programming Offered
- Funding for OPDE

Office of Professional Development and Engagement (OPDE)

- Jordan Lucas, '25, Finance BBA

- Career Trek

- Career Trek→Networking →Confidence →Internship →Full-Time Employment →Upward Mobility

Research Experience for Undergraduates

- Theresa Clarke, Academic Unit Head, Marketing
- Jordan Pratt, '23 Finance BBA
- Demonstrated Outcomes

Questions

Faculty Senate Board of Visitors Written Report
February 9th & 10th 2023

November 2022

Office of Disability Services, Dr. Tim Miller, and Dr. Brent Lewis attended the November meeting to discuss the upcoming ODS resolution. ODS services are expected to increase over the next decade and the university needs to be prepared. Changes are going to require multiple strategies and approaches, including space, exam-center capacity, renovations, staffing, and support from faculty and administration. Buildings need to be designed and renovated with designated testing rooms for students who require extra time and quiet space.

The faculty concerns committee is keeping a running list of faculty concerns and working their way through addressing as many as they can. They are asking questions and providing information and feedback where appropriate.

The academic policies committee is working on senate bylaws and policies and procedures.

The adjunct affairs committee is hoping to develop an orientation for adjunct faculty kicking off in the Fall 2023.

The student relations committee received twenty mini-grant proposals from students.

The nominations and elections committee is accepting faculty mini-grants applications.

December 2022

Faculty had concerns regarding the cost associated with moving to the Sunbelt Conference. The Provost reported on the presentation given to the general assembly regarding the move and how the budget would work. Based on that presentation there are annual increases in costs for six years (from $1.5 million this year up to $3 million in 2028/2029). Travel, scholarships, salary adjustments, etc are offset by additional revenue.

Dr. Anthony Tongen from the Office of Research and Scholarship discussed how moving to R2 will impact faculty research and scholarship. Faculty expressed concerns pertaining to the limitations in sharing data with students who are working on projects with faculty. In addition, faculty stated the work from the faculty research council seemed to be ignored.

The faculty concerns committee is continuing to work their way through the list of faculty concerns that are being brought forward. They are focused on the removal of curricular

guidelines from the website, clinical hours in nursing, and the unexpected addition of others to faculty Canvas course sites.

The academic policies committee is finalizing the A & P hiring guidelines resolution. Their goal is for it to have its first read at the January meeting. They have been working on recommendations for the academic affairs AUH policy and the graduate faculty appointment policy.

The adjunct affairs committee will introduce a bylaws change for how to handle midyear vacancies in part time senator positions. They are also hoping to propose a two-year, staggered extension for adjunct senators. Lastly, they are reviewing the university policy for adjuncts since it hasn't been revised in ten years.

The student relations committee awarded eleven student mini-grant proposals and finalized the ODS resolution.

The budget, compensation, and government relations committee is reviewing the overall budget and providing input to the R2 task force.

The faculty appeals committee met to discuss faculty handbook changes regarding the use of the word "day". They recommended to the handbook committee when referring to fifteen days or fewer, day should mean business days, and when referring to more than fifteen days, day should mean calendar days.

The nominations and elections committee started reviewing faculty mini-grant applications and extended the deadline to January 31, 2023.

The faculty handbook committee will be seeking input on annual evaluations and tenure and promotion language over the next few months.

The Resolution for Expanded Capacity and Strategic Planning for the Office of Disability Services (2-F22) was introduced.

The faculty senate voted to continue to meet via Zoom in the Spring 2023.

Curriculum Updates

Requesting Approval

- Proposing a new graduate program:

Certificate in Health Policy

Need for the Certificate

- Evidence suggests a disparity between health care providers' attitudes and experiences with health policy advocacy.

- There is a lack of knowledge and skills for healthcare leaders related to health policy.

- The Health Policy Certificate will prepare individuals to become healthcare advocacy leaders in a variety of settings.

Curriculum

- 12 credit hours
  - One required course: Healthcare Economics and Policy
  - One course selected from three options
  - Two electives

- Completed in one year

Duplication

- Virginia Public Four-Year Institutions
    - Virginia Tech

Employment Projections

- Employment Areas
  - Local, state, national and international health policy arenas
  - Congressional offices, boards and policy divisions of state
  - National and international health care associations (public, private and not-for-profit sectors)
- Anticipated Growth of Employment Options
  - Bureau of Labor Statistics: Anticipate 13% growth in healthcare occupations (2021-31)
  - Virginia Employment Commission: Anticipate growth 8-21% (2020-30)

Projected Enrollments and Revenue

- Anticipated enrollment: 6-12 students/year

- Anticipated Tuition
  - Certificate will be implemented under a business recovery model supported by the School of Professional & Continuing Education
  - In-State Students: $499/credit hour
  - $400 fee for Health Policy Institute enrollment

- Anticipated Revenue

Revenue Based on 6 students/year
- Gross: $35,928
- Net: $25, 101.68

Revenue Based on 12 students/year
- Gross: $71,856
- Net: $54,203

Resource Needs

- No additional resources requested

Questions?

- Request approval from the Academic Excellence Committee
- Proposal will be submitted to SCHEV for approval

Health Care Policy Graduate Certificate Curriculum
Prepared for the Academic Excellence Committee, 2/9/23

Required Courses: 6 credits

NSG 693 Healthcare Economics and Policy	3 credits
Select one of the following courses:	3 credits

    OT 663. Policy Analysis and Systems of Service Providers (3 credits)
    NSG 692. Healthcare Policy for Practice and Advocacy (3 credits)
    PA 659. Healthcare Environment (3 credits)

Restricted Electives: 6 credits

Select 6 credits from the following courses:	6 credits

NSG 690. Epidemiology & Population Health Policy Advocacy (3 credits)
NSG 774. Health Policy Institute (1-5 credits)
NSG 687. Ethics in Health Policy & Politics (3 credits)
SCOM 670. Health Communication & Advocacy, Social Influence (3 credits)
SCOM 671. Intercultural Health Communication & Advocacy (3 credits)
SCOM 674. Patient-Provider Communication & Advocacy (3 credits)
SCOM 675. Special Topics in Healthcare Communication (3 credits)
WRTC 644. Health & Medical Rhetorics (3 credits)
WRTC 652. Communicating Science (3 credits)

Total	12 credits

M.S. in Computer Science with a Concentration in Cybersecurity

M. Hossain Heydari, Professor, Computer Science and Program Director

Requesting Approval

- Proposing a change to a concentration within an existing graduate degree program:

    Master of Science in Computer Science
    with a Concentration in Cybersecurity

Current Computer Science Graduate Degree

- Master of Science in Computer Science with a concentration in Information Security
  - Established 1997
- Name of concentration changed to Cybersecurity
  - Approved 2023
- Curriculum
  - 33 credit hours (27 hours of course work; 6 credits of thesis/elective options)

Proposed Changes

- Curriculum Revision
  - Re-label current "Preparatory Courses" to "Additional Requirements"
  - Modify credit hours to be variable

Need for the Credit Hour Changes

- Re-label Preparatory Courses
  - Four courses are currently offered to provide career-changing students with the necessary foundation to be successful in the program.
  - Change to "Additional Requirements:"
    - clarifies the course requirements
    - makes courses eligible for financial aid
- Establish Variable Credit Hours
  - Accounts for the appropriate number of credit hours, including additional requirements

Curriculum

- No changes to existing 33-credit hour curriculum.

- Only students who would take the preparatory courses will complete those courses as additional requirements.

- Total credit hours will be 33-45.

Duplication of Graduate Program

Institution	Related Program	CIP Code
George Mason University	Computer Science	11.0101
James Madison University	Computer Science	11.0101
Norfolk State University	Computer Science	11.0101
Old Dominion University	Computer Science Cybersecurity	11.0101 11.1003

Employment Projections

- Bureau of Labor Statistics
    - Employed in 2021: 163,000
    - Projected Employment in 2031: 219,500
    - Percent Increase: 35%
- (ISC)^2 Cybersecurity Workforce study claims that cybersecurity workforce gap is 3.4 million people globally.

Employment Projections

- Virginia Employment Commission
    - Employed in 2021 in Virginia: 16,340
    - Projected Employment in 2031 in Virginia: 22,360
    - Percent Increase: 37%

Resource Needs

- No additional resources requested.

Questions?

- Request approval from the Academic Excellence Committee

- Proposal will be submitted to SCHEV for approval

Master of Science in Computer Science with a concentration in Cybersecurity
Prepared for the Academic Excellence Committee, 2/9/23

Admission Criteria

Admission to the program is competitive. Preference is given to students with undergraduate preparation in computer science or professional experience in computing. Strong students from other disciplines are also encouraged to apply. Students judged to be able to successfully complete the program but lacking background in computing will be required to take up to four additional courses.

Cybersecurity Program

Director: M. Hossain Heydari

We are committed to providing a premier Cybersecurity education that equips graduates with the knowledge and skills necessary to design, implement and maintain secure modern information infrastructures and systems. Students can expect to finish their studies in two to three years, depending on their background and the number of courses they take per semester.

This program is cohort based and is offered 100% online, satisfying all requirements for the Master of Science program. This program is especially appropriate for people with professional interests in Cybersecurity. The distance-learning courses are available only to students in the Cybersecurity concentration, who will pay a different tuition rate than students taking traditional courses at the university.

Core Requirements: 27 Credits

CS 523. Ethics, Law and Policy in Cyberspace	3 credits
CS 531. Secure Programming	3 credits
CS 550. Operating Systems	3 credits
CS 559. Computer Security	3 credits
CS 610. Networking and Security	3 credits
CS 627. Cryptography: Algorithms and Applications	3 credits
CS 633. Computer Forensics	3 credits
CS 635. Secure Network Operations	3 credits
CS 660. Advanced Network Security	3 credits
Core Total	27 credits

Thesis vs Non-Thesis Requirements: 6 Credits

Thesis Route:

CS 700. Thesis Research Credits	6 credits
Total	33 credits

Non-Thesis Route:

Approved Electives	6 credits
Total	33 credits

Additional Requirements: (0-12 credits)

Upon being admitted into the program, if it is determined that a student does not have the required background the student will be required to take some or all of the following courses.

Students who don't have Object-Oriented Programming background are required to take CS 510. Object Oriented Programming (3 credits)

Students who don't have Data Structures background are required to take CS 512. Data Structures (3 credits)

Students who don't have Computer Organization/Architecture background are required to take CS 511. Computer Organization (3 credits)

Students who don't have Discrete Mathematics background are required to take CS 515. Discrete Mathematics (3 credits)

Total Credits for Degree Program	33-45 credits

Bridge to Madison Program

Rudy Molina, Vice Provost, Student Academic Success and Enrollment Management

Jolie Lewis, Associate Director of Transfer Student Success, University Advising

Kate McDaniel, Transfer Advising Coordinator, University Advising

Charles Stahr, First Year, Exploratory

Bridge to Madison: Program overview

- Co-enrollment program with Blue Ridge Community College (BRCC)

- Offered by invitation to students on the JMU first year waitlist

- Students live in JMU residence halls while taking courses at BRCC

- Provides academic, advising and social supports at both BRCC and JMU

- Access to most JMU clubs and activities

- Students with 24 credits and 3.0 GPA advance to JMU

- Builds on longstanding history of innovative partnership with BRCC

Bridge to Madison: JMU & BRCC partners

- Admissions
- Financial Aid
- Administration & Finance
- University Business Office
- Dining Services
- Card Services
- University Counsel
- Information Technology
- School of Professional & Continuing Education

- Housing & Residence Life
- Orientation
- Student Involvement
- Diversity, Equity & Inclusion
- Student Accountability & Restorative Practices
- University Advising
- Academic Student Services
- Registrar
- The Learning Centers

- Advising Center
- Transfer Programs
- Student Services
- Enrollment Services
- Financial Aid
- Business Office
- Registrar
- Information Technology
- Student Success Ctr

Bridge to Madison: Logistics for program launch

All photos courtesy of Rajan Shore, BRCC

- Admission to Bridge & BRCC
- Pre-arrival checklist
- Data sharing and consent
- JMU enrollment status
- Financial aid and billing
- Housing & meal plans
- Transportation
- Advising, registration, orientation
- Clubs, activities, engagement
- Offsets in academic calendars
- Distribution of cohort roster

Bridge to Madison: Pilot year highlights

- 27 students enrolled
- June welcome event for students & families
- BRCC courses aligned with intended JMU major
- Bridge-specific student development course and orientation experience
- Faculty mentors at BRCC
- Intensive advising from Rajan Shore (BRCC) and Kate McDaniel (JMU)
- Pizza event, community service, BRCC BRidge club, lunch with President Alger

Bridge to Madison: First semester outcomes

- 96% of students enrolled for spring semester

- 41% at or above a 3.0 GPA

- 74% at or above a 2.5 GPA

- 85% in good standing at BRCC (2.0 GPA or better)

- Students advised to retake courses to raise GPA if needed

- Summer coursework possible

Bridge to Madison: Student feedback and stories

Bridge to Madison: Next steps

- Debrief meetings with JMU and BRCC partners
- End-of-year feedback from Bridge students
- Direct admission for students who meet the criteria
- Admission advocacy for students close to meeting criteria
- Support for students who do not advance to JMU
- JMU Orientation for Bridge students
- Update events and communication plan for next year
- Handbook of policies and processes from lessons learned
- Current Bridge student becomes peer mentor for 2023-24

Bridge to Madison: Questions & conversation

Learning • Partnership • Belonging • Equity • Quality
The Values of Student Academic Success & Enrollment Management

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Advancement and Engagement Committee
Thursday, February 9, 2023
Allegheny Room
2:45 p.m.

Agenda

1. Approval of Minutes* – November 17, 2022

2. Fundraising Report
   Jared Lowry, Athletics Development Officer
   Jeff Gilligan, Associate Vice President for Development

3. Vice President's Update
   Nick Langridge, Vice President for University Advancement

4. CRM Update
   Debbie Jordan, Associate Vice President for Advancement Information Services

5. Reaching New Heights (previously Giving Day)
   Cannie Campbell, Associate Vice President for Constituent Engagement
   Pam Brock, Senior Director of University Marketing

6. Crisis Communications
   Mary Hope Vass, Executive Director of Communications

7. Student Scholars

*Action Items

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Minutes of the Advancement and Engagement Committee

The Advancement and Engagement Committee met on Thursday, November 17, 2022. Mr. Craig Welburn, Chair called the meeting to order at 2:45 p.m.

COMMITTEE MEMBERS PRESENT:
Jankowski, Maria
Rothenberger, John
Stoltzfus, Michael
Welburn, Craig, Chair

ABSENT:
Edwards, Terrie

OTHERS PRESENT:
Bradley, Miriam, Assistant Vice President Elect for Principal Relations Development
Brock, Pam, Senior Director of Marketing
Carter Hoyt, Malika, Associate Vice President for Diversity, Equity and Inclusion
Coe, Ann Marie, Associate Director for Events
Coffman, Sarah, Associate Director of Stewardship
Coleman, Warren, CEO for JMU Foundation, Inc.
Funkhouser, Savanna, Assistant Director of Government Relations
Gilligan, Jeff, Associate Vice President for Development
Langridge, Nick, Vice President for University Advancement
Lowery, Jared, Athletics Development Officer
Meyers, Chris, Director of Enrollment Marketing
Perrine, Andy, Associate Vice President for University Communications and Marketing
Read, Caitlyn, Director of Government Relations
Rouzer, Nerissa, University Council
Sajko, Whitney, Director of Donor Relations
Secrist, Trey, Assistant Director of Multimedia Strategies
Vass, Mary Hope, Executive Director of Communications

APPROVAL OF MINUTES
The minutes of the September 15, 2022 meeting were brought before the committee and approved as presented on a motion by John Rothenberger, seconded by Michael Stoltzfus.

FUNDRAISING REPORT
Jared Lawry presented Athletics Funds Raised to Date numbers as of October 21, 2022, he stated that $787K had been committed for FY23.

In our first fiscal year post-campaign Jeff Gilligan reported that through November 11, 2022 $9.4 million had been committed for FY23. The largest success to date was in Corporate and Foundation Relations where $5.1 million had been collected. Currently there is $19.9 million in active major gift proposals.

GOVERNMENT RELATIONS PREVIEW
Caitlyn Read reported on the various ways that JMU's Office of State Government Relations engages with members of the General Assembly and other state-level officials throughout the year. Engagement strategies including hosting members of the General Assembly and their staffs on campus, visiting state-level officials in their home districts and maintaining a frequent and visible presence in Richmond. Caitlyn also told the committee about one-page documents with key information that is shared with legislators to inform them of JMU's need, changes and outcomes.

CAMPAIGN CELEBRATION WRAP UP
Nick Langridge recapped the Unleashed celebration that took place Homecoming weekend. The festivities marked the conclusion of our eight-year campaign that saw over 63K donors give over a quarter billion dollars in support of university priorities and initiatives.

SOCIAL MEDIA RECOGNITION AND ANALYTICS
Mary Hope Vass and Trey Secrist provided an overview of University Communication. Trey shared a recent success with JMU being ranked second in social media engagement on the Social Media Industry Benchmark Report in FY22. He further stated that social media engagement is an ever changing domain and requires constant attention to maintain higher and high standards. JMU has ranked in the top 10 of this report every year since the inaugural report in 2016.

CRM UPDATE
Andy Perrine and Nick Langridge shared with the committee the current search for an enterprise-wide CRM. JMU is nearing a decision on who will retain the contract.

ENROLLMENT MARKETING UPDATE

Andy Perrine reported on the impact advertisement has made to the currently student recruitment

numbers. JMU has seen the highest ever number of applications in the fall of 2022, reporting a gain of 105% over the last three years.

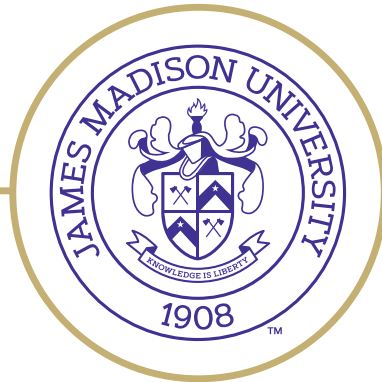The meeting adjourned at 4:10 p.m.

Respectfully submitted,

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Craig Welburn, Chair

_____
Donna L. Harper, Secretary to the Board

Fundraising Report

Jared Lowry, Athletics Development Officer

Jeff Gilligan, Associate Vice President for Development

By Fiscal Year YTD

	2019	2020	2021	2022	2023
Duke Club Seat Contribution	$561,250	$212,796	$136,372	$278,136	$356,813
Proud and True Fund	$191,526	$571,050	$952,634	$1,177,473	$1,081,378
Athletics Restricted	$376,509	$274,367	$179,463	$198,282	$305,541
Athletics Capital	$755,003	$718,250	$652,295	$385,376	$179,305
Athletics Endowed	$78,798	$313,029	$89,748	$102,532	$190,042
Event Contribution Restricted	$0	$0	$0	$0	$13,632
Total	$1,963,087	$2,089,492	$2,010,513	$2,141,801	$2,126,712

(Includes Gifts, Matching Gifts, and Pledge Payments as of the Report Date in each Fiscal Year)

Current FY Annual Fund Dollars: $1,438,191   Athletics Annual Fund FY Goal: $4,300,000

Percent of Goal: 33%

Total Unique Athletics Donors by Fiscal YTD

Includes unique spouseholds

2019	2020	2021	2022	2023
2,237	2,465	1,948	2,339	2,926

BOARD OF VISITORS

Fund Raised Program - Compressed	FY 2023	FY 2022	FY 2021	FY 2020	FY 2019
PRD/Strategic Gifts	$2,991,383	$3,818,920	$6,000,742	$5,318,292	$6,556,917
Corp/Found	$7,518,603	$10,078,928	$2,777,490	$2,638,149	$2,223,287
All Athletics	$2,490,556	$3,517,126	$1,722,742	$1,475,348	$1,930,028
Annual Giving	$1,644,554	$1,662,117	$1,246,666	$1,563,677	$1,547,305
Organization Annual Gifts	$280,251	$233,565	$217,269	$288,938	$249,656
Matching Gifts	$132,791	$183,436	$241,481	$181,944	$170,564
Realized Planned Gifts	$175,317	$53,097	$745,876	$271,595	$394,396
Above Sub-Total - Total	$15,233,454	$19,547,189	$12,952,265	$11,737,942	$13,072,152
WMRA Gifts	$301,750	$445,011	$427,754	$402,038	$408,522
WMRA Total - Total	$301,750	$445,011	$427,754	$402,038	$408,522
Above - Total	$15,535,204	$19,992,200	$13,380,019	$12,139,980	$13,480,674
Conditional Pledges	$2,886,820	$5,740,410	$17,536,215	$5,582,002	$611,904
Non-charitable Sponsorship Commitments	$13,782	$90	$0	$3,500,000	$0
Below Sub-Total - Total	$2,900,602	$5,740,500	$17,536,215	$9,082,002	$611,904
Below - Total	$2,900,602	$5,740,500	$17,536,215	$9,082,002	$611,904

All fiscal year totals are month-to-date per fiscal year.

BOARD OF VISITORS

Pipeline

As of January 24, 2023

Pre solicitation: 69 proposals = $6,977,885

Solicitation proposals: 87 proposals = $16,169,466
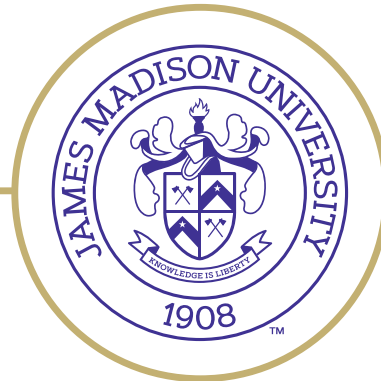
Closed Major Gifts: 86 for $14,247,443

Vice President's Update

Nick Langridge, Vice President for University Advancement

CRM Update

Debbie Jordan, Associate Vice President for Advancement Planning and Operations

What is Reengineering Madison?

- Replacement of core legacy systems and adding new systems to support major cross-campus needs
  - CRM project will combine/replace systems in Admissions, Advising and Advancement
  - ERP project (later) will replace the Student, Finance and HR systems
- Modernizing our systems, including moving our applications to the cloud
- Driving digital transformation at JMU
- Driving cultural change for how we use, manage, and govern shared data
- Improving the digital experiences of all constituents (prospective students, applicants, students, employees, alumni, donors and parents)

What is Reengineering Madison (continued)?

Reengineering Madison Project Steering Committee:

- Bob Kolvoord, Dean of CISE, co-chair
- Robin Bryan, AVP IT, CIO co-chair
- Debbie, Andy and Sheila represent Advancement

- Execution of Reengineering Madison will span roughly 7 years and require participation from each Division; the entire University will be engaged in this effort

- A change of this scale will be challenging, especially data sharing

- IT will partner with the Divisions to help facilitate a community implementation

Why "Reengineer" Madison?

- Consider that over 300+ Applications are in use on campus

  - Multiple departments with their own email marketing tool (Mail Chimp, Constant Contact) each with their own contract/cost

  - Many of the larger systems are facing end-of-life (including our Advance Web system)

  - Advising does not have a central system.

  - Many don't integrate as we need them to – Advancement has no true interfaces, only reports that we export from other systems, then import into out system

BOARD OF VISITORS

Reengineering Madison Background - Timeline

| Timeframe	Activity
Apr-2019	Advancement began requirements gathering for a new system
Jul-2020	Task Force recommended University-wide CRM approach for JMU
Sep-2020	JMU Sr Leadership approved moving forward with University-wide CRM and replacement of key systems
Dec-2020	Steering Committee formed and met for the first time
Mar-2021	CRM Platform and Data Governance projects kicked off
Apr-2021	Reengineering Madison Goals, Objectives, and Values identified
Oct-2021	RFP Issued for Enterprise-wide solution
Jan-2023	Vendor contract signed (fingers crossed!!!)

Reengineering Madison Principles

Number	Principle
1	Student Focus: We will focus on student needs as we implement new technologies.
2	Standardization: We will change how we work. Out-of-the-box, best practice processes and functionality provided with cloud systems will be utilized.
3	Simplification: We will seek efficiencies including reducing steps and time involved in our business processes. We will not let the perfect be the enemy of the good.
4	Transformation: The design of our future state will not be constrained by current business processes.
5	Transparency: We will promote understanding, data sharing, and open exchange in our practices and the systems we build.
6	Community: We will develop new partnerships and strengthen existing collaborations for the greater good.
7	*Integration: We are committed to a campus where technology and data are integrated and shared.*
8	Quality: We are focused on high-quality, humane, and evidenced-informed practices driving reliable data.
9	Equity: Our practices will ensure equity and inclusion across the institution.
10	Continuous Improvement: We commit to assessing and refining our processes and systems as we learn about issues and ideas from users, other stakeholders, and the higher education landscape.

Anticipated Outcomes (Examples)

- Ability to track all communications a constituent has received and what has resonated.
- Visibility of global communication calendar (who is getting what and when?)
- Ability for constituent to opt in / out of communication channels at a granular level
- Analytics capabilities on email communications (open rate, etc.)
- Predictive analytics capabilities
- Ability for new data to propagate through all systems via integrations (example is when a constituent changes their address)
- Personalized view of JMU website including the ability to collect usage data
- Appropriate e-signatures automatically included in workflow
- Dashboards for key metrics with real time data
- AI, bot, and chat capabilities for common questions and answers
- Full mobile capabilities

Higher Ed CRM Adoption

Organized by Jeff Baynham, NC State University

jeff.baynham@ncsu.edu
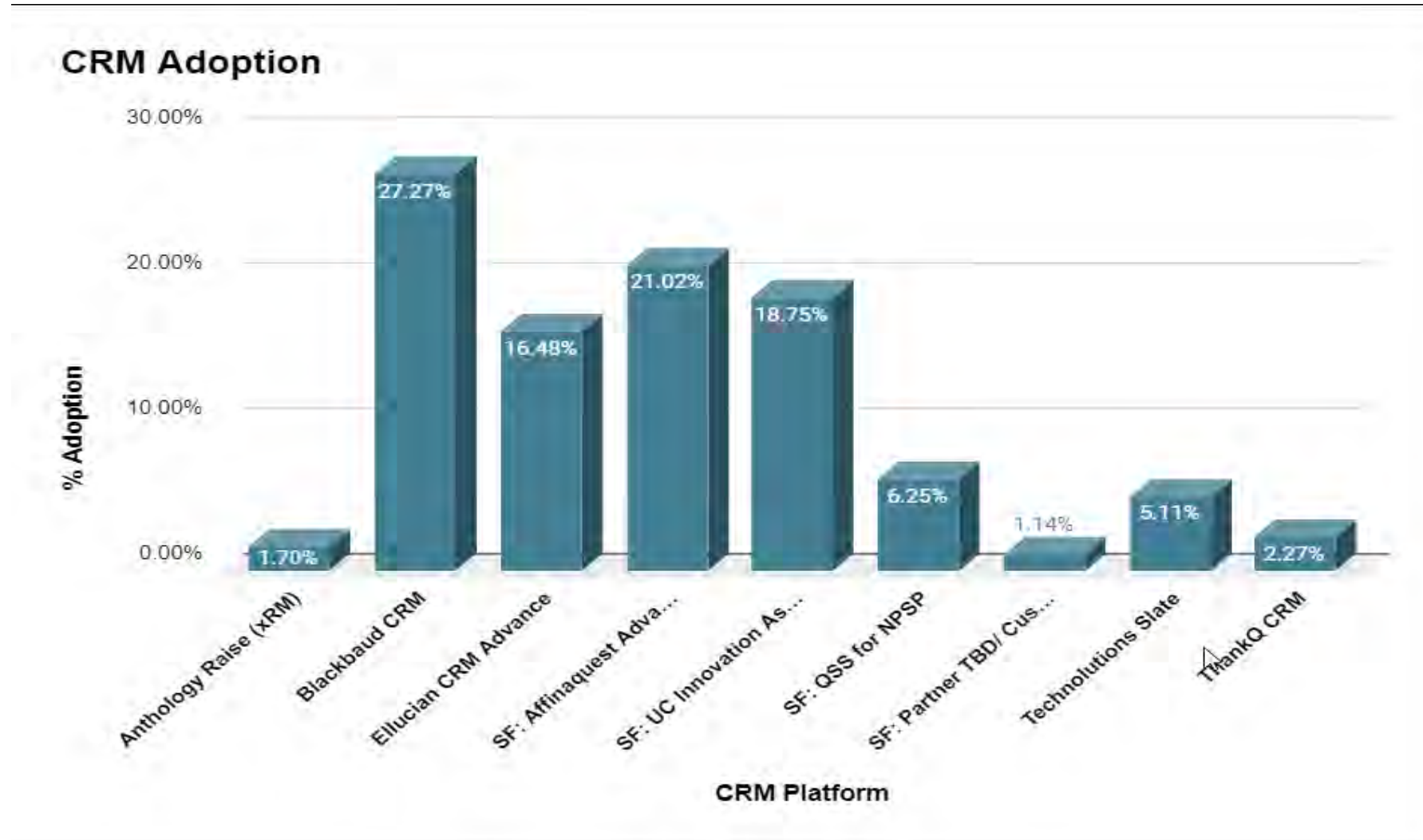
Higher Ed CRM Adoption

CRM PLATFORM	COUNT	% OF TOTAL		% OF SALESFORCE
Anthology Raise (xRM)	3	1.70%		
Blackbaud CRM	48	27.27%		
Ellucian CRM Advance	29	16.48%		
SF: Affinaquest Advancement RM	37	21.02%		44.58%
SF: UC Innovation Ascend	33	18.75%	47.16%	39.76%
SF: QSS for NPSP	11	6.25%		13.25%
SF: Partner TBD/ Custom	2	1.14%		2.41%
Technolutions Slate	9	5.11%		
ThankQ CRM	4	2.27%		
TOTAL	**176**	**100.00%**		**100.00%**

Organized by Jeff Baynham, NC State University

jeff.baynham@ncsu.edu

BOARD OF VISITORS

Sequence of projects

PROJECT NAME	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	COST ESTIMATE
INTEGRATION TOOLS (DATA)	██	██								$600,000
DATA GOVERNANCE (DATA)	██	██	██	██	██	██	██	██		$200,000
CRM PLATFORM (CRM)	██	██	██	██						$1,500,000
DATA WAREHOUSE (DATA)	██	██	██	██	██	██	██	██		$3,500,000
ADVANCEMENT (CRM)	██	██	██	██						$1,300,000
ADVISING (CRM)	██	██	██	██						$1,000,000
IDENTITY MANAGEMENT (ERP)	██	██	██	██						$15,600,000
ADMISSIONS (CRM)		██	██							$1,300,000
HCM/FINANCE (ERP)				██	██	██				$13,000,000
STUDENT ADMINISTRATION (ERP)						██	██	██		$18,500,000
COST ESTIMATE	$800,000	$5,700,000	$7,800,000	$7,200,000	$8,000,000	$7,700,000	$9,300,000	$8,700,000	$1,300,000	$56,500,000

Last Updated: November 16, 2022

KEY: █ PLANNING █ IMPLEMENTATION █ OPERATIONAL PROCESSES █ FY- FISCAL YEAR (JULY 1-JUNE 30)

BOARD OF VISITORS

What does this mean in Advancement?

In 2009-2011 we replaced Viking for biographical, gift and prospect data – implemented Advance Web including interfaces from PeopleSoft.

In 2012 we implemented the Events module in Advance Web.

In 2013 we implemented iModules (Encompass) for email marketing, online event registrations, and online giving (replaced Harris).

IN JUST 18 MONTHS WE ARE GOING TO DO ALL OF THE ABOVE

(And we are going to implement in parallel with Advising.)

Huron Consulting Services

- Huron has 900+ full-time higher education consultants who have served 500+ higher education institutions, including all top 100 comprehensive research universities in the United States. They have 75+ consultants dedicated to Salesforce in Higher Education.

- Huron has provided Salesforce implementation services at over 75 higher education ins...

Alumni Relations and Advancement

|	
University of Pittsburgh	University of Kentucky
University of Arkansas System	Oregon Health Science University
Providence College	Purdue for Life Foundation
Brandeis University	Northeastern University
Vanderbilt University	

Marketing and Communication

University of Michigan, Dearborn	University of Texas, Dallas
Vanderbilt University	University of Maryland Global Campus
The Ohio State University	University of Oregon, Lundquist College of Business
Pepperdine University	University of Southern California, Marshall School of Business
University of Kentucky	Pennsylvania State University, Smeal School of Business
University of Miami	Boston University, Questrom School of Business

Salesforce CRM Application Architecture (1)
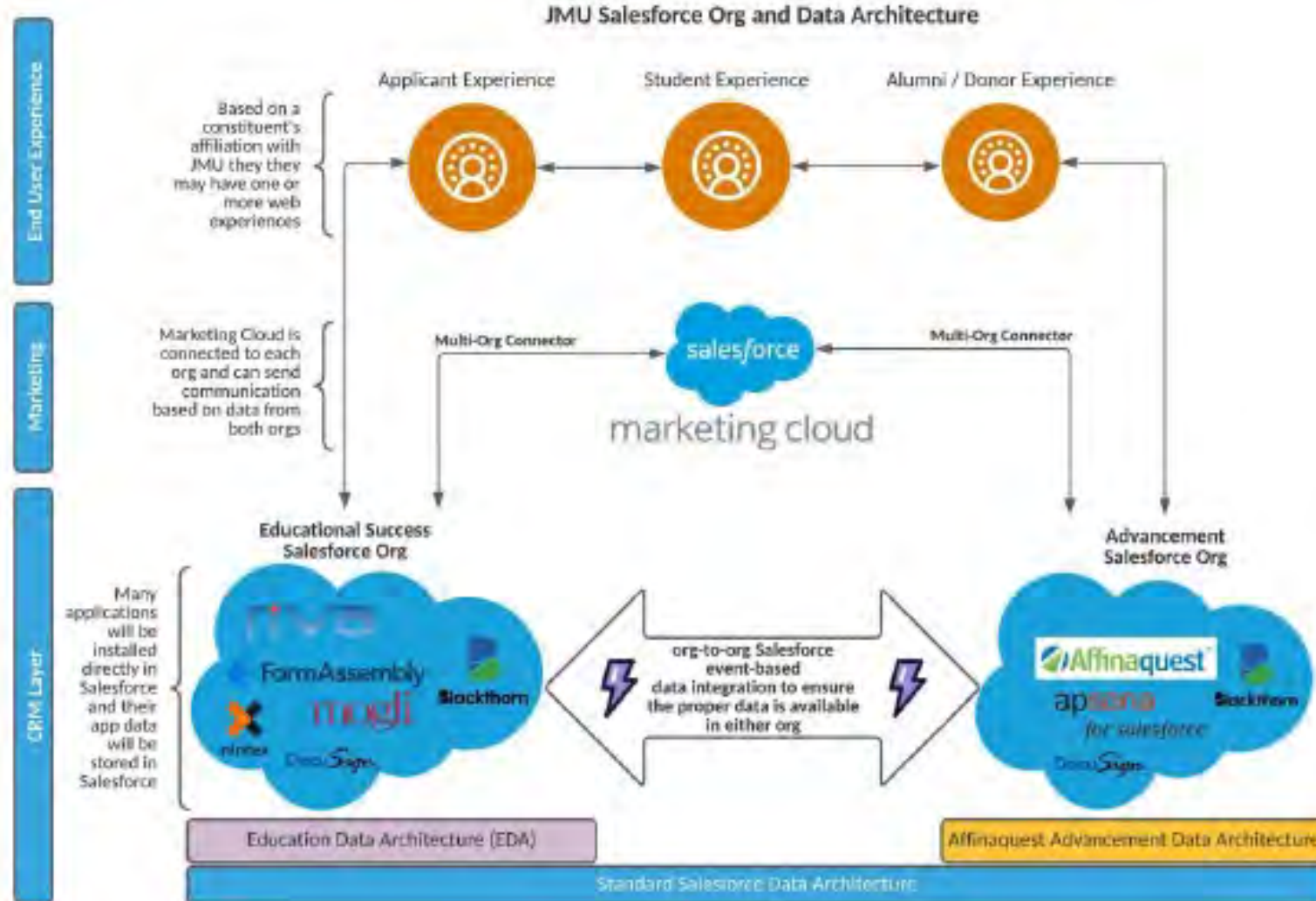
Salesforce CRM Application Architecture (2)
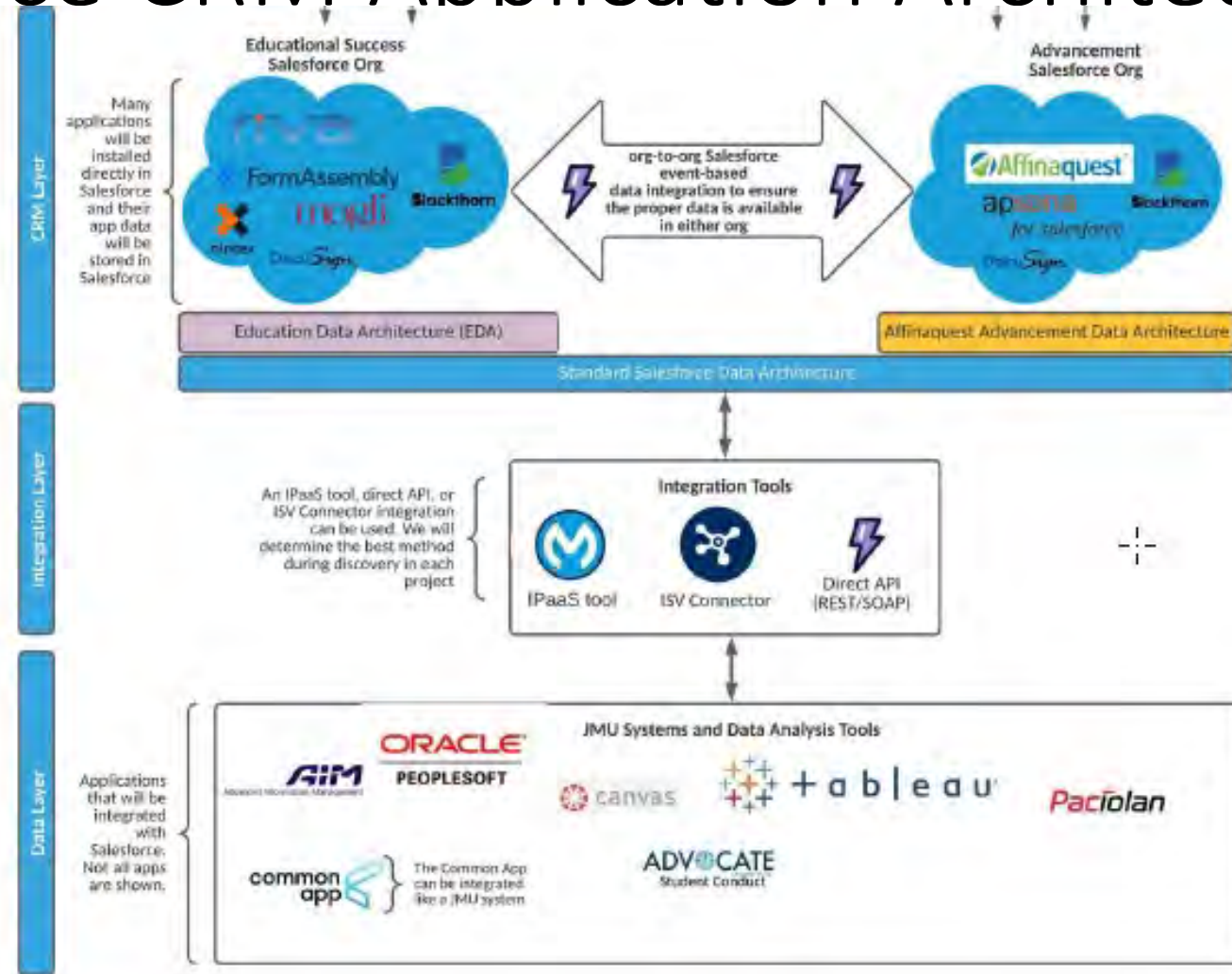
Project Management

- **Agile methodology:**

    The Agile methodology is a way to **manage a project by breaking it up into several phases**. It involves constant collaboration with stakeholders and continuous improvement at every stage. Once the work begins, teams cycle through a process of planning, executing, and testing.

