

**MEETING OF THE BOARD OF TRUSTEES
OCTOBER 31, 2009**

**UNIVERSITY OF THE VIRGIN ISLANDS
GREAT HALL, NORTHWEST WING
CONFERENCE ROOM
ST. CROIX CAMPUS
9:00 A.M.**

**DRAFT CONSENT AGENDA
REGULAR SESSION**

Committee Reports

Academic, Research, and Student Affairs.....Juanita M. Woods

Provost's Report

A. Criminal Justice (CJU) Program - The Committee discussed the availability of upper level courses in the CJU program and the faculty to teach those courses. There were also concerns raised about the CJU program not being vetted through the University's Curriculum Committee. The Provost informed the Committee that when the program was initially approved, it only addressed the lower level courses. In his response to faculty issues, the Provost indicated that a new faculty line was added to the Humanities and Social Sciences Division and that additional funding for faculty lines was being sought from the Virgin Islands Legislature for the anticipated growth in the CJU program. Trustee Woods responded to the concern about the program being vetted through the University's Curriculum Committee, reminding Committee members that a full curriculum of the CJU program was presented and approved by the faculty, ARSA and the Board. Dr. Aletha Baumann, an observer at the meeting, also confirmed that the CJU curriculum was vetted through the various stakeholders, including the University's Curriculum Committee.

B. Enrollment Update – The Committee discussed the recruitment strategies that were used to target local high school students and the purged (cancellation of classes for non-payment of tuition and fees) data. The Provost informed the Committee of two initiatives that were instrumental in recruitment efforts: (1) increased visits to the high schools by the Access and Enrollment staff and (2) the Shadow Our Students (SOS) program. In addressing the concerns related to the purged data, the Provost informed the Committee that the purged students were those who did not make an arrangement to pay in spite of the number of efforts that were made to remind them of their financial obligation to the University. However, if a student was awaiting the receipt of funds from a third party, it was considered having made an arrangement to pay. There was also some discussion about the manner in which the purged data was reported in the Provost's Report and what that information has meant historically.

C. Special Challenges in Nursing Education Programs

The Committee discussed concerns regarding the insufficient teaching faculty in the nursing programs and steps being taken to address them to assure reaffirmation of accreditation of the programs. The Provost indicated that the biggest challenge that the Nursing Division is currently facing is finding qualified faculty to replace those that are engaged in research. There is a limited number of faculty available with terminal degrees to teach in nursing programs and the University is continuing its efforts to recruit qualified candidates. To date, efforts to recruit or “grow our own” UVI graduates for post-graduate studies who would return to teach have not been successful due to a lack of funding.

D. Summer Programs

Trustee Woods inquired as to what extent tracking is done of students who participate in the various summer academies and programs offered by the University, in an effort to determine how many of them matriculate at UVI. The Provost committed to providing the information at a later date.

Buildings and Grounds Committee.....Attorney Henry C. Smock

A. Capital Projects Report

The Capital Projects Report addressed the progress of various projects on the two campuses. On the St. Thomas Campus, these included the Wind Turbine Partnership program, Wellness Center project, Science and Mathematics Building renovations phase II, and the John Brewers Bay Beach restroom and shower facility. On the St. Croix Campus, projects reported on included Campus Electrical Service upgrade, Evans Center electrical upgrade and Evans Center 100-ton air conditioning chiller replacement.

Wind Turbine Partnership Program

Mr. Buggy reported that the RFP’s have been issued and sent to the Virgin Islands Water and Power Authority (WAPA) and Green Power Electric. The University is awaiting a response from WAPA and Green Power Electric. The project is on schedule.

Wellness Center Project

The Wellness Project is under construction and is approximately 20% complete. The site work, footings, foundation and site drainage activation have been completed. The workers are in the process of completing the back fill of the building so that they can

pour the floor slabs of the facility then move along to construction of the concrete walls and enclosing the building. The workers are five (5) days behind the current construction schedule due to unforeseen site conditions they encountered. However, the contractor is confident that they will make up the time. Other progress to date includes the identification of the movable partition, the type of wooden floor and identification of most of the interior and exterior finishing.

B. St. Thomas Campus Project Report

The St. Thomas Campus Project report addressed the progress of various projects. These included updates on the Classroom Administration Building, Second floor (Old Enrollment/Registrar area) space re-Allocation, Humanities building minor renovation, Dining Pavilion main kitchen ceiling replacement, Campus main water distribution valve replacement, Eastern Caribbean Center (ECC) roof project, Recreation Center renovations, Executive Housing renovations and exterior upgrades, South Residence halls, Auditable entrance door lock installation, and entrance door replacement and cycle maintenance.

