

**STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA
SEARCH COMMITTEE FOR THE NEXT AGENCY DIRECTOR
JUNE 28, 2023**

DRAFT MINUTES

Ms. Webb called the meeting to order at 10:20 a.m. in the SCHEV Main Conference Room on the 9th floor of the James Monroe Building in Richmond. Committee members present: Gilbert Bland, Aimee Guidera, Cheryl Oldham, Taylor Reveley IV and Katharine Webb. Committee members participating remotely: John Broderick and Victoria Harker. Committee members absent: none.

Staff members present: Alan Edwards, Jennifer Brooks and Grace Covello Khattar.

Others present: Deborah Love (Office of the Attorney General/OAG).

WELCOME FROM THE COMMITTEE CO-CHAIRS

Ms. Webb and Ms. Harker welcomed members to the committee's first meeting. Ms. Webb advised that she and Ms. Harker would serve as co-chairs rather than rotating the roles of chair and vice chair between them. The co-chairs thanked members for their participation on the committee as well as staff for assisting with preparations for the meeting. Ms. Harker noted that the committee is undertaking its task at an important time in Virginia.

SCHEV CHAIR'S CHARGE TO THE COMMITTEE

Ms. Webb highlighted the letter to the committee from Council chair Ken Ampy, in which he expressed his appreciation to and confidence in each of the seven members and articulated his charge to the committee to identify "visionary leaders who possess the qualifications, experience and passion required to drive our mission forward" while engaging in "open and transparent discussions, fostering an environment where diverse perspectives can be shared and evaluated." Ms. Webb noted Mr. Ampy's pledge to "make every effort to attend most meetings," and conveyed his regrets for being unavailable for the first meeting.

MEMBER INTRODUCTIONS AND PERSPECTIVES/REMARKS

At the encouragement of the co-chairs, members introduced themselves and their roles and backgrounds related to higher education. Each member offered their perspective on the general and specific needs of the Council, the agency, Virginia higher education and the Commonwealth as a whole relative to the SCHEV director position, as well as on the background, experience and type of leader/style of leadership they believed to be necessary and/or ideal to be possessed/demonstrated by candidates.

SEARCH PREPARATIONS

Ms. Webb introduced Ms. Love as a Senior Assistant Attorney General and the Chief of the Education Section of the OAG and welcomed her to counsel the committee on the *Virginia Freedom of Information Act* (FOIA), other relevant laws and expectations of confidentiality.

Ms. Love provided a FOIA overview, starting with what constitutes a public meeting of a public body and addressing issues related to members' attendance (quorum), the purpose(s) and the conditions required to hold a lawful public meeting. She noted that one such condition is that the body approve the remote participation of all members not in physical attendance, if each off-site member's reason for remote participation meets one of three statutory provisions: (i) for a disability/medical condition of the member or a family member; (ii) because the member's principal residence is more than 60 miles from the meeting location; or (iii) due to a personal matter of the member.

Mr. Broderick stated that he was participating remotely because his principal residence in Tampa, Florida is more than 60 miles from Richmond. Ms. Harker stated that she was participating remotely due to a personal matter – a trip to Scotland. **On a motion by Ms. Webb and seconded by Mr. Bland, the committee approved unanimously (5-0) the remote participation of Mr. Broderick and Ms. Harker.**

Ms. Love's FOIA overview also addressed: how electronic mail/communications can constitute public meetings; rules on closed-session topics, entry and exit; rules for all-virtual public meetings; what constitutes a public record; responding to requests for public records; and penalties for violation of FOIA.

Ms. Love also discussed expectations of confidentiality that generally exist as a matter of best practice in search activities of public bodies. She provided as a handout a draft *Confidentiality Agreement and Code of Ethics* for members' review. The consensus of the members was that the document was reasonable and acceptable, and each member in physical attendance signed a copy. Staff pledged to provide the document electronically upon adjournment for remote members' review and signatures.

