

MINUTES

Meeting of the Board of Visitors William & Mary

November 14-16, 2018

The Board of Visitors of The College of William & Mary in Virginia met on the campus in Williamsburg on Wednesday, Thursday and Friday, November 14-16, 2018, and on the Richard Bland College campus in South Prince George on Thursday morning, November 15, 2018.

On Wednesday, November 14, the Committee on Academic Affairs met in the Board Room from 3:00 to 4:15 p.m. The Executive Committee met from 4:20 to 6:58 p.m. in the Board Conference Room. That evening the full Board convened in the Commons Dining Hall from 8:25 to 9:25 p.m.

Those present on Wednesday evening were:

Mirza Baig
Victor K. Branch
Warren W. Buck III
S. Douglas Bunch
Thomas R. Frantz
Sue H. Gerdelman
James A. Hixon
Barbara L. Johnson

Anne Leigh Kerr
John E. Littel
William H. Payne II
Lisa E. Roday
Karen Kennedy Schultz
H. Thomas Watkins III
Brian P. Woolfolk

Absent: J.E. Lincoln Saunders
Todd A. Stottlemyer

Also present was William and Mary President Katherine A. Rowe.

On Thursday morning, November 15, the full Board and the Richard Bland College Committee met on the campus of Richard Bland College in Room 107 in the Social Science, Humanities and English (SSHE) Building from 9:00 a.m. to 12:20 p.m.

Those present on Thursday morning were:

Victor K. Branch
Warren W. Buck III
S. Douglas Bunch
Sue H. Gerdelman
James A. Hixon
Barbara L. Johnson
Anne Leigh Kerr
John E. Littel

William H. Payne II
Lisa E. Roday
J.E. Lincoln Saunders
Karen Kennedy Schultz
H. Thomas Watkins III
Brian P. Woolfolk
Faculty Representative: Matthew Smith
Student Representative: Kayla Hand

Board of Visitors

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Absent: Mirza Baig
Thomas R. Frantz
Todd A. Stottlemyer

Others present were:

Debbie L. Sydow
Kent B. Erdahl
Michael J. Fox
J. Tyler Hart

Samuel E. Jones
Kenneth Latessa
Amy S. Sebring
Sandra J. Wilms

Also in attendance were University Counsel Deborah Love, Senior Assistant Attorney General Carrie S. Nee and other Richard Bland College faculty and staff.

At 12:17 p.m., following the conclusion of the Richard Bland College Committee meeting, Rector John E. Littel convened the full Board, and asked for a motion to adopt the following resolutions discussed during the Richard College Committee meeting:

- **Resolution 1**, Resolution to Approve Request for FY20 Budget Amendment
- **Resolution 2 REVISED**, Resolution to Approve Weapons on Campus Regulation
- **Resolution 3 REVISED**, Resolution to Approve Open Flames on Campus Regulation
- **Resolution 4**, Resolution to Approve Naming of the Mary Morton Parsons Cafe

Motion was made by Ms. Johnson, seconded by Mr. Buck and approved by voice vote. (**Resolution 2 (R)** and **Resolution 3(R)** are appended.)

There being no further business, the Rector adjourned the meeting at 12:20 p.m. Members of the Board attended the ribbon cutting ceremony for Commerce Residence Hall, and then returned to Williamsburg for afternoon committee meetings on the William & Mary campus.

The Committee on Institutional Advancement met in Blow Hall Room 201 from 2:45 to 4:12 p.m. The Committee on Audit and Compliance met from 4:15 to 5:45 p.m. in the Board Room, while the Committee on the Student Experience met from 4:20 to 5:15 p.m. in Blow Hall Room 201.

On Friday, November 16, the Committee on Administration, Buildings and Grounds met Room from 7:30 to 7:58 a.m. and the Committee on Financial Affairs met from 8:05 to 8:30 a.m. in the Board Room.