C. St. Croix Campus Projects Report

The St. Croix Campus Projects report addressed the progress of various projects. These included updates on the Emergency replacement of 600 KW generator, Progress report on Hurricane Omar repairs, Fume Hood – Science Laboratory, Electrical installation – AES and maintenance mini-projects in preparation for fall 2009.

Development Committee.....Rev. Dr. Wesley S. Williams, Jr.

Status Report on Annual Fund

Total Contributions Fiscal Year (Oct 1, 2008 – September 18, 2009) \$1,171,258.84.

The fundraising and alumni giving goals for fiscal year 2009 have been met or exceeded as of September 18, 2009. President Hall expressed his appreciation to the Development Committee and the Interim Vice President for Institutional Advancement for this accomplishment. President Hall stressed his desire to use the Committee as a resource as he brings a new perspective to fundraising and the overall direction of the Institutional Advancement component. President Hall also shared his short and long term goals relative to donor prospecting, alumni stewardship and enhancing the image of the institution.

Executive Committee.....Alexander A. Moorhead

A. Performance Incentive Award

At the July 10, 2009 Executive Committee meeting, the Chair reminded members that the matter of the Performance Incentive Plan was assigned to the Ad Hoc Human Resources Committee (Ad Hoc HR) for determination of whether or not the Plan had been administered in accordance with the rules established by the Board. However, the committee could not complete the work before the life of the Committee ended. Therefore, the matter was forwarded to the Executive Committee.

The Administration requested that the Executive Committee make a determination as to whether or not to continue the Performance Incentive Program in the form that it was currently in or if the program needed to be modified. A decision was needed due to timing as it related to the start up of the program.

A decision was also needed to determine if the external auditor’s report gave the Board enough confidence to have the Administration continue with the program as it was or subject to modifications.

After discussions, a motion was made and approved by the committee that based on the reports received, the University should table the matter of the Performance Incentive Awards Program pending upcoming negotiations with the Faculty as the Program pertains to the Faculty.

B. Report of the Ad Hoc Committee on Formal Introduction of New President

At the July 10, 2009 meeting of the Committee, it was reported that the work of the Ad Hoc Committee was moving along as it pertained to planning the formal introduction of the new president. The incoming President provided a list of persons at the University who would provide staff assistance with the process of executing the plans of the Ad Hoc Committee.

C. Dr. LaVerne E. Ragster’s Final Performance Review Report

At the July 30, 2009 meeting, Dr. LaVerne E. Ragster submitted to the committee prior to the meeting her final performance review. Members asked and received responses relative to the report. It was also reported that a copy of the State of the University Report was shared with incoming President Dr. David Hall.

D. Approval of UVI Senate ByLaws

At the July 30, 2009 meeting, President Ragster gave a brief background on the circumstances as to why the UVI Senate ByLaws were being presented for approval by the Executive Committee.

She reminded members that the document was a part of the Shared Governance framework that the Board approved with draft bylaws included in it. The document was reviewed by the UVI Senate after the Senate structure had been set up.

She added that discussions were held with the members of the senate, which included Faculty, Staff, students and members of the cabinet. The document was approved by the UVI Senate and forwarded to the Cabinet and President for review and approval. The Cabinet reviewed the document without any major changes. The document then needed to be forwarded to the full Board for approval so that when the academic year began, the Senate would have formal approved bylaws to function with.

Members were reminded committee members that the Board would not meet until October 31st that is why the request was made to have the Bylaws approved by the Executive Committee and then ratified by the full board in October. This would allow the Senate to begin to function with Bylaws in place.

It was recommended that the vote on the approval of the Senate Bylaws be deferred. Members were reminded that prior to the Shared Governance Framework being approved by the Board, it was properly vetted through the Academic, Research and Student Affairs (ARSA) Committee. It was felt that the Senate Bylaws should go that route.

After discussions, the committee agreed to defer the review and approval of the UVI Senate ByLaws back to the ARSA Committee for proper vetting and in the interim the Senate could operate with AD Hoc Rules.

E. Report of the Ad Hoc Committee on the Formal Announcement of the Appointment of Dr. Hall and his Introduction to the Community

At the July 30, 2009 meeting, the Executive Committee was presented with the two events surrounding the Formal Introduction of Dr. David Hall and his family to the University Community and the public.

- The Formal Introduction is scheduled to take place on Monday, August 10, 2009. The St. Thomas event will start at 9:00am. After that event, the family will fly to St. Croix and have the introduction on the St. Croix Campus at 2:00pm.
- A press conference is scheduled to be held on Friday, August 14, 2009 following the President's convocation with the University community.

