THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON, D.C.

MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
NOVEMBER 8, 2013 IN THE STATE ROOM

Present: President Knapp, Provost Lerman, Registrar Amundson, and Parliamentarian
               Charnovitz; Deans Dolling, Goldman, and Interim Dean Maggs; Professors
               Acquaviva, Brand, Brazinsky, Castleberry, Costello, Dickinson, Fairfax,
               Garris, Harrington, Hawley, Helgert, Katz, Lantz, Lindahl, Marotta-Walters,
               McAleavey, McDonnell, Miller, Parsons, Price, Pulcini, Rehman, Roddis,
               Shesser, Sidawy, Stott, Swaine, Swiercz, Weiner, Williams, and Yezer

Absent: Deans Akman, Brown, Eskandarian, Feuer, Johnson, and Vinson, and
               Interim Dean Kayes; Professors Briscoe, Cordes, Downes, Galston, Jacobson,
               Newcomer, Prasad, and Simon

CALL TO ORDER

The meeting was called to order at 2: 15 p.m.

APPROVAL OF THE MINUTES

The minutes of the meeting held on October 11, 2013 were approved as distributed.

RESOLUTION 13/3, "A RESOLUTION ON THE ESTABLISHED PROCEDURES FOR APPROVING ANY CHANGES TO THE *FACULTY CODE* OR FACULTY POLICIES THAT MAY BE RECOMMENDED BY THE BOARD OF TRUSTEES GOVERNANCE TASK FORCE"

On behalf of the Committee on Professional Ethics and Academic Freedom (PEAF), Professor Charles A. Garris, Jr., Chair, introduced Resolution 13/3. He began by describing the chronology of events that led up to drafting and approval of the Resolution by the Committee. (Details are provided in the powerpoint report included with these minutes.)

On May 17, 2013 the Board of Trustees adopted a Resolution charging incoming Board Chair Carbonell with forming a task force to review the *Faculty Code* and related documents. The task force, to be comprised of faculty members and trustees, was charged to engage the faculty and Administration. On August 23, Chair Carbonell met with the Senate Executive Committee to discuss revision of the *Faculty Code,* and on September 13 he came to the Faculty Senate meeting to talk about his intention to form the task force. In that presentation, he announced a timeline in which the task force would begin meeting in October. Task force recommendations were to be complete by December 2013, or January 2014. In May 2014, a revised *Faculty Code* would be presented to the Board of Trustees for its approval, and beginning in September 2014 the revised *Faculty Code* would be implemented.

Chair Carbonell made a similar presentation to the Faculty Assembly on October 1, at which he said that the task force would be comprised of faculty, trustees and administrators. One item of concern to the faculty was that no mention was made in either presentation about Faculty Senate participation in this process.

At the October 11th meeting of the Faculty Senate, the PEAF Committee Chair read a statement on behalf of the Committee expressing concern about the process laid out for revising the *Faculty Code*. The statement promised that a Resolution from the Committee would be forthcoming at the Senate meeting in November. The PEAF Committee submitted a Resolution about the process to the Senate Executive Committee before its meeting on October 25. The Executive Committee recommended amendments to the Resolution to the PEAF Committee; these amendments were incorporated into Resolution 13/3 and it was placed on the agenda for the November 8th Senate meeting.

On October 29, Professor Garris said he met with Board Chair Carbonell to discuss the *Faculty Code* revision process. They met for a considerable amount of time to discuss the issues quite frankly. Professor Garris added that he was extremely impressed with Mr. Carbonell's sincerity, his dedication to the institution, and his desire to help the University attain its goals. Mr. Carbonell is a Board Chair who clearly would like to accomplish something substantial during his term as Chair. He is also a person who likes to think out of the box and it is not clear that he has the understanding and the patience for the way in which faculty work. That is one reason why the PEAF Committee and other members of the Faculty Senate feel it necessary to adopt Resolution 13/3 before the Task Force begins its work.

The following day Executive Committee Chair Rehman also met with Chair Carbonell to discuss the revision process and proposed that agreement about the process could be expressed in a Memorandum of Understanding (MOU) rather than a Senate Resolution. Should that occur, the PEAF Committee could withdraw the Resolution and instead go forward with a MOU which basically outlined the same features set forth in the Resolution. Chair Carbonell indicated he did not wish to do this because he did not feel authorized to sign something like this without passing it through the Board of Trustees, and he requested the Resolution. On November 7, Chair Carbonell suggested that in addition to defining the process in the original resolution, the Senate also include a statement concerning how the Faculty Senate should participate in the review process and provide assistance to the Task Force. An amendment was drafted and approved by the PEAF Committee in the form of a second Resolving Clause to Resolution 13/3, which Professor Garris indicated would be offered at the end of his remarks. The amendment was forwarded to Chair Carbonell who commented in an e-mail that it looked fine to him and he thought it was very constructive.

Turning next to the Resolution, Professor Garris noted that it does not question the value of undergoing a review of the *Faculty Code*. The PEAF Committee did not opine on this and it is not something addressed in the Resolution. In addition, the Resolution does not question the efficacy, the viability, or the wisdom of reviewing the *Faculty Code*; that is perfectly within the rights of the Board of Trustees.

Secondly, the Resolution does not question the right of the Board of Trustees to create a joint Board of Trustees/Faculty/Administration Task Force to review University

governance documents including the *Faculty Code*. Administrative task forces are common practice at GW and the Board has a right, like any other group, to set up Task Forces. Thirdly, the Committee wanted to make it very clear that anybody who participates as a faculty member on the Task Force is doing a valuable service for the University. The PEAF Committee does not want anyone to have the feeling that aspersions are being cast on these individuals; and no one in any questioned or denied the dedication, sincerity, or contributions of people participating in the Task Force's review. In fact, the Committee wants faculty members to participate in this Task Force and in other Administrative Committees because it provides an important perspective that these Committees need when they finally come up with their conclusions. The worst thing that can happen is to have an isolated Administrative Committee that doesn't have faculty input and suddenly comes up with recommendations that are totally unworkable. Resolution 13/3 is concerned only with the process by which revisions are made to the *Faculty Code*.

Professor Garris read the text of the first Resolving Clause, as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY: The Faculty Senate expects that any changes to the *Faculty Code* or Faculty Policies recommended by the Board of Trustees Governance Task Force will adhere to the University's long‑established and unbroken tradition and procedures of shared governance, which require the Faculty Senate, as the elected representative and authorized agent of the Faculty, to consider and act on changes to the *Faculty Code* or Faculty Policies that are proposed by the Administration, the Board of Trustees or other members of the University community before such changes are submitted to the Board of Trustees for final action.

Professor Garris then gave an overview of the Whereas Clauses in Resolution 13/3 as set forth in his powerpoint report.   In addition to affirming the benefits of shared governance and the successful history of this at the University since 1937, the Resolution asserts that the Faculty Senate is the elected representative of the University's faculty and as such is the body with whom the Board Task Force must engage in carrying out its work.

The Resolution points out the benefits of shared governance and the successful history of this at GW since 1937 when the *Faculty Code* was first created. Changes to the *Faculty Code* require the mutual consent of both the Board and the Faculty. Neither party can do so unilaterally; there has to be agreement. There is also a long, unbroken history of passing changes to the *Faculty Code* through the Faculty Senate. Faculty members who serve on the Governance Task Force may provide a helpful diversity of perspectives, but this input does not substitute for Faculty Senate participation, and does not meet the standard of shared governance. This applies to Committees well. The Task Force is quite free to engage with Senate Committees, but that does not constitute Senate approval. In order for that to come to pass, a Resolution must come before the Senate to be voted on by elected Senate members.