Those present on Friday were:

Victor K. Branch
Warren W. Buck III
S. Douglas Bunch
Thomas R. Frantz
Sue H. Gerdelman
Barbara L. Johnson
James A. Hixon
Anne Leigh Kerr
John E. Littel

William H. Payne II
Lisa E. Roday
Karen Kennedy Schultz
Todd A. Stottlemeyer
H. Thomas Watkins III
Brian P. Woolfolk
Faculty Representative: Catherine Forestell
Student Representative: Brendan Boylan

Absent: Mirza Baig
J.E. Lincoln Saunders

Others present were:

Katherine A. Rowe
Michael R. Halleran
Virginia M. Ambler
Henry R. Broaddus
Samantha K. Huges
Samuel E. Jones
Matthew T. Lambert
Amy S. Sebring

Kent B. Erdahl
Michael J. Fox
W. Fanchon Glover
Jeremy P. Martin
John M. Poma
Brian W. Whitson
Sandra J. Wilms
Timothy A. Wolfe

Also in attendance were Staff Liaison Jennifer C. Fox, University Counsel Deborah Love, Dean Dave Douglas, Dean John Wells and other William & Mary faculty and staff.

At 8:45 a.m., the Rector convened the Board as a committee of the whole for the **Committee on Organizational Sustainability and Innovation**. Mr. Stottlemeyer presided as chair, briefly outlined the agenda, and then called on Vice President for Strategic Initiatives and Public Affairs Henry Broaddus, who provided an update on the Strategic Dashboard.

Following brief discussion, Mr. Stottlemeyer moved that the Committee on Organizational Sustainability and Innovation convene in Closed Session to discuss the evaluation of the performance of departments or schools, as provided for in Section 2.2-3711.A. 1., of the Code of Virginia. Motion was seconded by Mr. Frantz and approved by voice vote. The observers were asked to leave the room and the Committee went into closed session at 8:51 a.m.

The Committee reconvened in open session at 10:34 a.m. Mr. Stottlemeyer reviewed the topic discussed during closed session, then moved to adopt the Resolution certifying that the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Hixon and approved by roll call vote of the Board members conducted by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.)

There being no further business, the Committee adjourned at 10:35 a.m.

Following a short break, the Rector convened the full Board at 10:42 a.m.

Those present were:

Victor K. Branch
Warren W. Buck III
S. Douglas Bunch
Thomas R. Frantz
Sue H. Gerdelman
Barbara L. Johnson
James A. Hixon
Anne Leigh Kerr
John E. Littel

William H. Payne II
Lisa E. Roday
Karen Kennedy Schultz
Todd A. Stottlemeyer
H. Thomas Watkins III
Brian P. Woolfolk
Faculty Representative: Catherine Forestell
Student Representative: Brendan Boylan

Absent: Mirza Baig
J.E. Lincoln Saunders

Others present were:

President Katherine A. Rowe
President Debbie L. Sydow
Michael R. Halleran
Virginia M. Ambler
Henry R. Broaddus
Samantha K. Huges
Samuel E. Jones
Matthew T. Lambert
Amy S. Sebring

Kent B. Erdahl
Michael J. Fox
W. Fanchon Glover
Jeremy P. Martin
Pamela Mason
Brian W. Whitson
Sandra J. Wilms
Timothy A. Wolfe

Also in attendance were Staff Liaison Jennifer C. Fox, University Counsel Deborah Love, Dean Spencer Niles and other William & Mary faculty and staff.

Welcome and call to order - Rector John E. Littel.

Recognizing that a quorum was present, the Rector asked for a motion to adopt the minutes of the meeting of September 26-28, 2018. Motion was made by Mr. Payne, seconded by Ms. Schultz and approved by voice vote

In his opening remarks, the Rector took the opportunity to thank the staff and recognize several members, including Doug Bunch, Tom Frantz, Victor Branch and Todd Stottlemeyer. He applauded the successful dedication of the Shenkman Jewish Center, and thanked Anne Leigh Kerr, Colin Smolinsky and Sam Jones for their efforts with hosting the Senate Finance Committee at the reception last night. The Rector commented on his visit to campus in October, which included meeting with students and participation in a campus

forum with President Rowe. He noted that the public comment event on tuition will continue in the future and thanked Jim Hixon and Sue Gerdelman for joining him in attending. The Rector also thanked Board members for traveling to Richard Bland for the meeting and for participating in the opening of the new Commerce Resident Hall.