- **Sprint**

    The definition of a sprint is **a dedicated period of time in which a set amount of work will be completed on a project**. It's part of the agile methodology, and an Agile project will be broken down into a number of sprints, each sprint taking the project closer to completion.

- **SME**

    Subject Matter Expert. Professional with **in-depth knowledge** of a specific subject or area. Provides the knowledge and expertise in a specific subject, business area, or technical area for the project

- **Testing**

    Responsibility for testing migrated data and business workflow decisions is going to be an iterative process that will not fall **just** at the end of the project, it will occur at the end of each Sprint then in a final User Acceptance Test (UAT)

Change Management

- Change Management
  - It is the "People" side of change
- ADKAR:

  Awareness, Desire (WIIFM), Knowledge, Ability, Reinforcement

- Sponsors
  - For Reengineering Madison, President Alger
  - For the Advancement portion, Nick
  - Business leaders are the preferred sender of organizational messages
- People managers
  - Supervisors are the preferred sender for personal impact messages

Operational Freeze

- Procurement and IT will be targeting technology $'s to sweep to the Reengineering Madison effort
- New initiatives and new system purchases will need to FREEZE for the 18 months of implementation.
- Reporting requests for operational items should continue as usual
- Endeavors should be limited during the implementation (per SOP)
- New automated giving clubs should wait to be defined and developed in the new system

Reaching Altitude

- A Time for Celebration
  - Successful UNLEASHED campaign
  - R2 / Carnegie status
  - Sun Belt Conference success
  - Early Admit, Admissions success
  - Long success of Giving Days

REACHING *NEW HEIGHTS*
FEB. 19-24, 2023 · LEARN MORE JMU

Reaching New Heights

- Weeklong giving event

- Donor anticipation

- Donor experience

- Campus Partners

Inside the cockpit

- Storytelling & awareness
  - Print
  - Digital
  - Advertising
  - Social

- Culminates in video

REACHING NEW HEIGHTS
FEB. 19-24, 2023 • LEARN MORE

Aiming high

- External Goal = 4,000 gifts

- Internal Goal = 3,000 donors

- Keep up the excitement for JMU giving
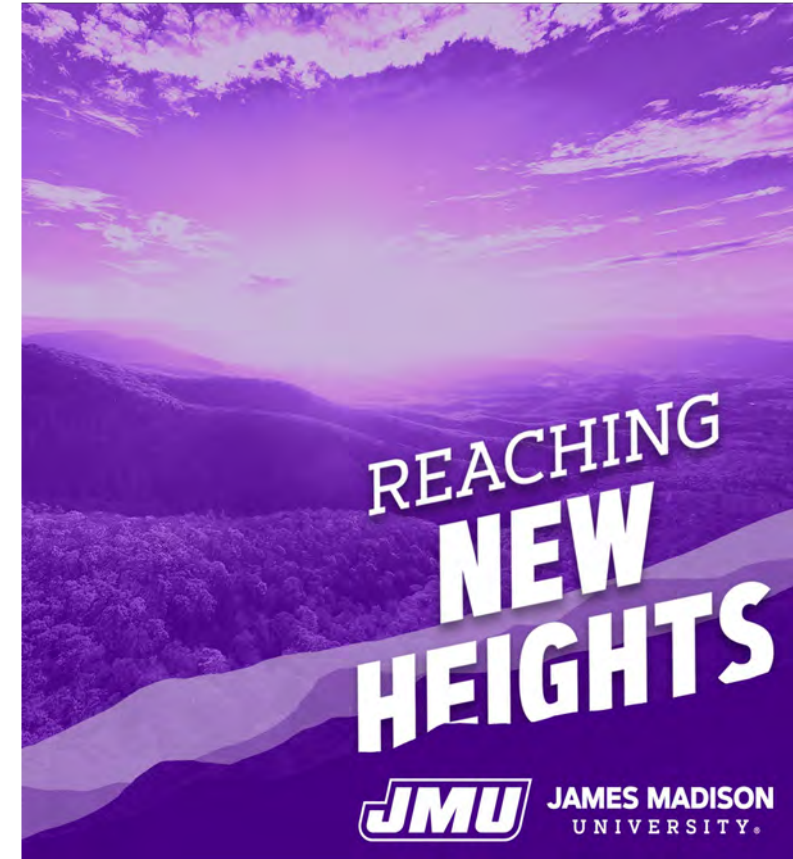
Digital Advertising

Here's an example of what our
audiences are seeing now!

REACHING
NEW
HEIGHTS

JMU JMU JMU JMU JMU JMU

The Flight Crew

- Jennifer Dehoff
- Matthew Higgins
- Cannon Randle
- Justin Roth
- Trey Secrist
- Randy Budnikas
- Leigh Ayers
- Barry King
- Colleen McNulty
- Haley Garnett

- Gretchen Armentrout
- Scooter Renkin
- Kate Burke
- Jamie Marsh
- Sarah Brodie
- Deborah Thompsen
- Mary Hope Vas
- Mike Stoltzfus
- Nick Langridge
- Pam Brock
- Cannie Campbell

Come fly with us!

Perception vs. Reality
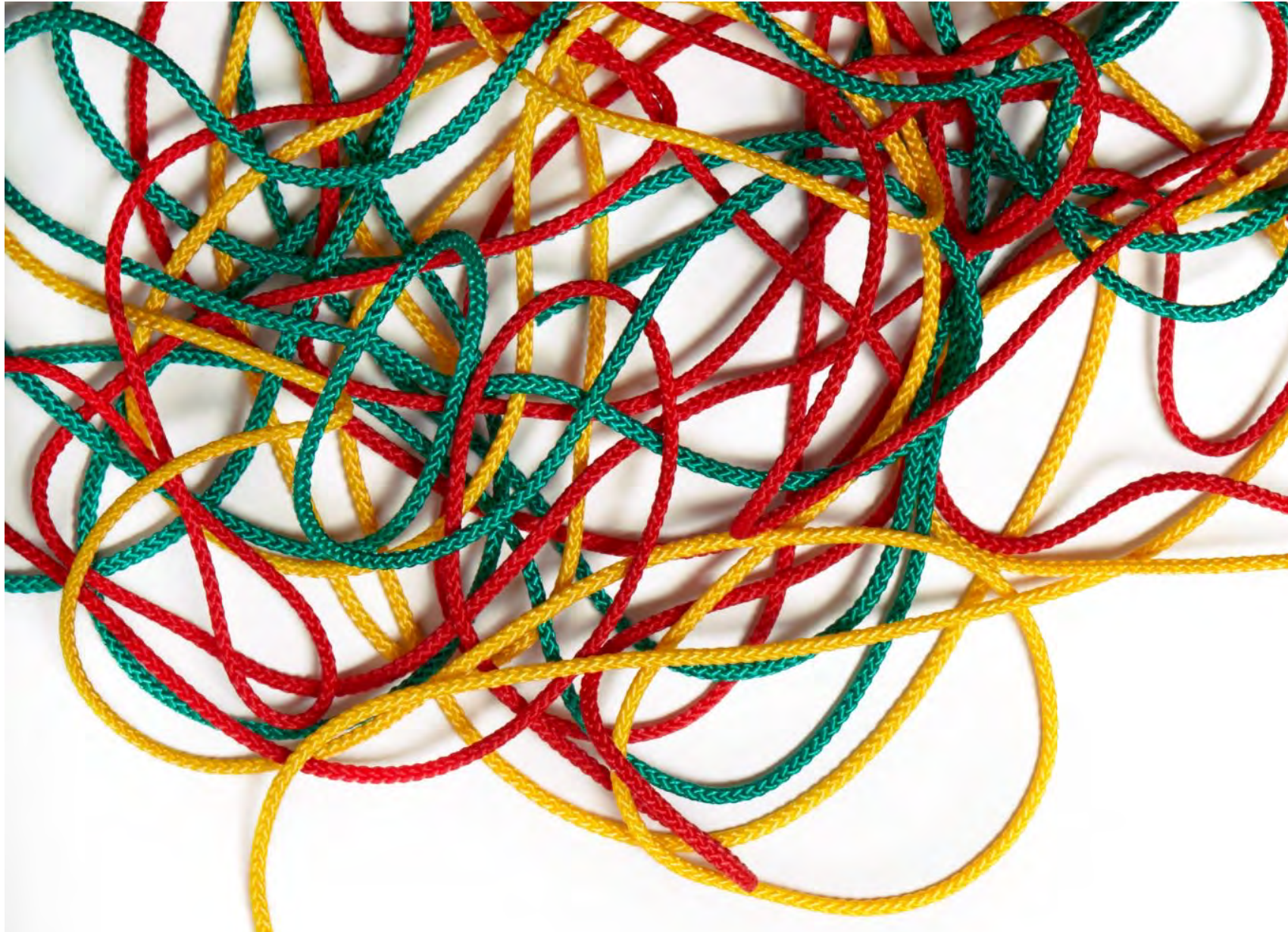
Overview

- Definitions of a crisis

- Key campus partners

- Channels to activate

- Roles
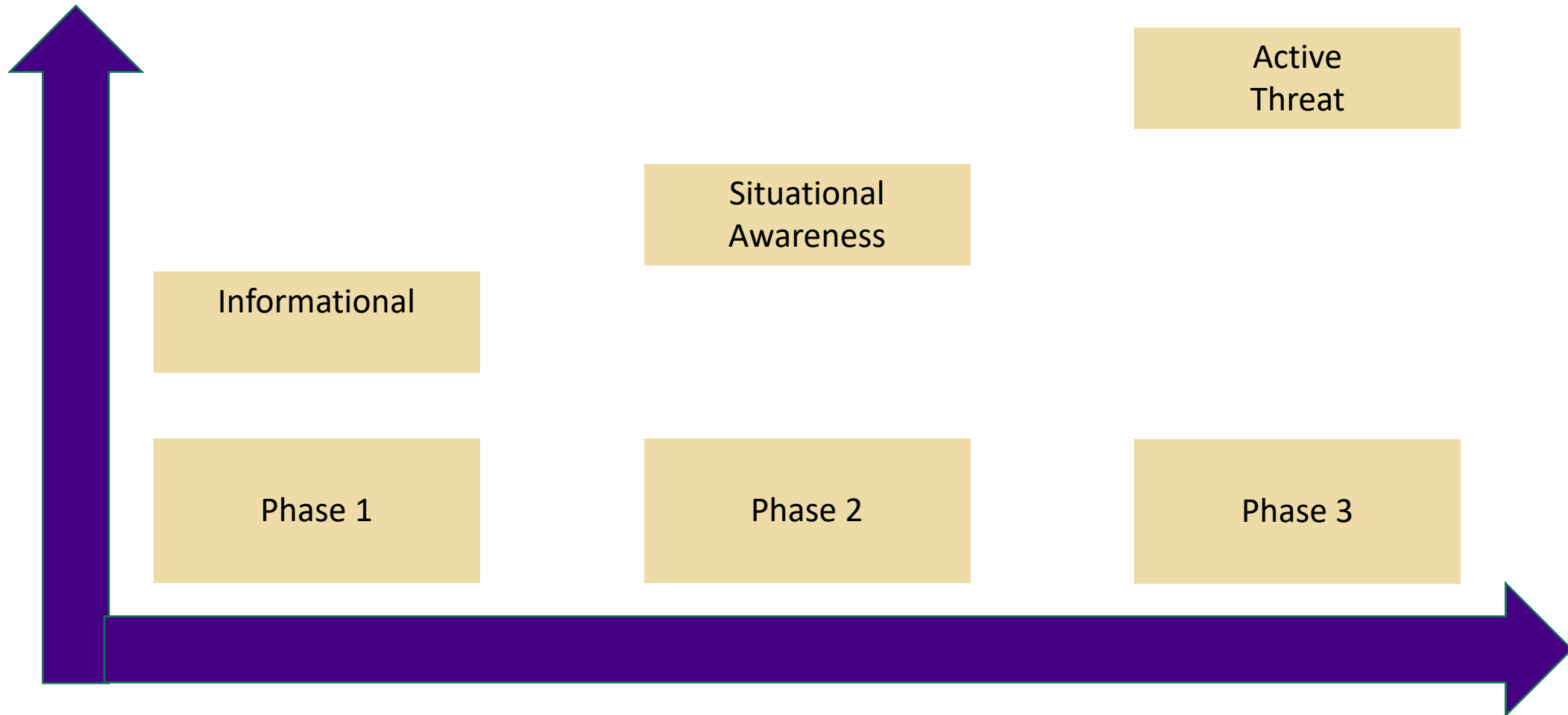
- Action steps

Training & Preparation

- Partnership with city and county

- Drills

- FEMA and VDEM classes

- Lessons learned

- Educating audiences

Student Scholars

Athletics Committee
February 9, 2023

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Athletics Committee
Thursday, February 9, 2023
Festival, Ballroom B
2:45 p.m.

<u>Agenda</u>

1. Approval of Minutes – November 17, 2022*

2. NCAA, Sun Belt Conference, Sports Update
   Jeff Bourne, Director of Athletics

3. Intercollegiate Athletics Program Report (APA Audit)
   (Report included in the binder)
   Mark Angel, Assistant Vice President, Finance

4. Student-Athlete Disciplinary Report
   (Report included in the binder)
   Geoff Polglase, Deputy Athletics Director

5. Mental Health Update
   Jennifer Phillips, Senior Associate A.D., Student-Athlete Development/SWA
   Anthony Pass, Associate A.D. for Integrated Health & Sports Performance
   Lauren Sander, Assistant Athletics Trainer
   Hollie Hall, Dean of Students

6. Development Report
   Scooter Renkin, Associate A.D. for Development

*Action Required

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Minutes of the Athletics Committee

The Athletics Committee met on November 17, 2022 in Ballroom B of the Festival Conference and Student Center. The meeting was called to order at 2:47 p.m. by John Lynch, Chair.

Present:
Lynch, John, Chair
Bell, Dickie
Herod, Maribeth
Major, Lara
Tompkins Johnson, Deborah
White, Jack

Others:
Alger, Jonathan, President
Miller, Dr. Tim, Senior Vice President (and student guest)
Bourne, Jeffrey, Director of Athletics
Knight, Jack, University Counsel
LaPorta, Stephen, Assistant A.D. for Compliance
Molina, Rudy, Vice Provost Acad & Enroll Mgt, VP Student Academic Success/Enroll. Mgt
Phillips, Jennifer, Senior Associate A.D. for Student-Athlete Development/SWA
Representatives from IMPACT
Renkin, Scooter, Associate A.D. for Development
Warner, Kevin, Assistant A.D. for Communications
White, Kevin, Associate A.D. for Sports Programs
Soenksen, Roger, Faculty Athletics Representative

Mr. Lynch called for a motion to approve the minutes. It was moved by Deborah Tompkins Johnson and seconded by Lara Major to approve the minutes of the September 15, 2022, meeting of the Athletics Committee.

Sports Update
Jeff Bourne, Director of Athletics, provided the Committee with an overall Sports Update. JMU has noticeably elevated itself and established itself in the sport of football in the state of Virginia. Mr. Bourne noted this speaks to university commitment and praised the work of coaches and student-athletes. JMU Athletics is ahead of pace for overall winning percentage even compared to what has recently been high levels of achievement. Both women's and men's soccer played for the Sun Belt Championship in November, finishing as runner up. Volleyball will open in the Sun Belt Championship tomorrow after winning the regular season. Lauren Steinbrecher was named Coach of the Year and JMU has the 20th best record in the nation. Field hockey went 10-7 and ranked No. 22 in the nation, which was a fantastic year as an independent. Cross Country placed third in the Sun Belt. Men's basketball is off to a terrific start with a chance to have a special season. Women's basketball is 2-1 and expected to be competitive. It was noted that the Sun Belt hosts both basketball championships at the same time, during the same week and at the same venue in Pensacola, Fla. Swim & Dive is 3-2. JMU was extremely pleased to receive three

key Sun Belt graduation rate awards in Atlanta a few weeks ago, some of the conference's top academic honors. Mr. Bourne credited Jenn Phillips & Dr. Roger Soenksen for their leadership on the academic front. A brief reference was made to the continued work of the NCAA waiver process prior to a later agenda item. Mr. Bourne noted a waiver would make a difference of about $2 million in increased revenue for the department in FY24. Following questions and comments from Committee members, Mr. Bourne concluded his update.

2021-2022 Academic Report,
Jennifer Phillips, Senior Associate A.D., Student-Athlete Development/SWA, provided an update on the department's academic achievements and benchmarks. She further noted that JMU won all three major academic awards from the Sun Belt and that JMU was grateful for the Sun Belt including us in 2021-22 awards. JMU has observed itself to be leaders within the Sun Belt from an academic sense, elevating the league's academic profile. Many institutions have asked JMU about its academic methodologies and how it is achieving high scores. Ms. Phillips noted the 89% NCAA GSR from last year while a new, higher number of 92% for the most recent year was just released on Nov. 15. The 92% puts JMU 2% ahead of the national rate and the number required for revenue distribution. A year-over-year chart showed significant gains in JMU's departmental GPA and recent trends over the last two years placing athletics ahead of the university average. Phillips spoke highly of JMU's tutoring system, which matches student-athletes with tutors in the same classes and sections. She also promoted JMU's new mentorship program to help student-athletes with various key skills (organization, planning, etc.). The JMU SAAC group has been very active within the student-athlete leadership of the Sun Belt, with JMU SAAC President Felicity Ryan chairing the Sun Belt's mental health subcommittee. JMU won the month of October for most hours of community service within the Sun Belt. Ms. Phillips also noted that 10% of student-athletes are international vs. the campus rate of 1%. Following up a previous topic, it was noted that JMU agreed to early registration for student-athletes, with great success this fall. Mr. Lynch inquired about previous discussions around a missed class policy. Ms. Phillips noted on-going discussions and upcoming conversation in the next Faculty Senate agenda. President Alger spoke highly of recent numbers and praised the academic performance of athletics, noting that a well-run athletics program helps students stay in school and achieve success, that athletics can balance with academics, not work in conflict with one another. Following additional questions and discussion by Committee Members, Ms. Phillips concluded her update.

NCAA Waiver Update
Stephen LaPorta, Assistant Athletics Director for Compliance, and Jennifer Phillips, Senior Associate A.D., Student-Athlete Development/SWA, provided an update on the NCAA waiver process. Ms. Phillips acknowledged Mr. LaPorta's involvement on various committees on the national level as an aid to JMU to be tied into the issues. The committee was reminded that the NCAA mandates a two-year reclassification period. JMU submitted an application packet on June 1, 2022 to initiate that transition. The Strategic Vision & Planning Committee reviewed that application and accepted JMU into the reclassification process. JMU completed a mandated orientation process led by NCAA staff this Fall. JMU will submit materials for a waiver from two years to one on June 1. The NCAA will announce the outcome of its review in August. JMU trying to be proactive throughout process but NCAA requiring specific timeline. It was noted that JMU is trying to be proactive and early on deadlines, but that attempt is being held up by strict enforcement of established dates and meeting timelines. Mr. LaPorta further explained that there are two possible waivers for JMU. A postseason play waiver for the current 2022 season could not be pursued due to the timeline of JMU achieving bowl eligibility requirements falling outside the window of the scheduled meetings for the Football Oversight Committee in early November. He noted there is also no case precedent for bowl eligibility in year one of transition. The second waiver

JMU will attempt is a reduction of the two-year transition period to one year. Mr. LaPorta noted several hurdles, including: the NCAA Transformation Committee currently is outlining new membership requirements for Division I, which places JMU in a holding pattern until that work is complete; timeline issues for JMU being forced to follow agenda schedules and meeting calendars with no ability to escalate the process; no case precedent for FBS-to-FCS transitioning schools to reduce the two years to one year (in fact, all schools transitioning from Division II to Division I have previously been denied eligibility for NCAA Championship participation. In JMU's favor, it was noted: most schools are not in position to schedule a full FBS schedule like JMU did in 2022; the landscape of changes in college athletics have forced many to questions policies not in the best interest of student-athletes; many broadcasts this fall have spoken in favor of JMU being ready to compete at the FBS level and obtaining eligibility. Mr. LaPorta further noted how NIL and the transfer portal have substantially altered the overall environment of college athletics and the impact on student-athlete well-being. Ms. Herod noted the additional impact of mental health and the role of the pandemic in further being a student-athlete well-being concern. Ms. Phillips noted that JMU is a holistic institution supporting all sports vs. many prior transitioning institutions emphasized football. She highlighted the work that JMU is doing across many sports with facilities and other areas to help all student-athletes. Mr. Bourne noted that the pandemic's impact on eligibility means that football is carrying a roster size already near FBS level. President Alger noted the challenges of getting support from other institutions and conferences as JMU's eligibility may be a detriment to the success of others, but he keyed on the changing landscape of student-athlete well-being as well as the work that JMU did in advance to ensure it could check all the boxes (feasibility study, Title IX, scholarships, schedules, infrastructure, etc.). JMU has no work to do to be FBS-ready, which is counter to nearly every previous transitioning institution. Mr. LaPorta noted the additional checks-and-balances JMU had with the state oversight committee process and the rubber stamp from the state supporting the move. Ms. Phillips noted the academic benchmarks further adding to JMU being poised for all-around success. Finally, Mr. LaPorta reviewed the timeline for the waiver process. Mr. Lynch thanked Athletics staff for their planning and work to be in position to even attempt the waiver. Following additional discussion, Mr. LaPorta concluded his update.

Development Update
Scooter Renkin, Associate Athletic Director for Development, provided a fundraising update. Mr. Renkin shared that the Duke Club's Annual Fund, which combines its seat contribution and Proud & True funds, as of October 21 has collected $635,760, which is $84,000 ahead of year-to-date comparisons. He further noted as of Nov. 11 the fund was $174,000 ahead. Mr. Renkin noted considerable growth and coordinated effort behind growing athletics restricted giving directly to sport programs. While collections related to Capital project are behind pace, it was noted that significant agreements are in the works right now that could surpass previous totals. He added that Event-based contributions were up after a highly successful Friday Night Flights event this Fall. Mr. Renkin announced that, as of a Nov. 11 report, the Duke Club was pleased to surpass $1M in total giving. He reminded the committee that the majority of Athletics giving is cyclical with most gifts occurring in the spring of each fiscal year with Athletics currently at 20% of its fiscal year goal. Mr. Renkin noted that the spring will be a re-parking and reseating year for football, a process that traditionally produces additional revenue and with increased interest this year with FBS status. Mr. Renkin was particularly excited to share that year-to-date total donors were 2,326, representing the largest year-to-date total in Duke Club history and 860 donors higher than this time last year, with the Duke Club on pace to hit the 5,000-donor goal for the first time. He cited the excitement for FBS football as a key contributor to the growth. Mr. Renkin shared that the Duke Club filled a key vacant position, naming Kate Burke as Director of Internal Development to lead marketing and communications efforts for development. Finally, it was stated that the Duke Club is finalizing a new benefits chart to be unveiled in December, which will increase donor levels to further expand revenue streams. Mr. Renkin

anticipate an additional $500,000 for the annual fund under the newly proposed chart. Following addition questions from Committee Members, Mr. Renkin concluded his update.

There being no further business, Mr. Lynch us then called for a motion to adjourn. It was moved by Lara Major and seconded Deborah Tompkins-Johnson. The meeting was adjourned at 4:02 p.m.

Respectfully submitted,

_____
John Lynch, Chair

_____
Donna L. Harper, Secretary to the Board

NCAA, Sun Belt Conference, Sports Update

Jeff Bourne, Director of Athletics

Intercollegiate Athletics Program Report (APA Audit)

Mark Angel, Assistant Vice President, Finance

Intercollegiate Athletics Program Report (APA Audit)

- Questions?

Intercollegiate Athletic Program Report
February 9, 2023

Mark Angel
Assistant Vice President
Finance

Intercollegiate Athletic Program Report

- Forvis, LLP performed agreed upon procedures in accordance with the attestation standards established by the AICPA.
- University Management is responsible for the schedule of revenue and expenses of the intercollegiate athletic program.
- The Schedule of Athletic Program Revenues and Expenses is prepared from the University's financial records and also includes Athletic Revenue and Expenses made on behalf of the University by the JMU Foundation.

BOARD OF VISITORS

Annually, the Auditor of Public Accounts (APA) performs agreed upon procedures in accordance with the attestation standards established by the AICPA. These procedures are required to make sure we are in compliance with NCAA constitution.

Due to staffing shortages, the APA contracted with Forvis, LLP to perform this year's agreed upon procedures.

Forvis performed their field work during the December 2022 – January 2023 timeframe.

Their work consisted of, among other things, reviewing internal controls, revenue streams, operating expenses, and aid recipients.

In addition to reviewing athletic related revenue and expenditures recorded in the University's financial records, Forvis also reviewed athletic related activity provided by the JMU Foundation.

Athletic Revenues - June 30, 2022

Ticket sales	$ 3,564,462
Student fees	45,485,307
Contributions	3,784,335
Direct Institutional Support	1,555,425
Guarantees	24,910
NCAA/conference distributions	1,568,966
Royalties, advertisements, and sponsorships	1,341,764
Program, parking, concession, and other	475,278
Total operating revenues	$57,800,447

This slide provides a summary of the FY22 athletic revenues.

Additional information related to the revenue summary line items above:

Ticket sales - $2.8m FB, $393k MBB, $94k WBB, $289k non-program specific

Contributions – Financial support from JMU Foundation

Direct Institutional Support – University funded projects

Guarantees – Contractual agreement where we receive a payment for agreeing to play a team at their home venue

Other - Programs, novelty, parking, concessions, hospitality

Athletic Expenses – June 30, 2022

Athletic student aid	$ 10,325,681
Guarantees	374,269
Coaching salaries, benefits, bonuses, severance	7,609,225
Equipment, uniforms, team travel	4,089,943
Game expenses	3,497,836
Spirit groups	1,190,652
Athletic facility debt service, lease	6,541,378
Direct facilities, maintenance	6,168,017

BOARD OF VISITORS

This slide provides a summary of the FY22 athletic expenses.

Reporting rules require expenses to be reported in two different formats, by function and by sport. This slide shows expenditures by function.

Additional information related to the expenditure summary line items above:

Guarantees – Contractual agreement where we pay an opponent for agreeing to play at our home venue

Game expenses – fields, officiating, safety, security, food/drinks related to hospitality and club

Spirit groups – MRD's and cheerleaders

Debt – Related to the AUBC, Veteran's Memorial Park, Bridgeforth Stadium, University Park

Direct Facilities – Expenditures associated with running and maintaining the AUBC, Convo, University Park, Bridgeforth Stadium, Plecker, Godwin, Baseball/Softball Complex

Athletic Expenses – June 30, 2022   cont.

Support/admin staff salaries, benefits, bonuses	$ 9,491,657
Recruiting	480,740
Fundraising, marketing, promotion	638,821
Indirect cost paid by athletics	4,664,523
Medical expenses and insurance	959,112
Other operating expenses	1,768,593
Total operating expenses	$ 57,800,447

This slide is a continuation of the previous slide.

Additional information related to the expenditure summary line items above:

Support staff – Administration, Compliance, Academic Advising, Fund Raising, Game Day Management, Ticket Office, Training, Equipment Room, Coach administrative support

Indirect – State mandated charge for administrative services provided by the University to Athletics. Administrative services include Human Resources, Payroll, Accounts Payable, Accounting, Financial Reporting, Legal, Police, etc. This is required of all Auxiliary operations.

Other – catch-all, computer/tech replacements, student opportunity fund, memberships/dues

June 30, 2022 Athletic Expenses by Sport

Football	$ 11,050,605
Men's Basketball	3,544,046
Women's Basketball	2,927,407
Other Sports	15,087,554
Non-Program Specific	25,190,835
Total Expenses	$ 57,800,447

This slide provides a summary of the FY22 athletic expenses by sport.

Additional information related to the expenditure summary line items above:

Other Sports – all sports other than Football, Men's Basketball, and Women's Basketball

Non-program specific – major categories include debt service, support staff, spirit groups, indirect cost, and other operating

House Bill 1897 (Cox Bill)
Intercollegiate Athletic Financing

Per the Legislation the subsidy percentage* for NCAA Division I-AA Institutions shall not exceed 70%.

 *Subsidy percentage means the subsidy divided by the athletic revenue, provided that revenues allocated to (i) support spirit groups associated with any intercollegiate athletics program, (ii) meet any indirect cost policy requirements, or (iii) debt service for previously approved intercollegiate athletics capital outlay projects may be excluded from the subsidy for the purposes of such calculation.

BOARD OF VISITORS

The General Assembly drafted legislation in 2015 to address student fee dollars and other institutional support for athletic programs.

House Bill 1897, aka, the Cox Bill – named after its patron, Delegate Cox, became effective 7/1/2016. The legislation limits NCAA Division I-AA institution subsidy to 70%.

As JMU transitions to the Sun Belt Conference, the subsidy percentage drops to 55%.

Subsidy percentage calculation

Per our June 30, 2022 Intercollegiate Athletic Program Report, JMU's subsidy and subsidy percentage calculations are:

Subsidy

Student Fees	$ 45,485,307
Add: Direct Institutional Support	1,555,425
Total Subsidy	$ 47,040,732

The Cox Bill subsidy percentage is calculated by taking the calculated subsidy amount divided by total athletic revenue.

We begin by adding Direct Institutional Support to Student Fees.

Subsidy percentage calculation

Subsidy	$ 47,040,732
Less: Spirit Groups	(1,190,652)
Agency Service Charge	(4,664,523)
Athletic Debt Service	(6,324,032)
Total Subsidy Less Exclusions	$ 34,861,525
Total Subsidy Less Exclusions	$34,861,525
Total Athletic Revenue	$57,800,447 = 60.3%

The Cox Bill allows institutions to deduct certain expenditures from their subsidy.

For JMU, we are allowed to deduct costs related to Spirit Groups, Agency Service Charge, and Athletic Debt Service.

The resulting subsidy amount is divided by total athletic revenue to arrive at our subsidy percentage.

You will notice, our subsidy percentage for FY22 is 60.3% which is below the 70% threshold mandated in the Cox Bill.

2022 Student-Athlete Disciplinary Report

Geoff Polglase, Deputy Athletics Director

January – December 2022

- 16 student-athletes with 23 judicial charges

- 7 Alcohol

- 1 Sexual Misconduct

- 4 Falsifying information

- 1 Physical Force

- 1 Misuse of Technology

- 1 Dangerous Practices

- 1 Unauthorized Use, Possession, or Transfer of Items

- 7 Failed Drug Test

January – December 2022

- Court and OSARP Sanctions and Disciplines

  - University probation for a semester or until graduation

  - Required participation in OSARP education programs

  - Conditional sanctions upon future responsible findings

  - OSARP fine

  - Court ordered: No contact order

- Additional Athletics Sanctions and Disciplines

  - Removal from Team

  - Team Suspension

  - Loss of Athletics Grant in Aid (Scholarship)

Sports Represented

- 2 Baseball – (1 S-A) 1 Alcohol, 1 Falsification of info

- 7 Football – (6 S-A) 3 Alcohol, 1 Physical Force, 3 Failed Drug Tests

- 1 Field Hockey – (1 S-A) – 1 Alcohol

- 6 Cheer – (2 S-A) 1 Alcohol, 1 Dangerous practices, 1 Sexual Misconduct, 2 Falsification of Info, 1 Misuse of Technology

- 2 Swim & Dive –(1-SA) 1 Falsification of info, 1 Unauthorized use, possession or transfer of items

- 1 Track – 1 Alcohol

- 3 MBB – (3 S-A) 3 Failed Drug Tests

- 1 Men's Tennis – 1 Failed Drug Test

Four Year Data

	2019	2020	2021	2022
Student-Athlete Charges	22(19)	45(29)	23	23(16)
Sports	8	6	4	8
Alcohol	8	11	3	7
Failed Drug Test	8	4	2	7
Disorderly Conduct	1	2	0	0
Falsifying Info	1	3	2	4
Failure to Comply	2	1	15	0
Criminal Conduct	1	0	0	0
Physical Force	1	0	0	1
Sexual Misconduct	0	0	0	1
Misuse of Technology	0	0	0	1
Dangerous Practices	0	0	0	1
Unauthorized Use, Possession or Transfer of items	0	0	0	1

* Charges (athletes)

Student-Athlete Disciplinary Report

- Questions?

Mental Health Update

**Jennifer Phillips, Senior Associate A.D.,
Student-Athlete Development/SWA
Anthony Pass, Associate A.D. for Integrated
Health & Sports Performance
Lauren Sander, Assistant Athletics Trainer
Hollie Hall, Dean of Students**

Development Update
Scooter Renkin, Associate A.D. for Development

Development Update

By Fiscal Year YTD

	2019	2020	2021	2022	2023
Duke Club Seat Contribution	$561,250	$212,796	$136,372	$278,136	$356,813
Proud and True Fund	$191,526	$571,050	$952,634	$1,177,473	$1,081,378
Athletics Restricted	$376,509	$274,367	$179,463	$198,282	$305,541
Athletics Capital	$755,003	$718,250	$652,295	$385,376	$179,305
Athletics Endowed	$78,798	$313,029	$89,748	$102,532	$190,042
Event Contribution Restricted	$0	$0	$0	$0	$13,632
Total	$1,963,087	$2,089,492	$2,010,513	$2,141,801	$2,126,712

(Includes Gifts, Matching Gifts, and Pledge Payments as of the Report Date in each Fiscal Year)

Current FY Annual Fund Dollars: $1,438,191   Athletics Annual Fund FY Goal: $4,300,000

Percent of Goal: 33%

Total Unique Athletics Donors by Fiscal YTD

Includes unique spouseholds

2019	2020	2021	2022	2023
2,237	2,465	1,948	2,339	2,926

As of January 13, 2022

BOARD OF VISITORS

Finance and Physical Development Committee

February 9, 2023

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Finance and Physical Development Committee
Thursday, February 9, 2023
Meeting Room 3
1:00 p.m.