The Resolution further notes that the *Faculty Code* is a living document which must change with the times, and that the Faculty Senate has a long history of working with the Administration to effect changes to it. No one is asserting that the *Code* is cast in concrete; it needs to change, and it has been changed many times. The current *Code* embodies substantial diligence, history, and collective wisdom. There is no precedent for revising the

entire *Faculty Code* at one time. There is also no precedent during the University's history since the adoption of the *Faculty Code* in which the *Faculty Code* has been modified without satisfying the above-described procedures of review, recommendation and approval by the Faculty Senate on behalf of the Faculty before such modification was approved by the Board of Trustees.

Professor Garris then presented a graph depicting the history of changes to the *Faculty Code* over each of the last 50 years which followed the model just discussed. Information about these changes was obtained from the Faculty Senate Office.   The graph prepared by Professor Garris shows not only the number of times in each year the Senate has approved changes to the *Code*, but also the Committees of the Senate that have recommended such changes. The PEAF Committee has over the years been the most active in bringing forward Resolutions for Senate approval to change the *Code*. There is not a single example of changes being made to the *Code* where these were not approved by the Faculty Senate first and then forwarded through the Administration to the Board of Trustees for its approval.

This is as it should be. At first glance, the *Faculty Code* seems to be just a small booklet. In reality, every word in it has been the result of countless hours of Committee work. The *Code* is similar to law, one cannot just sit down and read and understand it quickly -- it is not that simple. Every word has a special meaning and many provisions interact with and depend upon others in the Code. Changing the *Faculty Code* is something that has to be done with extreme care because there is a lot of wisdom in it that may not be apparent to a casual reader.

In his concluding remarks, Professor Garris said that the PEAF Committee would like to point out that Resolution 13/3 is very timely. Some faculty members have expressed the concern that its adoption should be delayed and that a wait and see posture should be employed. The Committee believes that it is a better approach to make the process clear at the outset of the Task Force's work and to set forth the Senate's expectations on the way in which any revisions should proceed.   In addition, it bears emphasizing once again that GW's system of shared governance has served the University very well over many years and should continue to do so.   It is obviously a democratic process that requires the participation of various people; sometimes it is slow and sometimes it is irritating.

Lastly, the shared governance system embodied in the *Faculty Code* is needed if GW's Strategic Plan is to be implemented. The Board has expressed a concern that the *Code* be aligned with the Strategic Plan. The PEAF Committee is of the opinion that the Strategic Plan has many wonderful ideas in it. However, faculty will have to implement the ideas in the Plan, and shared governance is indispensable if the Strategic Plan is to succeed. The *Code* is a necessity, not an obstacle, if the University's aspirations are to be attained.

At the conclusion of these remarks, Professor Garris moved the adoption of an amendment from the PEAF Committee to Resolution 13/3. This amendment, which was made available at the Senate meeting to Senate members adds a new second Resolving Clause as follows:

The Faculty Senate and its Committees are pleased to offer consultation to the

Task Force in discussing proposed changes to the *Faculty Code* or other faculty governance documents during the course of the Task Force's work, and the Faculty Senate will undertake a careful review of the final report of the Board of Trustees Governance Task Force after that report has been delivered to the Senate, and the Senate will provide its recommendations to the Board of Trustees regarding any proposed changes to the *Faculty Code* or Faculty Policies as expeditiously as possible.

The motion was seconded and discussion followed.

Professor Yezer noted the lack of parallelism between Resolving Clauses and said he did not know if the language in the Second Resolving Clause stating that the Senate "will provide its recommendations to the Board of Trustees on changes" meant the same thing as the language in the First which states that the Senate would "consider and act on changes [to the *Faculty Code* and Faculty Policies]." Professor Garris said this issue had been discussed in the PEAF Committee, but that time was too short to obtain Committee approval before the Senate meeting. A short discussion followed in which one Senate member suggested removing the phrase "as expeditiously as possible" and another urged that it remain. This suggestion was withdrawn. After further discussion, the Senate agreed to amend the second Resolving Clause to include the same language regarding senate action on proposed changes to the *Faculty Code* and Faculty Policies as appears in the first Resolving Clause, in order to ensure the consistency requested by Professor Yezer. A vote was taken on amending Resolution 13/3 with the addition of the language discussed above. The amended Second Resolving Clause was approved. Discussion then followed on the Resolution as a whole.

Interim Dean of the GW Law School Gregory Maggs spoke to the Resolution next as an administrative member of the Senate. He said he did not oppose the Resolution or the general sentiments of the Whereas Clauses, but added that he was troubled by two aspects involving assertions of legal principles in these. The theory as stated is that there is a contract between the University and the Faculty and that the Faculty Senate is the agent for the faculty; and also that the Faculty Senate therefore has the power to consent to adopt changes in policies governing the Faculty's rights and responsibilities.

Dean Maggs said he did not think the language concerning whether or not there is a contract between the University and the Faculty was precise. The faculty as a group is not a legal entity and it does not have the capacity to make a contract. The contract is between the University and individual Faculty members, but the Resolution is written as though the contract is between the University and the Faculty. It is true that the *Faculty Code* may inform that contract and be part of the terms of the contracts between the University and individual faculty members, but it is not properly stated to assert that there is a contract between the University as a corporation and the Faculty.

Secondly, Dean Maggs said he thought that the language of agency in the Resolution is extremely broad. Even it it were to be assumed that the Faculty Senate is the representative of individual members, he questioned whether or not the Senate really wanted to approve a Resolution that says that the Senate has the power to consent to the adoption of changes of policy governing the Faculty's responsibilities, rights and privileges without qualification. Dean Maggs concluded by saying that he thought that it would <u>be</u>

acceptable to simply state that the *Faculty Code* informs the terms of an individual faculty member's contract.

Discussion followed on this and other points. Professor Garris requested the privilege of the floor for Professor Wilmarth, a member of the PEAF Committee, and the primary drafter of the Resolution, to participate in the discussion, and this was granted. A summary of amendments to the Resolution follows. [Please note: the Whereas Clauses are not numbered in Resolution 13/3. As there were a number of amendments, one of which eliminated a Whereas Clause and another which moved one Whereas Clause to a different position in the Resolution, the numbering below refers to the Whereas Clause numeration in the version of the Resolution distributed with the agenda for the November 8 meeting. All of the changes can also be viewed in underline-strikethrough format in the amended Resolution appended to these minutes.]

Two amendments to Whereas Clause 6 were approved so that it would read:

WHEREAS,   The preamble to the *Faculty Code* (inside cover page) states that it provides "the statement of the rights and privileges, and the responsibilities, of the academic personnel of the University," and several decisions of courts in the District of Columbia have recognized that the *Faculty Code* constitutes <u>a part of</u> a binding and enforceable contract between the University and <u>the members</u> of the Faculty[1];

Two amendments to Whereas Clause 10 were approved so that it would read:

WHEREAS,   Article III, Section 1 of the *Faculty Organization Plan* therefore recognizes that the Faculty Senate is authorized to act as the Faculty's elected representative ~~and agent~~ in considering and consenting to the adoption or change of policies governing the Faculty's responsibilities, rights and privileges <u>as provided in the University's governance documents;</u>

Whereas Clause 14 was removed in its entirety.