In her opening remarks, President Katherine A. Rowe, reported on the Thinking Forward conversations and highlighted key efforts of the leadership team, noting that two themes have emerged from the conversations so far -- advance diversity and inclusion and the imperative to put the university on a sustainable financial path. She advised that this effort would move into a more formal planning mode next year, and begin to transition from listening to play back, with the first conversation on November 27. The President had fuller comments on the themes:

- Advancing diversity and inclusiveness; early focus on faculty diversity; new approaches to faculty hiring
- Organizational sustainability
- Pacing and timeline to pursue opportunities with General Assembly and Board of Visitors in mind/increasing readiness to take action

The Rector called on the Secretary of the Board. Ms. Gerdelman moved that the Board of Visitors of the College of William & Mary convene in Closed Session for the purpose of approving personnel actions involving specific employees pertaining to the appointments, promotions, and leaves of specific instructional faculty; discussing the evaluation of the performance of departments or schools; discussing internal investigations involving identifiable students and/or employees; discussing specific recommendations related to fundraising initiatives, priorities and strategies, and discussing plans relating to security of any College facility, building or structure, or safety of persons using such facility, building or structure, as provided for in Section 2.2-3711.A.1., 2., 9. and 19, of the Code of Virginia. Motion was seconded by Ms. Roday and approved by voice vote. The observers were asked to leave the room and the Board went into closed session at 11:10 a.m.

The Board reconvened in open session at 11:14 a.m. Ms. Gerdelman reviewed the topics discussed during closed session for the benefit of the observers, and then moved adoption of the Resolution certifying that the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Ms. Schultz and approved by roll call vote conducted by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.)

The Rector called for the reports of the standing committees.

Ms. Johnson reported for the Richard Bland College Committee, thanked everyone for coming to Richard Bland and briefly reviewed the agenda. She noted that seven Promise Scholars had spoken, Board members participated in a SWOT analysis in preparation for the Strategic Plan for 2025, heard an update on the SACS site visit on October 17, expressed the general feeling things are going well; thanked President Sydow for hosting.

President Sydow had a brief report:

- Thanked the Board for convening on campus and participating in the ribbon cutting; the event was well covered by television and newsprint
- Student leadership dinner hosted/led by Aimee Joyaux was similar to the one done by the Board. Students have different requests – access to library, quiet spaces, access to art and tech labs, reflect positive changes
- Kicked off design phase of academic space addition to library; RRMM architects and group met to begin design of future collaborative space; good conversations; complete in spring

Rector noted for the record that **Resolution 1**, Resolution to Approve Request for FY20 Budget Amendment; **Resolution 2 REVISED**, Resolution to Approve Weapons on Campus Regulation; **Resolution 3 REVISED**, Resolution to Approve Open Flames on Campus Regulation; and **Resolution 4**, Resolution to Approve Naming of the Mary Morton Parsons Café were approved by the Richard Bland Committee and the full Board yesterday.

Ms. Gerdelman reported for the Committee on Institutional Advancement and briefly reviewed the agenda. She thanked Ms. Kerr for facilitating the meeting with the Virginia Senate. There were no action items.

Mr. Watkins reported for Committee on the Student Experience and briefly reviewed the agenda. The Committee heard two updates – one on the Career Center by Kathleen Powell and one on the Wellness Center by Kelly Crace. Mr. Watkins advised that two documents from the Association of Governing Boards regarding governing board responsibilities for athletics would be shared with members of the Board. There were no action items.

Mr. Woolfolk reported for the Committee on Audit, Risk and Compliance and briefly reviewed the agenda. Mr. Woolfolk moved adoption of **Resolution 8**, Approval of 2019 Internal Audit Work Plan. Motion was seconded by Ms. Roday and approved by voice vote.

Mr. Payne reported for the Committee on Administration, Buildings and Grounds and briefly reviewed the agenda. Mr. Payne moved adoption as a block of **Resolution 9**, Resolution to Approve Demolition of Multiple Structures at the Eastern Shore Laboratory; **Resolution 10**, Resolution to Approve Demolition of Multiple Structures within the Facilities Maintenance Complex; **Resolution 11**, Resolution to Approve the Naming of the Acuff Center for Aquaculture; and **Resolution 12**, Resolution to Approve the Crisis and Emergency Management Plan. Motion was seconded by Ms. Roday and approved by voice vote.

Mr. Payne asked Ms. Schultz to comment on **Resolution 13**, Resolution to Approve the Naming of the Tribe Field Hockey Center. After brief remarks, Ms. Schultz moved adoption of **Resolution 13**. Motion was seconded by Ms. Gerdelman and approved by voice vote.