F. Legal Counsel's Advice of new vote on the election of Chair and Vice Chair

September 9, 2009 Executive Committee meeting

Chairman Moorhead stated that after the June 13, 2009 Board of Trustees meeting, Legal Counsel brought to his attention that perhaps the election of the Chair and Vice Chair was not done in compliance with the law and full disclosure of the vote.

Attorney Hall stated that after the June Meeting where the Chair and Vice Chair were elected, he was concerned that the board did not abide with the requirements of the Sunshine Act which required the board to reveal on the record the names of the persons who voted and how they voted. He reminded members that the Act basically calls for disclosure of the names of the persons who voted and how they voted and he was not sure that was done since it was done by secret ballot.

He explained that he did not have sufficient time to research the information and requested to table the matter pending his review of the minutes of the meeting. Chairman Moorhead stated that the matter will be held pending further advise from Legal Counsel.

On September 11, 2009, the minutes of the June 13, 2009 Board of Trustees meeting were forwarded to the Legal Counsel for review. On September 23, 2009, Legal Counsel responded by email to Executive Committee members and reported the following:

I have reviewed the draft minutes of the regular session and the relevant provisions of the Sunshine Act and I do not see any legal defect in the manner in which the Chair and Vice Chair were elected. Previously, I had a concern that we did not disclose on the record at the last board meeting the name and vote of each member because voting was by secret ballot. It turns out, after reviewing the Sunshine Act and the draft minutes, that that concern would only have been valid if the vote had been taken in the executive session. It was not. It was taken in the regular session by secret ballot. While one person abstained, according to the minutes (I actually thought two members had abstained) the identity of that person or persons is immaterial because the vote was in regular session. Thus, there was no violation of Title 1, Section 254©(3) which requires only for votes taken in executive session that they be documented by the names of all members present at the time, a description of the matter voted on , and "a record of each member's vote".

G. Status Report on the Internal Auditor

At the September 9, 2009 meeting, Chairman Moorhead gave a brief background on the process thus far as it related to the search process for the Internal Auditor. He stated that he distributed the minutes of the March 28, 2009 Executive committee

meeting which covered the last discussion that the committee had on the topic of the Internal Auditor.

He reminded members that the Committee designated Trustees Jackson and Williams to interview two candidates that had been submitted by then President Ragster and to his knowledge the interviews did not take place. It was agreed that there needed to be a recommendation of a path forward to bring the issue to closure. The Committee agreed to allow President Hall be given the opportunity to review the matter and submit a recommendation to the committee at its next meeting.

Finance Committee..... Roy D. Jackson

A. Update on the Local Government Appropriation

(a) Fiscal Year 2009

The University received the full amount of \$34,500,000.00 in approved allotments from the V.I. Government as of September 10, 2009 of Fiscal Year 2009. This represents 100% of the approved amount appropriated to the University through September 30, 2009.

(b) Fiscal Year 2010

On February 20, 2009, the University of the Virgin Islands submitted its Fiscal Year 2010 appropriation request in the amount of \$34,500,000 to the Governor of the Virgin Islands, John P. deJongh, Jr. On September 15, 2009, the Senate Rules and Judiciary Committee approved Governor deJongh's FY2010 recommended appropriation to the University of the Virgin Islands in the amount of \$34,500,000.

B. (a) Review of Unrestricted Operating Budget to Actual Performance through August 31, 2009

Total actual revenues through the period ended August 31, 2009 was \$44,285,493 representing 97.7% of the budgeted amount of \$45,344,677. Actual expenditures of \$42,007,190 were less than the amount budgeted of \$43,788,880. Total actual revenues and total actual expenditures were \$42,773,185 and \$39,894,867, respectively, for the same period last year. Total revenues increased by 3.5% from last year and total expenditures increased by 5.3%.

(b) Review of Restricted Current Funds Expenditures through August 31, 2009

For the period October 1, 2008 through August 31, 2009, the University's restricted current funds performed as follows:

Category	Budgeted Expenditures	Actual Expenditures	Difference
Federal Grants	\$21,560,730	\$16,260,344	\$5,300,387
Local Grants and Contracts	\$1,660,721	\$1,445,881	\$214,840
VI Legislature	\$738,739	\$775,353	(\$36,614)
Private Grants and Contracts	\$1,751,669	\$1,200,493	\$551,177
Other	\$1,416,755	\$1,101,502	\$315,253
Total	\$27,128,614	\$20,783,572	\$5,606,303

(c) Review of CELL Budget to Actual Performance through August 31, 2009

CELL’s activity through August 31, 2009 shows actual tuition and fees collected were more than the budgeted amount for the period in review. During this period an OSHA grant was added for consultation programs. The actual unrestricted funds expended were \$377,830 compared to the amount budgeted of \$306,798. CELL has a Net Operating Position (NOP) of (\$154,483) as of August 31, 2009.