At the suggestion of Professor Weiner, Whereas Clause 16 was moved so that it became Whereas Clause 2.

In <u>Resolving Clause 1,</u> the words "and authorized agent" were removed.

[Please note: the above list does not include the introduction of Resolving Clause 2 and its adoption as amended. See page 5 of these minutes.] There being no further discussion about the Resolution, a vote was taken, and Resolution 13/3 was adopted as amended by a vote of 29 in favor, 2 opposed, and none abstaining. (Resolution 13/3 as adopted is included with these minutes.)

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

UPDATE ON DEVELOPMENT ACTIVITIES

Vice President for Development and Alumni Relations Mike Morsberger presented the update. He began by giving an overview of the kind of philanthropy the University has been able to secure from private sources over the course of the past 4 years. In FY 2010, $92 million was raised, followed by $113 million in FY 2011, $120 million in FY 2012, and $103 million in the last FY. While it is true that in the last FY the total was down, a major factor in total giving is that big gifts often will drive the totals. The year that the University attracted $113 million in total support there was an $8 million gift and two $5 million gifts -- a total of 12 gifts of $1 million or more. In the $120 million for FY 12 the total included $25 million as part of the Textile Museum transaction. While the total for 2013 went down to $103 million, several records were set in a number of other categories. For instance, a record high number of gifts of $1 million or more were received. Unfortunately, no larger gifts were received, a key reason why the year's total was smaller than the year before. The Development Office processed 27,000 individual gifts, but the 22 million dollar gifts accounted for 50% of everything raised.

In any given year, the Development Office conducts a number of outreach efforts to bring in as many gifts as possible and try to increase the engagement of and participation by donors. These efforts include the annual fund, direct mail, sponsored events and social media related efforts. Most of the gifts are raised through one on one visits with donors by staff. Over 5,000 visits were made last year with donors and prospects, many of these alumni, but also with parents, faculty and staff, grateful patients and other constituents, including foundation and corporate representatives.

Vice President Morsberger reported that parent giving was up well over 200%. This is a phenomenon that is happening nationally. Parents are giving much more. It sounds counterintuitive with tuition being where it is across the nation but it seems that parents are living somewhat vicariously through their children. So if they learn that their student is on the rowing team and the team needs a new boat, parents are calling and volunteering to make a gift to pay for it.

Faculty and staff giving is also up into the double digits and Vice President Morsberger expressed appreciation for this support. As the University moves into a capital campaign mode, while the expectation is not necessarily a large number of seven figure gifts from faculty and staff, the hope is to grow participation. Chairs will be sought for every major constituency of giving, including alumni, parents, patients, and faculty and staff. The hope is that when Development reaches out to inform people about the organization of the campaign, assistance will be forthcoming with names and endorsements for this effort.

Vice President Morsberger concluded with remarks about the upcoming major capital campaign. Probably everyone knows that, on July 1st of 2011 the University began what is variously referred to as the counting phase, or the silent phase, which is the nucleus-building phase of a major campaign. Right now the Board of Trustees is discussing when the campaign should be launched and go public. *The Hatchet* and many others are anxious to know exactly when that date is. This campaign will be a multi-year effort, probably on the order of 7 to 10 years, with a goal of raising probably somewhere on the order of a billion dollars or more. The priorities for fundraising will be faculty support, student support in the form of financial aid, facilities and programs.

How the case is put forth going forward using the Strategic Plan as a basis for the campaign is a task many are working hard on. Hopefully more definitive answers will be available by the February Board meeting. It is important to keep in mind that 95% of all the gifts GW receives are restricted. Most donors specify exactly where they want to give and only about 4 to 5% make unrestricted donations. That is why the Development staff's testing and conversations with the University's top donors will help in the effort to craft a campaign that speaks as much to the donors as it does to the needs of the institution. Ultimately it is donor funds the University is asking for, and GW needs to put forth a compelling case that speaks to those who are asked to give.

Professor Parsons said if he understood correctly, the University is presently bringing in a little over $100 million a year on a regular basis, and he asked if the amount to be raised from the capital campaign would then be in excess of that amount over the proposed 7 to 10 year period. Vice President Morsberger said in the 7 to 10 years of the campaign, on the sooner side of that period, a total of about $300 million in additional gifts would be raised. About 50 institutions in America right now are either in or have just completed billion dollar campaigns. That is the company GW wants to be in, and based on where it is now and the growth curve there is reason to be believe the institution is certainly capable of that. The question is in how long or short a time it can be done. Another factor is that it is important to keep people involved and excited about the campaign and get them on board immediately. A campaign that stretches out over a very long period of time runs the risk that donors may put off making a gift because of the perception there is plenty of time to do this.

Professor Swiercz said he had just visited Korea where he participated in meetings with a number of high ranking officials. He added that he was impressed by the degree to which GW has a reputational brand there. However, he said he was disappointed when he called the Development Office a week in advance to try to secure some assistance in reaching out to possible donors there. Unfortunately no assistance was forthcoming. Since the economy is now global, Professor Swiercz asked about the degree of global giving the University attracts, and how much of GW's outreach will be directed toward the global alumni network that it has.   Vice President Morsberger responded that the global network is growing, and that he and Dr. Knapp and others have done a fair amount of world travel, particularly in Asia, but also in the Middle East, South America and Europe. The opportunities are great, however, philanthropy is a new thing in some of these parts of the world. There is some good news, for instance, in Seoul, GW has 1,000 alumni. A global forum was held there and there has been success in fundraising. It is only about 1 or 2% of what the University raises in a year now. Vice President Morsberger said he thought that during the capital campaign it wouldn't be unrealistic to think that could increase to 5 or 6%.   Faculty members traveling to other countries who need assistance from the Development Office should provide notice a month or more in advance to increase the possibility that something can be set up. A week to ten days is really not enough time to arrange such functions, at least for higher level benefactors. A good deal of coordination goes into these efforts and before alumni information is shared, Development staff need to check with the deans and development officers in the schools who manage these relationships.   It is also important to monitor the scheduling of such functions to be sure they do not conflict and are complementary to those already scheduled. That said, the

University has grown its efforts in the global sector and now has more than five people who cover the international donor segment.

Professor Helgert asked how much of a separately identifiable part of the University's fundraising is directed toward the Science and Engineering Hall. Vice President Morsberger responded that he had not brought those totals with him, however, Development staff typically are assigned to prospects rather than projects. He added that he would be remiss if he did not acknowledge that the interest in capital projects, including the Science and Engineering Hall to date, has been below expectations. On the other hand, the commitment of donors to programs and faculty and student support has been better than expected. There seems a trend line nationally where capital projects continue to raise fewer gifts in major comprehensive campaigns. In previous years, during major campaigns at Universities, 25% or more of the entire campaign was based on specific buildings, and then it dropped down to between 15 and 20%. The latest report shows that it is down now to 8 to 12%. There are exceptions at some institutions, but it seems donors have shifted their attention from buildings and campus infrastructure to how they can help with the faculty, the programs, and the students. To date, Vice President Morsberger said he thought that $20 to $25 million in total support for the Science and Engineering Hall and the programs within has been raised. The University has been much more successful in raising funds for programs and the faculty within the building than the building itself.