The consensus of the members was to defer the agenda item's final subtopic – process and timeline – for discussion as part of the agenda's next item – search planning.

SEARCH PLANNING

Ms. Webb initiated a discussion of how to begin to define and describe the position. Members offered opinions and reiterated perspectives from their or others' introductory remarks on: the issues and challenges facing higher education and Virginia; the education and experience that ideal candidates will need; the definitions of success against which the incumbent should be assessed; the importance of data, transparency and accountability in measuring outcomes (student; institutional; SCHEV; and state); and the potential to engage in and lead proactive initiatives. Consideration of how and how much the position would be defined by the committee versus a contracted search firm evolved into a discussion of procurement of search-service vendors.

Ms. Webb referenced a staff-produced document that summarized relevant state procurement policy and process, specifically the options of either undertaking a competitive-bidding process for a search-service contract or seeking to join (“ride”) an existing contract, approved as a cooperative contract into which an executive-branch entity can enter. She called on SCHEV procurement specialist Jennifer Brooks to summarize the document and to describe the pros and cons of the two options. Following Ms. Brooks’ explanations, the consensus of the members was to pursue the cooperative-contract option. Ms. Webb and Ms. Harker noted awareness of existing, relevant cooperative contracts and the vendors involved.

On a motion by Ms. Webb, seconded by Mr. Reveley, the committee moved that, pursuant to Virginia Code § 2.2-3711 A.6., it would convene in a closed meeting for the purpose of considering the investment of public funds where competition or bargaining are involved, where, if made public initially, the financial interest of the executive-branch agency would be adversely affected. The motion was approved unanimously (7-0).

Upon resumption of the open meeting, Ms. Love advised that FOIA required members to affirmatively certify individually that, during the closed meeting, to the best of each’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under § 2.2-3711 A.6., and (ii) only such public business matters as were identified in the motion were heard, discussed or considered. **A roll call vote was called by Ms. Webb and executed by Dr. Edwards, with members certifying unanimously (7-0) that all relevant closed-meeting requirements had been followed and satisfied.**

**Ms. Webb – Yes
Ms. Harker – Yes
Ms. Guidera – Yes
Mr. Broderick – Yes
Ms. Oldham – Yes
Mr. Reveley – Yes
Mr. Bland – Yes**

Ms. Webb revisited the deferred topic of the search process and timeline. Mr. Reveley noted that the committee’s charge was not prescriptive on either matter, which could contribute positively to the committee’s work. The consensus of the members was that the committee would develop the search process in coordination with a search firm and that it would attempt to follow a general timeline that would result in a start date on or around January 1, 2024, for the new SCHEV director.

On the topic of receiving external input, members identified numerous stakeholders, specific and general; the consensus of the members was that each would begin to solicit input directly from the stakeholders and constituents with which each possesses membership or connection. Members acknowledged that such input would be valuable and should continue throughout the process, but with emphasis on informing the committee’s and the forthcoming search firm’s early efforts to define the position.

PUBLIC COMMENT

Ms. Webb observed that no members of the public were present to offer comment, and Dr. Edwards reported that no requests to offer verbal or written public comment had been submitted in advance of the meeting.

NEXT MEETING AND NEXT STEPS

The consensus of the members was that the next steps would be for each to begin soliciting stakeholder input and for the co-chairs to begin vetting relevant, existing cooperative contracts for search-firm services. Dr. Edwards pledged to distribute electronically to members and post online for the public the materials provided during the meeting.

Ms. Webb and Ms. Harker agreed to confer regarding potential dates in late July for the committee's next meeting, which would be offered to all members as a poll of options via electronic communication from staff.

MOTION TO ADJOURN

Ms. Webb motioned to adjourn the meeting at 12:14 p.m., moved by Mr. Reveley and seconded by Mr. Bland.

Katharine Webb
Committee Co-Chair

Victoria Harker
Committee Co-Chair

Alan Edwards
SCHEV Staff