(d) Review of Reichhold Center Budget to Actual Performance through August 31, 2009

The Reichhold Center’s total revenues received through August 31, 2009 were \$1,453,382, including a supplemental award of \$359,000 made by the Foundation for the Reichhold Center, representing 121% of the budgeted amount of \$1,200,000. Actual expenditures of \$1,484,331 still exceeded the amount budgeted of \$1,200,000 by 23.6%.

C. Quarterly Grants and Contracts Report through June 30, 2009

In the third quarter of FY2009, nineteen proposals were submitted requesting \$4,947,913 in funding. This represents an increase of 152% in the dollar volume of proposals, when compared to the corresponding quarter of the previous fiscal year. Eleven awards totaling \$2,678,948 were received during the third quarter of Fiscal Year 2009; this shows an increase of 133% when compared to the corresponding quarter of the previous fiscal year.

D. Audited Financial Statements and Single Audit of Federal Financial Assistance Programs for the Year Ended September 30, 2008

The University’s Financial and Single Audits reports for the year ended September 30, 2008 were submitted by the due date of June 30, 2009. The auditors, Ernst & Young, LLP, issued an unqualified opinion and also expressed their opinion that the University complied in all material respects. However, in their research they

detected instances of noncompliance which resulted in two findings that did not incur any known cost.

E. Report on Student Accounts Receivable

The University presented a report on student accounts receivable as of August 31,2009.

F. Update on New Residence Hall Financing

The University presented a report on financing options for the proposed residence hall on the St. Thomas campus.

G. Other Business

- a. Quasi-Endowment and Foundations' Endowments Update

Planning Committee Dr. Bernard Paiewonsky

A. Efforts to Address Anticipated Fall 2009 Enrollment Increases

Although the VISION 2012 Fall 2009 enrollment goal of 2,700 students was not achieved, the University experienced an increase in enrollment. The Provost reported that in order to accommodate the increase, steps were taken to increase the number of instructional faculty and instructional spaces. Improved space utilization was achieved through increasing the number of class offerings scheduled during the day, using spaces not normally used for classes, creating additional classrooms, and utilizing off-campus sites.

B. Definition of Enrollment

In keeping with the definition of enrollment, President Hall described measures taken to ensure student compliance with payment of tuition and fees by the census date in order for students to continue their enrollment at the University. Outreach efforts included letters to students from the President, Vice Provost for Access and Enrollment, and the Chief information Officer as well as announcements on Facebook and blackboard, and by faculty during class. These collaborative efforts resulted in a significant increase in the number of students meeting their financial obligations in order to remain enrolled. One impact of this effort was a reduction in the University's accounts receivable. President Hall also reported that the Student Government Association was a great supporter of the policy implementation.

C. Final Report on Ad Hoc Joint Planning/ARSA Committee Meeting and recommendations

Committee members were provided an Executive Summary of the outcome of the joint committee's work. On behalf of Dr. Paiewonsky who chaired the Ad Hoc Joint Planning/Academic, Research and Student Affairs Committee, Trustee Woods reported on the recommendations made by the Joint Planning/ARSA committee with respect to VISION 2012 enrollment goals:

- (1) that there be no cap on enrollment for Fall 2009 and Spring 2010, and
- (2) that the Board of Trustees request that a report be submitted to the Board stating, with justification, what resources if any are needed to maintain enrollment plans in VISION 2012 that are not provided for in the current budget.

D. Consultancies and Purchasing Policy Manual

It was decided that discussion on the draft manual submitted would be deferred until the Chair of the Planning Committee has an opportunity for review.

E. VISION 2012 Preliminary Close-out Report for 2009

The Committee reviewed a preliminary Close-out Report for 2008-2009 objectives. The report provided summaries of progress made on objectives brought forward from previous years and progress made on objectives established for the 2008-2009 year. Some modifications were made to the report and it was determined that there is a need to forward some proposed modifications in description measures and objectives to the full Board for consideration.

F. Key Performance Indicators - Fall 2009

This presentation examined the current state of the University with particular attention placed on Fall 2009 student enrollment, student profiles and characteristics, faculty and staff profiles, and development activities. It was shown that student headcount enrollment increased to 2,587 with the percentage of males growing from 23% to 27%. The retention rate for first time, full time freshmen increased to 75%. More faculty are being hired with terminal degrees and high retention of staff has maintained stability in the University. The annual fund raising goal has been exceeded.