<u>Agenda</u>

1. Approval of Minutes – November 17, 2022*

2. Administration and Finance Divisional Update
   Towana H. Moore, Vice President, Administration and Finance

3. Financial Review
   Mark Angel, Assistant Vice President, Finance

4. Annual Investment Review
   Mark Angel, Assistant Vice President, Finance

5. Governor's Budget
   Diane Stamp, Assistant Vice President, Budget Management
   Caitlyn Read, Director, State Government Relations

6. Customer Relationship Management Update
   Robin Bryan, Assistant Vice President and Chief Information Officer, Information Technology

7. Closed Session*

*Action Items

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Minutes of the Finance and Physical Development Committee

The Finance and Physical Development Committee meeting met on Thursday, November 17, 2022 at 1:00 p.m. The meeting was called to order by Mr. John Rothenberger, Chair.

Present:
Rothenberger, John – Chair
Grass, Jeffrey
Jankowski, Maria
Obenshain, Suzanne
Stoltzfus, Michael

Others:
Moore, Towana – Vice President, Administration and Finance
Angel, Mark – Assistant Vice President, Finance
Caitlyn Read – Director, Government Relations

It was moved by Mr. Jeffrey Grass, seconded by Ms. Suzanne Obenshain, to approve the minutes of the September 15, 2022 meeting of the Finance and Physical Development Committee. The motion was approved.

Financial Review:

Mr. Mark Angel, Assistant Vice President for Finance, reviewed the financial report and reported the University's revenue and expenditures were appropriate for the first three months of the fiscal year. The revenue and expenditure report was changed to provide better clarity for committee members. An additional slide explaining Sponsored Programs, Grants and Contracts was added for greater transparency.

University Debt Review:

Mr. Mark Angel presented a review of the university debt portfolio. As of June 30, 2022, the university had approximately $401.7 million in outstanding bonds. The university's annual debt ratio is well within the board's established guidelines. The university has complied with all significant financial and operating bond covenants and does not have any off-balance sheet financing.

Associate Vice President for Business Services Search:

Mr. Mark Angel reported that after a nationwide search, with 30 applicants, an offer has been made and accepted by Mr. Craig Short. Craig received his Master's in Public Administration in 2013 and will begin his new position on January 4, 2023.

2023 General Assembly Budget Initiatives:

Ms. Caitlyn Read, Director, Government Relations, introduced the new Assistant Director of Government Relations, Savanna Funkhouser. In addition, Caitlyn reviewed last year's budget request and outcomes as well as the 2023-24 budget requests. The University's 2023 operating budget requests totaled $2.2 million and includes funds to support an expansion of JMU's Doctorate of Nursing program, a new Information Technology degree, and mental health support for students.

Capital and non-Capital Projects Update:

Ms. Towana Moore gave a report on recently completed projects, projects under construction and projects in design for both capital and non-capital projects. All projects are progressing according to established schedules.

RECORDED VOTE: the following is an affirmative recorded, member by member vote:

Rothenberger, John – Chair
Grass, Jeffrey
Jankowski, Maria
Obenshain, Suzanne
Stoltzfus, Michael

The meeting adjourned at 2:06 p.m.

Respectfully submitted,

_____
John Rothenberger, Chair

_____
Donna L. Harper, Secretary to the Board

Administration and Finance Divisional Update

Towana Moore
Vice President
Administration and Finance

Financial Review

Mark Angel
Assistant Vice President
Finance

James Madison University
2022 - 2023 Revenue Summary

	FY2023				FY2022		
	Revised Revenue Budget	Actual Revenue as of 12/31/2022	Uncollected Budget Balance 12/31/2022	Percentage Collected as of 12/31/2022	Percentage Collected as of 12/31/2021	Revised Budget as of 12/31/2021	Actual as of 12/31/2021
Educational and General							
State General Fund Appropriations - Operations	153,931,515	74,329,252	79,602,263	48%	41%	141,463,239	57,359,736
State General Fund Appropriations - Financial Aid	14,247,617	14,247,617	-	100%	100%	12,919,626	12,976,183
Tuition and Technology Fee **(1)**	250,223,306	150,186,731	100,036,575	60%	59%	246,842,696	145,434,650
Non General Fund Transfer to State **(1)**	(3,098,291)		(3,098,291)	0%	0%	(3,098,291)	
Undergraduate and Graduate Application Fees	1,529,623	1,607,266	(77,643)	105%	110%	1,229,623	1,352,747
CARES Act - Institutional	-		-			-	-
Miscellaneous Revenue	2,509,999	2,045,506	464,493	81%	73%	2,557,945	1,854,728
Total Education and General	419,343,769	242,416,372	176,927,397	58%	54%	401,914,838	218,978,044
Auxiliary Enterprises							
Dining Services	70,670,775	38,871,248	31,799,527	55%	53%	64,264,766	34,331,021
Retail Services	1,585,000	772,003	812,997	49%	52%	1,561,000	808,375
Residential Facilities	39,197,249	19,146,060	20,051,189	49%	51%	37,088,414	18,999,646
Parking and Transportation	7,642,498	5,732,897	1,909,601	75%	76%	7,463,892	5,684,341
Telecommunications	2,007,117	1,041,046	966,071	52%	50%	1,782,868	885,208
Health Center	6,139,669	3,456,181	2,683,488	56%	54%	5,977,155	3,229,343
Student Union and Student Services	7,979,129	4,471,831	3,507,298	56%	54%	6,826,436	3,653,373
Recreation Center	13,283,311	7,335,302	5,948,009	55%	52%	9,544,191	5,005,647
Athletics	61,898,744	35,524,944	26,373,800	57%	57%	54,328,295	30,837,801
Other	18,484,942	10,724,506	7,760,436	58%	54%	26,795,392	14,489,194
Total Auxiliary Enterprises	228,888,434	127,076,018	101,812,416	56%	55%	215,632,409	117,923,949
TOTAL REVENUE	648,232,203	369,492,390	278,739,813	57%	55%	617,547,247	336,901,993

(1) Budgeted revenue includes a reduction of $3,098,291 for non-general fund cash to be transferred back to the State. This, in effect, is a transfer of tuition, fee and other Educational and General revenue previously collected. The State makes these transfers for standard items such as debt service on state bond issues to finance equipment and capital fee assessments on out-of-state students.

James Madison University
Tuition and Technology Fee Revenue
February 9, 2023

Description	Budget	Actual Revenue 12/31/22	Uncollected Budget Balance	Percentage Collected as of 12/31/22
Regular Undergraduate In-State Tuition	$103,789,041	$60,626,579	$43,162,462	58%
Summer Undergraduate In-State Tuition	10,653,355	10,726,375	(73,020)	101%
Graduate In-State Tuition	11,782,260	7,463,010	4,319,250	63%
Regular Undergraduate Out-of-State Tuition	103,298,702	55,817,337	47,481,365	54%
Summer Undergraduate Out-of-State Tuition	6,330,064	6,365,457	(35,393)	101%
Graduate Out-of-State Tuition	6,878,615	4,836,248	2,042,367	70%
Instruction - Off Campus	6,441,725	3,788,041	2,653,684	59%
Course and Other Fees	1,049,544	563,684	485,860	54%
Total Tuition & Technology Fee Revenue	$250,223,306	$150,186,731	$100,036,575	60%

James Madison University
2022 - 2023 Expenditure Summary

	FY2023				FY2022		
	Revised Expenditure Budget	Actual Expenditures as of 12/31/2022	Unexpended Budget 12/31/2022	Percentage Expended as of 12/31/2022	Percentage Expended as of 12/31/2021	Revised Budget as of 12/31/2021	Actual as of 12/31/2021
Education and General							
Instruction	193,012,565	99,728,350	93,284,215	52%	50%	185,212,649	93,004,808
Research and Public Service	1,811,262	280,855	1,530,407	16%	10%	1,721,007	180,298
Academic Support	51,073,002	23,720,163	27,352,839	46%	37%	58,685,561	21,912,092
Student Services	28,699,795	13,468,652	15,231,143	47%	47%	26,260,069	12,263,722
Institutional Support	74,378,439	27,994,865	46,383,574	38%	44%	65,207,273	28,606,663
Operation and Maintenance of Plant	44,504,458	21,591,470	22,912,988	49%	40%	41,007,854	16,472,904
Student Financial Assistance - University and State GF	25,864,248	11,910,294	13,953,954	46%	50%	23,820,425	11,981,602
Total Education and General	419,343,769	198,694,649	220,649,120	47%	46%	401,914,838	184,422,089
Auxiliary Enterprises							
Dining Services	69,056,754	25,916,278	43,140,476	38%	28%	63,012,795	17,671,247
Retail Services	1,269,973	356,275	913,698	28%	18%	1,245,973	219,680
Residential Facilities	39,688,347	15,736,017	23,952,330	40%	30%	36,882,097	11,234,230
Parking and Transportation	7,642,498	4,563,766	3,078,732	60%	41%	7,463,892	3,046,571
Telecommunications	2,007,117	1,171,896	835,221	58%	19%	1,782,868	340,628
Health Center	6,264,012	3,341,558	2,922,454	53%	45%	5,589,673	2,527,439
Student Union and Student Services	8,517,398	3,996,625	4,520,773	47%	41%	6,940,381	2,821,349
Recreation Center	13,521,123	7,539,779	5,981,344	56%	42%	10,148,547	4,307,195
Athletics	63,890,098	33,531,835	30,358,263	52%	46%	55,790,624	25,486,692
Other	17,077,350	8,991,497	8,085,853	53%	29%	25,512,899	7,394,133
Auxiliary Reserve Projects **(1)**	23,016,529	9,947,511	13,069,018	43%	25%	18,516,920	4,617,916
Total Auxiliary Enterprises	251,951,199	115,093,037	136,858,162	46%	34%	232,886,669	79,667,080
TOTAL EXPENDITURES	671,294,968	313,787,686	357,507,282	47%	42%	634,801,507	264,089,169

(1) Auxiliary Reserve Projects are generally short-term projects funded from Auxiliary Cash Reserves. Because these projects are funded from reserves accumulated over prior years, there is NO related auxiliary operating revenue budget.

Revenue Variance Analysis

Education and General

    No variances in excess of 10%.

Auxiliary Enterprises

    No variances in excess of 10%.

**Note: Analysis is provided for all budget to actual revenue variances in excess of 10%.

Expenditure Variance Analysis

Education and General

  No variances in excess of 10%.

Auxiliary Enterprises

  2022 Auxiliary Enterprise budgets included a decrease of $12,595,000 related to debt service. That decrease was mostly the result of the 2021 restructuring and refinancing of 9(d) debt service. The restructuring was a measure to provide cash flow relief given the uncertainties surrounding the pandemic. The University chose to defer 2022 principal payments on selected 9(d) debt issues of approximately $10,100,000. The State also refinanced a number of debt issues on the University's behalf, resulting in additional principal and interest savings for 2022.

  Increase for Parking and Transportation

  Debt service has a budget of $2,699,000 and actual expenditures of $2,131,000 in FY2023 compared to a budget of $1,711,000 and actual expenditures of $1,105,000 in FY2022.

  Increase in Telecommunications

  Includes work performed related to capital projects. The expense budgets net to -0- (budgeted expenses equal budgeted expense recoveries). However, the timing of actual expense recoveries may differ from when the expenses were incurred. FY2023 includes actual expenses of $701,000 and recoveries of $33,000 as compared to FY2022 actual expenses of $257,000 and recoveries of $54,000. FY2023 expenses primarily relate to telecomm expenses for the Convo Renovation.

  Increase in Recreation

  Debt service has a budget of $4,408,000 and actual expenditures of $3,802,000 in FY2023 compared to a budget of $1,366,000 and actual expenditures of $679,000 in FY2022.

  Increase in Other

  FY2023 actual expenses increased by $1,672,000, but related FY2023 budgets decreased by $8,436,000. That decrease mostly reflects the debt service savings noted above, but offset by revenue adjustments due to enrollment changes.   In order to keep the revenue and expense budgets in balance, the debt service savings were budgeted as an expense line in other.

**Note: Analysis is provided for all budget to actual expenditure variances in excess of 10%.

	FY2023			
	Appropriation/ Allotment	Actual Expenditures as of 12/31/2022	Unexpended Appropriation	Comment

Sponsored Programs, Grants and Contracts

Virtual Library Of Virginia	10,301,968	2,519,950	7,782,018	The University manages procurement for the VIVA program. VIVA benefits all the state's higher education institutions. The program provides shared access to programs, services and collections, including electronic resources such as e-books and journals, research databases, etc.
Federal grants and contracts	26,014,500	13,110,395	12,904,105	Current year includes $7,999,772 in financial aid (mostly PELL grants).
State and nongovernmental grants and contracts	15,000,000	11,104,148	3,895,852	
Indirect costs	5,000,000	1,157,229	3,842,771	
All Other grants and contracts	970,078	6,310	963,768	Includes Work-Study, Eminent Scholars, Excess Indirect Costs and Surplus Property. Work-Study and Eminent Scholars are recorded near year-end by moving incurred expenses in E&G to these funds.

COVID19 Pandemic Related

ARPA - Fiscal recovery funds (Online Virginia Network)	553,484	175,116	378,368	Federal pass-through funds from Old Dominion University, original award was $620,000.
ARPA - Fiscal recovery funds	5,263,954	2,618,423	2,645,531	SCHEV allocation for need based financial aid for in-state undergraduate students. Due to timing of receipt of funds, financial aid awards will occur Fall 2022 and Spring 2023
COVID Testing Grant	10,678	10,678	0	Majority of award spent in FY2022, final expenses to close out the grant in FY2023.
CARES Act - GEER	1,274,303	496,404	777,899	Grant awards to Higher Education Institutions via the Governor's Emergency Relief Fund for undergraduate financial aid.

Appropriations - the legal spending authority for State agencies to incur expenditures. Basic appropriation authority is established by the General Assembly through the biennial Appropriation Act. The Department of Planning and Budget has administrative responsibility for managing the process of appropriating and allotting funds. Agencies submit requests for appropriation and allotment actions and adjustments approval to DPB.

Allotments - method under authority of the Governor to manage the rate of agency spending against it appropriation.

Unexpended Appropriation - Nongeneral fund unexpended appropriations do not automatically carry forward to the next fiscal year. While nongeneral fund cash balances do carry forward, those balances must be reappropriated to be available for expenditure.

Note 1 - The appropriation/allotment amount in Sponsored Programs, Grants and Contracts represents an estimate of the maximum amount of spending that could occur in the fiscal year. For the other categories, the appropriation/allotment amount is the actual award or revenue.

lwh 1/12/23

Education and General -
>Those activities which embrace the three programs directly related to the higher education mission: (1) instruction, (2) research and (3) public service. These activities encompass support programs (1) academic support, (2) institutional support and (3) operation and maintenance of physical plant.

Financial Assistance for Education and General -
>Those activities which provide resources for education and general services through: (1) state scholarships and fellowships, (2) sponsored programs and (3) eminent scholars

Auxiliary Enterprises -
>Those activities which are supported entirely through sales of services and use fees, such as housing, dining services, telecommunications and bookstore.

Instruction -
>Expenditures for the primary mission of the University, including teaching faculty, support staff, instructional equipment and related routine operating costs.

Research -
>Encompasses expenditures for activities such as support for research faculty, but does not include sponsored research. Activities include Summer Faculty Research and Faculty Assistance.

Public Service -
>Activities includes University supported workshop and institutes (Elderhostel, Civil War Institute, Center for Service Learning, Student Theatre and Music productions, and the University's Public Radio Station).

Academic Support -
>This program encompasses the Carrier Library, Multimedia center and student computer labs, activities of the deans of colleges and schools, honors program and other related expenditures.

Student Services -
>This programs primary purpose is to contribute to the students' emotional well being and to their intellectual, cultural and social development outside the classroom.

Institutional Support -
>Primary purpose is to support the financial, administrative, logistical and development activities of the University.

Operation and Maintenance of Plant -
>Activities related to the operation and maintenance of the physical plant of the University, net of amounts charged to auxiliary enterprises.

Student Financial Assistance -
>University funded scholarships and fellowships.

Annual Investment Review

Mark Angel
Assistant Vice President
Finance

12/31/2022 CORPORATE ACCOUNT STATEMENT	CORPORATE NAME	COMMENTS	ADJUSTED TOTAL (PS Finance Cash)	Rate of Return
WELLS FARGO ADVISORS SGA RESERVE - 800096	WF Advisors		1,639,551.96	3.5
UNITED BK CD STU EXCEL - 800214	United Bank	*13-mo. CD Acct x7317 Renewed 5/4/21; (Renewed 1/4/23@ 3.5)*	56,341.60	0.35
UNITED BK CD JMU SUPPORT - 800230	United Bank	*13 mth CD Acct x5537 Opened 10/10/18; Renewed 12/24/22*	847,801.89	3.5
LOOMIS WEALTH MANAGEMENT LLC - 800230	L.M. Kohn & Co	*Money Market / Various Corporate Bonds*	2,859,794.07	0.35 - 4.2
LOOMIS WEALTH MANAGEMENT LLC - 800620 / 800615	L.M. Kohn & Co	*Money Market / Various Corporate Bonds*	2,450,400.27	0.65 - 4.2
			7,853,889.79	
BANK OF THE JAMES SUPPORT FUND MMIA - 800230	Bank of The James		1,561,398.64	0.59
UNITED BANK - SUPPORT FUND MMIA - 800230	United Bank		528,103.00	0.47
ATLANTIC UNION BANK SUPPORT FUND MMIA - 800230	Atlantic Union Bank		4,490,481.79	2.5
CONCENTRATION DEPOSITORY x5817 (Numerous DeptIDs)	BOA		27,363,077.36	2.2
SUPPLEMENTAL RETIREMENT TRUST x 5859 - 800572	BOA		2,163,002.14	2.19
E-COMMERCE x 5862 - 800578	BOA		453,042.13	2.17
STUDENT CONCENTRATION x5891 - 800577	BOA		9,811,439.49	2.25
PAYROLL x5901 - 800571	BOA		7,883,898.97	2.18
STATE CLEARING ACCOUNT x5914 (Numerous DeptIDs)	BOA		13,414,178.07	2.2
PERKINS STUDENT LOANS x5927 - 000011	BOA		347,651.20	2.19
TITLE IV FEDERAL FUNDS x5930 - 800576	BOA		983.33	2.14
JMU SUPPORT CHECKING - 800000	BB&T		42,624.50	2.16
			68,059,880.62	
Adjusted total JMU Local Cash at 12/31/2022			75,913,770.41	

Governor's Budget

Diane Stamp
Assistant Vice President
Budget Management

Caitlyn Read
Director
State Government Relations

Governor's Amended 2022-24 Biennial Budget

- Targeted Major Higher Education Related Investment Areas

  - Health Care Shortage & Mental Health

  - Credentials, Career Services & Workforce

  - Internships

  - Research & Institution Specific

Governor's Amended 2022-24 Biennial Budget

- Health Care Shortage & Mental Health

  - Health Care Shortage $50.1 Million (GF)

    - Nursing Programs

    - Loan Repayment Programs – Nursing & Behavioral Health

  - Mental Health Services K12 and Higher Education $ 9.0 Million (GF)

Governor's Amended 2022-24 Biennial Budget

- Credentials, Career Services & Workforce $32.3 Million (GF)

- Internships $ 5.0 Million (GF)

- Research & Institution Specific $15.3 Million (GF)

- Lab Schools $50.0 Million (GF)

Governor's Amended 2022-2024 Biennial Budget Compensation & Health Insurance

- $1,500 Bonus – Bonus for full-time state employees receiving at least a "Contributor" rating, effective December 1, 2023

- Merit Bonus – Merit bonus up to 10% of base pay for full-time employees receiving "Extraordinary Contributor" rating, effective December 1, 2023 (state revenue contingent)

- State Health Insurance – 4% increase

Governor's Amended 2022-2024 Biennial Budget

- Capital Supplement Pool (revenue contingent) $100.0/$300.0 Million (GF)

- Capital Equipment Funding Pool $ 34.1 Million (GF)

- Maintenance Reserve (NSU/VSU) $ 16.0 Million (GF)

Governor's Amended 2022-24 Biennial Budget Language

- Financial Reporting - SCHEV, in consultation with DOA, shall develop a process and standardized format for institutions of higher education to report annual financial data for all state and local funds that are not recorded in the state's central financial reporting system. SCHEV shall collect data by September 20, 2023 annually.

General Assembly Update

- 2023 General Assembly Session

  - 30 Day Session, typically extended to 45 days

  - Commonwealth Revenues

- University Priorities

  - Launch New IT Program

  - Expand Nursing Programs (D.N.P.)

2022-24 Biennial JMU Budget Requests

	Requested	Budget			Final
		Executive	**House**	**Senate**	
Carrier Library	$108.7M (GF)	$108.7M	$108.7M	$108.7M	$108.7M
Steamplant – Phase 2	$30.1M (GF)	$30.1M	$30.1M	$30.1M	$30.1M
Teacher Recruitment Program	$4.1M	$4.1M	$4.1M	$4.1M	$4.1M
Center for Innovative Youth Justice	$300,000	$300,000		$300,000	
Address JMU Funding Disparity	$15.0M		$12.0M		$12M
Increase Pell-eligible Students	$5.0M		$1.6M		
Expand Nursing Programs (D.N.P.)	$3.2M		$1.2M		
Launch New IT Program	$1.7M		$1.2M		
Reengineering Madison Software	$13.4M				

2022-24 Biennial JMU Budget Requests

	Requested	Budget			Final
		Executive	**House**	**Senate**	
Expand Nursing Programs (D.N.P.)	$1.25M				
Launch New IT Program	$455,000				

2023 General Assembly – Crossover

Public Notice/Comment – Tuition & Mandatory Fees

- **<u>Public Notice (Chapter 523 -2017)</u>:** Prohibits the governing board from approving an increase in undergraduate tuition or mandatory fees without first providing students and the public the following:
    - a projected range of the planned increase,
    - an explanation of the need for the increase, and
    - notice of the date and location of any vote on the increase at least 30 days prior to vote

- **<u>Public Comment (Chapter 584/588 -2019</u>):** Requires opportunity for public comment prior to any governing board vote on tuition and fee increases. Each governing board shall establish policies for public comment, which may include reasonable time limitations. Governing board shall provide an explanation of any deviation from the projected range in the public notice.

Customer Relationship Management Update

Robin Bryan

Assistant Vice President and CIO

Information Technology

Sequence of Projects

REENGINEERING MADISON- SCHEDULE

PROJECT NAME	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
INTEGRATION TOOLS (DATA)	IMPLEMENTATION	IMPLEMENTATION							
DATA GOVERNANCE (DATA)	IMPLEMENTATION	IMPLEMENTATION	OPERATIONAL	OPERATIONAL	OPERATIONAL	OPERATIONAL	OPERATIONAL	OPERATIONAL	
CRM PLATFORM (CRM)	PLANNING	IMPLEMENTATION	IMPLEMENTATION	IMPLEMENTATION					
DATA WAREHOUSE (DATA)	OPERATIONAL	OPERATIONAL	OPERATIONAL	OPERATIONAL	PLANNING	IMPLEMENTATION	IMPLEMENTATION	IMPLEMENTATION	
ADVANCEMENT (CRM)	PLANNING	IMPLEMENTATION	IMPLEMENTATION						
ADVISING (CRM)	PLANNING	IMPLEMENTATION							
IDENTITY MANAGEMENT (ERP)	PLANNING	IMPLEMENTATION	IMPLEMENTATION	IMPLEMENTATION					
ADMISSIONS (CRM)		PLANNING	IMPLEMENTATION	IMPLEMENTATION					
HCM/FINANCE (ERP)				PLANNING	IMPLEMENTATION	IMPLEMENTATION			
STUDENT ADMINISTRATION (ERP)						PLANNING	IMPLEMENTATION	IMPLEMENTATION	

Last Updated: November 16, 2022

KEY: **PLANNING** **IMPLEMENTATION** **OPERATIONAL PROCESSES** **FY- FISCAL YEAR (JULY 1-JUNE 30)**

Customer Relationship Management (CRM)

- New to JMU

- Enterprise Approach

- Primary Objectives
  - Consolidate communications
  - 360 degree view of constituents

CRM Procurement Process

- Request for Proposals

- Narrowed proposals to top three
    - Slate
    - Frequency Foundry
    - Salesforce

- Campus-wide demonstrations

- In-depth discovery to ensure appropriate functionality and potential for growth

CRM - Phase 1

- Enterprise functionality
    - Case Management
    - Campus-wide coordination of communications and events
    - Subscription Center
    - Portal for Alumni, Applicants and Advising
- Advising/Student Success
- Advancement
- Undergraduate Admissions

Salesforce

- Recommendation to President Alger and Vice Presidents

- Signed with Salesforce in late January

- Huron will serve as consulting partner

- Kick-off project in early March

- 19 – 24 month engagement expected

- Phase 2 – expansion of enterprise functionality, Graduate and Professional and Continuing Education Admissions

Costs

One Time	Project Amount				
Consulting	$5,225,000				
Backfill/Other	$330,000				
Travel Expenses	$261,250	5% of consulting			
Contingency	$522,500	10% of consulting			
	$6,338,750				
Annual recurring	**FY '23**	**FY '24**	**FY '25**	**FY '26**	**FY '27**
Salesforce & Marketing Cloud licenses*	$587,000	$1,422,000	$1,422,000	$1,422,000	$1,422,000
Affinaquest (Advancement)	$89,400	$93,870	$98,564	$103,492	$108,666
Blackthorn (Events)**	$81,090	$0	$135,150	$189,210	$189,210
Additional add-ons estimate	$200,000	$200,000	$200,000	$200,000	$200,000
	$957,490	**$1,715,870**	**$1,855,714**	**$1,914,702**	**$1,919,876**
**Initial Salesforce term is 5 months					
**Initial Blackthorn term is 17 months; Depending on payment gateway used, there will be a $.10 per transaction charge for each credit card payment					

Questions?

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Governance Committee
February 9, 2023
Meeting Room 2
12:00 p.m.

<u>Agenda</u>

1. Approval of Minutes - November 17, 2022*

2. Approval of Proposed Changes to Bylaws*
   a. *Officer transition*

3. Process for leadership succession

4. MOU with the JMU Foundation*

5. Board Retreat 2023

*Action Required

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

GOVERNANCE COMMITTEE

Minutes of the Meeting of November 17, 2022

The Governance Committee of the James Madison University Board of Visitors met on Thursday, November 17, 2022 in the Festival Conference and Student Center at James Madison University.
Jeff Grass, chair, called the meeting to order at 4:30 pm.

PRESENT:

Falcon, Chris	Herod, Maribeth
Grass, Jeff, Chair	Tompkins Johnson, Deborah
Harper, Donna, liaison	White, Jack

ALSO PRESENT:
Alger, Jonathan, President
Knight, Jack, Legal Counsel

On motion by Deborah Tompkins Johnson, seconded by Chris Falcon, approved the minutes of the September 15, 2022 meeting.

Transition of Rector and Vice Rector
The committee discussed the current transition designated in the Bylaws and the possibility of having the transition occur June 30th. The committee will make a recommendation at the February board meeting.

Presidential Evaluation Process
The committee clarified the performance evalution process for the president for consistency in future years.

Audit Committee Name Change
The committee discussed a recommendation from the Audit Committee to review their current committee name. The name will be changed to Audit, Risk and Compliance and their charter will be updated appropriately.

2023 Board Retreat
EAB will again serve as a facilitator for the retreat. It will be held on April 22 and the committees were asked for any suggestions of topics to potentially be included in the retreat.

With no further business, the committee adjourned at 5:45 pm.

_____
Jeff Grass, Chair

_____
Donna L. Harper, Secretary

Succession Planning

BoV Manual

The current manual is limited in scenarios for the presidents incapacity. Current manual says:

Article IX: Rights & Powers

c. In case of the president's incapacity because of disability or death, the board of visitors will designate an acting president to serve until a new president is appointed by the board and assumes office.

Several options:

a) Remove the sentence altogether.
b) Amend to either eliminate the "because of disability or death"
c) Amend to include different consideration – ex. In case of a planned or unplanned departure of the President

Succession Planning Process

Boards responsibility: to name interim and "Appoint CEO (President) of the institution" (code of VA Title 23.1, Chapter 13, #23.1-1301)

My recommendation would be to NOT include the process in the manual, but handle it like we did for the Presidents Annual Review. A documented process would be generated and then managed offline / outside of the constraints of the Board Manual. This process should only apply to the President. All other processes are governed by HR policies as well as specific policies for deans and the provost in academic affairs.

Considerations for the definition of a process:

1) Frequency – Annually or bi-annually
2) Ownership: Executed by University Human Resources; Presidents succession reviewed by BoV Executive Committee;
3) Succession Plan from President:
    a. content would be for the President to provide a list of 3 to 5 names of candidates he would consider as successors
    b. should there be any justification or rationale for the recommendation?
    c. Should it go to the Rector or the Executive Committee?
4) Process to Appoint Interim:
    a. Options to execute
        i. Pre-defined succession plan
        ii. Convene to determine/appoint interim
        iii. Combination of both
    b. Role of the
        i. Executive Committee or
        ii. Full Board
    c. Vote
        i. Majority
        ii. 2/3
        iii. Unanimous
    d. Execution
        i. Hold interviews
        ii. Appoint post discussion

5) Process to Select and Appoint President:
   a. Appoint a Committee
      i. Faculty / administration
      ii. Any Board members
      iii. Alumni
      iv. Legal
   b. Role of the
      i. Executive Committee or
      ii. Full Board

   c. Select a firm to facilitate the marketing, interview and selection process
   d. Vote
      i. Majority
      ii. 2/3
      iii. Unanimous

Notes from Jack:

The approach of the Attorney General's Office seems to be shifting. Historically that office had a policy that the chief of the education section would serve as legal counsel to all university presidential search committees- in part to ensure greater consistency of guidance and advice from one committee to another. The Deputy AG who oversees educational institutions actually prefers that on campus counsel serve a much larger role in the process.

Other References:

William & Mary

William & Mary's plan to address the president's incapacitation, death or resignation is to appoint an interim "as promptly as possible". bylaws.pdf (wm.edu) (see page 11, Article VI.A.)

2. In case of the incapacitation, death or resignation of the President, the Board of Visitors designates as promptly as possible an Interim President to serve until a President is elected by the Board and assumes office.

Princeton University

Princeton University, in section 6.7 of its bylaws, says that in the absence or disability of the President, the Board or its Executive Committee may appoint an acting President. If they don't act, the Provost automatically assumes the role. bylaws-2021-10051248_typo_removed.pdf (princeton.edu)

 6.7 In the absence or disability of the President, the Board or the Executive Committee may appoint an Acting President, who shall have the powers and duties of the President. If no such appointment has been made, the Provost shall have the powers and duties of the President

Central Washington University

The Central Washington University (public) model covers all bases with a combination approach: https://www.cwu.edu/resources-reports/node/159.

 CWUP 2-10-020 Emergency Presidential Succession

(1) In the event that the president of the university is, for any reason, unable to execute the duties of the office, the secretary to the Board of Trustees immediately will call an emergency meeting of the board in which the trustees will appoint an interim president.

Between the time the president is determined to be unable to fulfill his/her duties and the time when the Board of Trustees is able to appoint an interim president, the leadership of the university will fall to the divisional vice president or lead administrator in this order:

(A) Provost

(B) Vice President of Business and Financial Affairs

(C) Vice President of Operations

Western Illinois University

Western Illinois University (public) uses a similar policy, noted at the bottom of their page, though, interestingly, they also have a protocol for determining who is in charge "when the President is off-campus." http://www.wiu.edu/policies/officer.php

Delegation of Authority Pending Appointment of a Successor:

In the event of the death, extended absence, termination, or resignation of the President, the Provost and Vice President for Academic Affairs will serve as the Acting President until the Board of Trustees determines otherwise. If the Provost is for any reason unavailable or indisposed, the acting presidency will be filled according to the list above, pending action to the contrary of the Board of Trustees.

In the event of the death, extended absence, termination, or resignation of a Vice President, the President will appoint a temporary replacement, pending completion of an appropriate search process. When vacancies occur among subordinate administrative officers, the President and the appropriate Vice President, or their designees, will address the organizational and staffing issues on an ad hoc basis.

Pratt Community College

Pratt Community College (public, Kansas) follows the model of having the governing board appoint an interim. Their plan is interesting, though, because it contemplates the board consulting with relevant outside organizations to identify the interim, but also provides for an appointment which elevates a vice president to temporarily fill the vacancy: https://prattcc.edu/board-trustees/succession-plan-presidency

Succession Plan for Presidency

- Home
- Succession Plan for Presidency

1. PURPOSE: The purpose of this policy is to outline a process that transitions leadership of the college in the event of a planned or unplanned departure of the current president.
2. PLANNED DEPARTURE: To assure an orderly transition of leadership, the president's contract shall contain a provision requiring notice of no less than 60 days prior to departure, not to include the use of accumulated vacation days.
3. UNPLANNED DEPARTURE: If the current president's departure is unplanned, the Board of Trustees will take immediate action to appoint interim leadership from among the vice presidents. During that period, the Board will consult with appropriate higher education organizations (e.g. ACCT), to identify and subsequently appoint an interim president, which could come from the in-house, interim selection, until the search and selection of a new president is completed. The interim president will be asked to remain in place until the workday prior to the new president taking office.

4. A PRESIDENTIAL SEARCH will be conducted using the services provided by a firm specializing in presidential searches, or conducted by the Board. These services would include advertising, screening, verifying credentials, reference checks, and preliminary interviews and narrowing the list to a group of finalists.
   1. Candidates could be interviewed via video teleconferencing and the selection narrowed to an appropriate number of candidates who would be summoned to the campus for interview, from which a selection is made.
5. APPOINTMENT OF AN INTERNAL INTERIM PRESIDENT from among the current vice presidents will be based upon an interview by the Board of Trustees and a review of their personnel records. Under no circumstances will other college employees or college patrons be consulted in this selection.
6. BASED ON THE CURRENT PRACTICE, The Vice President, selected will perform all duties and functions of the presidency as required by law and as noted in Board/Administrative policies with the exception of financial transactions and purchases as specified in Board Policies 3-06 and 3-07.
7. UNUSUAL CIRCUMSTANCE: In the event that the selected Vice-President, is unable to or desires not to fill the position of interim president, the board will appoint an interim president from the other vice-presidents or have the option to hire an interim from outside of PCC.
8. CURRENT ISSUES AND OPERATIONAL POLICIES: The president shall operate in a manner that assures that the vice-presidents and the Administrative Assistant to the President are knowledgeable and current on the key issues – local, state and Federal – that impact the college. In addition, the Administrative Assistant to the President is to be made aware of and have access to supporting documentation and recurring actions/reports that are generally handled by the president.
9. This succession plan will be filed with the Personnel Director, the Administrative Assistant to the President/Clerk of the Board, and the Board chair. In the event of an unplanned departure, the succession plan will be automatically implemented within 24 hours unless otherwise directed by the chair of the Board of Trustees.

Michigan State University

Michigan State University's (public, of course) board bylaws address planned presidential vacancies (Article 4: Officers and Organization of the Board | Board of Trustees | Michigan State University (msu.edu)) as well as a vacancy caused by emergency (Article 14: University Operation in Special Emergencies | Board of Trustees | Michigan State University (msu.edu)), and their emergency process even seems to provide for a period of time where available members of the board will act to ensure continuity of operations.

In case of a vacancy in the office of the President, under conditions other than those specified in Article 14, the Board at the time of the announcement that the President is leaving shall elect immediately an Acting President for the interim period who shall exercise the functions of the President as stated in these Bylaws while serving as Acting President.

Article 14: In the event of the death or incompetency of the President, the Chairperson of the Board of Trustees shall convene the available members to take appropriate action to assure continuity in the affairs of the University until the Board will make arrangements for an Acting President.