Professor Weiner said he wondered what kind of effort has been made to try to get a robust amount of information about where GW alumni are at present. He added that he had traveled abroad a good deal and shared some of the frustrations expressed by Professor Swiercz about the difficulty of Development staff in providing contacts. The last time he obtained a database, it was incomplete, and he was surprised and embarrassed when he met a former prime minister of a country overseas who said he was an alumnus of his GW department. Upon returning to GW, Professor Weiner said he contacted the Development Office about this individual and was told that the University had lost track of him about ten years before. Clearly, this problem cannot be solved overnight; the question is to what extent improving information about alumni is being pursued. Vice President Morsberger said that improvements have been made on both the hardware and the software side of these systems and the people running those programs. Gathering information domestically is much easier. There is a whole system in place and systems that can be purchased to locate, with little expense, current information on missing alumni. Internationally this is much harder, even in the really developed countries. About 10% of the University's alumni are outside of the U.S., but unfortunately, the networks simply aren't there and self-reporting becomes the name of the game. Discussions are underway with a software provider right now who says it can cover this territory; they have done it for some of the Ivies who have well-entrenched programs in a number of these countries. Cost-wise, these location services cost from 10 to 20 times that of locating alumni domestically.

Professor Price thanked Vice President Morsberger for providing the update and added that everyone wants these efforts to be successful. However, she related a story about a focus group she had held with some recent alumni at which she learned something that has nothing to do with the Development Office but with another University unit. An alumna returned to Washington after working three years in the Peace Corps and went the Career Office at the University where she was charged $30 before any help was forthcoming. The student paid the fee but told the focus group she would never write another check to

GW. Professor Price said she could not imagine this petty fee was justified, and added she thought that the job of the Development office would be much easier if the University were more mindful of how it serves its alumni, not just the wealthy ones, but more recent graduates. Vice President Morsberger said he was sorry to hear about this and asked Dean of Students Peter Konwerski about it.   Dean Konwerski said that he did not have information about it and promised to look into it and report back.   Vice President Morsberger said that the University has removed some of these things and that President Knapp himself responded to the Student Association when it complained about a graduation fee of $100.   The bill usually went out the same week the senior class gift announcement arrived in mailboxes. The timing was dismal and the fee was discontinued. Since that fee was eliminated, senior class giving is now at 55%. President Knapp noted that one focus of the study which formulated a new plan for Career Services was an examination of how the University can do more to support alumni in their career searches. Previously such services were offered to students, but not to alumni. The President said he was unaware of this fee and that the matter would be looked into.

Professor Roddis said she thought that, long term, GW really needs to focus on getting the participation rate up for donors, and inquired about the participation rate for alumni. Vice President Morsberger said it is 9% which is not good. Professor Roddis followed up by asking what is being done to change that. Vice President Morsberger said that everything possible is being done to engage alumni and to get the senior class involved in giving. While GW's totals are below those of the Ivies and some institutions amongst its aspirational peers, it's almost on a par in fundraising year by year with Boston University and NYU. To the extent that both of these institutions are similar to GW in terms of being in a big city and transforming themselves in the past twenty or thirty years it's been interesting to talk with Development officers at these institutions. An important part of increasing participation is that it is a learning process that involves getting people in the habit of giving. GW did not have alumni reunions until six years ago. There was a Colonials come-one-come-all weekend, but GW didn't have reunion giving or things like that. So the University is in some respects making up for lost time. Each year reunions have been held they have broken records. Nearly 3,000 people came this year Another thing that has been learned is that the sooner you get alumni involved, beginning in their student days if possible, the more likely these people are to give later.

There is a study that focuses on a five year window: if students are persuaded to give two years before they graduate or in their first three years as alumni, they are likely to be donors for life.   If that five year window is missed, usually it's 26 years before they give again because they become busy with careers and family. The Development Office is trying everything it can to get that window wide open and bring these people into the giving community, and is trying to create a lot of value for them by giving them a reason to give back. It seems to be working, but it is slow. And every year 8,000 new people graduate and when the number of potential donors increases, it's is hard to bring up those percentages. It is a kind of a numerator denominator challenge.   So despite hard work, increasing participation is likely to be incremental.

Professor Yezer said that the Economics department does its own alumni outreach, and relies on the help of Development and Alumni Relations to assist it. He added that the Development staff is terrific, and his department has found they will really support these

sorts of efforts. It's almost the case that you don't have to know anything about running an alumni reception as they will handle it for you.

REVIEW OF GW CULTURE, POLICIES AND PRACTICES (RESULTS OF THE PENN STATE FREEH REPORT TASK FORCE REVIEW)

Elliott School Associate Dean Doug Shaw, Task Force Co-Chair, gave a brief report. (His powerpoint report is included with these minutes.) He began by saying that he was privileged at the request of President Knapp to spend the last year with College of Professional Studies Associate Dean Toni Marsh in a collaborative and consultative process that examined GW Culture, Policies and Practices.

The charge to the Task Force was formed by a Steering Committee that was created following the report by Louis Freeh on events at Penn State. The Task Force was asked to use that report as an opportunity to examine GW's own practices, compliance, ethics, and also identify ways in which community responsibility might be enhanced. The mandate of this Task Force also echoed a similar exercise following the shootings at Virginia Tech with the formation of a Presidential Task Force on Safety and Security at GW.

Dean Shaw reported that everyone the Task Force interacted with across the University was very helpful in assisting the group to develop a number of recommendations. None of the identified issues were glaring, but rather, issues that deserve ongoing attention.

The Steering Committee that preceded the work of the Task Force found that GW exhibits a culture of openness and transparency, and members of the community take pride in the institution. There are a number of key structural differences between GW and Penn State that would prevent the sort of outcome here that happened there. Notably, in GW's Office of the General Counsel, there is far more structure and formalization, as there is in Human Resources processes and training. In addition, the University recently adopted a Strategic Plan for Athletics, and the functionality of the Board of Trustees Office is stronger than that at Penn State. The two institutions are fundamentally different, but still, the work of the Task Force was an opportunity to think through some of the more detailed elements of the University's practices and culture.

In terms of ongoing work following up on that of the Steering Committee, the President charged all of the deans to participate in a culture project focused on transparency, openness and civility, and the escalation of significant issues when they occur. Five areas of concern were identified and the Task Force formed three working groups to explore these. These groups worked with people across the University to discuss various elements that correspond with issues identified in the Freeh report that the Steering Committee found to merit additional consideration.

None of the recommendations offered by the Task Force identify a deficiency so much as they identify areas where GW can continue to improve its processes and particular areas that might need periodic review. One specific example would be being aware of programs involving non-student minors on GW campuses or where University faculty or other staff personnel might be involved with non-student minors, and keeping an up to date listing of those activities. There should be protocols for dealing with non-student minors and escalation should be encouraged where appropriate.

There are in addition a variety of specific recommendations contained in the report presented to the Senate. Most of these concern areas of continuing emphasis and inquiry that a responsible institution should occasionally refer to. There are some places where the University is ahead of peer competitors and there are some places where practices are evolving nationwide in ways that GW hasn't responded to yet. It remains to be determined what the appropriate ways might be for the University to respond to the recommendations offered. Two items mentioned by Dean Shaw were the observation that GW's Athletics Department seems to have a lower number of compliance staff than peer institutions of similar size. There is also the issue of whether or not faculty background checks would be appropriate -- that is something the Administration and the Senate should consider, just as other institutions are considering it.