Mr. Payne recognized and thanked Chief Human Resources Officer John Poma, who is leaving his position at the end of the year, for his service to the university. The Board responded with a round of applause.

Mr. Hixon reported for the Committee on Financial Affairs and briefly reviewed the agenda.

Mr. Hixon moved adoption as a block of **Resolution 14**, Maintain Four-Year Tuition Guarantee for In-State Undergraduate Students; **Resolution 15**, Receipt of the Consolidated Financial Report of The College of William & Mary in Virginia, Virginia Institute of Marine Science, and Richard Bland College for the Fiscal Year Ended June 30, 2018 (considered jointly with *Richard Bland College*); **Resolution 16**, Receipt of the Financial Report of the Intercollegiate Athletic Department for the Fiscal Year Ended June 30, 2018; and **Resolution 17**, Approval of Interim Use of Funds and Establishment of Russell and Jeanne Baker Quasi-Endowment. Motion was seconded by Mr. Buck and approved by voice vote.

The Rector commented on the public comment period on tuition that was held in October and noted that one would be held in the spring for both William & Mary and Richard Bland. He thanked Mr. Hixon and Ms. Gerdelman for participating.

Ms. Schultz reported for the Committee on Academic Affairs and briefly reviewed the agenda. Ms. Schultz moved adoption as a block of **Resolution 5**, Appointment to Fill Vacancies in the Instructional Faculty; **Resolution 6**, Designated Professorships; and **Resolution 7**, Faculty Leave of Absence. Motion was seconded by Mr. Buck and approved by voice vote.

Rector thanked Board members for reading the materials in advance, noting work continues to improve the process.

Faculty representative to the Board Cathy Forestell gave a brief update on the activities of the Faculty Assembly, including updates to the Faculty Handbook, and thanked members of the Board for their willingness to engage with faculty members on the William & Mary 2026 conversation. Professor Forestell briefly commented on the work of the Charter Day committee, noting a lot of progress has been made.

Staff Liaison Jennifer Fox gave a brief report on the activities of the Staff Assembly and the Professionals and Professional Faculty Assembly, including recent collaborations; working with Mr. Poma on the climate survey; re-vamping evaluation process. She noted that conversations continue with the Student Assembly.

Student representative to the Board Brendan Boylan gave a brief report on the activities of the Student Assembly, noting a lot more collaboration; happy to be part of conversations; updates on recent initiatives; culminate in student bill of rights to clarify that students know their rights; focus on socio-economic diversity; thank Glover for participation; also focus on camps safety; more ways to decrease students hit by cars; upcoming symposium on race and diversity on February 22; wellness issues; counseling long wait times/high demand; ways to incorporate peer counseling.

Warren Buck reported as the Board representative on the Monroe Legacy Working Group and the 1619-2019 Commemoration Commission. He provided an update on the new visitor center at Highland, noting progress on the design, planning and cost.

Mr. Buck advised that he attended the meeting last Tuesday of the Lemon Project Committee on Memorialization and brought greetings from the Board. He advised that the Committee was working to finalize the designs to recommend to the President. The Lemon Project legacy garden and statue designed for the 50th anniversary of the first African-American students in residence is in process and will be located between Jefferson and Ewell Halls.

For the report on the 1619-2019 Commission, Mr. Buck advised that William & Mary would be hosting the ASWAD conference on campus. The Commission's final report will be sent to Provost Halleran and will be shared with the Board.

There was no Old Business.

Under New Business, Mr. Littel advised that the Provost search was underway. Ann Marie Stock is the chair. The Committee has met with consultants to build the position profile, drawing on the presidential search profile, and will hope to conclude the search early next year.

Polling for summer retreat dates will be done soon.

The Rector then briefly reviewed events this afternoon:

- Board Room – 2:00-3:30 p.m. - multi-disciplinary discussion of a book published by Jacob Rooksby '04, who is now the Dean of the Law School at Gonzaga – *The Branding of the American Mind: How Universities Capture, Manage, and Monetize Intellectual Property and Why It Matters*. The seminar is sponsored by the Global Research Institute (formerly ITPIR).
- Tour of the new VIMS research vessel *R/V Virginia* at the Yorktown pier – 2:30-3:30 p.m.