In order to anticipate responsibly the consequences of any disaster befalling the President of Michigan State University, rendering the President incapable of exercising the duties and functions of the office, it shall be the continuing responsibility of the Board of Trustees of said University to provide for the designation of an Acting President who shall carry out the duties and responsibilities of the Office of the President until such time as the Board shall appoint a permanent president under these Bylaws.

Mohawk College

Mohawk College (public, Canadian school) covers short-term, long-term, and permanent absences of the president. For short and long-term absences, the board implements an emergency succession plan to put an acting president in place. For an unplanned permanent vacancy (or inability to serve), the board implements the same plan, but is also required to meet within three months thereafter to decide whether to appoint an interim.   C04-Succession-of-the-President-and-CEO.pdf

5.3 Recruitment and Selection of the President & CEO

When the Board becomes aware that the President & CEO position will become vacant because of retirement, non-renewal of contract, or other reasons, the Board shall take timely and planned steps for selection of a suitable candidate so that the appointment is made in sufficient time to ensure, to the extent possible, a smooth transition. The Board may consider an internal appointment, an internal search, or a simultaneous internal and external search to fill the vacant President & CEO position.

- The Board shall review the College's succession plan to identify any suitable internal candidates who have the ability to provide leadership in alignment with the College's Mission, Vision, Values & Strategic Priorities. Page 3 of 4

- The Board may consider the position of Chief Operating Officer as a development opportunity for succession to the President & CEO role. • The Board shall determine whether an appointment, and internal search or external search is appropriate.

- The Board may engage with a professional services firm to assist in the recruitment and selection of the President & CEO.

- The Board shall undertake a fair process that complies with all relevant legislation including but not limited to the Ontario Human Rights Code and the Freedom of Information and Protection of Privacy Act.

5.4 Emergency Succession of the President & CEO

- The Annual Emergency Succession Plan will identify at least two potential senior college executives that are familiar with Board and presidential issues and processes and capable as functioning effectively as Acting or Interim President & CEO who could provide temporary leadership in the absence or because of an unplanned departure, death or disability of the President & CEO.

- In the event of the unplanned absence of the President & CEO, whether for a Short-term Absence or a Long-term Absence, the Board of Governors authorizes the implementation of the Annual Emergency Succession Plan through the Governance and Human Resources Committee.

- A final decision on a replacement for the President & CEO, for a Short-term Absence or Long-term Absence, or permanently, as dictated by circumstances, will be made by a motion of the Board, on the recommendation of the Governance and Human Resources Committee.

5.4.1 Short-term Absence

1. In the event of a Short-term Absence, the President & CEO or the General Counsel and Corporate Secretary shall inform the Board Chair immediately of such absence. As soon as possible, the Board Chair or Chair of the Governance and Human Resources Committee shall convene a meeting of the Governance and Human Resources Committee to consider the appointment of any of the individuals named in the Annual Emergency Succession Plan as Acting President & CEO of Mohawk College for a period to be specified by the Governance and Human Resources Committee.

2. The appointment of the individual chosen from the Annual Emergency Succession Plan as Acting President & CEO is effective immediately upon motion by the Governance and Human Resources Committee at meeting set out in section 5.4 of these Rules until the matter is brought to the Board for ratification.

3. In the event the Governance and Human Resources Committee is not of the view, at its sole discretion, that it is in the best interest of the College to appoint anyone named in the Annual Emergency Succession Plan as Acting President & CEO, the Board Chair shall convene a meeting of the full Board within seven calendar days to consider the appointment of another individual to this role.

5.4.2 Long-term Absence

1. The provisions in Section 5.4 of these Rules above shall equally apply in the event of a Long-term Absence.

2. The absent President & CEO and the Board Chair shall decide on a mutually acceptable schedule and start date for the return of the absent President & CEO. If it is determined to be in the best interest of the College, they may develop a transition schedule. Page 4 of 4 5.4.3 Authority of the Acting or Interim President & CEO The individual appointed as Acting or Interim President & CEO shall have the same authority for decision making and independent action as the permanent President with the following limitations:

• Signing authority of up to $500,000 per transaction with respect to any matter (either capital or operating) not approved by the Board through the annual budgetary process

• No authority to terminate any existing member of or permanently hire any individual to the Mohawk Executive Group without prior approval of the Governance and Human Resources Committee

• No authority to terminate any current member of the Senior Leadership Team without prior approval of the Governance and Human Resources Committee

• Any other limitation that the Board imposes on the Acting or Interim President & CEO that it deems, at its sole discretion, to be within the best interest of the College.

5.4.4 Remuneration of Acting or Interim President & CEO Remuneration for assuming the role of Acting or Interim President & CEO shall, subject to applicable legislation on executive compensation, be determined by the Board on recommendation of the Governance and Human Resources Committee.

Pennsylvania State System

The Pennsylvania State System has a policy that addresses the role of both an acting and an interim president: Policy 1983-14-A.pdf (passhe.edu). It also relies on an Order of Succession Plan, which I have not yet located. Essentially, their policy says that, upon a vacancy in the office of president, his or her duties automatically shift to specific personnel as outlined in their Plan until the incumbent president is able to resume the role or a successor is appointed.

Southern West Virginia Community College

Southern West Virginia Community College (public) has an interesting process. They require the president to annually provide the board with the names of at least two vice presidents who are "familiar with Board and Presidential matters". Then, in the event of a vacancy, the board recommends an acting president to the system chancellor who makes a decision. SCP 8601 Emergency Presidential Succession Plan (southernwv.edu)

SECTION 1. PURPOSE

1.1 The purpose of this policy is to outline the process for the temporary appointment of an Acting President for Southern West Virginia Community and Technical College in the event of a planned or unplanned departure of the current president due to disability, death, or other instance of significant absence.

1.2 Should Southern West Virginia Community and Technical College be faced with a planned or unplanned vacancy, or other type of significant absence in the Office of the President, this policy regarding emergency succession planning will be implemented in order to insure that the President's duties in organizational leadership, program development, program administration, operations, Board of Governors' relations, financial operations, resource development, and community presence are performed during the aforementioned planned or unplanned absence.

SECTION 2. SCOPE AND APPLICABILITY

2.1 In order to protect the Southern West Virginia Community and Technical College Board of Governors (Board) from sudden loss of Presidential services, the College President will have at least two senior College Vice Presidents familiar with Board and Presidential matters and processes. The College President will furnish the Board with the names of the individuals familiar with Board and Presidential matters and processes at the first regular meeting of the Board at the beginning of each academic year.

2.2 In the event of a sudden loss of Presidential services, the Board will make a recommendation for an Acting President and for compensation of these services for the interim period to the Chancellor for the West Virginia Community and Technical College System.

SECTION 3. DEFINITIONS

3.1 Short-term or Unplanned Absence – An absence of more than one month, but less than six months, in which it is expected that the President will return to his/her position once the events precipitating the absence are resolved.

3.2 Long-term or Planned Absence – An absence that is expected to last more than six months in which the President will not return to his/her position for an unknown period of time or permanently.

SECTION 4. POLICY

4.1 Short-term or Unplanned Absence

4.1.1 In the event of the short-term or unplanned absence of the President, in contrast to a planned leave, the Southern West Virginia Community and Technical College Board of Governors authorizes the Board Chair to activate the terms of this Emergency Presidential Succession Plan.

4.1.2 In the event of the short-term or unplanned absence of the President, the Executive Assistant to the President and Board of Governors will immediately inform the Board Chair of the absence. As soon as feasible, the Board Chair will convene a meeting of the Board of Governors to affirm the procedures prescribed in this Emergency Presidential Succession Plan or make modifications as the Board deems appropriate.

4.1.3 The Board Chair will submit in writing the name of the individual whom the Board has recommended as Acting President, and a recommendation for compensation of the duties assigned for the interim period to the Chancellor for the West Virginia Council for Community and Technical College Education. Upon the Council's selection of an Acting President and compensation for these services, the Board of Governors will be responsible for monitoring the work of the Acting President and be sensitive to the support needs of the Acting President in the temporary leadership role.

4.1.4 Immediately upon transferring the responsibilities to the Acting President, the Board Chair will notify the employees of Southern West Virginia Community and Technical College and key stakeholders of the delegation of authority.

4.2 Long-term or Planned Absence

4.2.1 Should a long-term absence (an absence of more than six months) occur, in which the President will not return to his/her position for an unknown period of time, the Executive Assistant to the President and Board of Governors will inform the Board Chair of the absence. As soon as feasiblely possible, the Board Chair will convene a meeting of the Board of Governors to activate the procedures prescribed in this policy.

4.2.2 The Board Chair will submit in writing the name of the individual whom the Board has recommended as Acting President, and a recommendation for compensation of the duties assigned for the interim period to the Chancellor for the West Virginia Council for Community and Technical College Education. Upon the Council's selection of an Acting President and compensation for these services, the Board of Governors will be responsible for monitoring the work of the Acting President. He or she will serve at the will and pleasure of the Board of Governors.

4.2.3 Immediately upon transferring the responsibilities to the Acting President, the Board Chair will notify the employees of Southern West Virginia Community and Technical College and key stakeholders of the delegation of authority.

4.2.4 Should the long-term absence of the College President develop into a permanent absence, the Board of Governors will follow the procedures of the West Virginia Council for Community and Technical College Education, Title 135, Legislative Rule, Series 5, Employing and Evaluating Presidents.

JAMES MADISON UNIVERSITY
BOARD OF VISITORS PROCEDURE

Vacancy in the Presidency
In the event the president is no longer able to continue to serve in their capacity, a meeting of the Executive Committee will be called immediately upon such notice.

Unplanned Vacancy:
- The Board Secretary or Legal Counsel shall be responsible for reporting to the Rector an unplanned vacancy that may occur due to the president's illness, incapacitation, leave of absence or death.
- The Executive Committee shall appoint an Acting President as soon as possible by a 2/3 vote of the committee.
  - If feasible, the Rector would confer with the current president for potential recommendations for consideration.
  - If this is not feasible, the executive committee would consult as deemed appropriate.
    - Potential options for an acting president:
      - Current employee
      - Previous employee
      - Individual from consulting agency, such as AGB
- The Executive Committee would outline the expectations and responsibilities of the Acting President.
- The Board of Visitors would then follow the steps outlined in the Planned Transition for selection of a new president.

Planned Transition:
- The Executive Committee shall coordinate with Legal Counsel and Human Resources to select an executive search firm.
  - The role of the executive search firm will include advertising, screening, verifying credentials, reference checks, preliminary interviews and selecting a list of finalists.
- A presidential search committee comprised of selected members of the Board of Visitors, current employees, and alumni will be appointed by the Executive Committee. The chair of this committee will also be designated by the Executive Committee.
  - This committee will coordinate with the executive search firm throughout the search process and participate in the interviews of the finalists.
  - The committee will make a recommendation to the Board of Visitors on the ranking of the finalists.
- The Board of Visitors will make the final decision on the selection of the president by a 2/3 vote and make the appropriate offer.
  - The offer will be coordinated in consultation with Legal Counsel and the Foundation.

January 25, 2023

AFFILIATION AGREEMENT BETWEEN JAMES MADISON UNIVERSITY AND THE JAMES MADISON UNIVERSITY FOUNDATION, INC.

REPRESENTATIONS

James Madison University (University) is a public institution of higher education and agency of the Commonwealth of Virginia. The James Madison University Foundation, Inc. (Foundation) is not part of the University, but rather exists and operates independently as a 501(c)(3) organization, and for the benefit of the University.

The Foundation represents that the Executive Committee of the Board of Trustees of the Foundation was provided a copy of this affiliation agreement and authorized the persons executing this agreement to do so on behalf of the Foundation.

The James Madison University Board of Visitors represents that the officers and board members of the University were provided a copy of this affiliation agreement and that they authorized the persons executing this agreement to do so on behalf of the University.

PURPOSE

WHEREAS, the Foundation is organized under the laws of the Commonwealth of Virginia as a 501(c)(3) not-for-profit corporation; and

WHEREAS, the Foundation is constituted so as to attract support from contributions, either directly or indirectly; and

WHEREAS, the Foundation operates for the purpose of promoting the welfare, efficiency, service to the public, and objectives of the University and to encourage private gifts of money, securities, land, or other property of whatever character for such purposes, and to that end to take, hold, and receive and enjoy any gift, grant, devise, or bequest, for the benefit of the University, in the manner designated, for the general purposes and improvement of the University, and to accept, execute, and administer any trust in which it may have an interest under the terms creating the trust;

NOW, THEREFORE, in consideration of these premises, and in accordance with University policy and the Foundation's Articles of Incorporation, the James Madison University Board of Visitors and the Foundation agree as follows:

TERM, TERMINATION AND AMENDMENT

1.   The term of this Agreement shall expire June 30, 2028.

2.   Either party may, upon 90 days prior written notice to the other, terminate this Agreement without cause.

Affiliation Agreement between James Madison University and the James Madison University Foundation, Inc.
February 16, 2023

Page 1 of 6

3. Either party may terminate this Agreement for cause in the event the other party defaults in the performance of its obligations and fails to cure the default within 30 days after receiving written notice of such default.

4. This Agreement may be amended only upon the written agreement of the University and the Foundation.

5. This Agreement shall automatically renew for successive one year periods under the same terms and conditions as set forth herein until either Party terminates it, or until the Parties mutually agree to amend or replace the Agreement.

BACKGROUND AND RELATIONSHIP BETWEEN THE FOUNDATION AND THE UNIVERSITY

1. Pursuant to Section 23.1-1301 of the Code of Virginia, the Board of Visitors of the University is vested with the authority to manage the funds of the University, make regulations and policies concerning the University, appoint the President of the University, appoint all professors, teachers, staff members, and agents of the University and fix their salaries, and generally direct the affairs of the University.

2. The Foundation is a separately incorporated Virginia nonstock corporation and is an organization described in Internal Revenue Code section 501(c)(3) and was created to manage, invest and distribute private resources to advance and further the mission and purposes of the University.

3. The Foundation Board of Trustees is responsible for: (i) the control and management of all assets of the Foundation, including the prudent management of all gifts and endowment funds, and other investment assets in a manner consistent with written donor intent and with any applicable law, and (ii) the performance and oversight of all aspects of its operations based on a comprehensive set of bylaws and other policies adopted by the Foundation's Board of Trustees that address the Board of Trustees' fiduciary responsibilities.

4. The University recognizes that the Foundation is a private corporation with the authority and obligations to keep its records and data confidential and private, consistent with donor intent and the requirements of applicable law.

5. No provision of this Agreement shall be deemed to create a partnership or joint venture between the University and the Foundation.

RESPONSIBILITES AND OBLIGATIONS OF THE PARTIES

1. The James Madison University Board of Visitors designates the Foundation to receive, acknowledge, and manage all gifts to the University.

2. The James Madison University Board of Visitors grants the Foundation the use of the name, *James Madison University Foundation, Inc*., and, except as previously agreed or provided herein, the Foundation shall operate under its own seal and logotype, and shall not use the seal of the University in the promotion of its business and activities.

3. The James Madison University Board of Visitors assigned all rights, title and interest in any trademark, logo and insignia now owned or later acquired to the Foundation as of January 26, 1989.

4. The University President is responsible for communicating the University's priorities and long-term plans, as approved by the James Madison University Board of Visitors, with the Foundation. The Foundation President should have routine access to the Senior Leadership of the University to ensure priorities are aligned.

5. Consistent with the provisions of the Foundation's Articles of Incorporation, in the event of liquidation or dissolution of the Foundation, the balance of all money and property, after payment of all debts and obligations, shall be used or distributed within the intent of Internal Revenue Code Section 501 (c)(3) and regulations applicable thereto at such time of dissolution.

6. Any gift, grant, devise, or bequest received by the Foundation, the income of which has not been designated by the donor for a specific purpose, may be commingled by the Foundation, for investment purposes, with funds designated for specific purposes.

7. In view of Foundation needs that may be readily met by the University through the use of its trained personnel and available facilities, the University agrees during the term of this Agreement to do the following:

    a. Provide at nominal rates technology support services, as well as online access to such University systems and files as are relevant to the business and purpose of the Foundation;
    b. Provide PCI DSS – Payment Card Industry Data Security Standard compliance support to the Foundation, as outlined in Appendix A.
    c. Provide at nominal rates access to the University's auxiliary services including graphics, mail service, event scheduling, facility management, and related activities.
    d. Provide payroll and benefits, the cost of which will be reimbursed in full by the Foundation.

8. During the term of this Agreement, the Foundation, as an independent entity/organization, and *not as an agent of the University,* shall:

    a. Be responsible for the selection, compensation, and evaluation of all personnel providing services for the Foundation;

b. Make distributions from designated endowment funds to appropriate departments of the University for dispensation;

c. Distribute current expenditure funds on behalf of University departments;

d. Act as repository for all current and future endowment gifts to the University, unless the donor specifies otherwise. The management of these funds, including investment, payout rates and administrative fees, is the prerogative of the Foundation Board of Trustees;

e. The Foundation shall adhere to applicable federal and state laws, including, without limitation, the Uniform Prudent Management of Institutional Funds Act (UPMIFA);

f. The Foundation shall establish and enforce policies to protect donor confidentiality and privacy generally and in accordance with donor intent and the requirements of applicable law; and

g. Conduct fund-raising activities only after receipt of the prior written consent of the University's Vice President of University Advancement, acting on behalf of the President of the University, which approval will not be unreasonably withheld.

9. The University and the Foundation acknowledge that once funds are transferred to the University, it is the University's responsibility to ensure funds are applied per the donor's intent and in accordance with any donation documents.

10. The University's VP for Administration and Finance, who is an ex-officio member of the Foundation's Board of Trustees, will provide Foundation staff with the University's budget expenditure plans that impact the unrestricted expenditure budget. This should be done with adequate time for inclusion in the Foundation's budget which is presented to the board for approval at the JMUF spring board meeting.

11. The University and the Foundation acknowledge that each is an independent entity and agree neither will be liable, nor will be held out by the other as liable, for any of the other's contracts, torts, or other acts or omissions, or those of the other's trustees, directors, officers, staff, or other agents. The Foundation further acknowledges that the Commonwealth of Virginia will not be liable for any of the Foundation's contracts, torts, or other acts or omissions.

12. The Foundation will report to the University any changes in Board membership, mission, or purpose.

13. The Foundation will make available to the University a copy of its annual auditor's report and IRS Form 990.

IN WITNESS WHEREOF, the parties hereto have hereunto set their respective hands and seals the date and year written herein.

_____   _____
Rector, James Madison University   President, James Madison University

Maribeth D. Herod   Jonathan R. Alger

_____   _____
Date   Date

_____   _____
Chair, James Madison University   CEO/President, James Madison University
Foundation, Inc.   Foundation, Inc.

John Barry Purcell   Warren K. Coleman

_____   _____
Date   Date

Affiliation Agreement between James Madison University and the James Madison University Foundation, Inc.
February 16, 2023

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Appendix A

<u>PCI DSS Compliance Addendum</u>

Both the University and the Foundation represent, warrant, and agree that (a) where required, each complies with the current version of the Payment Card Industry (PCI) Data Security Standard (PCI DSS) and will maintain compliance with the PCI DSS or any successor standard established by the PCI Security Standards Council (PCI SSC); (b) each is responsible for the security of cardholder data in its possession and that such data will be utilized only for purposes permitted by law and the PCI DSS; (c) the University and the Foundation will jointly manage the PCI compliance of Foundation associated merchant IDs (MIDs); and (d) the University and the Foundation jointly have security, compliance, and audit programs in place that assure a Payment Card Industry representative or a Payment Card Industry approved External Partner, can be provided with full cooperation and access for the purpose of validating compliance with the PCI DSS.

Both the University and the Foundation will promptly notify the other if either becomes aware of an occurrence of a Cardholder Event involving cardholder data relating to the Foundation. For purposes of this Agreement, a "Cardholder Event" means any of the following: a loss of, an incident of unauthorized access to, or an unauthorized disclosure of, cardholder data that is stored, processed, or transmitted by the University, the Foundation, or an affiliated third-party.

Affiliation Agreement between James Madison University and the James Madison University Foundation, Inc.
February 16, 2023

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Student Affairs Committee

February 9, 2023

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Student Affairs Committee
Thursday, February 9, 2023 12:45 p.m.
Student Success Center, Room 1075

<u>Agenda</u>

1. Opening Remarks and Approval of Minutes for November 17, 2022, Student Affairs
   Committee Meeting*
   Deborah Tompkins Johnson, Chair

2. Student Affairs Update
   Tim Miller, Vice President for Student Affairs

3. Student Government Association Report
   Shawdee Bakhtiari, President

4. Student Representative to the Board of Visitors Report
   Xaiver Williams, Representative

5. Student Life and Involvement Spotlight
   Dirron Allen, Associate Vice President. Student Life and Involvement

6. Student Panel
   Bailey Bowers, 2nd Year CSPA Graduate Student, Graduate Hall Director - Hillside Hall
   Sofie Dalton, Junior, Special Education, Resident Advisor – Ikenberry Hall
   Paris Eley, Senior, Psychology, Undergraduate Hall Director – Gifford Hall Sydney Robinson,
   Sophomore, Resident Advisor – Paul Jennings Hall

   *Action Required

Schedule for the Day:
10:30 am - Arrive at Festival Board Room and board shuttle for the Student Success Center
11:00 am - Lunch with students in the Center for Multicultural Student Services office
12:00 pm - Tour the Student Affairs departments on the 1st floor of the Student Success Center
12:45 pm- Meeting called to order
 2:15 pm - Meeting adjourned
 2:25 pm - Board shuttle to Festival in time for 2:45 pm meetings

Opening Remarks and Approval of Minutes

Deborah Tompkins Johnson, Chair

Minutes of the Student Affairs Committee

The Student Affairs Committee met on Thursday, November 17, 2022, in Ballroom B of the Festival Conference and Student Center at James Madison University. Deborah Tompkins Johnson, Chair, called the meeting to order at 1:00 p.m.

Present:
Lynch, John   Lara Major
Tompkins Johnson, Deborah, Chair

Absent:
Edwards, Terrie

Others:
Alger, Jonathan, President, James Madison University
Alston, Alexis, Sophomore, DEIA Advisory Board & Center for Multicultural Student Services
Bakhtiari, Shawdee, President, Student Government Association
Dyer, Lee, Director of Sexual Orientation, Gender Identity & Expression
Ghant, Valarie, Director, Center for Multicultural Student Services
Kunowsky, Emily, Graduate Student-School Counseling-Office of Disability Services
Lewis, Brent, Associate Vice President, Diversity, Equity, Inclusion & Accessibility
Miller, Tim, Vice President for Student Affairs
Norton, Jay, Senior, Public Policy, Center for Multicultural Student
Rouzer, Nerissa, Associate University Counsel
Schoolcraft, Valerie, Director of Disability Services
Vassar, Lynn, Junior, Psychology, Sexual Orientation, Gender Identity & Expression
Williams, Xaiver, Student Representative to the Board of Visitors

Approval of Minutes
On the motion of Lara Major and seconded by John Lynch the minutes of September 15, 2022, were approved.

Opening Remarks
Deborah Tompkins Johnson welcomed attendees and held a moment of silence in support of UVA.

Student Affairs Update
Dr. Miller gave a brief update of the last few months on campus including information on JMU's telehealth initiative, campus events, and student well-being.

Student Government Association Report

Shawdee Bakhtiari, Student Government Association President, has made it her goal to increase outreach to the student body as well as support the needs of the Student Government Association initiatives to welcome new student advocates. She is actively in support of Student Government Association work in student and academic life; including, helping establish the role of academic senators as well as spreading the word about the American Sign Language (ASL) bill of

opinion to increase accessibility and volume of ASL classes on campus. In addition, she is using her platform to bolster the presence of other student organizations on campus. She is implementing social media initiatives on her personal social media as well as the SGA social media. In addition to this, she is participating in various events and campaigns on campus to promote school spirit and celebrate JMU students!

Student Representative to the Board of Visitors Report
Xaiver Williams, Student Representative to the Board of Visitors, shared with the committee updates regarding an event he was able to offer to faculty, staff, and students in October, Halftime on the Quad. He also shared information about meetings he was able to join in Africa, his continued focus on mental health, and focus for the Spring semester.

Diversity, Equity, Inclusion and Accessibility (DEIA) Spotlight
Brent Lewis, Valarie Ghant, Lee Dyer and Valerie Schoolcraft provided updates for the Diversity, Equity, Inclusion and Accessibility departments in Student Affairs. The DEIA unit in Student Affairs works to provide programs, services, resources, and advocacy that empowers and celebrates diversity, equity, inclusion and accessibility. The area includes three distinct departments with missions that align with the overall unit. DEIA is comprised of the Center for Multicultural Student Services (CMSS), the Office of Disability Services (ODS), and Sexual Orientation, Gender Identity, & Expression (SOGIE). We continue working to identify the most impactful ways to engage our students' post-pandemic. The DEIA staff creates opportunities for students to connect to campus and their peers through programs, dialogues, trainings and departmental services. We continue to evaluate the effectiveness of our work, build relationships across Student Affairs and the JMU campus community, while striving to create inclusive, accessible, and welcoming spaces at JMU.

Student Panel
Alexis Alston, Sophomore, DEIA Advisory Board & Center for Multicultural Student Services
Emily Kunowsky, Graduate Student-School Counseling-Office of Disability Services
Jay Norton, Senior, Public Policy, Center for Multicultural Student
Lynn Vassar, Junior, Psychology, Sexual Orientation, Gender Identity & Expression

The students shared how working with departments and using services provided by JMU has made them feel supported and grounded all while providing them with a sense of belonging.

There being no further business, on the motion of Lara Major and seconded by John Lynch the Student Affairs Committee meeting adjourned at 2:30 p.m.

Respectfully submitted,

_____
Deborah Tompkins Johnson, Chair

_____
Donna Harper, Secretary to the Board

Vice President for Student Affairs Update

Dr. Tim Miller

Student Government Association Report

Shawdee Bakhtiari

Shawdee Bakhtiari
Student Life Committee Presentation

Summary Paragraph for minutes:

Student Government Association Report:
Shawdee Bakhtiari, Student Government Association President, is continuing her goal of student outreach to the student body. She is cultivating and creating an environment of student organization collaboration. Including meeting with student leaders all across campus. She has also furthered her involvement with the Academic Council, alongside Student Government Association leadership. She is actively participating in campus wide events, including hosting keynote speaker events, as well as preparing to lobby the Virginia General Assembly in Richmond on the basis of student needs and University interests.

Student Government Association Report

➢ *Student Outreach*
  ○ Organizing meetings with various student organizations
    ■ Interfraternity Council
    ■ Panhellenic Council
    ■ Inter-cultural Greek Council
    ■ SafeRides
  ○ Organizing a check in for Front End Budgeted student organizations
    ■ Black Student Alliance
    ■ NAACP
    ■ University Program Board
    ■ Madison Equality
    ■ Student Government Association
    ■ SafeRides
    ■ Latinx Student Alliance
➢ *Academic Council*
  ○ Attending first academic council meeting with academic senators and SGA academic affairs chair
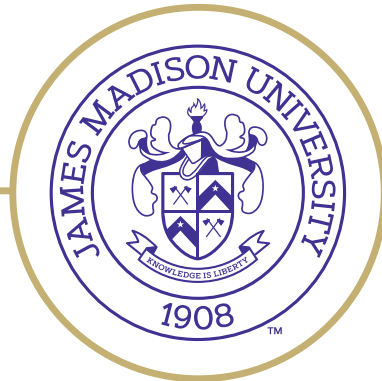 ○ Continuing to meet with deans
➢ *Campus Wide Events*
  ○ Co-hosting the Martin Luther King Jr. Week of Celebration Keynote speaker, Dr. Lerone Martin on MLK Day
  ○ Serving on the MLK planning committee
➢ *State Lobbying Efforts*
  ○ Representing student needs and University needs and interests to state legislators

Student Representative to the Board of Visitors Report

Xaiver Williams

Preparing for the next SRBOV

Preparing for the next SRBOV

- Zoom Information Session – Feb. 1, 2023
- Inviting students to the Feb. 9, 2023 Student Affairs Committee Meeting
- Elections will take place in March 2023 through the SGA
  - Planning to workout transition meeting from April to May
    - Meetings with BOV Members
    - Meetings with University Leadership
    - Meetings with Key Leaders in Divisions
- 2023-2024 SRBOV Introduction during the April 2023 meeting
  - Planning to invite them to the full board meeting/board retreat

Commonwealth Prayer Breakfast

Amiee Guidera, Secretary of Education
Reagan Polarek, JMU Class of 2026 President

Jack White, JMU BoV Member

Connecting with JMU Students/Community
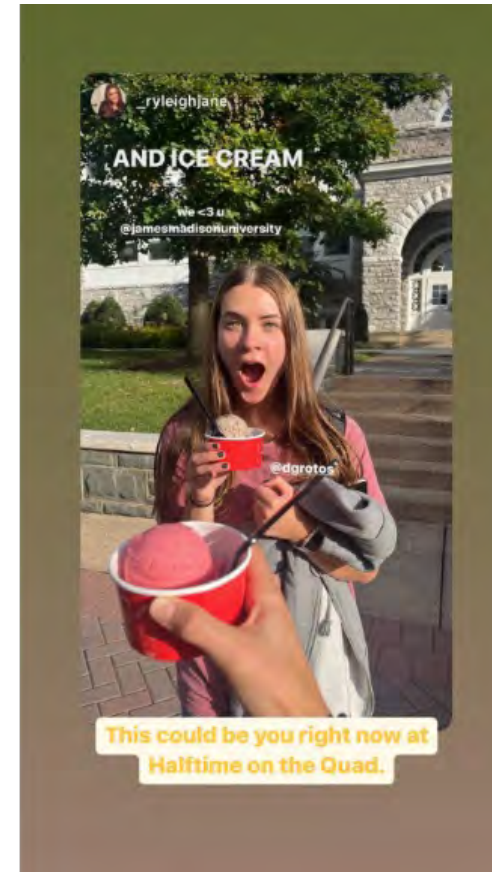
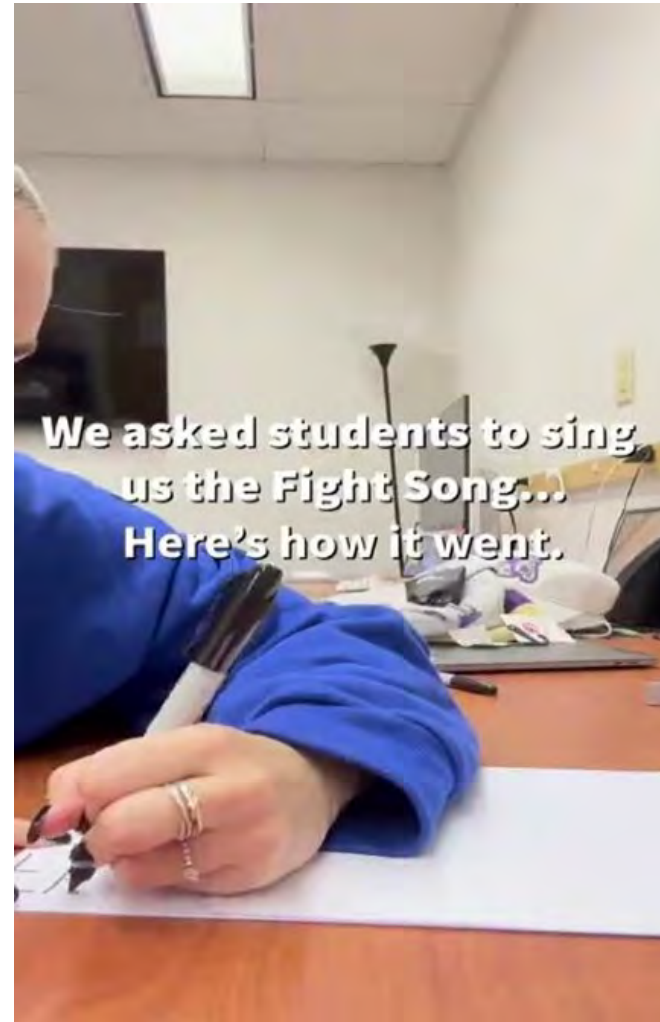# Connecting with JMU Students/Community

Halftime on the Quad:

- 10 frames (videos or pictures)
- 66,590 Views (unique views)
- 1191 total interactions
    - 188 swipe votes
    - 322 poll votes
    - 681 sticker taps
- 1.79% engagement rate (also above the monthly engagement rate for the month of October!)

Connecting with JMU Students/Community

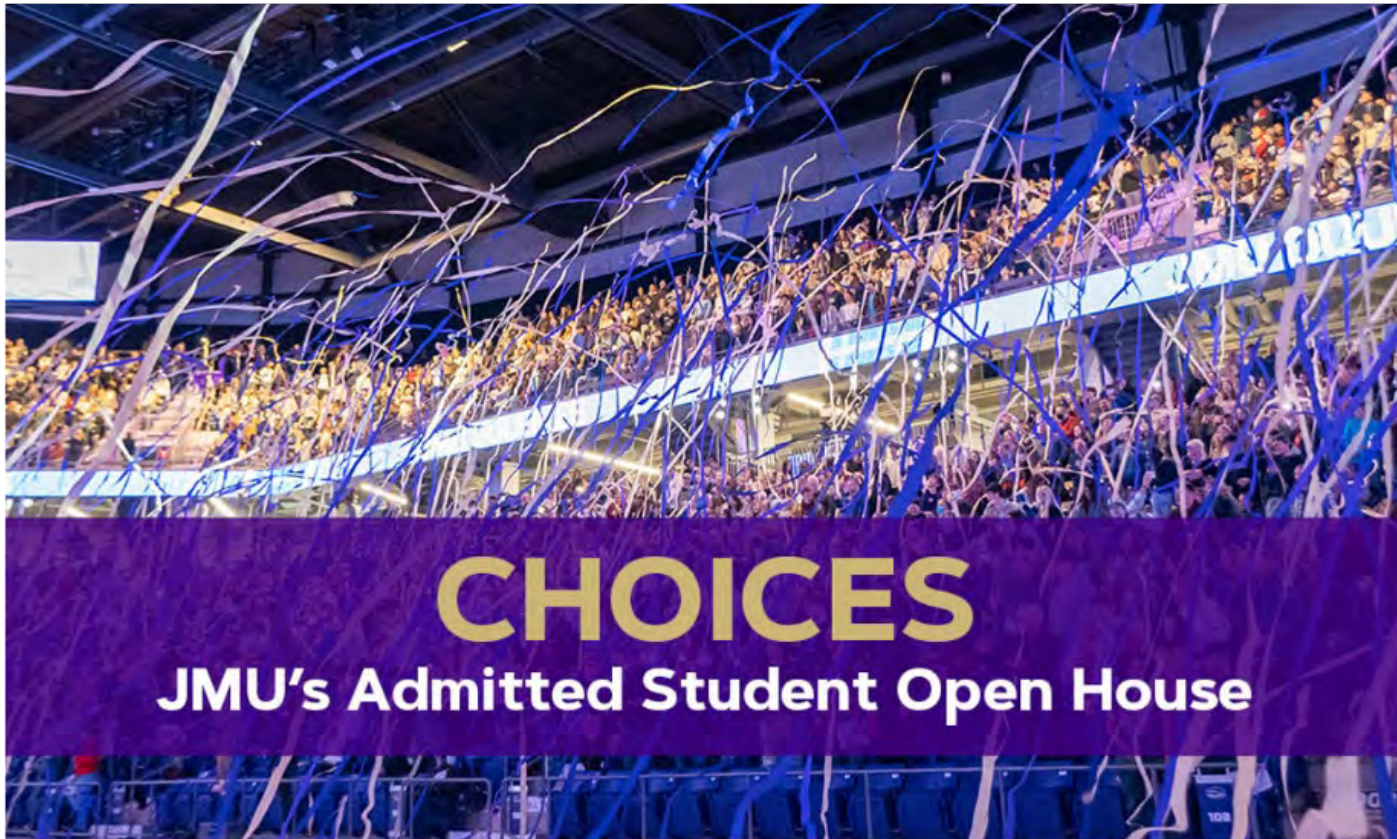We asked students to sing us the Fight Song... Here's how it went.