Dean Shaw concluded his remarks by saying both he and Co-Chair Toni Marsh (who could not be present at the Senate meeting) had found the experience to be a positive one. Everyone the Task Force engaged with across the University displayed a sense of pride, enthusiasm, and a desire to protect the good name of the University as well as to ensure that every member of the University community has a positive experience and is respected and treated with dignity at all times. The Task Force's findings were presented to the President, and the group is eager to assist in the implementation phase as appropriate recommendations move forward.

GENERAL BUSINESS

I.   ELECTION OF FACULTY MEMBERS TO FACULTY SENATE STANDING
        COMMITTEES

Professor Rehman moved the nomination of Marie Price to the Committee on Professional Ethics and Academic Freedom, and five faculty members to the Senate Research Committee: Christopher Cahill, Tonya Dodge, Ryan Engstrom, Nikolay Shiklomanov, and Sarah Shomstein. The nominations were seconded, and all of these faculty members were elected.

II.   REPORT OF THE EXECUTIVE COMMITTEE

Professor Rehman presented the report, which is included with these minutes.

III.   PROVOST'S REMARKS

Provost Lerman said that one of the things that has been the topic of an email exchange has been to try to understand the nature of the University's relationship in forming the Confucius Institute on the Foggy Bottom campus. The Institute is an entity that exists at about 400 universities in the world, including several hundred in the United States.

In creating the Institute, GW entered into an agreement with Hanban, an organization in China that funds and supports the Institutes. Hanban is an operating arm of China's Ministry of Education. When GW's Institute was created, the University went to great lengths in its effort to structure the relationship in a way that should avoid some of the

issues that people have read about in the press concerning these Institutes elsewhere. While the contract was based upon a template provided, several modifications were made. Some of these modifications were included to safeguard the principles of academic freedom.

The agreement calls for the University to make a good faith effort to respect Chinese cultural customs as well as the Confucius Institute's constitution and bylaws. Additional language was added to the contract to ensure that the University has a fairly high degree of comfort with this relationship. First of all, GW's Institute is located at, and is managed by and operated as an educational unit of GW. It is subject to all of the policies, procedures and District of Columbia laws that apply to GW. Secondly, the University is in charge of the daily operation and management of the Institute; it is not externally run. The University retains control of the Institute's Board of Directors by having a majority on the Board. Provost Lerman said that he personally chairs that Board in an uncompensated mode. The Director of GW's Institute is CCAS Dean Vinson. The Institute cannot use GW's name, trademarks, or anything else without prior written consent of the University. There is also an option to exit from the relationship by giving six month's written notice. That time period is generally considered a reasonable notice period for early termination of such agreements.

Finally, the total funding of the Institute at GW is less than one half of one thousandth of the University's budget. If the agreement with the Institute is terminated, GW would not experience any significant measurable effect on its finances. So there is not a high degree of dependence on this program. Thus far, the University has had no particular issues with or specific requests from Hanban or anyone in the Chinese government about the Institute. The University is charting the course of the Institute on its own, and, at least for right now, this is a wholly benign relationship that has not created any issues or problems.

A second issue that has attracted comment was an e-mail that faculty received concerning online courses and compliance with applicable regulations. The University is increasingly receiving a number of requests from governmental agencies requesting that GW demonstrate that it is complying in its online education offerings in the same way it has complied with regulations in its classroom teaching. Accrediting agencies are now also asking questions about online offerings. This means that sometimes the University must provide data to these organizations.

The Provost provided several examples. The University often has to demonstrate that online courses meet ADA accessibility requirements, so that students who have various disabilities can enroll in online courses. It is sometimes necessary for the University to determine whether an online course is deliverable in low bandwidth areas, particularly on tablets and other devices. Many states are now requiring that online programs be registered, and as part of licensing requirements, representations and data must be provided. Accrediting agencies are asking more questions; based on questions already received from the Middle States accrediting organization, it is expected that as part of the new accreditation standards that are likely to be enforced when the University comes up for reaccreditation that there are in place procedures that eliminate the possibility of cheating by online test takers.

A lot of these requests are received, and the University must provide data to these organizations. Provost Lerman said he thought the e-mail to faculty could have been phrased somewhat differently, but the intent was to notify faculty members that at times the University will be required to check some high level things about online courses, such as verifying that a course online is accessible to the handicapped.   The Provost said he wrote in the e-mail that he thought that most people are comfortable with the notion that if regulatory requirements require data the University has to provide it. The communication went on to say that the University might "look at this (data) to improve or propose improvements in GW's online educational programs."   Provost Lerman emphasized that this was meant in the context of compliance, and following feedback concerning this attempt to provide transparency about a topic of interest to faculty, he had decided to modify that wording to reflect that amongst other accreditation requirements [already in place] the University would in future have to provide information about online courses.   It will also be made clear that the information gathered might be used to "propose improvements to GW's online education programs in furtherance of compliance goals."

A short discussion followed. Professor Acquaviva suggested that if these requests for data were not something urgent that demanded an immediate response, that the deans and individual faculty members be notified in advance. A key reason for this is student privacy and protecting their right not to have personally identifiable information disclosed without their consent. Faculty members can copy out courses very quickly and leave all of the information and discussion threads intact when they remove student identification information. The Provost responded that a typical request would be responding to a query about whether or not the audio portion of an online course was close-captioned. Professor Acquaviva said that she thought the key issue for online courses is that the information requested is really integrally a part of the course, and thus it is necessary to look at everything. She added that she thought that faculty have an obligation to notify students that information they share in an online class may be viewed by contractors or external parties without their consent. This disclosure would be very likely to stifle open discourse in the online environment, particularly in graduate courses. Provost Lerman responded that he thought that anytime anyone looked at detailed content provided either by a student or a faculty member, the University would likely talk not only to the dean, but to the faculty member as well.

Based on feedback provided from faculty in his department. Professor Swiercz said he had concluded that some reassurance is appropriate regarding this point about privacy rights. If it is not possible to stop the sharing of discussions that students believe are being conducted in a private space, then the University needs to notify students in advance of this. Provost Lerman indicated that he could add to the memo something to the effect that nothing in it should be construed as eliminating the protections of privacy that would be accorded to students in a face-to-face class. Or that perhaps it should say that nothing in the process would abrogate a student's other rights to privacy. He added that, of course, the single exception to this would be a subpoena or court order requiring production of such information.

Professor Acquaviva reiterated her suggestion that it would be useful for language to be added to the policy to provide that in a non-emergency situation, the dean and the faculty member should be notified so that they could have the course copied out. This

would retain all of the student interactions with the faculty member, but identifying student information would not be available.

V.   CHAIR'S REMARKS

President Knapp briefly commented about the rededication of Veteran's Park to be held November 11 on the Foggy Bottom campus. The University has had such a park on campus for a number of years, but it has now been moved close to the new entrance at Gelman Library. Trustee Mark Shenkman sponsored the Veteran's Park relocation and reopening. The rededication will mark the end of a week of events related to veterans. An event was held earlier in the week that was attended by 70 students, including more than 30 ROTC students, as well as faculty members and staff. President Knapp said that he and Trustee Shenkman, who is the Board member that sponsored the Veteran's Park relocation, participated in a very moving wreath-laying ceremony at the Tomb of the Unknowns in Arlington along with retired Vice Admiral Mel Williams, who is responsible for the GW Valor program, and Veronica Hoyer, a student veteran of the Air Force.