The Rector called on the Secretary of the Board. Ms. Gerdelman moved that the Board of Visitors of the College of William & Mary convene in Executive Session for the purpose of discussing personnel matters pertaining to the performance and evaluations of specific executive employees; and for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, as provided for in Section 2.2-3711.A.1., and 8., of the Code of Virginia. Motion was seconded by Mr. Frantz and approved by voice vote. The observers were asked to leave the room and the Board went into closed session at 12:06 p.m.

The Board reconvened in open session at 1:24 p.m. Ms. Gerdelman reviewed the topics discussed during closed session for the benefit of the observers, and then moved adoption of the Resolution certifying that the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Watkins and approved by roll call vote conducted by the Secretary of the Board Sue Gerdelman. (Certification **Resolution** is appended.)

There being no further business, the Board adjourned at 1:25 p.m.

RICHARD BLAND COLLEGE

**RESOLUTION TO APPROVE
FINAL REGULATION REGARDING WEAPONS ON CAMPUS**

WHEREAS, protecting the safety of the campus community is of utmost importance to the College Administration and the Board of Visitors of The College of William & Mary in Virginia; and

WHEREAS, §23.1-1301.A.1 of the Code of Virginia authorizes boards of visitors of institutions of higher education in Virginia to make regulations and policies concerning the institution; and

WHEREAS, § 2.2-4002.A.6 exempts educational institutions from the requirements of the Administrative Process Act; and

WHEREAS, pursuant to this authority, in 2011 the Board of Visitors promulgated the Weapons on Campus Regulation, governing the possession of weapons by visitors and third parties in certain facilities and at certain university events; and

WHEREAS, the proposed regulation is modeled similarly after the William & Mary regulation regarding weapons on campus, which was approved by the Board of Visitors in April 2018; and

WHEREAS, on April 18, 2018, the Board of Visitors proposed amendments to the Richard Bland College Regulation to address possession of weapons inside all buildings controlled by Richard Bland College, at outdoor locations where people congregate, and at events on property controlled by the college; and

WHEREAS, the proposed amendments were the subject of a comment period which ended on November 9, 2018; and

WHEREAS, the Board deems appropriate certain changes to the proposed Regulation;

THEREFORE, BE IT RESOLVED, That, upon recommendation of the President, the amended Weapons on Campus Regulation, a copy of which is attached hereto, is hereby adopted as a final regulation, to be effective in accordance with Va. Code §2.2-4015 upon publication in the Virginia Register of Regulations.

TITLE 8. EDUCATION
RICHARD BLAND COLLEGE

Chapter 30

Proposed Amended Regulation

REGISTRAR'S NOTICE: Richard Bland College is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: **8VAC115-30**. Richard Bland College Weapons on Campus (amending **8VAC115-30-10**, **8VAC115-30-20**, **8VAC115-30-30**).

Statutory Authority: § 23.1-1301.A.1 of the Code of Virginia.

Effective Date:

Agency Contact: Carla Costello, Regulatory Coordinator, College of William & Mary, P.O. Box 8795, Williamsburg, VA 23187, telephone (757) 221-1254, or emailcacostello@wm.edu.

Summary:

The regulation amends the existing weapons limitation policy for Richard Bland College.

CHAPTER 30
RICHARD BLAND COLLEGE WEAPONS ON CAMPUS

8VAC115-30-10. Definitions.

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

"Police officer" means law-enforcement officials appointed pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 and Chapter 17 (§ 15.2-1700 et seq.) of Title 15.2, Article 3 (§ 23.1-809) of Chapter 8 (§ 23.1-800 et seq.) of Title 23.1, Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, or Chapter 1 (§ 52-1 et seq.) of Title 52 of the Code of Virginia or sworn federal law-enforcement officers.

"College property" means any property, vehicle, or vessel owned, leased, or controlled by Richard Bland College.