Connecting with JMU Students/Community

Fight Song Video:

- 8,355 Views
- 700 Likes
- 46 Comments
- 95 Shares

CHOICES
JMU's Admitted Student Open House

Atlantic Union Bank Center
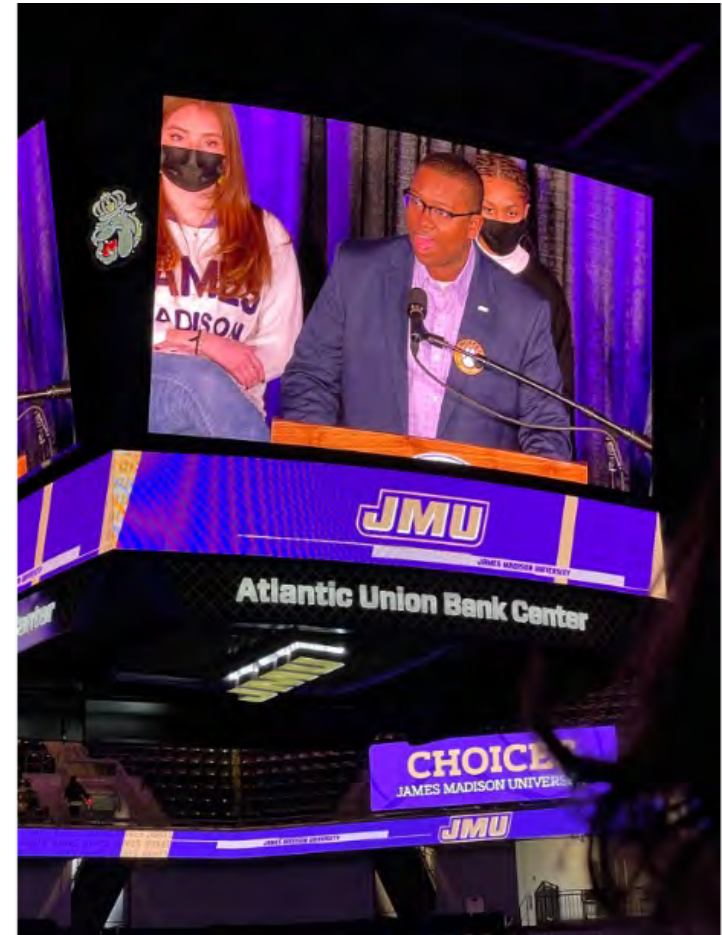
Xaiver Williams
Innovation • Collaboration • Determination
Moving Forward

Student Representative Report

Xaiver Williams

Student Life Committee Meeting– February 9, 2023

"Change will not come if we wait for some other person or some other time. We are the ones we've been waiting for. We are the change that we seek." – Barack Obama

- **Innovation**
    - 2023-2024 Student Representative to the Board of Visitors Onboarding Initiative
        - Information Session: February 1, 2023
        - Student Affairs Committee Meeting Shadowing: 02/09/2023
        - Transition Meetings with BOV Members
    - Student Representative to the Board of Visitors Onboarding Guide
        - Requesting feedback from board members on what information should be included in the guide
        - Planning meetings have been conducted with:
            - President Alger
            - Dr. Mike Davis
            - Dr. Tim Miller

- **Collaboration**
    - Commonwealth Prayer Breakfast
        - Joined JMU senior administration, government relation representatives, and Alumni in praying for communities, Commonwealth, and Nation
    - Connecting with Students via Social Media
        - A continuous effort with Shawdee to elevate our roles and presence on campus
    - 30+30: Awareness to Action Inclusive Future Tour
        - Pre-Tour Discussion with Student DEI Leaders and Dr. Malika Carter-Hoyt, Vice President of Diversity, Equity and Inclusion and Chief Diversity Officer
        - The goal of the tour is to help JMU move from awareness to action. One of our most fundamental and definitive university initiatives involves the significant resources being invested in the advancement of Diversity, Equity and Inclusion. The *Awareness to Action Inclusive Future Tour* will help:
            - Conduct an evaluation of the implementation status and impact of each of the Task Force on Racial Equity's recommendations
            - Publicize and celebrate the final report of the Task Force on Racial Equity/ Climate Study
            - Begin implementing and strengthening initiatives resulting from a review of the results of the Comprehensive Campus Climate Study
    - CHOICES
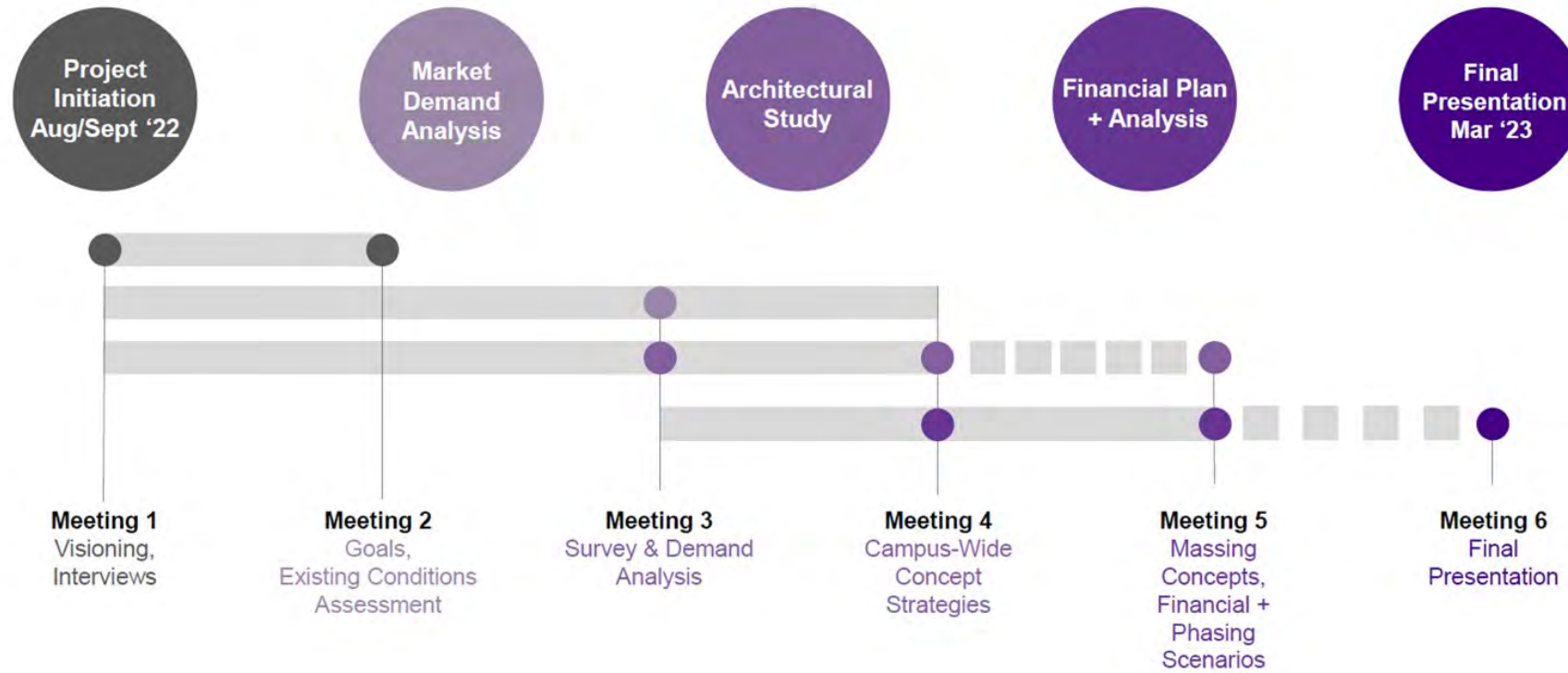   - Serving as the student keynote speaker for the Feb. 18th event

Xaiver Williams
Innovation • Collaboration • Determination
Moving Forward

The Future of Housing at JMU

Dirron Allen, Associate Vice President, Student Life and Involvement

Housing Master Plan Timeline

Project Initiation Aug/Sept '22

Market Demand Analysis

Architectural Study

Financial Plan + Analysis

Final Presentation Mar '23

Meeting 1
Visioning, Interviews

Meeting 2
Goals, Existing Conditions Assessment

Meeting 3
Survey & Demand Analysis

Meeting 4
Campus-Wide Concept Strategies

Meeting 5
Massing Concepts, Financial + Phasing Scenarios

Meeting 6
Final Presentation

Goals of the housing master plan

- Create vibrant, engaging, inclusive, and healthy residential experiences that support JMU student well-being and academic success.

- Contribute to the unique character and valued attributes of the JMU campus.

- Maintain the long-term financial health of the JMU housing program.

Site Exploration

Questions about the Housing Master Plan?

Village Phase 1

Preview

VILLAGE HOUSING PHASE 1
JAMES MADISON UNIVERSITY
Wednesday, October 19, 2022

VIEW FROM IKENBERRY SERVICE DRIVE

MITCHELL / MATTHEWS   © 2022
ARCHITECTS AND URBAN PLANNERS
CHARLOTTESVILLE, VA 434 979 7550

SK-631

What are we building?

Village Phase 1 Timeline

Bridging Documents Summer 2021

Design-Build Team Jan/Feb 2023

Phase 1 Demolition May 2023

Open New Building Fall 2025

Student Panel

Bailey Bowers, 2nd Year CSPA graduate student, Graduate Hall Director - Hillside Hall

Sofie Dalton, Junior, Special Education, Resident Advisor - Ikenberry Hall

Paris Eley, Senior, Psychology, Undergraduate Hall Director – Gifford Hall

Sydney Robinson, Sophomore, Resident Advisor – Paul Jennings Hall

Questions?

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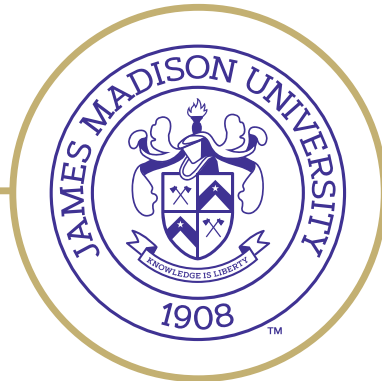
ITINERARY
February 9-10, 2023

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PLEASE NOTE THE COMMITTEE START TIMES.

Thursday, February 9, 2023:

10:30 am – 2:15 pm   Student Affairs Committee – Student Success Center 1075

                            Lunch - Board Dining Room

12:00 pm – 1:00 pm   Academic Excellence Committee - Highlands Room

1:00 pm – 2:30 pm   Finance & Physical Development Committee – Meeting Room 3

1:00 pm – 2:30 p.m.   Advancement and Engagement Committee - Allegheny Room

2:45 pm – 4:15 pm.   Athletics Committee – Ballroom B

2:45 pm – 4:15 pm.   Audit, Risk and Compliance Committee - Meeting Room 1

2:45 pm – 4:15 pm   Governance Committee – Meeting Room 2

4:15 pm – 5:30 pm   Tour of JMU X Labs, Lakeview Hall

Friday, February 10, 2023:

8:30 am – 11:30 am   Full Board Meeting – Board Room

12:00 pm   Board Lunch – Box Lunches

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Board of Visitors
February 9-10, 2023

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THE VISITORS OF JAMES MADISON UNIVERSITY
THE COMMONWEALTH OF VIRGINIA
BOARD MEETING AGENDA

FRIDAY, FEBRUARY 10, 2023
8:30 a.m.

1 **CALL TO ORDER**
2 ***CONSENT AGENDA:** **Approval of Minutes: November 18, 2022**
3 ***COMMITTEE REPORTS** **Academic Excellence – Matthew Gray-Keeling** **Advancement and Engagement– Craig Welburn** **Athletics – John Lynch** **Audit, Risk and Compliance – Chris Falcon** **Finance & Physical Development – John Rothenberger** **Governance Committee-Jeff Grass** **Student Affairs – Deborah Tompkins Johnson**
4 **PRESIDENT'S REPORT** **Jonathan Alger**
5 **STUDENT AID INDEX (SAI)** **Brad Barnett, Associate Vice President for Financial Aid and Scholarships**
6 **GENERAL ASSEMBLY UPDATE** **Caitlyn Read, Director, State Government Relations**
7 **FREE SPEECH SCENARIOS-Professional Development** **Jonathan Alger, President** **Jack Knight, University Legal Counsel**
8 **CLOSED SESSION**
9 **ADJOURNMENT**

*Action Required

THE COMMONWEALTH OF VIRGINIA
THE VISITORS OF JAMES MADISON UNIVERSITY

Volume LIX No. 2

Minutes of the Meeting of November 18, 2022

The Visitors of James Madison University met on Friday, November 18, 2022 in the Festival Conference and Student Center Board Room on the campus of James Madison University. Maribeth Herod, Rector, called the meeting to order at 8:30 am.

PRESENT:

Bell, Dickie	Major, Lara
Edwards, Terri	Obenshain, Suzanne
Falcon, Chris, Vice Rector	Rothenberger, John
Grass, Jeff	Stoltzfus, Michael
Gray-Keeling, Matthew (virtual)	Tompkins Johnson, Deborah
Herod, Maribeth, Rector	Welburn, Craig
Jankowski, Maria	White, Jack
Lynch, John	

Williams, Xaiver, Student Representative to the Board, 2022-23
Harper, Donna, Secretary

ALSO PRESENT:
Alger, Jonathan, President
Carter-Hoyt, Malika, Vice President for Diversity, Equity and Inclusion
Coltman, Heather, Provost and Senior Vice President for Academic Affairs
Langridge, Nick, Vice President for University Advancement
Miller, Tim, Vice President for Student Affairs
Moore, Towana, Vice President for Administration and Finance

Vass, Mary-Hope, Executive Director of Communications
Ott-Walter, Kathy, Speaker, Faculty Senate
Knight, Jack, University Counsel

The Rector recognized the tragedy at the University of Virginia and asked for a motion of silence.
The Rector recognized the IMPACT participants in attendance.
The Rector shared important accomplishments of the university and thanked President Alger for his dedication.

APPROVAL OF MINUTES
On motion of Lara Major, seconded by Deborah Tompkins Johnson, the minutes of the September 16, 2022 meeting were approved.

COMMITTEE REPORTS

Academic Excellence Committee
Matthew Gray-Keeling, Chair, presented the report of the Academic Excellence Committee. The minutes of the September 16, 2022 meeting were approved. (Attachment A)
Mr. Gray-Keeling reported on the following topics from the committee meeting:
- Divisional update from Heather Coltman, Provost and Senior Vice President for Academic Affairs;
- Report from the Speaker of the Faculty Senate, Kathy Ott-Walter;
- Paula Maxwell, Associate Vice Provost for Curriculum Development reported on programs with no student enrollment as part of a curriculum review.
    - On motion from committee, approved the discontinuance of the following certificate programs: Autism Spectrum Disorders (undergraduate certificate); Autism Spectrum Disorders (graduate certificate); Network/Information Security (graduate certificate); Secure Computer and database Systems (graduate certificate); Educational Technology Leadership (graduate certificate) International Management of Non-Governmental Organizations (graduate certificate) and Writing, Rhetoric and Technical Communication (M.S. degree designation).
- Narketta Sparkman-Key, Associate Provost for Inclusive Strategies and Equity Initiatives provided an overview of the area's activities; and
- College Spotlight: Science and Mathematics.

On motion of Matthew Gray-Keeling, seconded by Jeff Grass, the report of the Academic Excellence Committee was accepted.

Advancement and Engagement Committee
Craig Welburn, Chair, presented the report of the Advancement and Engagement Committee. The minutes of the September 16, 2022 meeting were approved. (Attachment B)
Mr. Welburn reported on the following topics from the committee meeting:
- Fundraising report from athletics;
- Government relations report from Caitlyn Read, Director;
- Nick Langridge, Vice President for Advancement, recapped the Unleashed campaign celebration;
- Mary Hope-Vass and Trey Secrist provided an overview of University Communications;
- CRM update on the status of the procurement process; and
- Andy Perrine, Associate Vice President for Marketing, provided an update on enrollment marketing.

On motion of Craig Welburn, seconded by John Rothenberger, the Advancement and Engagement report was accepted.

Athletics Committee
John Lynch, Chair, presented the report of the Athletics Committee. The minutes of the September 16, 2022 meeting were approved. (Attachment C)
Mr. Lynch reported on the following topics from the committee meeting:
- Athletic teams update and JMU earned top honors with the Student-Athlete Graduate Rate Award for the highest student-athlete graduation rate among Sun Belt schools and also

received the Institutional Graduation Rate Award for the highest graduation rate among the entire student body at the university;
- 2021-22 Academic report;
- NCAA Waiver process update; and
- Fundraising update.

On motion of John Lynch, seconded by Chris Falcon, the Athletics report was accepted.

Audit Committee
Chris Falcon, Chair, presented the report of the Audit Committee. The minutes of the September 16, 2022 meeting were approved. (Attachment D)

Mr. Falcon reported on the following topics from the committee meeting:
- Heard an update on information technology;
  - Reported that a gap analysis for compliance with the Gramm-Leach-Bliley Act had been completed with a new policy and standards in development;
- Update on Reengineering Madison;
- The Management Action Plan Status report was reviewed; and
- Discussed the possibilities for a new committee name.

On motion of Chris Falcon, seconded by Lara Major, the Audit report was accepted.

Finance and Physical Development Committee
John Rothenberger, Chair, presented the report of the Finance and Physical Development Committee. The minutes from the September 16, 2022 meeting were approved. (Attachment E)

Mr. Rothenberger reported on the following from the committee meeting:
- Financial Review and University Debt review;
- Search for Assistant Vice President for Business Services update;
- Budget requests for 2023-24 were reviewed; and
- Capital projects update.

On motion of John Rothenberger, seconded by Suzanne Obenshain, the Finance and Physical Development report was accepted.

Governance Committee
Jeff Grass, Chair, presented the report of the Governance Committee. The minutes of the September 16, 2022 meeting were approved. (Attachment F)

Mr. Grass reported on the following from the committee meeting:
- Bylaws update review;
- Clarification on the presidential evaluation process;
- New name for the Audit Committee: Audit, Risk and Compliance Committee; and
- Planning for the board retreat.

On motion of Jeff Grass, seconded by John Rothenberger, the Governance report was accepted.

Student Affairs Committee

Deborah Tompkins Johnson, Chair, presented the report of the Student Affairs Committee. The minutes from the September 16, 2022 meeting were approved. (Attachment G)

Ms. Tompkins Johnson reported on the following topics from the committee meeting:
- Divisional update from Tim Miller, Vice President for Student Affairs;
- SGA report from Shawdee Bakhtiari, Student Government Association President;
- Student Representative to the Board report from Xaiver Williams; and
- Diversity Equity Inclusion and Accessibility update from the staff and students.

On motion of Deborah Tompkins Johnson, seconded by Chris Falcon, the Student Affairs report was accepted.

PRESIDENT'S REPORT
Mr. Alger presented information on the following: (Attachment H)
- An admissions application update was provided for the 2023 freshman class with the following first-year demographics: early applicants at 24,156 (30% increase); 12,195 in state (25% increase); 11,573 out of state (32% increase); 62.2% female; 38.8% male; 17% first generation (56% increase); and 28% underrepresented minorities (42% increase);
- Renamed former Madison Hall after Paul Holland ('82) and Linda Yates, who provided the largest ever cash gift toward scholarships;
- "This is JMU" an updated video used for enrollment marketing was shown;
- JMU representatives participated in panels at the APLU annual conference;
- Dietra Trent, U.S. Department of Education, and Sean Hearne, Southeastern Universities Research Association were recently hosted on campus to advance collaborative research and inclusive excellence efforts;
- Libraries has a new department to support faculty in identifying, using and creating open educational resources (OER);
- The Center for Assessment and Research Studies was awarded the 2022 Trudy W. Banta Lifetime Achievement in Assessment Award;
- The Gilliam Center for Entrepreneurship won the award for Outstanding Emerging Entrepreneurship Center at the Global Consortium of Entrepreneurship Centers;
- Karin Tollefson-Hall, Associate Director of School of Art, Design and Art History, was named 2022 Virginia Art Educator of the Year;
- Study abroad numbers are up from last year with 1,308 applications;
- Rwanda Task Force led by Mike Davis, Chief of Staff, and Neil Marrin, College of Business, took a team in October to meet with government officals, university partners, K-12 schools and Rwandan sports organizations;
- For the 2022 elections, forums were hosted, the Madison Center for Civic Engagement created a 2022 voter guide for students and shared information about the on-campus voting location;
- Hosted SOMOS (meaning "we are") Conference in October; Latinx Conference including faculty, staff, alumni, community members and others from across the state with the keynote address delivered by Dolores Huerta;
- An update about the upcoming General Assembly that included budget requests;

- JMU's regional accreditor, the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) will send a visiting team to JMU in April 2023 as the university is going through the reaffirmation process;
- JMU was recognized in all three academic categories for academic achievement by the Sun Belt;
- Announced a gift for the naming of the Reddix Center for First-Generation Students.

UNIVERSITY CAREER CENTER AND CAREER OUTCOMES PRESENTATION
Myles Surrett, Associate Vice President for Career, Experiential Learning and Transition, shared information on the University Career Center and the recent survey of undergraduate and graduate students and their employment after graduation.

QUALITY ENHANCE PLAN UPDATE
Paul Mabrey, QEP Director and Assistant Professor in the Learning Centers, shared statistics on equity gaps in student success and the early student success system framework.

INTERNSHIP TASK FORCE PREVIEW
Heather Coltman, Provost and Senior Vice President for Academic Affairs and Tim Miller, Vice President for Student Affairs shared the charge for this new task force.
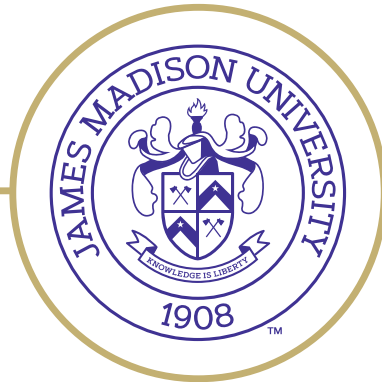
ADJOURNMENT
There being no further business, on motion of Chris Falcon, seconded by Lara Major, the Board voted to adjourn. The meeting was adjourned at 11:20 am.

_____
Maribeth Herod, Rector

_____
Donna L. Harper, Secretary

Curriculum Updates

Health Policy Graduate Certificate

Jeannie Corey, Professor, Nursing

Christine Argenbright, Associate Professor, Nursing; DNP and MSN Program Coordinator

Requesting Approval

- Proposing a new graduate program:

  Certificate in Health Policy

Need for the Certificate

- Evidence suggests a disparity between health care providers' attitudes and experiences with health policy advocacy.

- There is a lack of knowledge and skills for healthcare leaders related to health policy.

- The Health Policy Certificate will prepare individuals to become healthcare advocacy leaders in a variety of settings.

Curriculum

- 12 credit hours
  - One required course: Healthcare Economics and Policy
  - One course selected from three options
  - Two electives

- Completed in one year

Duplication

- Virginia Public Four-Year Institutions
  - Virginia Tech

Employment Projections

- Employment Areas
  - Local, state, national and international health policy arenas
  - Congressional offices, boards and policy divisions of state
  - National and international health care associations (public, private and not-for-profit sectors)
- Anticipated Growth of Employment Options
  - Bureau of Labor Statistics: Anticipate 13% growth in healthcare occupations (2021-31)
  - Virginia Employment Commission: Anticipate growth 8-21% (2020-30)

Projected Enrollments and Revenue

- Anticipated enrollment: 6-12 students/year

- Anticipated Tuition
    - Certificate will be implemented under a business recovery model supported by the School of Professional & Continuing Education
    - In-State Students: $499/credit hour
    - $400 fee for Health Policy Institute enrollment

- Anticipated Revenue

Revenue Based on 6 students/year
- Gross: $35,928
- Net: $25, 101.68

Revenue Based on 12 students/year
- Gross: $71,856
- Net: $54,203

Resource Needs

- No additional resources requested

Questions?

- Request approval from the Academic Excellence Committee

- Proposal will be submitted to SCHEV for approval

M.S. in Computer Science with a Concentration in Cybersecurity

M. Hossain Heydari, Professor, Computer Science and Program Director

Requesting Approval

- Proposing a change to a concentration within an existing graduate degree program:

Master of Science in Computer Science
with a Concentration in Cybersecurity

Current Computer Science Graduate Degree

- Master of Science in Computer Science with a concentration in Information Security
  - Established 1997
- Name of concentration changed to Cybersecurity
  - Approved 2023
- Curriculum
  - 33 credit hours (27 hours of course work; 6 credits of thesis/elective options)

Proposed Changes

- Curriculum Revision
  - Re-label current "Preparatory Courses" to "Additional Requirements"
  - Modify credit hours to be variable

Need for the Credit Hour Changes

- Re-label Preparatory Courses
  - Four courses are currently offered to provide career-changing students with the necessary foundation to be successful in the program.
  - Change to "Additional Requirements:"
    - clarifies the course requirements
    - makes courses eligible for financial aid
- Establish Variable Credit Hours
  - Accounts for the appropriate number of credit hours, including additional requirements

Curriculum

- No changes to existing 33-credit hour curriculum.

- Only students who would take the preparatory courses will complete those courses as additional requirements.

- Total credit hours will be 33-45.

Duplication of Graduate Program

Institution	Related Program	CIP Code
George Mason University	Computer Science	11.0101
James Madison University	Computer Science	11.0101
Norfolk State University	Computer Science	11.0101
Old Dominion University	Computer Science Cybersecurity	11.0101 11.1003

Employment Projections

- Bureau of Labor Statistics
  - Employed in 2021: 163,000
  - Projected Employment in 2031: 219,500
  - Percent Increase: 35%
- (ISC)^2 Cybersecurity Workforce study claims that cybersecurity workforce gap is 3.4 million people globally.

Employment Projections

- Virginia Employment Commission
    - Employed in 2021 in Virginia: 16,340
    - Projected Employment in 2031 in Virginia: 22,360
    - Percent Increase: 37%

Resource Needs

- No additional resources requested.

Questions?

- Request approval from the Academic Excellence Committee

- Proposal will be submitted to SCHEV for approval

Affiliation Agreement (MOU) with the JMU Foundation

AFFILIATION AGREEMENT BETWEEN JAMES MADISON UNIVERSITY AND THE JAMES MADISON UNIVERSITY FOUNDATION, INC.

REPRESENTATIONS

James Madison University (University) is a public institution of higher education and agency of the Commonwealth of Virginia. The James Madison University Foundation, Inc. (Foundation) is not part of the University, but rather exists and operates independently as a 501(c)(3) organization, and for the benefit of the University.

The Foundation represents that the Executive Committee of the Board of Trustees of the Foundation was provided a copy of this affiliation agreement and authorized the persons executing this agreement to do so on behalf of the Foundation.

The James Madison University Board of Visitors represents that the officers and board members of the University were provided a copy of this affiliation agreement and that they authorized the persons executing this agreement to do so on behalf of the University.

PURPOSE

WHEREAS, the Foundation is organized under the laws of the Commonwealth of Virginia as a 501(c)(3) not-for-profit corporation; and

WHEREAS, the Foundation is constituted so as to attract support from contributions, either directly or indirectly; and

WHEREAS, the Foundation operates for the purpose of promoting the welfare, efficiency, service to the public, and objectives of the University and to encourage private gifts of money, securities, land, or other property of whatever character for such purposes, and to that end to take, hold, and receive and enjoy any gift, grant, devise, or bequest, for the benefit of the University, in the manner designated, for the general purposes and improvement of the University, and to accept, execute, and administer any trust in which it may have an interest under the terms creating the trust;

NOW, THEREFORE, in consideration of these premises, and in accordance with University policy and the Foundation's Articles of Incorporation, the James Madison University Board of Visitors and the Foundation agree as follows:

TERM, TERMINATION AND AMENDMENT

1.   The term of this Agreement shall expire June 30, 2028.

2.   Either party may, upon 90 days prior written notice to the other, terminate this Agreement without cause.

Affiliation Agreement between James Madison University and the James Madison University Foundation, Inc.
February 16, 2023

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3.   Either party may terminate this Agreement for cause in the event the other party defaults in the performance of its obligations and fails to cure the default within 30 days after receiving written notice of such default.

4.   This Agreement may be amended only upon the written agreement of the University and the Foundation.

5.   This Agreement shall automatically renew for successive one year periods under the same terms and conditions as set forth herein until either Party terminates it, or until the Parties mutually agree to amend or replace the Agreement.

BACKGROUND AND RELATIONSHIP BETWEEN THE FOUNDATION AND THE UNIVERSITY

1.   Pursuant to Section 23.1-1301 of the Code of Virginia, the Board of Visitors of the University is vested with the authority to manage the funds of the University, make regulations and policies concerning the University, appoint the President of the University, appoint all professors, teachers, staff members, and agents of the University and fix their salaries, and generally direct the affairs of the University.

2.   The Foundation is a separately incorporated Virginia nonstock corporation and is an organization described in Internal Revenue Code section 501(c)(3) and was created to manage, invest and distribute private resources to advance and further the mission and purposes of the University.

3.   The Foundation Board of Trustees is responsible for: (i) the control and management of all assets of the Foundation, including the prudent management of all gifts and endowment funds, and other investment assets in a manner consistent with written donor intent and with any applicable law, and (ii) the performance and oversight of all aspects of its operations based on a comprehensive set of bylaws and other policies adopted by the Foundation's Board of Trustees that address the Board of Trustees' fiduciary responsibilities.

4.   The University recognizes that the Foundation is a private corporation with the authority and obligations to keep its records and data confidential and private, consistent with donor intent and the requirements of applicable law.

5.   No provision of this Agreement shall be deemed to create a partnership or joint venture between the University and the Foundation.

RESPONSIBILITES AND OBLIGATIONS OF THE PARTIES

1.   The James Madison University Board of Visitors designates the Foundation to receive, acknowledge, and manage all gifts to the University.

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2.   The James Madison University Board of Visitors grants the Foundation the use of the name, *James Madison University Foundation, Inc.*, and, except as previously agreed or provided herein, the Foundation shall operate under its own seal and logotype, and shall not use the seal of the University in the promotion of its business and activities.

3.   The James Madison University Board of Visitors assigned all rights, title and interest in any trademark, logo and insignia now owned or later acquired to the Foundation as of January 26, 1989.

4.   The University President is responsible for communicating the University's priorities and long-term plans, as approved by the James Madison University Board of Visitors, with the Foundation. The Foundation President should have routine access to the Senior Leadership of the University to ensure priorities are aligned.

5.   Consistent with the provisions of the Foundation's Articles of Incorporation, in the event of liquidation or dissolution of the Foundation, the balance of all money and property, after payment of all debts and obligations, shall be used or distributed within the intent of Internal Revenue Code Section 501 (c)(3) and regulations applicable thereto at such time of dissolution.

6.   Any gift, grant, devise, or bequest received by the Foundation, the income of which has not been designated by the donor for a specific purpose, may be commingled by the Foundation, for investment purposes, with funds designated for specific purposes.

7.   In view of Foundation needs that may be readily met by the University through the use of its trained personnel and available facilities, the University agrees during the term of this Agreement to do the following:

    a.   Provide at nominal rates technology support services, as well as online access to such University systems and files as are relevant to the business and purpose of the Foundation;
    b.   Provide PCI DSS – Payment Card Industry Data Security Standard compliance support to the Foundation, as outlined in Appendix A.
    c.   Provide at nominal rates access to the University's auxiliary services including graphics, mail service, event scheduling, facility management, and related activities.
    d.   Provide payroll and benefits, the cost of which will be reimbursed in full by the Foundation.

8.   During the term of this Agreement, the Foundation, as an independent entity/organization, and *not as an agent of the University,* shall:

    a.   Be responsible for the selection, compensation, and evaluation of all personnel providing services for the Foundation;

b. Make distributions from designated endowment funds to appropriate departments of the University for dispensation;

c. Distribute current expenditure funds on behalf of University departments;

d. Act as repository for all current and future endowment gifts to the University, unless the donor specifies otherwise. The management of these funds, including investment, payout rates and administrative fees, is the prerogative of the Foundation Board of Trustees;

e. The Foundation shall adhere to applicable federal and state laws, including, without limitation, the Uniform Prudent Management of Institutional Funds Act (UPMIFA);

f. The Foundation shall establish and enforce policies to protect donor confidentiality and privacy generally and in accordance with donor intent and the requirements of applicable law; and

g. Conduct fund-raising activities only after receipt of the prior written consent of the University's Vice President of University Advancement, acting on behalf of the President of the University, which approval will not be unreasonably withheld.

9. The University and the Foundation acknowledge that once funds are transferred to the University, it is the University's responsibility to ensure funds are applied per the donor's intent and in accordance with any donation documents.

10. The University's VP for Administration and Finance, who is an ex-officio member of the Foundation's Board of Trustees, will provide Foundation staff with the University's budget expenditure plans that impact the unrestricted expenditure budget. This should be done with adequate time for inclusion in the Foundation's budget which is presented to the board for approval at the JMUF spring board meeting.

11. The University and the Foundation acknowledge that each is an independent entity and agree neither will be liable, nor will be held out by the other as liable, for any of the other's contracts, torts, or other acts or omissions, or those of the other's trustees, directors, officers, staff, or other agents. The Foundation further acknowledges that the Commonwealth of Virginia will not be liable for any of the Foundation's contracts, torts, or other acts or omissions.

12. The Foundation will report to the University any changes in Board membership, mission, or purpose.

13. The Foundation will make available to the University a copy of its annual auditor's report and IRS Form 990.

Affiliation Agreement between James Madison University and the James Madison University Foundation, Inc.
February 16, 2023

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IN WITNESS WHEREOF, the parties hereto have hereunto set their respective hands and seals the date and year written herein.

_____
Rector, James Madison University

Maribeth D. Herod

_____
Date

_____
Chair, James Madison University
Foundation, Inc.

John Barry Purcell

_____
Date

_____
President, James Madison University

Jonathan R. Alger

_____
Date

_____
CEO/President, James Madison University
Foundation, Inc.

Warren K. Coleman

_____
Date

Affiliation Agreement between James Madison University and the James Madison University Foundation, Inc.
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Appendix A

PCI DSS Compliance Addendum

Both the University and the Foundation represent, warrant, and agree that (a) where required, each complies with the current version of the Payment Card Industry (PCI) Data Security Standard (PCI DSS) and will maintain compliance with the PCI DSS or any successor standard established by the PCI Security Standards Council (PCI SSC); (b) each is responsible for the security of cardholder data in its possession and that such data will be utilized only for purposes permitted by law and the PCI DSS; (c) the University and the Foundation will jointly manage the PCI compliance of Foundation associated merchant IDs (MIDs); and (d) the University and the Foundation jointly have security, compliance, and audit programs in place that assure a Payment Card Industry representative or a Payment Card Industry approved External Partner, can be provided with full cooperation and access for the purpose of validating compliance with the PCI DSS.

Both the University and the Foundation will promptly notify the other if either becomes aware of an occurrence of a Cardholder Event involving cardholder data relating to the Foundation. For purposes of this Agreement, a "Cardholder Event" means any of the following: a loss of, an incident of unauthorized access to, or an unauthorized disclosure of, cardholder data that is stored, processed, or transmitted by the University, the Foundation, or an affiliated third-party.

Affiliation Agreement between James Madison University and the James Madison University Foundation, Inc.
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BIG CHANGES ARE COMING....IT'S TIME TO PREPARE NOW!

Brad Barnett, MS, AFC®, CPFM, FAAC®

Associate Vice President for Access & Enrollment Management

Director of the Office of Financial Aid & Scholarships

NASFAA National Chair

HIGH LEVEL OVERVIEW OF CHANGES

FREE APPLICATION FOR FEDERAL STUDENT AID (FAFSA)REDESIGN

The FAFSA will change in 2024-25

- A redesign with new questions that do not exist now, removal of some existing questions, and changes in definitions of existing fields

- Data sharing between the IRS and ED for tax information will be fully implemented

- Federal Methodology changes – Expected Family Contribution (EFC) goes away and is replaced with the Student Aid Index (SAI)

STUDENT AID INDEX (SAI)

- Broadly speaking, the SAI will create higher levels of financial need for most FAFSA filers

- Like many other federal programs, the federal poverty level thresholds will be used in many cases for the purposes of "means testing"

- One of the most impactful changes…the number in college is no longer factored into the need equation

- This will impact the financial need levels of students at JMU, as well as students across the country

CONCERNS

- Strain on the Virginia Student Financial Assistance Program (VSFAP) and institutional grant programs with the addition of new students

- Some students who are currently receiving VSFAP and institutional grants will lose eligibility after already committing to JMU based on receiving an expected level of grant assistance

- Addition of the new FAFSA elements may create confusion for some, and potentially decrease financial aid eligibility for others (e.g., small business, family farms, foreign income, etc.)