BRIEF STATEMENTS (AND QUESTIONS)

There were none.

 ADJOURNMENT

There being no further business before the Senate, the meeting was adjourned at 3:57 p.m.

Elizabeth A. Amundson
Elizabeth A. Amundson
Secretary

A RESOLUTION ON THE ESTABLISHED PROCEDURES FOR APPROVING ANY CHANGES TO THE FACULTY CODE OR FACULTY POLICIES THAT MAY BE RECOMMENDED BY THE BOARD OF TRUSTEES GOVERNANCE TASK FORCE (13/3)

WHEREAS, The Faculty Senate has been informed by the President that, on May 17, 2013, the University's Board of Trustees adopted a resolution to establish a task force (the "Board of Trustees Governance Task Force") to conduct "a review of faculty governance over the 2013- 2014 academic year" and to consider the possibility of recommending "appropriate revisions" to the University's *Faculty Code* and "related faculty governance documents" in light of the Board of Trustees' recently adopted Strategic Plan for the University;

WHEREAS, <u>The Faculty Senate recognizes that the *Faculty Code* and Faculty Policies must be adapted to meet changing conditions and needs within the University as well as emerging trends within the academic community more generally, and the Faculty Senate thus has a long history of working cooperatively with the Administration by considering and approving proposed changes to the *Faculty Code* and Faculty Policies in order to improve the quality of education and life within the University; [moved from #16 to #2]</u>

WHEREAS, As provided in Article IX.A. of the *Faculty Code*, "The regular, active- status faculty shares with the officers of administration the responsibility for effective operation of the departments and schools and the University as a whole. . . . The regular, active-status faculty also participates in the formulation of policy and planning decisions affecting the quality of education and life at the University";

WHEREAS, Article IX.A. of the *Faculty Code* thus affirms the vital importance of shared governance of the University based on constructive dialogue and cooperation between the faculty of the University (the "Faculty") and the Administration;

WHEREAS, This proven model of shared governance has been developed incrementally and continuously improved at the University and is embodied in the *Faculty Code*, which was first promulgated in 1937 and has been subsequently changed on numerous occasions;

WHEREAS, The resolution adopted by the Board of Trustees on May 17, 2013, states that "the Board of Trustees recognizes the value of shared governance and of a strong and constructive relationship between the Faculty and the

Administration;"

WHEREAS, The preamble to the *Faculty Code* (inside cover page) states that it provides "the statement of the rights and privileges, and the responsibilities, of the academic personnel of the University," and several decisions of courts in the District of Columbia have recognized that the *Faculty Code* constitutes <u>a part of</u> a binding and enforceable contract between the University and <u>the members</u> of the Faculty[1];

WHEREAS, It is a fundamental principle of contract law, recognized by courts in the District of Columbia, that a contract may not be changed without the mutual consent of both parties as well as a mutual exchange of consideration[2];

WHEREAS, Article III, Section 1(3) of the *Faculty Organization Plan* provides that the Faculty Senate is authorized to "consider any matters of concern or interest to . . . the Faculty, and to make its recommendations or otherwise express its opinion with respect thereto, to the [Faculty] Assembly, the President, or through the President to the Board of Trustees";

WHEREAS, Article III, Section 1(4) of the *Faculty Organization Plan* provides that the Faculty Senate is "the Faculty agency to which the President initially presents information and which he consults concerning proposed changes in existing policies or promulgation of new policies";

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[1] *See Kyriakopoulos v. George Washington University*, 866 F.2d 438 (D.C. Cir. 1989); *Saha v. George Washington University*, 577 F. Supp. 2d 439 (D.D.C. 2008); *Brown v. George Washington University*, 802 A.2d 382 (D.C. App. 2001); *Kakaes v. George Washington University*, 663 A.2d 128 (D.C.App. 1996).
[2] *See Rinck v. Association of Reserve City Bankers*, 676 A.2d 12 (D.C. App. 1996); *Hershon v. Hellman Co.*, 565 A.2d 282 (D.C. App. 1989).

WHEREAS, Article III, Section 1 of the *Faculty Organization Plan* therefore recognizes that the Faculty Senate is authorized to act as the Faculty's elected representative ~~and agent~~ in considering and consenting to the adoption or change of policies governing the Faculty's responsibilities, rights and privileges <u>as provided in the University's governance documents;</u>

WHEREAS, Article III, Section 1 of the *Faculty Organization Plan* thus makes clear that the Faculty Senate is the Faculty's elected representative and agent with which the Board of Trustees Governance Task Force must "engage" in carrying out its "review of faculty governance" pursuant to the Board of Trustees' resolution of May 17, 2013;

WHEREAS, Pursuant to the long-established procedures and unbroken tradition for adopting or changing the *Faculty Code* and other policies governing the Faculty's responsibilities, rights and privileges ("Faculty Policies"), the Faculty Senate, as the elected representative and agent of the Faculty, has always considered and acted on changes to the *Faculty Code* or Faculty Policies which are proposed by the Administration, the Board of Trustees or other members of the University community before such changes are submitted to the Board of Trustees;

WHEREAS, There is no precedent during the University's history since the adoption of the *Faculty Code* in which the *Faculty Code* has been modified without satisfying the above-escribed procedures of review, recommendation and approval by the Faculty Senate on behalf of the Faculty before such modification was approved by the Board of Trustees;

~~**WHEREAS,** Any modification of the *Faculty Code* without the approval of the Faculty Senate on behalf of the Faculty would be contrary to the above-cited court decisions, which have recognized that the *Faculty Code* is a binding and enforceable contract between the Faculty and the University and have also affirmed that a contract may not be changed without the mutual consent of both parties as well as a mutual exchange of consideration;~~

WHEREAS, While the participation of faculty members on the Board of Trustees Governance Task Force can provide the Task Force with a helpful diversity of perspectives, such participation cannot substitute for Faculty Senate participation and does not meet the standard of shared governance embraced by the *Faculty Code*;

WHEREAS, The substantial diligence, history, and collective wisdom embodied in the *Faculty*

Code reflect the fact that the *Faculty Code* has been incrementally and sequentially modified and improved over time since its original promulgation in 1937, and there is no precedent in the history of the University for any attempt to revise the entire *Faculty Code* at one time; **NOW, THEREFORE,**

BE IT RESOLVED BY THE FACULTY SENATE OF
THE GEORGE WASHINGTON UNIVERSITY

1.   The Faculty Senate expects that any changes to the *Faculty Code* or Faculty Policies recommended by the Board of Trustees Governance Task Force will adhere to the University's long-established and unbroken tradition and procedures of shared governance, which require the Faculty Senate, as the elected representative ~~and authorized agent~~ of the Faculty, to consider and act on changes to the *Faculty Code* or Faculty Policies that are proposed by the Administration, the Board of Trustees or other members of the University community before such changes are submitted to the Board of Trustees for final action; and

2.   <u>The Faculty Senate and its Committees are pleased to offer consultation to the Task Force in discussing proposed changes to the *Faculty Code* or other faculty governance documents during the course the Task Force's work, and the Faculty Senate will undertake a careful review of the final report of the Board of Trustees Governance Task Force after that report has been delivered to the Senate, and the Senate </u>will ~~provide its recommendations to the Board of Trustees regarding any proposed changes~~ <u>consider and act as expeditiously as possible on changes </u>to the *Faculty Code* or Faculty Policies<u> that are proposed by the Administration, the Board of Trustees, or other members of the University community before such changes are submitted to the Board of Trustees for final action.</u>