"Weapon" means any instrument of combat, or any object not designed as an instrument of combat but carried for the apparent purpose of inflicting or threatening bodily injury. Examples include but are not limited to:

(1) firearms, including any pistol, revolver, rifle, shotgun, air-pistol, paintball gun, or other weapon designed or intended to propel a bullet, cartridge, or missile of any kind by action of an explosion of any combustible material;

(2) knives, including any dirk, bowie knife, switchblade knife, ballistic knife, butterfly knife, sword, machete, razor, spring stick, or other bladed weapon with a blade longer than four inches;

(3) razors or metal knuckles;

(4) blackjacks, foils, or hatchets;

(5) bows and arrows, crossbows, and slingshots;

(6) nun chahkas, including any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may also be known as a nun chuck, nunchaku, shuriken, or fighting chain;

(7) throwing stars, including any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as an oriental dart;

(8) stun guns, including any device that emits a momentary or pulsed output that is electrical, audible, optical, or electromagnetic in nature and that is designed to temporarily incapacitate a person;

(9) any explosive or incendiary device, including fireworks or other devices relying on any combination of explosives and combustibles to be set off to generate lights, smoke, or noise;

(10) any other weapon listed in § 18.2-308 A of the Code of Virginia.

"Weapon" does not include the following: (1) knives or razors commonly used for domestic or academic purposes; or pen or folding knives with blades less than three inches in length; or (2) mace, pepper spray, and other such items possessed, stored, or carried for use in accordance with the purpose intended by the original manufacturer.

8VAC115-30-20. Possession of weapons prohibited; exceptions.

- A. Possession, storing, or carrying of any weapon by any person is prohibited on college property, whether in any college building, or while attending an athletic, academic, social, recreational or educational event; or on vehicles or vessels that are college

property. This prohibition also applies to all events or activities on college property where people congregate in any public or outdoor areas.

B. This prohibition does not apply to:

- a. Police officers on college property in an official capacity pursuant to a college request, mutual aid agreement, or on active duty and within their jurisdiction;
- b. A college employee possessing, storing, or carrying a weapon as expressly authorized or required by the terms of the college employment.

Entry upon such college property in violation of this prohibition is expressly forbidden. Persons violating this prohibition will be asked to remove the weapon immediately from college property. Failure to comply with this request may result in arrest for trespass. Members of the college community are also subject to disciplinary action.

8VAC115-30-30. Person lawfully in charge.

In addition to individuals authorized by college policy or job duties, Richard Bland College police officers are lawfully in charge for the purposes of forbidding entry upon or remaining upon college property while possessing or carrying weapons in violation of this prohibition.

RICHARD BLAND COLLEGE

**RESOLUTION TO APPROVE
FINAL REGULATION REGARDING OPEN FLAMES ON CAMPUS**

WHEREAS, protecting the safety of the campus community is of utmost importance to College Administration and the Board of Visitors of The College of William & Mary in Virginia; and

WHEREAS, §23.1-1301.A.1 of the Code of Virginia authorizes boards of visitors of institutions of higher education in Virginia to make regulations and policies concerning the institution; and

WHEREAS, § 2.2-4002.A.6 exempts educational institutions from the requirements of the Administrative Process Act; and

WHEREAS, existing College policy requires a permit before igniting any open flame on College property; and

WHEREAS, third parties and visitors to campus may be unaware of College policy, but are responsible for awareness of regulations that have the force of law; and

WHEREAS, the Board of Visitors deems it important to supplement existing College policy by adopting a regulation requiring a permit before igniting or maintaining an open flame on property controlled by the College, including in its buildings; and

WHEREAS, on April 18, 2018, the Board of Visitors proposed a Regulation Regarding Open Flames on Campus; and

WHEREAS, the proposed regulation is modeled similarly after the William & Mary regulation regarding open flames, which was approved by the Board of Visitors in April 2018; and

WHEREAS, the proposed Regulation was the subject of a comment period that ended on November 9, 2018;

THEREFORE, BE IT RESOLVED, That, upon recommendation of the President, the Open Flames on Campus Regulation, a copy of which is attached hereto, is hereby adopted as a final regulation, to be effective in accordance with Va. Code §2.2-4015 upon publication in the Virginia Register of Regulations.

**TITLE 8. EDUCATION
RICHARD BLAND COLLEGE**

Chapter 50

Proposed Regulation

REGISTRAR'S NOTICE: Richard Bland College is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: **8VAC115-50. Richard Bland College Open Flames on Campus (adding 8VAC115-50-10, 8VAC115-50-20, 8VAC115-50-30, 8VAC115-50-40, 8VAC115-50-50).**

Statutory Authority: § 23.1-1301.A.1 of the Code of Virginia.