COURSE OF ACTION

- JMU participated in the beta testing of the NASFAA SAI Tool that has since been rolled out to all NASFAA members (we've been a part of this from the beginning)

  - Use the tool to evaluate the potential impact on our students

- Consultation with SCHEV of the anticipated strain on VSFAP

  - Questions about the current allocation model
  - The 2024-25 institutional allocations are based on two year old data, which will not show the same level of need we will see during that year

- Preparing the campus for a potential need of additional institutional grant dollars

PREPARATION IS KEY…ACROSS THE UNIVERSITY

- The new FAFSA and SAI are "game changers" as they relate to federal methodology and the associated financial need levels of our students

- The federal aid programs, state aid programs (VSFAP) and our institutional need-based grant/scholarship programs all use the federal methodology as defined by the FAFSA to determine the "financial need" of our students

- We will see an increased need for VSFAP and institutional grant dollars as a result of this change

SAI TOOL

- Data from the 2020-21 and 2021-22 JMU undergraduate FAFSA's was loaded into the tool, providing us with two years worth of data to review

- The output gathered from the tool shows us:

  - Estimated impact on the number of Pell Grant eligible students

  - Estimated SAI for each student compared to their current EFC

- The tool has some limitations as the 2024-25 FAFSA doesn't exist yet

JMU EVALUATION

SAI ANALYSIS GOALS

The goal of the analysis is three-fold:

1. Discover the impact on the number of Pell Grant eligible students at JMU

2. Attempt to find a corresponding SAI to the EFC cutoff used for VSFAP and institutional grants (If a $15,500 EFC is our cap now, what will that be when we move to SAI)

3. Calculate the estimated financial cost to the VSFAP and institutional grant programs based on the SAI

CURRENT JMU PELL GRANT AND VSFAP POPULATION

- Percent of Current Students Receiving a Pell Grant:

  - Approximately 15% of the undergraduate student body

  - Approximately 25% of undergraduate FAFSA filers

- Percent of Current In-State Students Receiving a State Grant:

  - Approximately 20% of the in-state undergraduate student body

  - Approximately 31% of in-state undergraduate FAFSA filers

- This equates to approximately $36m in annual disbursements between these programs (40% federal, 35% state, and 25% institutional = 100% of funding)

ESTIMATED CHANGE IN PELL GRANT POPULATION

- Estimated Pell Grant Population under SAI

    - A 30% increase in the number of Pell Grant eligible students

    - Approximately 20% of the undergraduate student body

    - Approximately 30% of undergraduate FAFSA filers

- It's important to keep in mind this is based on the evaluation of 2020-21 and 2021-22 FAFSA data

    - We do not know the impact going to the Common Application (Admissions) for the 2022-23 class will have at this time

LOSS OF PELL GRANT

- While the overall number of Pell Grant students will increase, there are some students who will fall out of eligibility based on the changes

- If the students in the aid years below were subject to the SAI calculation instead of the EFC, this is number that would not have received a Pell Grant

  - 2020-21 = 41 students (< 2% of the recipients)

  - 2021-22 = 51 students (< 2% of the recipients)

STUDENTS LOSING PELL GRANT ELIGIBILITY

- Students committed to JMU based on receiving grants, even though JMU has no discretion over who receives a Pell Grant and how much they receive

- Students will fall outside of grant range due to no fault of their own, and no changes in their family circumstances...it's just different math being used to calculate the SAI (life is the same)

- Due to the small number of students, allow students to appeal for assistance based on the lost Pell Grant eligibility

- Review each appeal individually to determine what, if any, assistance should be provided to account for the lost grant

- This will be handled through the Professional Judgment appeal process

CORRESPONDING SAI TO EFC

- Analyzed all 2020-21 and 2021-22 FAFSA's with an EFC of <$16k

- Used $16k instead of $15,500 projecting for EFC increases in the awarding formula

- SAI range for this population:

  - 2020-21: -$1,500 to $51,036

  - 2021-22: -$1,500 to $55,584

- If we included all of the students with a SAI within these ranges in our grant packaging formula, it would add over 3,000 students to the population

  Conclusion: There is no way to find an "across the board" corresponding SAI to EFC...the application and math are too different

SAI SELECTED FOR PACKAGING

- To make the remaining need formula work within our limited resources, we need to select a SAI cutoff to replace the current EFC cutoff

- Since no corresponding SAI can be found, we have selected $16,000 as the new benchmark for these estimations

- This stays true to our "50% of COA" methodology

ESTIMATED IN-STATE "STATE GRANT" RECIPIENTS UNDER SAI

- Going to a $16k SAI versus a $16k EFC

  - 2020-21:

    - Increases the total pool of eligible students by 86

    - 460 of the eligible students did not have an EFC < $16k (gaining grant eligibility)

    - 374 students had an EFC < $16k and a SAI >$16k (losing their grant eligibility)

  - 2021-22

    - Increases the total pool of eligible students by 68

    - 439 of the eligible students did not have an EFC < $16k (gaining grant eligibility)

    - 370 students had an EFC < $16k and a SAI >$16k (losing their grant eligibility)

BOARD OF VISITORS

EFC TO SAI BREAKDOWN
2020-21

Estimated SAI Summary	Number in range
-$1,500	2,028
-$1,499 to -1	324
$0	70
$1-6,000	889
$6,001-9,000	384
$9,001-15,000	694
$15,001-16,000	125
Total	4,514

Actual EFC Summary	Number in range
-$1,500	0
-$1,499 to -1	0
$0	1,132
$1-6,000	1,576
$6,001-9,000	590
$9,001-15,000	974
$15,001-16,000	156
Total	4,428

54% SAI = $0 or less

26% EFC = $0

EFC TO SAI BREAKDOWN
2021-22

Estimated SAI Summary	Number in range
-$1,500	1,957
-$1,499 to -1	299
$0	98
$1-6,000	831
$6,001-9,000	318
$9,001-15,000	717
$15,001-16,000	122
Total	4,342

Actual EFC Summary	Number in range
-$1,500	0
-$,1499 to -1	0
$0	1,125
$1-6,000	1,536
$6,001-9,000	526
$9,001-15,000	937
$15,001-16,000	150
Total	4,274

54% SAI = $0 or less

26% EFC = $0

STUDENTS LOSING STATE GRANT ELIGIBILITY

- Students committed to JMU based on receiving grants and JMU's awarding policy for making those offers (institutional discretion for much of this)

- Students will fall outside of grant range due to no fault of their own, and no changes in their family circumstances…it's just different math being used to calculate the SAI (life is the same)

STATE GRANT SOLUTION

- Due to the number of students, automatically grandfather them so they receive grants for a total of four years

- Requirement that they meet the FAFSA Priority Filing Date

- Requirement that they continue to meet the general eligibility rules to receive financial aid

- Provide a flat award, such as $6,000 per year, as we cannot calculate an award based on the remaining need formula as many will not have any need based on the FAFSA/SAI changes

- This means awards will go to students with no demonstrated need based on the FAFSA

- Send a direct communication to the students informing them of this change

GRANDFATHERING ESTIMATED COST USING 2020-21 DATA

Additional Cost Per Year	Extra Student Cost	Grandfather Student Cost	Total Cost
2024-25	$516,000	$2,244,000	$2,760,000
2025-26	$516,000	$1,481,040	$1,997,040
2026-27	$516,000	$740,520	$1,256,520
2027-28 (and on-going)	$516,000	$0	$516,000

Assumes average award of $6,000 per grandfathered student and equal distribution of students by grade level (e.g. sophomores, juniors, and seniors in 2024-25)

GRANDFATHERING ESTIMATED COST USING 2021-22 DATA

Additional Cost Per Year	Extra Student Cost	Grandfather Student Cost	Total Cost
2024-25	$408,000	$2,220,000	$2,628,000
2025-26	$408,000	$1,465,200	$1,873,200
2026-27	$408,000	$732,600	$1,140,600
2027-28 (and on-going)	$408,000	$0	$408,000

Assumes average award of $6,000 per grandfathered student and equal distribution of students by grade level (e.g. sophomores, juniors, and seniors in 2024-25)

CLOSING

RISKS OF NOT FUNDING THESE STUDENTS

- Students not being able to finish their education at education (e.g., transferring, dropping out, etc.)

- Lack of desire of impacted students to partner with JMU in the future

- Unpaid balances for students continuing (e.g., increase in receivables, collections, etc.)

- Student/parent complaints

- Reputational harm to JMU

  - Recruitment challenges in the future

  - News headlines of JMU's lack of support for impacted students

  - Others

CAVEATS ABOUT THE ASK

- The SAI Tool only provides estimated data based on the earlier discussion points, so the actual numbers in 2024-25 will be different (we cannot be certain as to what degree the variance will be)

- This is predicated on a relatively consistent number of students meeting the FAFSA Priority Filing Date (any increase in that headcount will increase costs)

- This does not take into account 2022-23 enrollment so we do not know the impact the Common Application may have on these figures

- At this time, we do not know if Virginia will be providing any increases in VSFAP to account for these changes

TIMELINE

- The new FAFSA should be available October 1, 2023

- JMU will start receiving questions about eligibility once students/parents begin submitting the application

- Students/parents who are likely to be concerned the most are those who will see higher SAI's than EFC's and are worried about losing their grant eligibility

- In an ideal situation, JMU will have a decision made on the "ask" and funding by July 1, 2023 so we have time to train staff, prepare for the anticipated questions we will receive from students/parents, and craft our communications

  - We would like to be proactive in sending information to students/parents about the FASFA changes, and understanding what level of support we can provide will be important when crafting these messages

THANK YOU

General Assembly Update

Caitlyn Read
Director
State Government Relations

Timeline

- December 15: Governor presents Budget Bill
- January 11: Session convenes
- January 13: Last day to introduce budget amendments
- February 5: HAC and SFAC to complete action on Budget Bills
- February 7: Crossover
  - Last day for each house to act on its own legislation
  - Amendments to budget bills available
- February 23: Last day to act on remaining bills and appoint conferees
- February 25: Session adjourns sine die
- March 27: Last day for Governor's action on legislation
- April 12: Reconvened session
- July 1: Effective date of enacted legislation

2022-24 Biennial JMU Budget Requests

	Requested	Budget			Final
		Executive	**House**	**Senate**	
Carrier Library	$108.7M (GF)	$108.7M	$108.7M	$108.7M	$108.7M
Steamplant – Phase 2	$30.1M (GF)	$30.1M	$30.1M	$30.1M	$30.1M
Teacher Recruitment Program	$4.1M	$4.1M	$4.1M	$4.1M	$4.1M
Center for Innovative Youth Justice	$300,000	$300,000		$300,000	
Address JMU Funding Disparity	$15.0M		$12.0M		$12M
Increase Pell-eligible Students	$5.0M		$1.6M		
Expand Nursing Programs (D.N.P.)	$3.2M		$1.2M		
Launch New IT Program	$1.7M		$1.2M		
Reengineering Madison Software	$13.4M				

Amended 2022-24 Biennial JMU Budget Requests

	Requested	Budget			Final
		Executive	**House**	**Senate**	
Expand Nursing Programs (D.N.P.)	$1.25M				
Launch New IT Program	$455,000				

Note: This slide will be updated on Feb. 7 following the release of the General Assembly's budget amendments following crossover.

2023 General Assembly – Legislation

- Threat Assessment Teams – Powers and Duties

- Orientation Training – Human Trafficking

- Transcript Withholding

- Virginia College Savings Plan Surplus

- General Themes
  - Support for Veterans/Virginia National Guard
  - Increased Reporting/Transparency
  - Procurement

References on Free Speech

Bipartisan Policy Center- Campus Free Expression

Bipartisan Policy Center

Campus Free Expression: A New Roadmap

ACADEMIC LEADERS TASK FORCE ON
CAMPUS FREE EXPRESSION

November 2021

ACADEMIC LEADERS TASK FORCE ON CAMPUS FREE EXPRESSION

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DISCLAIMER

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Letter From the Co-Chairs

America is suffering a crisis of confidence in many of its leading institutions. Among the important institutions whose trust among the public has sharply fallen in recent years is higher education. How did this happen to one of our previously most esteemed institutions?

We believe a major cause is the erosion of a campus culture of free expression and open inquiry.
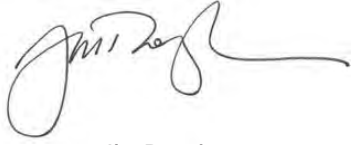
Beyond the well-publicized scenes of speakers "shouted down" and a few instances of serious violence, recent surveys have found that the overall campus climate of open exchange of ideas has eroded. Many students and even faculty self-censor, while controversies over faculty research and extramural statements have created uncertainty about the boundaries of academic freedom.

Moreover, the decline in confidence in higher education institutions has taken on a partisan edge, mirroring the wider polarization of America. We cannot afford for higher education to become another scene of deep partisan division. As a country, we must be better at robustly and respectfully debating difficult issues across the political spectrum, and college campuses have an essential role in achieving this civic goal.

That's why we asked the Bipartisan Policy Center to convene the Academic Leaders Task Force on Campus Free Expression, which we have co-chaired. Members of the task force each have distinguished records of leadership on free expression, and include civic leaders, a recent college graduate, as well as presidents and academic leaders who serve or have served at public and private colleges, land-grant universities, secular and religious colleges, Hispanic-Serving Institutions, Historically Black Colleges and Universities, research institutions, liberal arts colleges, and a faith-based liberal arts college with an emphasis on service professions.

Over the last year, the task force has discussed why attempts to foster a free expression culture have become increasingly difficult, as well as what has worked to establish a culture of open inquiry, frank discussion, and viewpoint diversity. We met virtually every few weeks to deliberate about trends on our nation's campuses; discuss articles, surveys, and reports on free expression issues; and to hear from a panel of students. We have outlined the most difficult challenges and laid out specific recommendations for college presidents and senior leadership teams, trustees, faculty, athletic directors and coaches, and student affairs staff.

We believe that these recommendations, especially when pursued as a campuswide strategy, can do much to strengthen free expression and open inquiry, bolster confidence in our nation's colleges and universities, and prepare Generation Z as citizens and civic leaders.

Jim Douglas
Co-chair

Chris Gregoire
Co-chair

Executive Summary

Two core principles of higher education—academic freedom and free expression—are undergoing a period of great stress. There is overwhelming survey research and other evidence that the intellectual climate on many college and university campuses is being constrained. Faculty are deterred from exploring certain subjects and expressing candid opinions even off campus; students are self-censoring; outside speakers are disinvited and events are being canceled. Social media has become a megaphone that amplifies campus controversies, increasing their intensity and visibility, compressing time frames for a leadership response, and leading to investigation and sanctioning of faculty and students. The traditional understanding of free speech as a liberalizing force is itself being called into question.

The chilling of campus speech is having effects beyond the borders of the campus. Rather than alleviating the political polarization in our nation today, the inhibition of campus speech is degrading the civic mission of higher education, which is to maintain our pluralistic democracy by preparing students for civic participation as independent thinkers who can tolerate contrary viewpoints and work constructively with those with whom they have principled disagreements.

Because the pursuit of knowledge proceeds in many modes, we refer to free expression, not free speech. Speech may be the preeminent mode of inquiry on a college campus, whether it proceeds in the language of mathematics or the language of literary analysis. However, visual art, theatrical performance, nonverbal protest, and much more are also important modes of expression.

To be successful in upholding their institutional mission amid today's changing social, civic, and political landscape, college leaders need a new roadmap for campus free expression.

The Bipartisan Policy Center convened our task force to explore the factors that have made free expression so fraught and to make recommendations about how to foster a campus culture of robust intellectual exchange, open inquiry, and free expression.

As a task force, we believe each campus needs an approach that fits its unique history, mission, and community. An approach that suits a public flagship university will not fit a small, denominational campus. Even as principles of academic freedom and free expression apply across campuses, in this period of stress on these principles, each college must examine and affirm these principles through its own processes. That is why, as a task force, we do not endorse specific statements, policies, curricula, or programming, although we are providing a

resource guide of programs and approaches, including those used with success by task force members and other campuses. Our common recommendations are for elements of a free expression strategy, as well as processes for developing and implementing a strategy, in the context of shared governance.

We believe that college leaders must take on four challenges directly:

- First, colleges and universities must address the perceived tension that pits academic freedom and freedom of expression against diversity, equity, and inclusion in creating a respectful learning environment for all. While not ignoring that there may be expression that is hurtful, we believe profoundly that free expression is an essential means to an inclusive campus in addition to being essential to higher education's academic and civic missions.

- Second, colleges and universities should take steps to encourage more viewpoint diversity on campus. Exposing students to a wide range of perspectives and methods of confronting issues is essential for both a well-rounded education and as preparation for the rigors of citizenship in a diverse society.

- Third, colleges and universities should adopt strong policies for the protection of free expression for students and faculty, to forestall hasty or ad hoc responses to controversial expression, and to defend the expression of unorthodox and controversial views.

- Fourth, colleges and universities should elevate the skills and dispositions necessary to academic and civic discourse as a deliberate aim of the collegiate experience. Formal protections for free expression are necessary but insufficient to create a culture of free expression, open

We believe this moment in the history of American higher education resembles previous moments when social and political flux presented new challenges to upholding a free expression culture. In the early 20th century, the role of the faculty changed as academic fields grew more professionalized. While these developments were positive, the rapid transformation left faculty exposed to threat of dismissal or other sanctions for their research and public statements. In response, the American Association of University Professors was founded and published its *1915 Declaration of Principles on Academic Freedom and Academic Tenure* (revisited in the *1940 Statement of Principles on Academic Freedom and Tenure*, following another period of tremendous stress for the country and for higher education). The tumultuous Civil Rights and Vietnam War era prompted reconsideration of the rights of student protestors, the role of the university, and academic freedom; results of this reconsideration include the 1967 University of Chicago *Report on the University's Role in Social and Political Action*, the 1970 *Interpretive Comments* on the 1940 *Statement of Principles on Academic Freedom and Tenure*, and the 1974 *Report of the Committee on Freedom of Expression at Yale*. Ours is a similarly powerful moment of political and social change and of new trends in higher education. Looking back on the successes of these previous efforts to find new ways to uphold free expression values, we are confident that colleges can renew their approach to fostering free expression and open inquiry.[1]

inquiry, and respectful, productive debate on campus and in our country. We have a national civic skills deficit, which colleges and universities have an essential role in remedying. Matriculating students typically need coaching and instruction in these skills and habits of mind, and our aim should be to graduate students who raise the bar for national discourse.

In the next pages, we highlight some of the changes in our social, civic, and political landscape and on campus that prompted the need for a renewed approach to upholding academic freedom, free expression, and open inquiry. We then present our roadmap for engaging all members of the campus community, with recommendations for college presidents and senior leadership teams, trustees, faculty, athletic directors and coaches, and student affairs staff to rejuvenate a culture of free expression.

Free Expression: A Changing Landscape

As a task force, we wrestled with the question of why free expression has become so fraught in recent years. The task force focused on several changes in the social, civic, and political landscape and on campus that led to the need for a new roadmap on campus free expression.

We noted three trends that colleges and universities cannot directly affect but that have impact on the culture for free expression and open inquiry:

Changing patterns of adolescent experience.

At a time when campuses are more diverse than ever, many Generation Z students are less prepared for conversation across differences than students of earlier generations. Today's adolescents are growing up in increasingly homogeneous neighborhoods, where they may know few whose viewpoints, news sources, socioeconomic status, and race differ from their own.[2] At the same time, parents of Generation Z students have actively curated their children's social, academic, and extracurricular experiences, willing to intervene when their children's interactions become contentious or challenging.[3]

Social media.

Social media has an enormous impact on today's climate for open exchange. As one task force member observed, today's students inhabit a physical campus and a virtual campus—and campus leaders must be attuned to both. Social media silos people into think-alike bubbles, rewards hyperbole and outrage, and does not support nuanced academic reasoning.

For Generation Z, social media is where ideas get discussed, even on residential campuses: 58% of undergraduates report that social and political ideas are mostly discussed through social media, rather than face-to-face.[5] Social media undermines the integrity of classroom experiences, as students wonder whether their classroom comments may be shared on social media.[6] Comparing the experiences of college-bound Generation Z students with those of their Generation X parents, Generation Z spent an hour less per day on face-to-face socializing in high school, meaning that

> "We were in an era when rational dialogue and debate had been abandoned for the high of in-your-face confrontation, with social media as an accelerant."[4]
>
> **—Walter Kimbrough**

they are much less practiced in conversation and social interactions—even friendly social interactions—than matriculating students of a generation ago.[7]

Affective polarization.

As a country, we are riven by affective polarization and divisive stereotypes about our political opposites.[8] Too often, today's conservatives and liberals think that those with different political viewpoints are bad people with the wrong values. This polarization is one of our most urgent national problems, and the polarization off campus makes its way onto campus. A survey of undergraduates at a flagship university found, as is likely true on campuses nationwide, that conservative and liberal students hold divisive stereotypes about each other.[9] And—in a finding that worried the task force—a recent survey suggested that higher education may worsen polarization by increasing the so-called "perception gap," the tendency to overestimate how many of one's political opposites hold extreme views.[10]

As a result of these trends, matriculating students are insufficiently equipped to navigate the give-and-take in conversation and disagreement that ultimately sustains dialogue and connection. This portends a breakdown in our community.

While colleges and universities cannot directly affect the above three trends, there are other campus trends that may be addressed more directly:

Doubts that free expression and diversity, equity, and inclusion are compatible commitments.

Within a university community, *respectful* disagreement is not a rupture in the community, but a sign that the community is carrying out its core purposes. Universities are where criticisms of and challenges to our most fundamental social, civic, and political institutions and norms should be proposed and debated. Universities must welcome— indeed, encourage—dissent rather than conformity. The conversations and disputes we encounter in a university should unsettle our most basic presuppositions.

Free expression has become more controversial in recent years. Its central importance to a free society is no longer taken as self-evident. Some observers worry that robust protections for free expression are incompatible with our collective commitments to diversity, equity, and inclusion. Some argue that free expression is a tool of oppression, or that it may inflict psychological and physiological harm.[11] Faced with a perceived trade-off between free expression and inclusion, many assign a higher value to inclusion than free expression.

The doubts that commitments to diversity and inclusion are compatible with free expression are common on campus: 49% of undergraduates say free speech rights conflict with diversity and inclusion occasionally, and 27% say they do so frequently.[12] There are reasons to credit this view: Members of

historically underrepresented groups often report that they do not feel fully accepted or included in the campus community, and that they feel an additional burden of having to raise or respond to issues or campus incidents that make them feel marginalized. Scholarly and classroom discussion of the issues of race, sex, gender, class, poverty, and immigration policy, even if they are conducted with decorum and held to high academic standards, can raise ideas that will be uncomfortable and challenging to the inclusive character of the campus community.

As a task force, we believe that free expression is an essential means to an inclusive campus. It is through discourse that we are able to examine, discuss, and ultimately understand others' experiences, viewpoints, and opinions. While profound disagreements and differences may remain, through respectful, serious conversations the campus can become an inclusive community of learners and knowledge-seekers.[13] There are no simple answers or strategies addressing the perceived tension that pits academic freedom and freedom of expression against diversity, equity, and inclusion. Campuses will need to take some risks, to learn from trial and error, and engage the community actively. In our roadmap, we offer some strategies that we believe will be effective.

> "A commitment to free expression must be built on a foundation of inclusion and equity. Diversity is a necessary condition for the coexistence of different ideas and perspectives, and inclusion is a necessary condition for every member of our community to feel welcomed, affirmed, and respected. In the context of freedom of expression, equity means that we develop, sustain, and uphold a clear set of community values, standards, and expectations, such that a commitment to freedom of expression, and to diversity, equity and inclusion, extends to and is lived by, all members of the community—students, faculty, staff, and board members. In a community marked by true inclusion and equity, even fierce debates about a range of differences of opinions and perspectives are not experienced as personal attacks on one's very humanity and sense of well-being and belonging."[14]
>
> **—Lori S. White**

Decreasing campus viewpoint diversity.

While campuses have become more diverse in many ways, they have become increasingly ideologically conformist. Universities have always been left-leaning; as forums for critique of our most fundamental social, civic, and political institutions and norms, it would be surprising if universities had a predominately conservative ethos.[15] However, a climate of conformity compromises the civic mission of higher education.

To prepare students for civic life in our pluralistic democracy among conservatives, liberals, and moderates—each of whom represent at least a quarter of the American populace[16]—campuses should create opportunities for students to learn about and converse with those from across the political spectrum.

A censorious minority.

Surveys of undergraduates find that a significant minority are willing to shut down speech: In a national survey of undergraduates, 13% said that it is always or sometimes acceptable to use "violence to stop a speech, protest, or rally"; 39% said it is always or sometimes acceptable to engage in "shouting down speakers or trying to prevent them from talking."[17] Surveys of faculty in fields such as philosophy and political science as well as other surveys document that a significant minority of faculty admit to a willingness to discriminate against their political opposites in hiring, symposia invitations, grant decisions, and paper reviews, and that the faculty and departmental culture may stifle open debate.[18] Shout-downs of campus speakers, calls to dismiss faculty for controversial research or extramural expression, and social-media frenzies over controversial expression by students or faculty, while driven by a campus minority, curb open inquiry and academic discourse for all.

To prevent a vocal and censorious minority from disrupting everyone else's opportunity to benefit fully from their collegiate experience—and for the country to benefit from robust institutions of higher education that advance the frontiers of knowledge and prepare the next generation for citizenship—it is necessary to defend academic and expressive freedoms vigorously when they are threatened on campus.

Widespread self-censorship.

One national survey found 63% of students agreed that "the climate on my campus prevents some people from saying things they believe because others might find them offensive," noting that the percentage of students with that perception has risen in recent years.[19] The survey at a flagship university mentioned above also found students across the political spectrum self-censor, and a substantial percentage report doing so on multiple occasions in a single course.[20] Faculty also self-censor in the classroom, in their choice of research topics, and around their faculty colleagues.[21]

To address self-censorship and the stifling of classroom and quad debate, colleges must deliberately assist students in developing skills for spirited, productive academic discourse in an atmosphere of humility, grace, patience, and mutual respect.

* * *

These are the background factors in the social, civic, and political landscape and on campus that make a new free expression roadmap necessary. While the core principles of academic freedom and free expression are unchanged, these factors require campus leaders to find new pathways to uphold these principles today. We now turn to our roadmap, including a leadership strategy for a deliberate, iterative approach to free expression that engages all members of the campus community, from students to faculty, student affairs staff, athletic directors and coaches, trustees, and the presidential leadership team.

Free Expression: The Roadmap

A robust campus free expression culture begins with the active and high-profile involvement of the president, as well as top administrators and trustees. When the president and senior administration speak about free expression and model respectful engagement with a wide range of viewpoints, it empowers others in the community to do the same.

Leadership on academic freedom and free expression is not confined to presidents and other top university leaders, but depends on creating an institutional environment where the virtues of intellectual clarity and rigor, empathy, respect, and humility are continually fostered in the activities and life of the university.[22] Trust among the community is essential; within any university community, controversial expression will provoke strong and divergent responses among stakeholders, testing the community but also creating new opportunities to affirm its commitment to free expression and open inquiry.

A successful roadmap on free expression honors the campus' norms of shared governance. Each element of the campus community has an essential role in fostering a free expression culture, including the president and administrative leadership team, trustees, faculty, staff, students, alumni, and donors.

Since 2015, many campuses have adopted a free expression statement. On our task force, some thought that these statements were valuable for signaling the centrality of free expression to the collegiate mission and creating a philosophic or campus culture framework for the development of campus strategies, policies, programs, and curricula; others thought that having free expression strategies, policies, programs, and curricula were sufficient. Our task force often came back to "disagree with the argument, not the person" as a principle that could serve as a summary statement of our deliberations about what was essential to a free expression culture. Two task force members, Wallace Loh and Ronald Crutcher, had roles in statements written to suit their campus' community: The University of Maryland took the approach of adopting a Statement on University Values along with a Statement of Free Speech Values; the University of Richmond adopted a Statement on Free Expression that includes an explicit statement of its right to express an opinion about ideas and beliefs expressed on campus. These statements were adopted after multistage processes that included forums and meetings, so that students, faculty, staff, and administrators could have input on the statements. This had the benefit of creating a sense that these statements belong to the campus community rather than being adopted from an external or generic model. These statements are included in Appendix I.

The Presidential Leadership Team

———

The objective of the leadership team should be to build confidence in a fair, consistent, and principled approach to free expression. The work of the leadership team cannot be passive, or rest exclusively upon policy statements, resolutions, or guidelines. The effort should begin with the team articulating an explicit and campus-specific strategy on free expression that addresses the perceived tension between diversity, equity, inclusion, and free expression.

Leaders must make a case that it is possible to achieve a campus culture in which free expression *helps* the cause of diversity, equity, and inclusion by building student resiliency and understanding of the range of perspectives, opinions, and experiences of others; by creating opportunities for discussion about issues where students believe academic freedom, free expression, diversity, equity, and inclusion are in tension; and by fostering a sense of inclusion in an academic community of learning and inquiry.

Addressing the perceived tension between diversity, equity, inclusion, and free expression is an essential rhetorical and strategic task for campus leaders.

Make use of case studies and tabletop exercises.

A successful free expression strategy includes the articulation of principles; envisions what a robust culture of open inquiry and free expression would be like in a particular campus community; and identifies priority areas for strengthening or clarifying policies, programs, and curricula. One way of developing a strategy is through discussion of case studies of free expression controversies on other campuses and hypothetical scenarios in the form of tabletop exercises. In Appendix II of this report, we have included a sample of tabletop exercises.

Case studies and tabletop exercises help to identify—prior to conflict or crisis—the various reputational, fiscal, and community pressures that may be faced when controversial expression must be defended, institutional resources that are available or that must be developed, and how to assign responsibility for developing programs, policies, and curricula that foster a respectful free expression culture for all. These exercises can help the leadership team to articulate the campus' commitment to free expression and academic freedom principles with messages that resonate with its unique community, and to develop a decision-making process that will be seen as fair even by those who dissent from its outcome. Task force members said that speaking about how their college or university had demonstrated its commitment to free

expression in the Civil Rights era or had hosted controversial speakers in decades past helped create a sense of an enduring institutional tradition.

Tabletop exercises should be included as regular aspects of leadership retreats and discussions, to refresh returning members, involve those new to the leadership team, and analyze how the campus strategy has functioned in practice. A successful free expression strategy is iterative, reviewing what has worked and what policies, programs, and curricula may be improved, clarified, or added. Once a leadership team has developed its free expression strategy, it is essential to support that approach with an appropriate allocation in the budget for implementation and campus programming.

Spend leadership capital to model free expression, viewpoint diversity, and inclusion.

We believe that presidents and the leadership teams should speak about free expression and open inquiry, not only on occasions such as the convocation address but also in their regular interactions by modeling how to engage with different viewpoints. They should not shy away from preemptively discussing topics and issues that often provoke campus controversies.

Presidents and their leadership teams should consider taking responsibility for identifying gaps in the range of viewpoints heard on campus and taking steps to fill them. This requires being willing to make a judgment about what worthwhile viewpoints are insufficiently represented on campus. Some task force members have filled viewpoint gaps through speaker series directed by the office of the president, and by participating and hosting symposia, panels, and other events that bring divergent viewpoints into conversation. Hearing from those who hold divergent viewpoints on the same stage or hearing a guest speaker whose views are academically credible but outside the mainstream of that campus presents students and the community with models of respectful disagreement too seldom seen in today's civic discourse.

The president and other senior campus leaders should convene or attend gatherings of campus groups that include

Task force members have used the office of the president to host speaker series to bring diverse viewpoints to campus: Ronald Crutcher at the University of Richmond hosted the Sharp Viewpoint Series, pairing political and thought leaders with different views, as well as Spider Talks, with interviews of faculty about their research; Walter Kimbrough at Dillard University hosts Brain Food with intellectuals, activists, and artists; Linda Livingstone at Baylor University hosts the Baylor Conversation Series with speakers who explore timely topics within the context of a Christian community; and John Nunes at Concordia College-New York hosts Books & Coffee for conversations with authors. At DePauw University, the Ubben Lecture Series brings diverse leaders from around the world to deliver lectures, open to the public, on contemporary issues.[23]

campus Republicans, Democrats, and other political clubs; campus religious and interfaith groups; and other clubs with divergent viewpoints. Additionally, the office of the president and the administration may budget to support campus institutes, schools, departments, and faculty to convene events that address contemporary social and political issues and bring representatives of important viewpoints to campus.

One important component of addressing self-censorship and bolstering success in the university's civic mission is increasing diversity among its faculty and scholars, including viewpoint diversity and diversity of groups historically underrepresented on the faculty. Faculty are hired for their disciplinary expertise, teaching, and other potential contributions to the campus academic experience, not their political

A few words on the First Amendment. When many people think about protecting free expression, they think of the First Amendment. The First Amendment indeed protects essential freedoms of expression in our society from government interference.

However, as a task force, our focus has been on values, the collegiate mission, and campus ethos, not the law. In the public square, the First Amendment rightly protects expression that is vile, hateful, deliberately provocative, poorly argued, and even patently untrue. When we choose to join a campus community—whether by accepting an offer to matriculate as a student, or an offer to be a faculty member, staff, administrator, or trustee—we choose to join a community of teaching, learning, and scholarship. As members of campus communities, we should choose to speak and to act in ways that inform, that question, that meet disciplinary standards of evidence, that are truthful or offered in pursuit of the truth, and that affirm the opportunities of others in the community to do the same. The content of the First Amendment includes limited guidance for these value-laden choices about how to speak and act.

However, for two reasons, the First Amendment is essential to campus free expression considerations. Most obviously, the First Amendment is legally binding on public higher education institutions (and on private institutions in California). As we have seen in recent years when provocateurs have used the First Amendment to access public campuses, it can be used as a cudgel to require accommodation of expression that seeks to give the imprimatur of a campus setting to ideas that in fact undermine the campus ethos. Public institutions must be ready when the First Amendment requires them to accommodate such expression.

Additionally, the First Amendment is important because among the purposes of higher education is preparing graduates to enter a public square where it will be the operative standard. We need to cultivate the inner strength and intellectual clarity in our students to be ready to make thoughtful contributions to our civic affairs and to counter ideas with which they disagree and even which they find deeply offensive.

orientation. However, on campuses where the viewpoint is predominately liberal, or on campuses where the viewpoint is predominately conservative, steps must be taken to enhance viewpoint diversity.[24]

Be ready to act with confidence, clarity, and due speed when the inevitable campus free expression controversy occurs.

Controversy is inevitable in an intellectual community at the forefront of new scholarship and that encourages intellectually lively classrooms. On social media, controversial expression is often filtered through a narrow ideological prism and can go viral, attracting regional and even national media and compressing the time frame for deciding on a leadership response. A persistent trait of campus speech incidents that generate national headlines is that administrators and faculty are reacting to sudden controversies, often leading to hasty or ad hoc decisions; these headline-generating events have an outsized impact on shaping unfavorable public impressions of a particular campus and of higher education more generally. But while controversy is inevitable, crisis is not.

The key is preparation. The leadership team can be ready, as much as possible, with a clear, consistent, and fair response. The prior use of case studies and tabletop exercises can help avoid hasty and reactive decision-making; such exercises can help to identify what institutional response (if any) is required, which stakeholder groups should be involved, what decision points must be reached, and who should hold authority to make those decisions. Decisions at these key moments send important messages about the university's commitments to free expression and dissent; however, reacting with unreflective appeals to free speech rights can be seen as dismissing the valid concerns of minoritized groups on campus.

If there is an institutional response, it must include a communications strategy that ensures a consistent message, acknowledges stakeholders, identifies a spokesperson, and assures that the spokesperson has the backing of the institution. In the case of controversial speech or expression by a student or faculty, it may be necessary both explicitly to affirm the university's commitment to the freedom to express even highly controversial views and to use the university's

Engage the campus community when controversy occurs. When a private racist and sexist email message sent by a student was made public, University of Maryland President Wallace Loh took to social media to address campus community concerns. The email message was protected by the First Amendment but was deeply hurtful to many. President Loh announced and held a live Twitter chat, in which he discussed the requirement to protect expression while acknowledging and addressing the consequences of hateful speech.[25]

own free expression rights to affirm its commitment to values, procedures, or community members, if those have been impugned.

There should also be clear guidelines about what kinds of circumstances would be sufficient to trigger a formal investigation of expression by a member of the campus community, and policies for such investigations, including what due process rights students and faculty are entitled to receive, a standard timeline for review and decision, and the potential outcomes of investigations. This timeline for review and decision should be short, barring extraordinary circumstances. Protracted and murky investigations can seem like punishments in themselves.