Committee on Professional Ethics and Academic Freedom
October 28, 2013

Members of the Committee:
 *Garris, Charles A., Jr., Mechanical & Aerospace Engineering
  Ben-Tzvi, Pinhas, Mechanical & Aerospace Engineering
  Biles, Brian, Health Policy
  Butler, Joan, Clinical Research and Leadership
 *Castleberry, Michael, Special Education & Disability Studies
 Cawley, James, Prevention & Community Health Studies
 Darr, Kurt J., Health Services Management & Policy
 Frey, Jennifer Rebecca, Special Education
 Irwig, Michael, Medicine
 Kyriakopoulos, Nicholas, Electrical & Computer Engineering
 Loew, Murray, Electrical & Computer Engineering
 Malliarakis, Kate Driscoll, Nursing
 *McDonnell, Karen, Prevention & Community Health

Robinson, Lilien F., Art History Roth, Katalin, Medicine
Teitlebaum, Joel, Health Policy
Watkins, Ryan, Educational Leadership
Wilmarth, Arthur E., Jr., Law
Windsor, Richard, Prevention and Community Health

Ex-Officio (non-voting):
Vinson, Ben, Dean, Columbian College of Arts and Sciences
Bezanson, Deborah, Associate University Librarian, Gelman Library
Maggs, Gregory, Interim Dean, GW Law School
Martin, C. Dianne, Vice Provost for Faculty Affairs
Weitzner, Richard, Associate General Counsel

*Member of the Faculty Senate

Adopted as amended by the Faculty Senate, November 8, 2013

A RESOLUTION ON THE ESTABLISHED PROCEDURES FOR APPROVING ANY CHANGES TO THE FACULTY CODE OR FACULTY POLICIES THAT MAY BE RECOMMENDED BY THE BOARD OF TRUSTEES GOVERNANCE TASK FORCE

Faculty Senate Committee on
Professional Ethics and Academic Freedom
Presented 11/8/13 by C. A. Garris, Chair

Background

- May 7, 2013: Board of Trustees Resolution
  - Chair Carbonell charged with forming "Task Force" to review Faculty Code and related documents
  - Task force was charged to "engage with faculty and administration"
- Sept. 7: Chair Carbonell meets with EC and discusses revision of FC
- Sept. 13 : Chair Carbonell presentation to Faculty Senate announcing timeline:
  - October – Task Force begins meeting
  - Dec.2013 or Jan 2014 – Task Force recommendations complete
  - May 2014 – Revised Faculty Code presented to BOT
  - Sept. 2014 – Revised Faculty Code implemented

No mention of Faculty Senate Participation

- Oct. 1, 2013: Chair Carbonell makes similar presentation to Faculty Assembly.
- Oct: Task Force Formed (3 faculty, 4 trustees, 1 administrator)
- Oct. 11: PEAF Committee makes statement to Faculty Senate expressing concern about the process for amending the FC.
- Oct. 28: PEAF Resolution submitted to EC. Approved by EC.
- Oct. 29: PEAF Chair Garris meets with BOT Chair Carbonell to discuss FC revision process.
- Oct. 31: EC Chair Rehman meets with BOT Chair Carbonell to discuss FC revision process and possible Memorandum of Understanding (MOU).
- Nov. 7: BOT Chair Carbonell requests statement on how Faculty Senate will participate in review process and how it will review proposed revisions. Additional resolving clause proposed.
- Nov. 8:
  - BOT Chair Carbonell states in response to new resolving clause: "This looks fine to me. I think this is very constructive."
  - Presentation of PEAF Resolution to Faculty Senate

Resolution DOES NOT

- Question the value of undergoing a review of the Faculty Code.

- Question the BOT resolution to create a joint BOT/Faculty/Admin Task Force to review University governance documents including the Faculty Code

- Question the dedication and sincerity of all persons involved in the work of the Task Force.

Resolution 13/3 is Concerned **ONLY** with the Process

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

The Faculty Senate expects that any changes to the *Faculty Code* or Faculty Policies recommended by the Board of Trustees Governance Task Force will adhere to the University's long-established and unbroken tradition and procedures of shared governance, which require the Faculty Senate, as the elected representative and authorized agent of the Faculty, to consider and act on changes to the *Faculty Code* or Faculty Policies that are proposed by the Administration, the Board of Trustees or other members of the University community before such changes are submitted to the Board of Trustees for final action.

Guide to WHEREAS CLAUSES

1: Preamble

2-5: Affirm the benefits of shared governance and the successful history at GW since 1937.

6-7: The Faculty Code is an enforceable CONTRACT between the University (BOT) and the Faculty (Faculty Senate) which CANNOT be changed without mutual consent of BOTH parties.

8-11: Faculty Senate is the Faculty's elected representative and agent with which the BOT Task Force **MUST** engage in carrying out its work.

12-13: Long unbroken history of passing changes to the Faculty Code through the Faculty Senate.

Guide to WHEREAS CLAUSES

14: Faculty Code is a binding and enforceable contract between the University and the Faculty which may not be changed without mutual consent of both parties.

15: Affirmation that faculty members that serve on the Task Force provide helpful diversity of perspectives, but inclusion in the Task Force **DOES NOT** substitute for Faculty Senate participation and **DOES NOT** meet the standard of **shared governance.**

16: Faculty Code is a living document which must change with the times. Faculty Senate has a long history of working with the administration to effect changes.

17: Current Faculty Code embodies substantial diligence, history, and collective wisdom for which there is no precedent of revising the entire Faculty Code at one time.

History of GW Faculty Code Amendments

WHEREAS, There is no precedent during the University's history since the adoption of the *Faculty Code* in which the *Faculty Code* has been modified without satisfying the above-described procedures of review, recommendation and approval by the Faculty Senate on behalf of the Faculty before such modification was approved by the Board of Trustees;
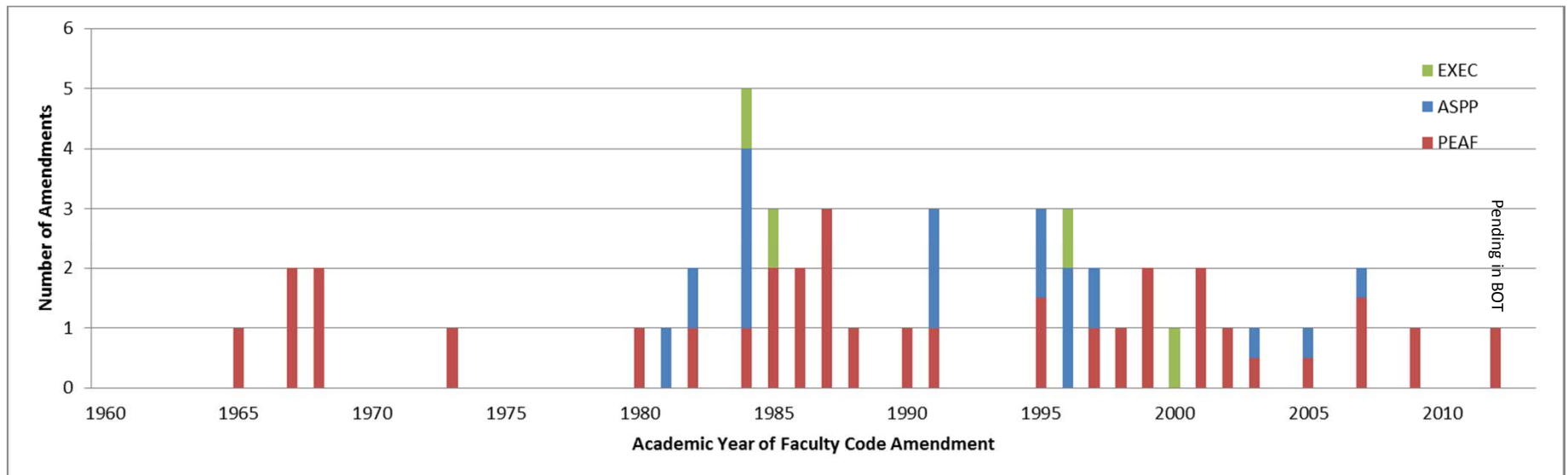
Concluding Remarks

- Resolution 13/3 is timely because a process must be established before the Task Force proceeds too far.