Effective Date:

Agency Contact: Carla Costello, Regulatory Coordinator, College of William & Mary, P.O. Box 8795, Williamsburg, VA 23187, telephone (757) 221-1254, or email cacostello@wm.edu..

Summary:

The regulation establishes the limitations on the presence of open flames in college buildings or on college property, and imposes the requirement for a permit for certain activities involving open burning or open flames. This is the first regulation on this subject.

CHAPTER 50

RICHARD BLAND COLLEGE OPEN FLAMES ON CAMPUS

8VAC115-50-10. Definitions.

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

"Open flame" means any activity or device producing a flame, including, but not limited to candles, tiki torches, oil lanterns, butane or other gas burners, incense, campfires, bonfires, fire pits, and grills.

"College property" means any property, vehicle, or vessel owned, leased, or controlled by Richard Bland College.

8VAC115-50-20. Permit required for open burning and open flames; exceptions.

- A. Open flames are prohibited on all college property, including within college buildings and facilities, except pursuant to a permit issued by the college's Department of Campus Safety and Police.*
- B. Exceptions to the requirement for a permit are:*
- 1. Activities taking place within the scope of academic coursework when under the supervision of the relevant faculty member;*
 - 2. Flames created for the transient purpose of lighting a cigarette, cigar, pipe, or similar smoking device, provided such activity is in an authorized location, is otherwise lawful, and the burning or smoking elements are safely and responsibly disposed;*
 - 3. Small celebration candles used briefly and in an appropriate quantity in connection with a celebration, provided such activity is not left unattended, is in an authorized location, is otherwise lawful, and the smoking or burning elements are safely and responsibly disposed; and*
 - 4. Activities undertaken by college contractors whose contract has been approved by the President or her designee and which contract authorizes open flames.*

8VAC115-50-30. Permits.

Persons seeking to ignite an open flame must apply to the Department of Campus Safety and Police for a permit to perform the activity. Permits may be issued for a one-time event or activity, or on a recurring or on-going basis.

Applicants must apply at least five working days in advance of the activity to ensure consideration. An applicant's history of compliance with previous permits will be considered in a decision to grant a permit.

Persons granted permits are required to comply with all conditions of the permit.

8VAC115-50-40. Person lawfully in charge.

In addition to individuals authorized by college policy, Richard Bland College police officers and representatives of the Department of Campus Safety and Police are lawfully in charge for the purposes of forbidding entry upon or remaining upon college property of those who are in violation of this prohibition.

8VAC115-50-50. Compliance with Policy.

Persons who fail to obtain a permit or to comply with its conditions will be asked to extinguish the open flame or bring the activity into compliance with the terms of the permit. Failure to comply may result in a request to leave campus. Failure to leave campus may result in arrest for trespass. Members of the campus community are also subject to disciplinary action, including termination or expulsion

November 16, 2018

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Visitors Committee on Organizational Sustainability and Innovation has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D. of the Code of Virginia requires a certification by this Committee that such closed session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, That the Committee on Organizational Sustainability and Innovation, reconvening in open session, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Committee on Organizational Sustainability and Innovation.

VOTE

AYES: 15

NAYS: 0

ABSENT DURING CLOSED SESSION:



Todd A. Stottlemyer
Co-Chair
Committee on Organizational Sustainability
and Innovation

Board of Visitors

November 16, 2018

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Visitors of The College of William & Mary in Virginia has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D. of the Code of Virginia requires a certification by this Board of Visitors that such closed session was conducted in conformity with Virginia law;

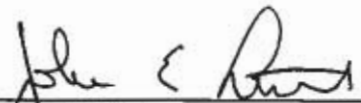
NOW, THEREFORE, BE IT RESOLVED, That the Board of Visitors, reconvening in open session, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board of Visitors.

VOTE

AYES: 15

NAYS: 0

ABSENT DURING CLOSED SESSION:



John E. Littel
Rector of the College

Board of Visitors

November 16, 2018

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Visitors of The College of William & Mary in Virginia has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D. of the Code of Virginia requires a certification by this Board of Visitors that such closed session was conducted in conformity with Virginia law;


NOW, THEREFORE, BE IT RESOLVED, That the Board of Visitors, reconvening in open session, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board of Visitors.

VOTE

AYES: 15

NAYS: 0

ABSENT DURING CLOSED SESSION:



John E. Littel
Rector of the College