Allowing a controversial event or speech does not imply that the institution endorses the speaker's views. When the University of Richmond Law School's Federalist Society invited transgender movement critic Ryan T. Anderson to speak on campus, there were complaints from some students and faculty and calls to disinvite the speaker. The law school dean issued a statement that the university upholds principles of robust discussion and that it does not require student groups to vet speakers with the administration, and President Ronald Crutcher insisted that the school would not cancel the event, although he found the speaker's views offensive. Anderson's speech was met with protesters; during the event, a faculty member offered a rebuttal to Anderson's remarks.[28]

Guest speakers have been at the center of several free expression controversies. Task force members distinguished between controversial speakers, whose views had been sanctioned by peer review, service in public office, or are otherwise of academic merit, and extremist speakers, who deny the fundamental equality of all. In general, guest speakers serve the campus community by bringing the opportunity to discuss and debate; controversial and academically credible speakers may serve this purpose especially well. A thorough major events policy, readily available to students, faculty, and staff, that includes accommodation for protest and counter-events can forestall the use of the heckler's veto.[26] On comparatively rare occasions, public colleges and universities have been obliged, in some cases after legal action or with short notice, to host extremist speakers who assert that members of some groups are inherently inferior to others; these are cases of being forced to host speech that does not meet the standards of academic discourse and violates the fundamental assumption of the campus community that there must be no arbitrary barriers, such as race, religion, or sex, to participation in the community of knowledge-seekers. In these situations, college leaders must find ways to honor their First Amendment obligations while affirming the equality of all members of the campus community.[27]

Take a data-driven approach to campus culture.

Institutional campus climate surveys of students, staff, and faculty provide useful snapshots of the campus culture on a wide range of concerns and topics. Such surveys must have a sound methodology; focus groups to delve into preliminary survey findings are important. It is also important to roll out the survey to the campus community in ways that build trust and ultimately empower campus leadership to respond to the results in meaningful ways for the campus culture. A campus climate survey should include questions on culture for free expression and viewpoint diversity, including questions about how comfortable it is to express a view that others might find objectionable in class and in other campus settings; to what degree concerns about comments being shared by peers on social media discourage expression; and how diverse the range of viewpoints on campus is.[29]

Consider the range of social and political issues within which to take an institutional position.

The leadership team must consider the range of issues on which the university will take an institutional position. Private universities have greater freedom than public universities to take an explicit position on social and political issues. If a policy or legislative proposal directly affects the operation of the university, in town-gown matters or at the state or federal level, it is clearly appropriate for a university to take a position. But beyond such issues, university practices vary.

Some colleges and universities uphold institutional neutrality, declining to comment on issues that do not have immediate campus impact, prioritizing the role of the university as a neutral forum for debate and the risks to chilling the fullest range of expression on those issues by faculty, students, and staff who may feel uncomfortable putting themselves at odds with their school.[30] Other colleges and universities hold that the school should be a neutral forum on most issues, but on select, important social and political issues, should speak with an institutional voice.[31] Every denominational university, by definition, upholds its creedal texts, values, and commitments on which it is adamantly not neutral; yet, denominational institutions strive for ethical reflection, ongoing interpretation, and theological engagement relative to their particular confession of faith; contemporary social and political issues are occasions for such reflection.

On our task force, members hold varying opinions about the range of issues appropriate for an institutional position. While universities will reach different conclusions, we think it is important for university leaders to anticipate what would fall within the range appropriate for their school. University forums, speakers, panels, and campus events that bring multiple viewpoints on contentious issues demonstrate seriousness of purpose in

the university's civic mission and alertness to contemporary social and political concerns even without the university taking an official stance.

Offer regional and national thought leadership on free expression.

We believe that it is important for presidents and their leadership teams to support each other on free expression issues. For example, college leaders might consider a statement on the threats to academic freedom and free expression from legislative or executive action on curricular matters or matters of open inquiry and scholarship. Likewise, college leaders might offer public or private support for presidents and other leaders of campuses who are confronting a controversy for defending the academic freedom of a faculty member or the expressive rights of students.

Presidents should offer leadership on free expression not only on their campuses but also regionally and nationally. Controversies over free expression have contributed to an erosion in public trust in colleges and universities.[32] While this erosion of trust may be based on a distorted picture of what actually happens on campuses, it undermines willingness to support higher education institutions and reduces confidence in academic expertise. As a task force, we believe that it is vitally important for colleges and universities not only to do more, but to be seen doing so by the citizenry, elected officials, donors, parents, and alumni. Leaders should seek opportunities to speak about the importance of free expression for their academic mission and our civic health. They should talk specifically about their strategies to support free expression and open exchange.

Task force members also spoke to the value of their firsthand experiences working with local school systems to strengthen the skills of respectful conversation and open inquiry among primary and secondary students, and with regional business leaders who seek to create respectful workplaces, and who increasingly see the ability to work with a diversity of colleagues and clients as an essential workplace-readiness skill.

Trustees

While trustees often regard their role primarily in fiduciary and organizational terms, with considerable variation between public and private colleges, they can also play an important role in securing the collegiate values of free expression, academic freedom, and a respectful campus culture for students, faculty, and staff. Trustees should consider issuing their own public resolutions affirming the college's free expression policies. When controversies occur, trustees can play an essential role in supporting the leadership team as they defend the freedom of a community member to engage in unorthodox and controversial expression. Trustees may also consider it part of their oversight role to pay attention to campus climate. One way to do so may be through supporting well-designed campus climate surveys, including the climate for intellectual diversity and free expression. Boards should consider orientation programs for incoming trustees that include background and philosophical discussion of free expression and academic freedom and tabletop exercises.

Trustees can provide essential support for leadership teams during free expression crises. When white supremacist David Duke qualified to participate in the 2016 debate among candidates for a Louisiana U.S. Senate seat to be held on the campus of Dillard University, an HBCU, Dillard President Walter Kimbrough was pressured to refuse to host the debate. The school's board of trustees backed his decision to host the debate as planned. While the event was controversial, the campus leadership was united in its approach to free expression.[33]

Faculty

While the president and the leadership team set the tone for the entire campus, the faculty is also intimately involved in free expression and academic freedom policy. As scholars, faculty depend on academic freedom to advance new theories and arguments. As classroom teachers, faculty serve as the most important guides and models of respectful discourse, empathy, and intellectual humility, as well as being responsible for setting curricula and learning objectives for students. As department members, faculty make hiring and promotion recommendations that cumulatively shape the ideological and demographic diversity of the faculty. The faculty are the daily face of university policy on campus.

Faculty teach skills of academic discourse so that students learn to have conversations with others whose starting premises are very different, agree on what counts as germane evidence for a claim, and respectfully hear out and find common ground with others, even if important disagreements remain. These skills of academic discourse are very closely related to the skills of civic discourse that are so important in a pluralistic liberal democracy, and it is the faculty who are most charged with preparing graduates for engaged, thoughtful citizenship as independent thinkers.

Beyond the classroom, the shared governance role of the faculty requires that they be free to speak about campus matters. Beyond the campus, faculty are equal to all other citizens, and free to engage in extramural statements and activities. At a time when many higher education institutions increasingly rely on contingent faculty, it is important for colleges and universities to respect the academic and expressive freedoms of all faculty.

There are several affirmative steps campuses can take to enhance and protect the free expression of faculty. Above all, barring clear violations of standards in the faculty handbook, faculty should be assured that they have the support of administrators and campus leadership.

Support academic freedom in the classroom.

Contrary to a common trope that faculty use the classroom to promote their own ideology, students report that their professors are "open-minded and encouraging of participation from students across the political spectrum."[34] However, several recent trends among students have contributed to a climate of self-censorship and chilled discourse. The task force heard that, too often, faculty—especially untenured and contingent faculty—refrained from assigning topics and texts, or raising certain ideas in class discussion, for fear of upsetting some students, even when they thought the omitted material

would enrich the class. These faculty concerns are justified by increasingly frequent investigations and sanctions for classroom speech or assignments.[35] Of course, students should speak up in class or during faculty's office hours when they think a professor has said or done something offensive—and to speak with another college office when they feel uncomfortable speaking to the professor. However, faculty members should enjoy the support of their department chairs, deans, and senior administrators to exercise their academic freedom in managing their classes. A student concern can often be addressed fully with a substantive conversation rather than a formal complaint.

Faculty are also worried about the impact of self-censorship and social media on their classrooms. Today, most students carry a video recording device in their pocket capable of creating clips that can be used to embarrass a professor or a student.[36] This undermines trust and the sense that the classroom is a special, semiprivate space where—even if students or the professor discuss what they heard in class later with others—while the class is meeting, the conversation is limited to those in the room. Faculty may consider adding statements on their syllabi about the importance of respectful disagreement, giving others' views a hearing, and acceptable use of social media with regard to classroom discussions.[37] Faculty leading seminars and classes small enough for discussion may set aside time at the beginning of the semester to discuss and establish agreed-upon class norms.[38]

Creating a respectful learning environment for students requires artful management of the classroom and pedagogical skills that are refined with long classroom experience. Some of these skills can be conveyed to new faculty members. Campus institutes on teaching and learning or seminars at the schoolwide or department level can support faculty in developing additional ways to teach material, develop syllabi, and structure classroom experiences that encourage all students to be confident that their questions, views, and perspectives will enjoy a fair hearing in a respectful environment.

Build free expression and viewpoint diversity into the curriculum.

Faculty set curricula and departmental learning outcomes that can help build a classroom and department culture supportive of open inquiry. Department learning outcomes, especially for first- and second-year students, should build the skills of robust academic debate and analyzing multiple perspectives.[39] They should include being able to outline and defend multiple viewpoints within the discipline and, especially for humanities and social science subjects, major lines of argument and critique from conservative and liberal perspectives, among others.

In addition to setting curricula and learning objectives, departments may offer team-taught courses pairing faculty of different viewpoints or

> "Not only are we polarized but people in the various bubbles only interact with people in those bubbles and, worse than that, they've vilified people in the other bubbles. But I see that as a tremendous opportunity for us in higher education to do what I think was one of the things we have been called on to do, and that is to educate our future citizens to be effective and engaged participants in the democratic society."[41]
>
> —Ronald A. Crutcher

disciplines, who model how to debate in a civil and productive fashion.[40] In these days of tight budgets, it may be a stretch for many campuses to pay two faculty for a single course. One budget-conscious alternative is to invite faculty with different viewpoints to team-teach a few class meetings within a course.

We also noted the significant role general education plays in equipping graduates with broad knowledge to contextualize current issues and the confidence to participate as citizens in civic and policy debates. Faculty members whose university service includes reviewing or revising general education programs and requirements have an essential role in shaping the education that will prepare students to engage thoughtfully in civic affairs. With that in view, the task force was mindful of the importance of general education encompassing—as much as possible—history, fine arts, humanities, and the social sciences, as well as mathematics and physical science courses that deepen students' appreciation for the scientific method.

Teach methodology and epistemology early in departmental curricula.

The task force heard evidence that students often prioritize knowledge that comes from identity and firsthand (or "lived") experience. While these are important sources of insight, we heard that students' tendency to elevate such perspectives over knowledge developed on other bases can have a deleterious impact on classroom discourse, particularly when it comes to some of the most fraught topics of our time, such as race, class, sex, and gender—topics that are aspects of nearly every social science and humanities course.

Because of the priority placed on experience and identity, students sometimes ask student peers from historically underrepresented groups to speak as a representative of that group, as though identity should determine how someone participates and what he or she says in academic discourse. On other occasions, students may self-censor because they fear being seen as improperly speaking beyond their own experience or identity.[42] On yet other occasions, students are called out by peers for speaking beyond their experience or identity.

Faculty cannot accomplish their classroom purposes of creating a community of equal knowledge-seekers if students do not see themselves and each other as being qualified to venture an academic opinion and to participate in every class and quad conversation. Therefore, we recommend epistemological and methodological discussions in first-year forums and that they be built into departmental learning objectives for early courses in majors to teach how to present academic opinions based on disciplinary standards of evidence, so that students are neither unfairly burdened with expectations to speak nor excluded because of their experience and identity.

Graduate faculty must prepare graduate students on issues of free expression.

While most free expression programs focus on undergraduates, it is important to pay attention to graduate students.[43] Graduate students are fledgling researchers and first-time teaching assistants and instructors learning how to manage classrooms, draft syllabi and class plans, and elicit student views in class; they are new to the tension of being obliged to refrain from expressing their own opinions when in front of a class as a teaching assistant while being called to make the best case for their views in their graduate seminars and research. Directors of graduate studies and graduate deans should make preparation on academic freedom and free expression an explicit component of the graduate student experience, including in seminars on professional and career development.

Support faculty-led centers and institutes.

Another successful strategy for broadening the academic offerings in ways that support an open campus culture is found in the variety of faculty-led academic centers and institutes on disciplinary subjects as well as topics including constitutionalism, leadership and statesmanship, and ethics. These centers and institutes are platforms for inviting visiting faculty and post-doctoral students to campus for periods of time, and for hosting guest speakers. Through their centers and institutes, many faculty mentor students and offer extracurricular and co-curricular opportunities to engage with academic topics as well as social and political issues. These opportunities introduce students to a yet wider range of views, and model respectful discussion of ideas and viewpoints outside the formal setting of the classroom.

Campus free expression and academic freedom policies and philosophy should be a part of new faculty orientation.

Orientation for new faculty is an opportunity to introduce new members of the faculty to the university's approach to fostering a free expression culture and to inform them about its free expression and academic freedom policies and programs. A panel of faculty who represent a range of political viewpoints can describe the campus approach and

commitment to viewpoint diversity. Free expression and academic freedom policies should also be available in the faculty handbook.

Defend academic freedom in scholarship and extramural statements.

One effect of increasing ideological conformity on campus is the pressure that faculty in some disciplines face to avoid certain politically sensitive research agendas. Recent years have seen the retraction of controversial journal articles.[44] Social media has raised the profile of faculty speech while simultaneously blurring the boundaries between speech as a faculty member and extramural speech.

Faculty peers and the faculty senate can support academic freedom by having specific strategies in place to defend controversial research and statements within the bounds of academic standards and, in the case of extracurricular statements made as citizens, First Amendment freedoms.

Athletic Directors and Coaches

College athletes and coaching staff with major Division I sports programs present a unique challenge for campus free expression, and the recent U.S. Supreme Court *NCAA v. Alston* decision and potential changes to regulation of athletes' use of their name, image, and likeness are likely to spur major changes in the college sports landscape in the coming years. Because of the attention that sports teams and their top-performing student athletes can draw, individuals or teams that make statements on social or political issues can garner prominent attention, often leading to pressure from alumni, trustees, and the media. Scholarship athletes in particular are vulnerable to pressures to self-censor. College athletes should not be expected to surrender or abridge their rights of expression. We recommend that athletic directors and team coaches be brought into the process of campus leadership planning around free expression policy, and coaches should affirm the rights of the athletes under their supervision to enjoy their free expression rights in the same manner as all other students.

Student Affairs

Student affairs leaders and staff are often those to whom students turn first about free expression issues. They are well-situated to support matriculating students, many of whom are entering a much more demographically diverse community than any they have been part of—for many, the most diverse of which they will ever be part—and who are entering a community where it is possible to try out almost any idea. For students, this should be both exhilarating and exhausting. Student affairs staff can support students during the entrance to their academic community and throughout their college years by emphasizing the skills and dispositions to navigate conversations across difference and disagreement. Because of student affairs staff's role in supporting a campus free expression culture, discussion of the campus' free expression policies, programs, and curricula, along with tabletop exercises, should be part of their orientation and ongoing professional education.

Campus free expression should be a focus of first-year orientation and at subsequent touchpoints during the first year (and beyond).

First-year orientation is a not-to-be-missed opportunity to signal the importance universities place on free expression and open inquiry, and the skills and dispositions that support it. As orientation models, task force members recommend the First Amendment Watch at New York University campus speech modules and the Free Speech Project at Georgetown University orientation modules.[45]

While orientation can signal the central place of free expression and open inquiry to students' academic experience, it takes extended focus throughout the first year in common reading and first-year experience programs to build skills for conversation that will be essential to students' collegiate experience and preparation for civic life.[46] Students need strategies that will serve them well when they encounter ideas that they find surprising or offensive, including simple verbal strategies such as "help me understand why you see it that way." They need to develop empathy to listen to others even when opposed to their ideas; respectfulness and commitment to disagree with others' arguments without impugning them as individuals; humility to give up a long-held position if it does not stand up to scrutiny; perseverance when it is difficult to see the next step in the argument or project; courage to make an argument when they know others will disagree; and, in practical matters, willingness to compromise and work constructively with those with whom one has principled disagreement.

Task force members recommend the OpenMind platform, the Heterodox Academy *All Minus One* booklet, and the Better Arguments Project approach to build these skills and habits of mind.[47] Since many students doubt that free expression is compatible with diversity, equity, and inclusion, first-year programming can teach about the ways in which free expression has advanced the interests of underrepresented and minoritized communities, from the Women's Suffrage and Civil Rights Movements to the #MeToo and racial justice movements of recent years.

Let students know their rights to express opinions and protest are supported and provide guidelines for that expression.

Students and other members of the campus community should be encouraged to participate in expressive activities and protest as part of their collegiate experience and as preparation for engaged citizenship in the public square. Students should be provided with detailed guidance about what expressive activities will not disrupt the educational and research activities of the campus, so student handbooks should include clear, easy-to-reference guidelines for protest and counter-protest, inviting speakers, planning events, tabling, distributing literature, chalking, and sit-ins (or "camping"). Guidelines should be detailed: For example, literature may be posted on certain bulletin boards and handed out but not left unattended; that amplified sound is not allowed or must not exceed a certain level; and placards may be held up during a speech if they do not exceed a specified size. There should also be guidance

Attending to student mental health supports a free expression culture.
An additional complicating factor in fostering a free expression culture is the mental health of the student body. For the nation as a whole, the spectrum of mental health issues is expanding, with better diagnostic screens and treatment options. This changing scene presents special challenges for higher education, as an increasing number of students suffer from loneliness, anxiety, depression, and other mental health stressors. For many, the isolation during the COVID-19 pandemic has aggravated their symptoms, and these effects may linger after the pandemic ends.

Mental health issues can undermine students' ability to put forward their own line of thinking confidently and to dispute ideas with which they disagree or find offensive. Students sometimes report that they feel anxious or unsafe because of expression they encounter on campus. As educators, our responsibility is not to make ideas safe for students, but to prepare students so they feel safe to confront ideas with which they disagree. It is important to address student mental health concerns and to assure students that they can develop the resiliency to confront and dispute ideas that they find wrong, or even heinous. Many colleges and universities have substantially expanded their mental health counseling resources in recent years, and there may be a need for many colleges to integrate the leadership of campus counseling services with the leadership teams overseeing free expression policy.

about respecting others' expression; for example, not using the heckler's veto or vandalizing others' literature, posters, and chalking.[48]

Encourage students to exercise and respect associational and religious freedoms in clubs, student organizations, student government, and other campus groups.

Student clubs and organizations have been a source of controversy on account of exclusive qualifications that some clubs require for membership (e.g., denominational religious affiliation or sexual orientation). Disagreements about all-comers policies—whether a student group may limit its membership or leadership roles to those with certain characteristics, or exclude those with certain characteristics—have led to legal action and court cases.

Aside from legal restrictions such as Title IX and other civil rights laws, we believe colleges and universities should allow maximum latitude for students to enjoy the fellowship of those who share a faith, identity, or social and political ideas. When students associate with like-minded peers, they create a space that bolsters their resilience for the intellectual rough-and-tumble of the classroom and the quad, where their ideas and creeds may be questioned, and where they will study, work, and play alongside those whose experiences and identities may be very different from their own. Student affairs staff should work with student governments, which, on many campuses, have a role in conferring formal recognition and oversight of student groups, in educating student government and organization leaders about how to respect the expressive freedoms of student organizations.

Make students and student leaders partners in free expression programming.

Leaders of student organizations, such as BridgeUSA chapters, are important partners for student affairs staff in leading discussions and events for their student peers about free expression and open exchange. Students themselves must be engaged in fostering a robust free expression campus culture.

Student affairs leaders have a key role in fostering a free expression culture. DePauw University was notified in fall 2021 by Campus Ministry USA, a group that practices what it terms "confrontational evangelism," that a preacher from the group planned a campus visit. Visits by preachers from this group had led to disruptive confrontations in the past at DePauw and other campuses. In advance of the visit, the vice president of student affairs sent a note to students, reminding them that even uninvited speakers have a right to speak on public streets running through campus. The student government organized a protest that included T-shirts and buttons with the message "share love, not hate" and free tacos and ice cream. Student Affairs staff, the Demonstration Response Team, and other staff worked with student leaders to ensure that this was an occasion to affirm campus commitments to free expression, diversity, and inclusion.

Conclusion

The emphasis on practical recommendations in this report should not lull us into underestimating the challenges of maintaining academic freedom and free expression, or what is at stake if we fail to do so. Today, academic freedom and free expression are under stress, undermining colleges' and universities' ability to fulfill their academic and civic missions, which in turn is eroding public trust in higher education institutions.

We are confident that this may be a period of renewal of academic freedom and free expression. We offer these core conclusions and recommendations:

1. College leaders should use leadership capital to support a culture of free expression, including by publicly affirming that disagreement and viewpoint diversity are healthy in an academic and civic community.

2. Every college's approach to fostering a free expression culture should be tailored to its unique history, mission, and community.

3. At a time when some doubt that commitments to free expression are compatible with commitments to diversity, equity, and inclusion, leaders should make the case that freedom of expression is ultimately a liberalizing and inclusive force. At the same time, university leaders must remember that students need to feel fully included in the campus community before they feel safe to confront ideas with which they disagree. A free expression culture depends on trust and a respectful learning environment for all.

4. Since presidents and their leadership teams, trustees, faculty, athletics leaders, staff, and students all contribute to a free expression culture, we recommend that universities develop programming for all these elements of the campus community.

5. Controversies about free expression are inevitable, and it is essential to be ready with a decision-making process for a clear, consistent, and fair response, and to defend expression of unorthodox and controversial views. The use of tabletop exercises can prepare college leaders, staff, and faculty for controversies.

6. Formal protections for controversial expression are necessary, but insufficient, for open inquiry and free expression. Robust intellectual exchange is ultimately a matter of culture, and depends on the virtues of intellectual clarity, rigor, empathy, respect, and humility, and on widespread community trust.

7. In addition to their academic mission, colleges and universities have a civic mission to prepare graduates to be independent thinkers, engage in respectful and productive discourse, find practical compromise with those with whom they have principled disagreements, and maintain the institutions of our pluralistic democracy.

Appendix I: Statements on Campus Free Expression

The University of Maryland and the University of Richmond in recent years adopted free expression statements. They are two of the more than 80 colleges and universities that have adopted freedom of expression statements, beginning with the University of Chicago's adoption of the Chicago Principles in 2015.[49]

The University of Maryland's Statement on University Values and Statement of Free Speech Values were adopted in 2018 after approval of the university's president and the University Senate. These statements were among the recommendations of the President/Senate Inclusion and Respect Task Force, which was co-chaired by the senior associate vice president of student affairs and a dean. In the course of its work, the President/Senate Inclusion and Respect Task Force held three public forums, invited comment through an online form, and consulted with numerous campus constituencies and broadly with faculty, staff, students, and administrators.[50]

The University of Richmond's Statement on Free Expression was adopted by its board of trustees in 2020.[51] The president appointed a University Task Force on Free Expression, following a 2019 campus speaker series on free expression and conversation across difference. The task force drafted a statement, which was presented for comment at forums for faculty, staff, and students; comments could also be submitted through an online form. In light of those comments, the task force revised its draft. The statement was then adopted by the board of trustees.

These statements, and the task forces and deliberative processes that led to their adoption, are offered as examples for those whose campuses are considering the adoption of a free expression statement.

University of Maryland Statements on University Values and Free Speech Values

Statement on University Values

Values Statement

The University of Maryland (UMD) is a community of individuals living and working together to support and advance the educational and research mission of the institution. We aspire to become a community that is: United, Respectful, Secure and Safe, Inclusive, Accountable, and Empowered and Open to Growth.

United

We are diverse but have much in common. Members of the UMD community foster a sense of belonging based on acceptance and a unity of purpose. We strive toward overlapping goals, sharing resources, and spending some of the most significant and productive times of our lives together in a common space. To that extent we depend on one another and are our best selves when we support one another. Accordingly, our actions are guided not only by what is good for self but also by what is good for all.

Respectful

Members of the UMD community interact with others in ways that promote feelings of respect. All members of the UMD community are valued equally and deserving of respect without regard to their status, their educational attainment or their social position. We reject denigration of any member through words or actions and resist stereotyping of members that undermines personal dignity though slurs, slights, insults or other acts that disparage individuals or groups.

Secure and Safe

Members of the UMD community refrain from injustice, violence, harassment, intimidation, and aggression. We do all that is possible to protect and defend members of the UMD community from anyone who would harm them physically or psychologically. We promote individual agency and responsibility in contributing to personal safety, avoidance of harm and staving off the effects of insults, slander, intimidation, or symbolic intimation of violence.

Inclusive

The UMD community strives to achieve the highest levels of excellence in our work and our studies that accrue through inclusive practices. We recognize that as a thriving and striving community, the success of our institution and our members is dependent on how well we value, include, and engage all members. This belief must be actively and consistently embedded in every aspect and practice of the UMD community.

Accountable

All members of the UMD community are equally responsible and committed to uphold the University's values to the best of their ability, as well as hold the rest of the UMD community to those responsibilities. We must be transparent in our mistakes, and learn to reflect and continue to strive toward inclusive excellence.

Empowered and Open to Growth

Members of the UMD community embrace learning as essential for bettering ourselves as individuals and as a community. We encourage and assist one another to become our best selves.

Statement on Free Speech Values

The primary purpose of a university is to discover and disseminate knowledge through teaching, research, and service. To fulfill these functions, a free exchange of ideas is necessary not only within its walls but with the world beyond. The history of intellectual discovery and growth clearly demonstrates the need for freedom; the right to think the unthinkable, discuss the unmentionable, and challenge the unchallengeable. Whenever someone is deprived of the right to state unmentionable views, others are necessarily deprived of the right to listen to and evaluate those views. Few institutions in our society have this same central purpose. It follows that a university must protect and guarantee intellectual and academic freedom. To do so it must promote an environment in which any and all ideas are presented. Through open exchange, vigorous debate, and rational discernment, the campus community can evaluate ideas.

Every member of the campus community has an obligation to support the right of free expression at the university, and to refrain from actions that reduce intellectual discussion. No member shall prevent such expression, which is protected under the constitutions of the United States and the State of Maryland.

The University does not have a speech code. History shows that marginalized communities have successfully promoted their interests because of the right to express their views. In fact, marginalized communities have been silenced by speech codes and other regulations against "offensive" speech.

In addition to the obligation to promote and protect free expression, individuals assume further responsibilities as members of the university. The campus expects each individual community member to consider the harm that may result from the use of slurs or disparaging epithets intended to malign, for example, another's race, ethnicity, national origin, religion, sex, gender identity, sexual orientation, political affiliation, or physical or mental disability. While legal protections for free expression may sometimes supersede the values of civility and mutual respect, members of the university community should weigh these values carefully in exercising their fundamental right to free expression.

The University values and embraces the ideals of freedom of inquiry, freedom of thought and freedom of expression, all of which must be sustained in a community of scholars. While these freedoms protect controversial ideas and differing views, and sometimes offensive and hurtful words and symbols, they do not protect conduct that violates criminal law or university policy.

University of Richmond Statement on Free Expression

Institutional Mission

The University of Richmond is committed to the production and dissemination of knowledge through open inquiry and "the promotion of a vibrant intellectual community that encourages thoughtful disagreement and the vigorous exchange of ideas."[a] The University believes that "respectful engagement with a broad diversity of perspectives and experiences [is] essential to intellectual growth,"[b] and that members of the University community can build understanding and empathy by engaging with different points of view. The University's commitment to fostering a diverse, inclusive community demands an equally strong commitment to freedom of expression. The ability to speak freely, debate vigorously, and engage deeply with differing viewpoints is essential to the University's mission of advancing knowledge and preparing students to flourish in a complex world. Freedom of expression enables the University community—students, faculty, and staff— to express their deeply held convictions, opinions, ideas, and matters of conscience and engage in vigorous debate, criticism, and counter-speech.

Rights of Free Expression

The University promotes and protects the freedom of expression for all members of its community. At the University of Richmond, speech may not be suppressed, nor speakers disinvited, simply because the ideas put forth are thought by some or even by most members of the University community to be unwelcome or deeply offensive. The University recognizes that on occasion some members of the community may strongly disagree with the speech of others, or may view the expression of certain ideas as harmful. On these occasions, it is for the members of the University community to respond by openly and vigorously contesting the ideas that they oppose, not by seeking to suppress speech. The broad protection of freedom of expression is particularly necessary for speakers and messages that challenge authority or the status quo, which frequently have been the target of censorship efforts.

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a   The University of Richmond's Code of Organizational Ethics and Integrity, p.2 (Values of the University; Pursuit of Knowledge).[52]

b   The University of Richmond's Code of Organizational Ethics and Integrity, p.2 (Values of the University; Inclusivity and Equity).[53]

Limits of Free Expression

Freedom of expression at the University of Richmond is not without limits. The University may restrict expression that incites imminent lawless action, falsely defames a specific individual, or which targets a specific individual or individuals with threats or harassment. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt classes, operations, or university-sponsored events. But these narrow exceptions must never be used in a manner that is inconsistent with the University's foundational commitment to a completely free and open discussion of ideas.

Rights of Non-Disruptive Protest

Freedom of expression necessarily includes the freedom to engage in non-disruptive counter-speech or protest. Members of the University community are free to contest ideas expressed on campus and to criticize speakers who have been invited to present their views. In so protesting, however, members of this community may not obstruct or otherwise interfere with the freedom of others to invite speakers or engage in their own permitted acts of expression. The University of Richmond is committed not only to promoting the lively and fearless freedom of debate and deliberation, but also to protecting that freedom when others attempt to restrict it. It is an essential part of the University's educational mission to educate members of the University community about these fundamental principles, and to foster the community's ability to engage in debate and deliberation in an effective and responsible manner.

Rights of the University

Although committed to the principles of academic freedom and freedom of expression, the University itself need not remain neutral in regard to ideas or beliefs expressed on campus. The University enjoys its own freedom to respond or communicate the institution's values and principles.

Appendix II: Tabletop Exercises

College campuses are places where the most fundamental questions are asked and the most long-standing and settled opinions may be challenged. It is inevitable and desirable that there be profound disagreement among community members. However, controversial expression can erupt into crisis, disrupting the research, teaching, and civic activities of a campus community.

Tabletop exercises—discussions of hypothetical dilemmas and controversies—are invaluable opportunities for leadership teams, trustees, faculty, and staff to prepare for inevitable free expression controversies. Such exercises allow teams to anticipate issues that may present themselves, to weigh alternative responses and key decision points, to identify responsible offices and stakeholders, and to formulate messages. The use of tabletop exercises can help to create a decision-making process that, when an actual controversy arises, will be seen as fair even by those who disagree with the outcome. Tabletop exercises also allow leaders to identify pathways and programs to better prepare the campus community for controversial expression.

Tabletop exercises may be included as components of annual retreats and standing meetings; orientation programs for administrators, trustees, staff, and faculty; and meetings focused on free expression.

Below, we offer a sample of such exercises. We offer these scenarios without questions or suggested responses to leave your conversations as open-ended and wide-ranging as possible.

Student writes blog post that offends.

A sophomore, writing on her own blog unaffiliated with the university, writes, "sex and gender are biological facts, not choices; you cannot change from being a man to a woman or vice versa." Other students see the blog post and start circulating screenshots of the post, which the student then takes down. The Student Government Association (SGA) discusses the blog post at its next meeting, attended by over 100 students, and by a vote of 17 to 3 passes a resolution condemning the post as transphobic and hateful. The student newspaper reports on the blog post and the SGA vote.

The story is picked up on social media, some calling this an instance of "cancel culture" and others condemning the student and her views, saying the university should do more to discipline her.

Meanwhile, a transgender student who shares a discussion section in a course with the blog post author asks the professor to move the author to another discussion section, saying it is not possible to feel safe in a room with a transphobic student.

Student capstone project sparks controversy.

For his senior capstone project, a theater arts major proposes directing Joshua Schmidt's *Adding Machine: A Musical*, an award-winning adaptation of the Elmer Rice 1923 play of the same name. The play and musical are critical of capitalism and racism, and portray characters who make racist comments. The student's proposal is approved by his advisor. The student recruits students to perform, and the musical goes into production; the performance is scheduled, with a panel to follow immediately after the performance with student actors, the student director, and a professor from the English department about the musical and its content. The musical and panel are advertised on campus with a warning: "This musical portrays racism and white supremacy."

A week before the performance, the dean of student affairs contacts the senior's advisor, asking about the content of the musical, as some students have reported discomfort with "a racist musical being allowed on campus." The advisor outlines the plan for a panel discussion after the play and invites the dean to attend a rehearsal later that day, which he does. At the end of the rehearsal, the dean states that he is concerned about the potential impact of the play on students from marginalized communities and will deliberate with others on the leadership team.

Overnight, the student newspaper publishes an article titled, "Racist Musical is Senior's Capstone." The article is widely shared on social media with calls for the performance to be canceled and criticism of the student's advisor for approving the capstone project.

Student athletes and assistant coach take a knee.

At a homecoming football game, the stadium stands are full, with alumni, students, faculty, staff, town residents, as well as several trustees. During the national anthem, several players lock arms and take a knee. They are joined by an assistant coach. As they do, some in the audience hiss and boo.

Even as the game is underway, the university starts to receive angry phone calls and email messages from alumni and others, including a message from a local major donor addressed to the school's president, calling the protesting players unpatriotic and demanding that the players be disciplined. On social media, images of the players and assistant coach start trending, with some posts decrying the protest and others praising it. The state senator whose district includes the university tweets, "Students and coach disrespect the flag while taxpayers foot the bill for their education and salary—disgraceful."

Social media posts indicate students are planning to gather and kneel in the main quad the next afternoon. A trustee in attendance at the game receives email messages from classmates, including one who has given a major gift and has the capacity to give another, asking whether the university will discipline the players and assistant coach.

First-year student hangs flag in dorm room to objections of suitemate.

During move-in, a matriculating student hangs an Israeli flag in her room while a suitemate looks on. The suitemate seeks out the resident advisor who is overseeing the move-in and complains that an Israeli flag is a symbol of Zionism and racism, and requests that the RA tell the student to remove the flag. The RA asks the student who has hung the flag about it. The student says it is a symbol of her Jewish faith, and that she plans to keep the flag displayed despite being aware that others are talking about it. The RA tells the student who complained that the suitemate may choose what to display in her own room.

The complaining student goes to the Office of Residential Life and demands that the student with the Israeli flag be moved to another suite. The Office of Residential Life handbook includes guidance that "residence halls are homes for students, and students should choose decorations that support an inclusive residential community for all." Meanwhile, the student who hung the flag has spoken to her parents, and her parents call to complain that their daughter is being made to feel unwelcome.

Faculty member reads racial epithet aloud in class.

A faculty member in a political science course assigned the Rev. Martin Luther King Jr.'s *Letter from Birmingham Jail*. During the class meeting, the professor reads parts of the letter aloud, including a section that includes a racial epithet. A student immediately objects, and other students join in supporting the student's objections. The professor defends himself, saying that the epithet was in Dr. King's writing, not his own word choice. The professor tries to resume the discussion, but several students say the conversation cannot continue until the professor apologizes, which he refuses to do, repeating that the epithet is not his own. When some students reply that the discussion cannot continue without an apology, the professor resolves the situation by ending the class meeting 15 minutes early. The next scheduled class meeting is two days hence.

Later that day, several students from the class, including the student who made the initial objection, visit the dean's office. They demand that if the professor does not apologize, he must be replaced for the remainder of the semester.

Meanwhile, students start sharing social media posts about the incident, and the Office of University Communications receives a call from a local television station, asking for comment.

Faculty member declines to write a letter of recommendation.

A faculty member is approached by a student at the end of a class meeting to ask if the professor would write a letter of recommendation for a summer internship. The student has been an active participant in class discussions and has performed well on assignments and tests. The professor readily agrees and asks the student to send information about how to submit the letter.

When the professor receives an email message from the student with the information, the professor sees that the student is applying for an internship with a pro-life organization. The professor responds that she would gladly write a letter of recommendation for an internship with another organization, but she will not support an application for an internship at an "anti-woman organization."

The student forwards the professor's email message to the department chair, alleging that she is being discriminated against. When the department chair asks the professor for her side of the story, the professor responds that her academic freedom allows her not to write a letter of recommendation to an organization she deeply opposes.

Meanwhile, the student's father contacts the dean of students, saying that their daughter is being discriminated against because of the family's Christian faith.

Alternative scenario: The student is applying for an internship at Planned Parenthood and the faculty member, after initially agreeing to write the letter, says that she is pro-life and declines to write the letter of recommendation on religious and academic freedom grounds.

Speaker invitation leads to controversy.