- The GWU system of shared governance has served the university very well over many years and shall continue to do so.

- The Shared Governance system embodied in the Faculty Code is needed if our Strategic Plan is to be implemented.

- The Faculty Code is **a necessity**, **not an obstacle**, if our future aspirations are to be satisfied.

Proposed Second Resolving Clause

The Faculty Senate and its committees are pleased to offer consultation to the Task Force in discussing proposed changes to the Faculty Code or other faculty governance documents during the course of the Task Force's work, and the Faculty Senate will undertake a careful review of the final report of the Board of Trustees Governance Task Force after that report has been delivered to the Senate, and the Senate will provide its recommendations to the Board of Trustees regarding any proposed changes to the Faculty Code or Faculty Policies as expeditiously as possible.

THE GEORGE
WASHINGTON
UNIVERSITY

WASHINGTON, DC

A Review of GW Culture, Policies, and Practices

Toni Marsh and Doug Shaw
Co-chairs
November 8, 2013

Charge

- Steering Committee reviewed GW's practices in the context of the Freeh Report

- Task Force charged to use this work as an opportunity to review GW's culture, examine our practices, improve our compliance, and reinforce a sense of ethics and responsibility in all members of our community

- Echoes the Presidential Task Force on Campus Safety and Security initiated after the shootings at Virginia Tech

Steering Committee Findings

GW exhibits a culture of openness and transparency; members of the community take pride in the institution and are eager to protect those in its domain.

Examples of differences between GW and Penn State include:

- Office of the General Counsel
- Human Resources and training
- Strategic Plan for Athletics
- Board office and function

Ongoing work

The President charged all college deans with

- Fostering a culture of openness and transparency
- Embracing a sense of civility that reflects GW's values
- Encouraging escalation of significant issues
- The Culture Project identified five areas of concern and formed three working groups
  - Culture & communication committee
  - Agenda committee
  - Process streamlining committee

Recommendations

GW may consider whether it would be appropriate to:

Examine the effectiveness of the three Culture Project committees' work

Fully implement the HR client partner model

Revise the GW Employment Guide as it relates to HR policy

Review the position descriptions of vice presidents and officers to ensure that they reflect the current scope and level of responsibility

 Decide whether to expand background checks to include all members of the faculty

Implement a system to audit the effectiveness of its background check procedures and self-reporting system

Recommendations (continued 1)

GW may consider whether it would be appropriate to:

Decide whether additional trustee training is appropriate

Decide which situations will trigger Board notification

Invite all trustees to attend a training or orientation program annually

Include a specific prohibition against using university information systems to store or view pornography

Track the progress and accomplishments of the Compliance/OGC/ Risk/ Internal Audit group

Create a model protocol for athletics programs involving minors on and off the GW campus

Track athletics personnel completion of Clery Act training

Decide whether to hire an additional full time athletics employee in compliance to match peer institutions

Recommendations (continued 2)

GW may consider whether it would be appropriate to:

Track completion of mandatory workplace harassment training

Track incidents of workplace harassment

Track the incidents of sexual harassment and sexual violence at GW

Track traffic on Haven to gauge effectiveness

Devise model protocols for residential programs involving minors at GW, non-residential programs involving minors at GW; programs involving GW students and non-student minors off campus

Conduct an annual survey of programs involving minors and a review of those programs' protocols

Recommendations (continued 3)

GW may consider whether it would be appropriate to:

Adopt an enterprise-wide tracking system

Mandate RCR training for all students, staff, and faculty engaged in sponsored research

Use the WCGIRB Report to establish guidelines to improve the process and increase the effectiveness of GW's IRB

Track incidents involving non-academic and academic misconduct

Track sanctions in such incident and gauge whether severity is increasing or decreasing

Allow appeals to lie with the Provost, as the Provost is the chief academic officer of the University and appeals may only be based on new evidence or evidence of bias, not upon allegations of error in the Provost's determination

REPORT OF THE EXECUTIVE COMMITTEE
Scheherazade Rehman, Chair
November 8, 2013

ACTIONS OF THE EXECUTIVE COMMITTEE

Pursuant to provisions of the *Faculty Code*, the Senate Executive Committee was asked to appoint additional volunteers to serve as alternate temporary members of the Dispute Resolution Committee. The Executive Committee determined it would be best to seek a volunteer from each of the nine schools. These faculty members must be tenured professors in order to serve.

Thus far, the Executive Committee has identified 6 new members for this group and is seeking three more. There are currently 15 regular members of this Committee, and 15 alternate temporary members, not including new members to be added this semester.

PERSONNEL MATTERS

Grievances

The Executive Committee has been notified that one of the three outstanding grievances has been withdrawn by the grievant. That grievance originated in the School of Business. Two other grievances from the Columbian College of Arts and Sciences are in process.

Nonconcurrences

The remaining nonconcurrence, originating in the School of Engineering and Applied Science, was resolved when the department decided to agree with the Dean's decision to renew the faculty member's contract.

OTHER MATTERS

1) Dean of the School of Medicine and Health Sciences Jeffrey Akman has agreed to present an update on the Medical School at the December Senate meeting.

2) We also plan on asking Vice President for Research Leo Chalupa to give an update on research activity in January.

3) I would like to thank the PEAF committee and its Chair, and also the two presenters today: Mike Morsberger on Development activities and Doug Shaw on the Review of GW Culture Policies and Practices.

4) A few words regarding the *Faculty Code* and the Board of Trustees:

The Senate resolution introduced by the PEAF Committee and adopted by the Senate today serves to foster and reinforce continued shared governance at GWU between the Board of Trustees, the Faculty and Administration.

The Senate looks forward to receiving the Task Force findings and working within a shared governance framework with the Board and Administration on addressing *Faculty Code* issues. With that I would like to strongly encourage faculty to please engage the Board Task Force on their "listening tour" so as to give feedback to the Board.

The University is gaining momentum and reputation and is in the midst of transforming itself for the next generation of students. As such, it has many moving parts, especially given the implementation of the Strategic Plan. We are thus in a critical stage of GWU's transformation which will require all of its three governance bodies, the Board of Trustees, the Faculty, and the Administration, to work in step.

ANNOUNCEMENTS

1) I would like everyone to be aware that next week we are coming into GW Hunger Awareness Week.

2) The next meeting of the Executive Committee is scheduled for November 22. Resolutions, reports, and any other items of business for the December 13th Senate agenda should be submitted to the Senate Office before that date.