A faculty member in the philosophy department invites a bioethicist to address the students in her course, "Contemporary Moral Issues," one of several invited speakers over the term. The bioethicist has published articles arguing that it is ethical for a woman to abort a fetus diagnosed with a birth defect and to practice infanticide on infants with birth defects.

Students from Disability Awareness Advocates (DAA), a registered student organization, visit the Office of Student Life and insist the invitation to the bioethicist must be rescinded, saying it creates a hostile environment for disabled students, potentially including students in the class. The students say that if the invitation is not revoked, they may need to take further steps, without being specific about what those may be. A member of DAA publishes an op-ed in the student newspaper, writing, "It shouldn't be acceptable to invite to campus someone who would have exterminated me."

The professor says that she understands that the bioethicist is controversial, but it is up to her to set the syllabus and invite speakers. She notes that the bioethicist has published his views in peer-reviewed academic journals.

Faculty social media post.

An untenured but full-time faculty member, who is assistant director of the university's honors program, posted on her personal Twitter account—not affiliated with the university—the following: "My campus is open and classes being held on #Juneteenth but closed on #July4. Celebrating #WhitePrivilege and no regard for Black faculty/students/staff."

The tweet leads to many retweets and replies, many agreeing with the professor and others calling her unpatriotic. The story is picked up by the local news, and the higher education press contacts the university for comment. A major donor writes an email message to the provost: "A professor who disrespects the Founders should not be on the staff of the school's honors program." A Change.org petition calling on the university to make Juneteenth a school holiday quickly garners hundreds of signatures from students as well as faculty.

Alternative scenario: The professor's tweet does not mention the university, but states: "I will celebrate #Juneteenth but not #July4. Juneteenth = Freedom / July4 = WhitePrivilege," but otherwise the events unfold as described.

Faculty public commentary.

A faculty member publishes an article in a general audience magazine about childhood outcomes, including high school diploma attainment, school suspensions, juvenile arrests, and teenage pregnancies. In the findings section, the author writes: "Single-parent households are correlated with adverse childhood outcomes. Therefore, public policy should aim to encourage household formation prior to pregnancy."

On Twitter, scholars from other institutions criticize the article for promoting a traditional family structure, alleging that this promotes bias against single-parent households, and some call for the professor's censure by his professional association. Students hear of the controversy through social media and demand that the faculty member not be allowed to teach classes on this topic.

Faculty research.

A faculty member publishes an article in a peer-reviewed journal, arguing that data suggests race-conscious admissions harm students by placing them in academic settings where they do not have the background to succeed. The article concludes: "Universities' admissions policies must be neutral to race and ethnicity and evaluate candidates on their individual merits."

Students read the article and lead a social media campaign criticizing the professor and the university. They argue that the faculty member is biased against minoritized students and cannot be trusted to assess them fairly. They demand that the faculty member be removed from the graduate admissions committee and that students not be required to take classes with the faculty member. However, the faculty member is a regular instructor for one of the required classes for the major.

Endnotes

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5   Gallup, Inc., *The First Amendment on Campus 2020 Report: College Students' Views of Free Expression*, 2020, 41. Available at: https://knightfoundation.org/wp-content/uploads/2020/05/First-Amendment-on-Campus-2020.pdf. The same study noted students' perceptions of discussions on social media has worsened over time: In 2016, 41% perceived these discussions as "usually civil," but this declined to 37% in 2017 and

29% in 2019. See 42. In another survey, 64% said political discussions are more likely to occur online, while 35% said they mostly occur face-to-face on campus or in other public settings; see College Pulse, *Free Expression on College Campuses*, 2019, 12. Available at: https://kf-site-production.s3.amazonaws.com/media_elements/files/000/000/351/original/Knight-CP-Report-FINAL.pdf.

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can be expressed freely on campus"; at one school, a majority of conservatives disagreed, while nearly half of moderates and liberals disagreed. Only at one school did a majority of students of all three above-mentioned political orientations agree that "unpopular opinions may be expressed freely," but even at that school, significant minorities disagreed. Another study based on surveys of students at 26 institutions found 17% were dissatisfied to some degree with the atmosphere for political differences on their campus, while 32% were neutral; see N.M. Cesar-Davis, *Research Brief, 2018 Diverse Learning Environments*, Higher Education Research Institute at UCLA, 2019. Available at https://www.heri.ucla.edu/briefs/DLE/DLE-2018-Brief.pdf; see also infographic, which shows only about three-fifths of students were satisfied with the atmosphere for discussion of religious differences and sexual orientation. *Campus Conversations*, Higher Education Research Institute, n.d., accessed November 2, 2021. Available at: https://www.heri.ucla.edu/infographics/DLE-2018-Infographic.pdf.

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30 This position is outlined in the University of Chicago's 1967 *Report on the University's Role in Social and Political Action*, which asserts that there should be "a heavy presumption against the university taking collective action or expressing opinions on the political and social issues of the day, or modifying its corporate activities to foster social or political values, however compelling or appealing they may be." Although the University of Chicago upholds institutional neutrality, it has made institutional statements on political matters that directly affect its operations. For example, its president and provost issued a public letter on the Deferred Action for Childhood Arrivals (DACA) program and impact on University of Chicago student and scholarly community, and its president issued a message in advance of the 2019 Executive Order on Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities about the threat of the Executive Order chilling expression. R.J. Zimmer and D. Diermeier, "Letter to President Trump regarding DACA," September 2, 2017. Available at: https://news.uchicago.edu/story/letter-president-trump-regarding-daca. R. J. Zimmer, "President Zimmer's Message on Free Expression and Federal Action," March 4, 2019. Available at: https://news.uchicago.edu/story/president-zimmers-message-free-expression-and-federal-action.

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32 S. Marken, "A Crisis in Confidence in Higher Ed," Gallup, Inc., April 12, 2019. Available at: https://news.gallup.com/opinion/gallup/248492/crisis-confidence-higher.aspx; K. Parker, "The Growing Partisan Divide in Views of Higher Education," Pew Research Center, August 19, 2019. Available at: https://www.pewresearch.org/social-trends/2019/08/19/the-growing-partisan-divide-in-views-of-higher-education-2/.

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34 Larson et al., *Free Expression*, 1, see also 18-20. K. Parker, "The Growing Partisan Divide," reports that, among those who think "higher education is headed in the wrong direction," 79% of Republicans and Republican-leaners and 17% of Democrats and Democratic-leaners believe "professors are bringing their political and social views into the classroom."

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37 D. Mashek, "Syllabus Language to Support Viewpoint Diversity," Heterodox Academy, January 9, 2018. Available at: https://heterodoxacademy.org/blog/teaching-heterodoxy-syllabus-language/; PEN America, "Tips for Nurturing a Climate of Free Expression and Inclusion," September 25, 2019. Available at: https://campusfreespeechguide.pen.org/resource/tips-for-nurturing-a-climate-of-free-expression-and-inclusion/. Harvard Law School has a policy against students attributing class comments on social media, "HLS Community Principle on Non-Attribution," n.d., accessed November 2, 2021. Available at: https://hls.harvard.edu/dept/registrar/policies-and-forms/hls-community-principle-on-non-attribution.

38 See for example, K. Landis, ed., "Establishing Discussion Rules," in *Start Talking: A Handbook for Engaging Difficult Dialogues in Higher Education* (Anchorage: University of Alaska Anchorage and Alaska Pacific University, 2008), 12-17. Available at: https://www.uaa.alaska.edu/academics/institutional-effectiveness/departments/center-for-advancing-faculty-excellence/difficult-dialogues/_documents/Start_Talking.pdf; see also Institute for Democracy and Higher Education, *Readiness for Discussing Democracy in Supercharged Political Times*, November 2019. Available at: https://tufts.app.box.com/v/idhe-discussing-democracy.

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AGB FAQs- Academic Freedom and Freedom of Speech

What is academic freedom?

Academic freedom protects college and university faculty members from unreasonable constraints on their professional activities. It is a broad doctrine giving faculty great leeway in addressing their academic subjects, allowing them to challenge even conventional wisdom. Under principles of academic freedom, a faculty member may research any topic. Faculty may also raise difficult subjects in a classroom discussion or may publish a controversial research paper.

Source: "Academic Freedom Primer" by Ann Franke, *Trusteeship* July/August 2011

What is the purpose of academic freedom?

Academic freedom serves to advance the two core values of higher education:

Advancing knowledge through research and creativity

Faculty members work to advance knowledge and the arts. Good research and creative activities need breathing space. People may be inhibited from doing their best work if they fear offending outside forces, such as politicians or donors, or inside authorities, such as trustees or senior administrators. Without academic freedom, our society would lose professors' best inventions, scholarship, and creative products.

Educating students to develop their own independence of thought

Higher education exposes students to new ideas, new conceptual approaches, and new forms of argument and creativity. Professors challenge students to seek out facts, test those facts, and develop their own frameworks of knowledge and truth. The college professor and the student both need leeway to explore controversial ideas. Academic freedom provides room to do this without inappropriate interference.

To support these two core values, colleges and universities also need freedom from unreasonable governmental interference.

Source: "Academic Freedom Primer" by Ann Franke, *Trusteeship* July/August 2011

What is the scope of academic freedom?

The scope of academic freedom is broad but not unlimited. Academic freedom does not protect false statements or unprofessional conduct as defined under relevant professional standards.

Faculty members are entitled to freedom in teaching and research. As a practical matter, though, tenured faculty enjoy the greatest protection from arbitrary dismissal and, accordingly, the greatest academic freedom. Tenured faculty should help protect the rights of all faculty and instructors. Institutional policies may address the rights and responsibilities of part-time and adjunct professors.

Students have both rights and responsibilities related to academic freedom. They need freedom to explore controversial ideas and engage in creative work. The courts have spoken about a student's "freedom to learn." Is this the same as academic freedom? Scholarly experts disagree on whether students technically have academic freedom or a different type of freedom. In either case, students need room to explore, learn, and grow.

Presidents are not entitled to academic freedom in their presidential role. A college or university president represents the institution and is accountable to its governing board. If a president, while leading the institution, also engages in teaching or research, the president would enjoy academic freedom as a faculty member in those activities. The same concept applies to other academic administrators such as provosts and deans.

Trustees are not entitled to academic freedom, although other sources such as state law or institutional policy may protect trustees in certain situations. If a professor also serves as a trustee, he or she does not lose academic freedom in faculty functions.

Source: "Academic Freedom Primer" by Ann Franke, *Trusteeship* July/August 2011

How does academic freedom relate to free speech?

The term "free speech" generally refers to rights under the First Amendment to the United States Constitution. The Constitution protects people from the actions of government. Taxpayer-funded public colleges and universities are governmental entities. Their actions must respect the First Amendment rights of students, faculty, and others. Colleges and universities themselves also have First Amendment rights protecting them from intrusions such as undue government regulation of institutional speech.

Some federal court decisions involving public institutions suggest the First Amendment protects academic freedom, at least partially. Speech protected by the First Amendment may or may not also be protected by academic freedom. The two categories overlap but they are not identical. Therefore, in one respect, academic freedom provides less protection than the First Amendment.

Source: "Academic Freedom Primer" by Ann Franke, *Trusteeship* July/August 2011

What does Freedom of Speech protect?

The First Amendment grants the right to express opinions and ideas without fear of government retaliation, censorship, or other sanction. The term "speech" constitutes expression that includes not only words, but also what a person wears, reads, performs, protests, and more. In the United States, freedom of speech is protected by the First Amendment to the U.S. Constitution, as well as many state and federal laws. The United States' free speech protections are among the strongest of any democracy; the First Amendment protects even speech that many would see as offensive, hateful, or harassing. The exercise of the right to both freedom of speech and freedom of expression carries responsibilities and may be subject to restrictions. Board members should be well informed about the rights established by the First Amendment, its principles, and how they apply to the campus's commitment to freedom of speech.

Source: *United States Bill of Rights* by the First Congress of the United States, 1789 "Freedom of Expression," American Civil Liberties Union, https://www.aclu.org/other/freedom-expression

What does Freedom of Speech *not* protect?

Examples of what freedom of speech does not protect include inciting actions that would harm others (e.g., shouting "fire" in a crowded theater), making or distributing obscene materials, burning draft cards as an antiwar protest, permitting students to print articles in a school newspaper over the objections of the school administration, permitting obscene speech at a school-sponsored event, or advocating illegal drug use at a school-sponsored event. Speech deemed a threat to an individual's physical safety is also not protected speech.

Freedom of speech does not protect harassment aimed at an individual based on a protected characteristic (race, gender, sexual orientation, religion). It also does not protect harassment that is a direct or implied threat to employment or education or harassment that creates an intimidating, hostile, and demeaning atmosphere. For example, posting racist messages on the dorm room of a student of color would be regarded as harassment and not speech protected by the First Amendment.

Source: "What Does Free Speech Mean," United States Courts, https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does

How does the First Amendment right to free speech apply to controversial speakers who have been invited to campus by student groups?

The First Amendment to the Constitution protects speech no matter how offensive its content. The Constitution prohibits public institutions from banning or punishing speech based on its content or viewpoint and an institution cannot take away that right or withdraw those resources from student groups extending an invitation to such speakers based on the views of the invited speaker. Doing so would violate the First Amendment rights of the student group. An event featuring a speaker invited by a student group can be cancelled only under extraordinary circumstances—for example, in cases in which free speech is not protected.

Governing boards should plan for and anticipate moments of crisis on campus related to free speech issues including how to handle a controversial speaker on campus. Scenario planning is one such mechanism to build a plan for dealing with such issues if and when they arise. The key to such exercises is engaging a broad enough swath of stakeholders to ensure that each group can weigh in on the process and know their roles when such events occur.

Source: *Freedom of Speech and Diversity, Equity and Inclusion on Campus*, AGB 2022

How do First Amendment rights differ between public and independent institutions?

There are distinctions between public and private institutions regarding how they protect First Amendment rights. As the law requires, there is strong protection of free speech in public institutions, while private institutions determine how First Amendment principles are applied and may set their own standards of free speech. Boards should be educated to understand these nuances and distinctions across sectors and be made aware that faculty have the same right to freedom of speech as do other campus stakeholders and that academic freedom is a core value that must be protected.

Source: *Freedom of Speech and Diversity, Equity and Inclusion on Campus*, AGB 2022

Related Resources

Freedom of Speech and Diversity, Equity, and Inclusion on Campus

AGB

This guide outlines the careful considerations and illustrative cases that help board members and campus leaders better understand the flash points surrounding freedom of speech, academic freedom, and the tensions between these free expression rights and diversity, equity, and inclusion in the present campus environment. It offers governing boards practical guidance on how to anticipate and respond to frictions between these two fundamental facets of a higher education institution's mission. Board members and presidents will find a comprehensive set of questions to ask when navigating these challenges and crafting policies at institutions, systems, and foundations.

2022 · 28 pages

Academic Freedom Primer

Ann Franke

This primer offers a general overview of academic freedom in American higher education. It is designed to present basic concepts, including the application of academic freedom to faculty members and institutions of higher education. Ultimately, each American college or university applies principles of academic freedom in the context of its own mission.

2011 · *Trusteeship* July/August 2011

When the Middle Ground is the High Ground: Free Speech and the University

Teresa A. Sullivan

Today, free expression is protected by the First Amendment at our public universities and upheld by the commitment to academic freedom at our private universities. Free speech is our lingua franca in academia, and any restriction on it seems incompatible with the fundamental values of higher education. We stand in the middle ground, defending free speech on all sides; following truth, wherever it leads; tolerating any error, but combating error with reason; and continuing to believe in the "illimitable freedom of the human mind."

2017 · *Trusteeship* July/August 2017

What Board Members Need to Know About Faculty

Cathy A. Trower and R. Barbara Gitenstein

Changes in higher education require input and support from leaders across the campus—especially the board, the president, and the faculty. This publication offers a succinct overview of the role that the faculty plays in their institutions, important features of their work lives—including shared governance, academic freedom, tenure, faculty governing bodies, and, at some institutions, unions—and changes taking place on campus to help board members better understand their counterparts in shared governance.

2013 · 24 pages

United States Bill of Rights

First Congress of the United States

On September 25, 1789, the First Congress of the United States proposed 12 amendments to the Constitution.

1789 · 1 page

1940 Statement of Principles on Academic Freedom and Tenure

American Association of University Professors

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to ensure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

1940 · 3 pages

JMU
Free Speech
Policies

JMU Statements on Academic Freedom and First Amendment Rights

Policy 1121: Public Expression on Campus

(https://www.jmu.edu/JMUpolicy/policies/1121.shtml)

NOTE: This policy was created to address public expression on campus. Included b/c it may be helpful with definitions and apply to recorded classes shared online (?)

3. Definitions

Academic Freedom

The liberty to pursue, discuss, study, research, discover, question, critique, and teach relevant knowledge, ideas and theory, in accordance with the standards of the academic profession and academic disciplines.

Defamation

Any intentionally false communication, either written or spoken, that tends to harm the reputation of another to lower him in the estimation of the community or to deter third persons from associating or dealing with him.

Expression

In this policy, "expression" includes "speech," and generally the words are used interchangeably. Nonverbal gestures, actions and visual depictions that are meant to communicate a message are also forms of expression.

Protected Speech

For the purposes of this policy, speech and other forms of expression that are protected under federal and state law. As defined by constitutional law, protected speech does include mere insults, vulgarity, and hateful or offensive expression under the law and under this policy, even if it irritates, annoys, outrages or angers those who hear or perceive it. Protected speech includes nonverbal expressive activity, but does not include destruction of property or behavior that disrupts the safe and orderly operation of the university. Unauthorized commercial speech or activity is not protected speech under the terms of this policy. Protected speech does not include threats, harassment, obscenity, pornography, defamation, fraud, or infringement of the intellectual property or privacy rights of others. Protected speech does not include hazing or providing false or misleading information to university officials, or behavior which otherwise violates university policy.

4. Applicability

This policy applies to all employees of the university, including instructional faculty, administrative and professional faculty, wage and classified staff; to all students; to all affiliates, alumni, volunteers, business representatives, contractors and others having legitimate business on university property; and to all visitors and invited guests to the university. It applies to all areas of the campus and all real property owned or controlled by the university.

5. Policy

5.2. Faculty members and employees are public citizens, and have constitutionally protected rights of expression. The university supports the academic freedom of its faculty. Faculty members' rights are set out in the Faculty Handbook (https://jmu.edu/facultyhandbook/iii-policies-procedures/a-rights.shtml#IIIA2). Academic freedom applies to all faculty members engaged in educational

activities. Academic freedom has corresponding responsibilities, and the university is responsible for evaluating and addressing faculty job performance and conduct.

5.3. Students are public citizens, and have rights of constitutionally protected expression. The university supports the academic freedom of its students. Students' rights are outlined in the Student Handbook: https://www.jmu.edu/osarp/handbook/OSARP/student-rights.shtml. Students are bound by policies and rules of the institution, and the institution is responsible for evaluating and addressing student academic performance and conduct.

NOTE: The url to the Student Handbook above does not work; the handbook has been restructured. I'm trying to find an updated page.

Policy 1508. Media Relations and Social Media Publishing (https://www.jmu.edu/JMUpolicy/policies/1508.shtml)

5. Policy

5.2 Any university employee who has a responsibility to communicate in their official university capacity with the university's targeted audiences through traditional news media or social media must complete training conducted or approved by the Office of Communications.

5.3 Any university employee who represents him or herself as communicating on behalf of James Madison University while engaged in social media activity shall be subject to all university policies and procedures.

7. Responsibilities

Employees are responsible for clearly indicating when they are speaking or writing as a private citizen or expert in an area of expertise, and when they are speaking or writing as an official representative of the university. Heads of departments and operating units are responsible for ensuring that any news media or social media outreach efforts originating in their respective departments or units comply with this policy.

Policy 1207. Appropriate Use of Information Technology Resources (https://www.jmu.edu/JMUpolicy/policies/1207.shtml)

7.1 User Responsibilities

- respect the privacy and personal rights of others including, but not limited to, the right to be free from intimidation or harassment
- not use university information technology resources for personal/financial gain, political activities, or fraudulent, harassing, or illegal activities

Faculty Handbook, III.A.2.

Academic Freedom and Responsibility (Faculty Handbook, III.A.2.)

Full section for faculty

Faculty Handbook, III.A.2.

Academic Freedom and Responsibility (Faculty Handbook, III.A.2.)

III.A.2.b.(10) A faculty member engaged in instruction must not act to deprive his or her students of the exercise of academic freedom and must teach the responsibilities that go with such freedom.

Academic Affairs Policy #12. Disruption of Class (https://www.jmu.edu/academic-affairs/_documents/policies/aapolicy-12.pdf)

5. Policy

Instructors have broad discretion to establish rules of conduct for their classes. However, faculty members are also responsible for protecting their students in the exercise of their academic freedom and for teaching them the responsibilities that go with such freedom.

Administration, Faculty and the Hard Free-Speech Questions/AAUP

Administration, Faculty, and the Hard Free-Speech Questions

Working together to defend core principles.
By Jonathan Alger and Mark Piper

Learned institutions ought to be the favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty. —James Madison, letter to W. T. Barry, August 4, 1822

James Madison had great faith in the role of higher education in sustaining a representative democracy, as reflected in this famous passage from a letter written after several decades of public life under the structure of government he helped create. Yet at a time when our nation and institutions of higher education alike seem mired in culture wars that pit individuals and groups against one another, it might be tempting to blame Madison and his colleagues for developing a framework full of unresolved and unresolvable tensions. These tensions are especially acute in battles over free speech, and our campuses are among the most visible battlegrounds.

At the institution of higher education named for James Madison, we wrestle with these tensions every day. As a university president ("Jon") and faculty senate speaker ("Mark"), we are pushed and pulled in many directions by constituents who often have radically different ideas and perspectives. So how can administrators and faculty members work together on the most vexing free-speech questions of our time?

We can begin by reminding ourselves of our common ground and first principles. We share responsibility to provide an environment that is inclusive and conducive to learning. We also share great respect for traditions of academic freedom and vigorous civil discourse, as well as for the important role of facts, evidence, and scholarly expertise. Of course, academic freedom and free speech are related but not identical. Academic freedom is a principle that reflects both rights and responsibilities inherent in the educational mission of colleges and universities, the standards of academic disciplines, and the search for truth. Free speech, as protected by the First Amendment to the Constitution, is an individual right to be free from government constraint on expression of thoughts, ideas, and opinions in society more generally—subject to certain limitations that protect and preserve the rights of others and the society as a whole.

Because James Madison is a public university, we start from a legal foundation in which we must comply with the First Amendment; thus we refer below generally to rights of free speech or expression. Yet the body of case law interpreting the First Amendment does not begin to answer all the hard questions that come our way. In the reflective dialogue that follows, we address some of those hard questions that we regularly face.

Why is free speech important to the mission of colleges and universities?

Mark: Universities exist to achieve certain valuable goals by providing appropriate services. The first goal is to produce educated persons. This is accomplished primarily by teaching. The second goal is to benefit our communities by providing innovation and insight. This is accomplished by advancing research. These basic observations about the purposes of universities render the argument for the importance of free speech at universities relatively straightforward: free speech is important because it is a precondition of educating students and advancing knowledge well. Closed systems of dogmatic indoctrination may result in some education and some advancement of knowledge, but students will be better educated and knowledge will be further advanced in institutions that are committed to free speech: to individuals' rights to express views within the broad parameters of the law and without restraint or fear of arbitrary censorship. The best students master the material and, more important, develop critical-thinking skills. Educating students to achieve these goals demands a pedagogy that allows students to exchange ideas freely and engage openly with course material. Students must be free to question, call for elaboration, share disparate or even unpopular views, express disagreement, and withhold assent. All of this requires freedom of speech. The reliable advancement of knowledge similarly requires that professors have the freedom to follow their research where it leads,

share their theories and concerns, open new channels of learning, and defend controversial views.

Jon: I concur with Mark's defense of free speech on both philosophical and practical grounds. As a lawyer who spent several years working for the AAUP, I have always been struck by the imagery of the marketplace of ideas and the search for truth. We can't prepare students to be productive citizens in an increasingly diverse society by shielding them from ideas with which they happen to disagree or that make them uncomfortable. Ideas and viewpoints cannot be tested and refined in a vacuum; they must be subjected to challenges and counterarguments in order to assess their merit.

This is a process that needs to be repeated for every generation. We must remain humble enough to recognize that we don't have all the answers in any field of inquiry. Thus we must always remain open to debate, criticism, and the constant questioning of assumptions. College and university presidents can and must defend these principles when their institutions come under attack from within or outside the academy, because they are essential to our educational mission.

Are any limitations on free speech appropriate at an institution of higher education?

Jon: None of the rights in the Constitution are unlimited; all of them must be understood within the balancing act of creating a society in which individuals have liberty that exists insofar as it does not trample upon the liberty of others. For this reason, to take an extreme case, you cannot justify physically assaulting a neighbor whose views you despise as a mere act of protected self-expression.

While the Constitution protects a wide range of expression, the case law has long recognized that institutions can use content-neutral time, place, and manner regulations to fulfill their missions. In the case of educational institutions, we need to employ certain "rules of engagement" to create an environment in which all students can participate in meaningful ways, and also in which they have the opportunity to learn the subject matter at hand. Accordingly, academic freedom does not extend to protecting a faculty member's right to spend an entire semester of a physics course lecturing about her views on pop culture, or to a student's right to refuse to learn the subject matter in a course on Marxist political philosophy because he disagrees with the underlying assumptions of such thought. Administrators must respect the ability of faculty members to develop their own classroom protocols to further their pedagogical goals so long as they are consistent with the relevant legal principles.

Other limitations are essential to ensure nondiscriminatory learning environments. "Hate speech" in the abstract is not prohibited by the Constitution, but harassment directed at individuals on the basis of race or gender can constitute a form of conduct that may be regulated. These are among the hardest lines to draw legally in higher education, but they are essential for the vitality and effectiveness of inclusive learning environments.

Private colleges and universities are generally not subjected to constitutional limitations, but most such institutions recognize that they, too, need to protect free expression in order to accomplish their missions.

Mark: I strongly agree with the necessity for institutions of higher education to establish rules of engagement of the sort that Jon mentions, both in classroom settings and in relation to the advancement of research. Free speech is unquestionably important to the mission of universities, yet free speech *in the context of higher education* cannot be chaotic, disorderly, unconstrained license to scream or rant whenever one pleases with no concern for justifying one's claims ("Shut your mouth! X is right! Y is wrong! Period! Go to hell!"). Such speech might be "free" in a very loose sense, but it is certainly not a reliable way to achieve the goals of higher education. Similarly, vitriolic claims made by professors without evidentiary support might constitute speech that is "free" in a very loose sense, but this is not an effective way to teach critically or advance learning.

Imagine an institution of higher learning where such rules are not in place, where students have no opportunity to engage with the material by speaking their minds about what they are learning, where professors are unable to engage with their subjects by speaking their minds about where their research leads them. Such an institution would be a dead place, where progress in the advancement of knowledge would be stalled, and where students would become shallow drones—perhaps able to regurgitate approved bits of information but unable to think for themselves or adapt to our changing society. This would be poor education indeed—or, perhaps better said, would hardly deserve the name "education."

I'd like to say a bit more about Jon's reference to "content-neutral" regulations on speech. Outside of a few narrow legal categories, speech in higher education is not constrained in terms of *content*. It can be constrained in terms of *form*. In a classroom setting, this means allowing students to speak their minds, of course, but in a mutually respectful manner that satisfies the demands of careful, critical thinking. Similarly, professors and administrators must be allowed to speak their minds but in a mutually respectful way that satisfies the demands of careful, critical thinking. If administrators and professors are going to do their jobs as effective advocates for the advancement of knowledge, they must not make claims without proper support and method. Just like the insistence on free speech given above, the limitations on free speech appropriate for institutions of higher education are justified by their role in ensuring that the basic goals of higher education are achieved well.

Institutional leaders often talk about the need for "civil discourse," but constituencies occupying various points on the political spectrum question this concept. Some argue that an emphasis on civility can be used to reinforce the status quo and marginalize the views and involvement of those in our midst who have historically been underrepresented. Others argue that this terminology contributes to the "coddling" of students who assert that they are threatened by speech that offends them. Given these critiques, should civil discourse be an important goal in higher education?

Mark: The notion that free speech leads either to an unjust entrenching of the status quo or to "coddling the snowflakes" is a false dilemma that is grounded in a misunderstanding of the form that free speech must take at universities. Free speech *in the context of higher education* requires that students and professors are capable of and open to challenging the status quo and, by extension, opening learning to arbitrarily silenced voices. Similarly, where free speech exists in the context of higher education, students will inevitably be faced with new ideas, which will often be the best way to come to grips with opposing viewpoints rather than shutting them out. This may be unsettling for some students, but effective learning and the advancement of knowledge is not secured by closing off viewpoints because of worries that students will be unsettled. Learning to be an effective critical thinker requires coming to terms with opposing points of view.

Professors also have rights of free speech, of course. It follows that if professors wish to provide trigger (or content advisory) warnings prior to sharing course material that may be especially traumatic for some of their students, they certainly can, provided that they share these warnings respectfully and seek to meet the demand for evidentiary support. By the same token, members of the university community are free to object to the content or even the very existence of such warnings.

Jon: We have learned in recent years that the views Mark expresses here are not universally shared by students, parents, or members of the general public. Today's college students have grown up in a 24-7 media environment in which they are inundated with messages that are not only controversial, but often also hateful, cruel, and not based on facts or evidence. They hear doubts expressed about any such thing as "truth," and at the same time have learned in their K–12 education not to bully others. It is perhaps not surprising that such students believe that more limitations need to be placed on expression than the Constitution actually permits.

While our policies must reflect constitutional constraints at a public institution, administrators and faculty members need to articulate expectations and norms for how students should engage with us and with each other. We have a responsibility to model what vigorous civil discourse looks like. In a leadership seminar that I coteach, for example, we use team debate as a tool to help students learn how to craft and respond to arguments using research and analysis. We are not doing our job if we fail to help students develop the tools they will need to engage civilly with individuals from diverse backgrounds and viewpoints. In a practical sense, that tool kit includes empathy, resilience, openness to new ideas, patience, humility, and active listening skills.

How should institutions respond if a faculty member teaches, writes, or speaks about controversial views that are deeply offensive to some students or colleagues?

Mark: The leaders of institutions of higher education have their own rights of free speech. They are not obligated to agree with professors' claims. And they have a right to require that professors be advocates for effective learning and the advancement of knowledge. They are entitled to hold professors accountable for claims that have no evidentiary basis, as these kinds of claims show that the professors, as advocates for knowledge, are not doing their jobs. That said, if evidentiary support is provided, leaders of educational institutions should not censor or punish their faculty for sharing unpopular or even offensive views. History shows us that many views that were unpopular or offensive at one time have come to be viewed as correct. And administrators must not presume that they always have a monopoly on the truth.

Jon: Presidents and other administrators are viewed as representatives of their institutions in many situations, and thus have a special responsibility to be thoughtful about clearly distinguishing their personal views from those of the institution. Having said that, I concur with Mark that administrators do not need to remain silent when faculty members express controversial views— especially when such views might be antithetical to core institutional values such as inclusion. Administrators can disagree strongly with the content of a faculty member's views while simultaneously protecting and respecting that person's rights of free expression.

I also believe that administrators should be judicious in their use of the bully pulpit and should choose their battles carefully. University leaders today are relentlessly pushed by some groups and individuals to opine publicly about virtually every controversy in the national, local, or campus news. My own rule of thumb as a president is to focus and speak out on issues and circumstances that have a direct impact on the university and the broader educational mission.

How should administrators and faculty members respond to outside agitators who use campuses to spread controversial or hateful messages?

Jon: As largely open environments that encourage a wide array of discourse, institutions of higher education have become a convenient

venue for some individuals outside of academia who want to use our campuses to draw attention to controversial views that many may find deeply offensive. We must not forbid such expression, but we can respond vigorously in ways that reinforce our educational mission. These incidents can become "teachable moments" for us—opportunities to engage our campus communities thoughtfully about the issues raised. Given all the expertise in our midst, we can tap into a wealth of knowledge to create times and spaces for discussion and debate. And, of course, we also have an obligation to provide a safe learning environment for everyone, and thus must retain the ability to focus on campus safety.

Mark: I agree that a commitment to satisfying the goals of higher education requires a commitment to allowing legally protected speech. But administrators and faculty alike must champion the goals of higher education by pressing the university community to think critically and focus on the need for justification in the face of controversial or hateful messages spread by agitators. Legally protected speech must be allowed, but educational leaders, if they wish to do their jobs, must use their rights of free speech to push the demands for respectful discourse and the justification of claims. Students should be allowed to listen to all legally protected points of view, but they should also be encouraged to engage critically with them.

How can administrators and faculty members work together on the curriculum to foster free speech?

Mark: A core focus on critical thinking is absolutely essential, for critical thinking is the skill needed in order to assess claims for coherence and justification. It is the prime skill that distinguishes a person as *educated*. One of the most important services that university administrations can render is to support critical-thinking courses wholeheartedly.

Administrators and faculty can also work together to develop and disseminate resources that support the establishment and maintenance of a classroom atmosphere of respect and inclusion. Respectful exchange is crucial to achieving the educational mission of a university, so administrators and professors alike should be intentional and persistent in advocating for it and modeling it. The "tool kit" Jon mentioned above is a good example of this.

Jon: As a president, my role in large part is to provide the infrastructure and resources needed to support faculty members in their teaching and scholarship. As our classrooms become ever more diverse, we need to provide tools and training for faculty members who want to use forms of pedagogy that bring out the educational benefits of diversity and that foster genuine debate, analysis, and reflection. Centers of teaching and learning are one such resource that many campuses offer.

How can administrators and faculty members work together on policy and through governance to foster free speech?

Jon: Effective policy development and governance in higher education are often messy and time-consuming, especially on issues like free speech that engender strong feelings and opinions. When developing policy in this area, we have mutual obligations to keep the lines of communication open, listen respectfully to one another, identify and articulate the underlying educational values that guide our decisions, and search for common ground. In doing so, we can model complex problem-solving for our students.

Mark: Educational policies of all kinds must be clearly and intentionally stated as committed to the goals of education, which require open engagement. Educational leaders must be clear and deliberate in all governing policies in order to show that the organizing goals behind all that they recommend, suggest, support, require, allow, and disallow are in the service of respectful engagement and critical thinking. Additionally, free speech in the context of higher education flourishes best when faculty are given the opportunity to exercise primary responsibility in all matters that pertain to the curriculum and the learning environment of the university.

What has been the impact of social media on free speech in higher education?

Mark: Social media hurt and help, in light of the goals of higher education. They hurt insofar as many of the most popular forms of social media require little or no justification when making claims. They also hurt to the extent that they tend to make communicators disrespectful competitors more than respectful collaborators. Social media can greatly help, however, in three respects: they facilitate easy communication, open up students to new points of view, and serve as material to be critically examined. The mixed impacts of social media show that they should be handled with care, and the near-universal usage of social media underscores the importance of engaging with them properly.

Jon: Amen. Like it or not, we can't put the social-media genie back in the bottle. Information literacy has become more important than ever in our society, and it's incumbent upon us to help students learn how to use these tools critically and responsibly.

As the culture wars seem to heat up yet again on our campuses, where can we go from here?

Mark: We should know the law and think in terms of the fundamental goals of education: *effective learning and the advancement of knowledge.* Everything flows from this. Free speech *for the purpose of higher education* requires a commitment to respectful exchange and

critical thinking, which in turn places demands on those seeking to educate and those seeking to learn. This commitment is neither conservative nor liberal. It is neither religious nor secular. It makes demands on all creeds, views, philosophies, and claims alike. This feature of free speech in higher education shows that it can and should be supported by anyone and everyone who values higher education.

Jon: We can't assume that everyone who joins our campus communities instantly understands or shares these values, so as educators we need to talk early and often about how and why these values and norms matter in higher education. As we strive to agree on basic rules of engagement, we must also acknowledge and accept that our educational mission by necessity entails a greater tolerance for disagreement and dissent than other environments with different missions. It's up to administrators and faculty members alike to model our values in how we treat one another, and how we engage on the most difficult topics of our time.

Jonathan Alger is president of James Madison University and a former member of the AAUP's legal staff. Mark Piper is associate professor of philosophy and speaker of the faculty senate at JMU.

Selected AAUP Resources on Free Speech and Related Topics

Academic Freedom and Outside Speakers (2007)

Campus Free-Speech Legislation: History, Progress, and Problems (2018)

Civility (web page)

Committee A Statement on Extramural Utterances (1964)

On Freedom of Expression and Campus Speech Codes (1992)

On Trigger Warnings (2014)

Targeted Online Harassment of Faculty (2017)

Visit our One Faculty, One Resistance website for additional resources on free speech and the targeted harassment of faculty.

Closed Session