

The Faculty Senate

The Faculty Senate will meet on Friday, April 7, 2017, at 2:10pm
in the State Room (1957 E Street NW).

Notes:

- **Please gather in the 1957 E Street lobby for the annual Senate photo. Weather permitting, the photo will be taken on the front steps of the building. The meeting will convene in the State Room after the photo.**
- **Please adjourn to the State Room lobby following today's meeting for a reception honoring the service and leadership of Professor Garris and President Knapp.**

AGENDA

1. Call to order
2. Approval of the minutes of the meeting held on March 3
3. REPORT: The College of Professional Studies: Advancing the Currency of the University in the 21st Century (Dean Ali Eskandarian)
4. REPORT: University Budget and Debt Status (Professor Joseph Cordes)
5. RESOLUTION: A Resolution Recommending the Adoption of Guidelines for Exercising and Defending Academic Freedom (17/4) (Professor Arthur Wilmarth, Chair, Professional Ethics and Academic Freedom Committee)
6. Introduction of Resolutions
7. GENERAL BUSINESS
 - a) Nominations for election of faculty members to the Faculty Senate Executive Committee for 2017-2018 (see attached)
 - b) Nominations for election of new members to Senate Standing Committees (see attached)
 - c) Nomination for election of faculty members to the Dispute Resolution Committee (see attached)
 - d) Nomination for reappointment by the President of the Senate Parliamentarian (see attached)
 - e) Reports of Standing Committees
 - a. Annual Report of the Appointment, Salary, and Promotion Policies Committee (Robert Harrington, Chair)
 - b. Annual Report of the Athletics & Recreation Committee (Lisa Delpy-Neirotti, Chair)
 - f) Report of the Executive Committee: Professor Charles Garris, Chair
 - g) Provost's Remarks
 - h) Chair's Remarks
9. Brief Statements and Questions
10. Adjournment

Elizabeth A. Amundson
Secretary

**A RESOLUTION RECOMMENDING THE ADOPTION OF
GUIDELINES FOR EXERCISING AND DEFENDING ACADEMIC FREEDOM (17/4)**

WHEREAS, Article II of the University's *Faculty Code* is entitled "Academic Freedom" and provides:

"Subject only to legal restrictions and such guidelines as shall be recommended by the Faculty Senate and adopted by the university:

- A. A faculty member shall enjoy freedom of expression. In the classroom (physical, virtual, and wherever located), a faculty member's exposition shall be guided by the requirements of effective teaching, adherence to scholarly standards, and encouragement of freedom of inquiry among students. In speaking and writing outside the University, a faculty member shall not attribute his or her personal views to the University.
- B. A faculty member shall enjoy freedom of investigation.
- C. Consistent with academic freedom, faculty members should show respect for the opinions of others and foster and defend intellectual honesty, freedom of inquiry and instruction, and the free expression of ideas."

WHEREAS, The University's *Statement of Ethical Principles*, which is quoted in Section 6.4 of the University's *Faculty Handbook*, includes the following statements under the headings "Integrity and Respect":

"The university community is diverse -- in race, background, age, religion, and in many other ways. The personal actions of each community member establish and maintain the culture of tolerance and respect for which we strive. **The university is committed to free inquiry, free expression, and the vigorous discussion and debate on which the advancement of its educational mission depends.** At the same time, trustees, senior officials, faculty, principal investigators, staff, student employees, and others acting on behalf of the university should respect the rights and dignity of others regardless of their differences, and must conscientiously comply with non-discrimination policies adopted by the university." (Emphasis added)

WHEREAS, The same sentence shown in bold type above is also included on page 1 of the University's Sexual Harassment and Sexual Violence Policy and Procedures. Page 3 of that document includes the following additional statements:

"Nothing in this policy limits academic freedom, guaranteed by the Faculty Code, which is a pre-eminent value of the university. This policy shall not be interpreted to abridge academic freedom. Accordingly, in an academic setting expression that

is reasonably designed or reasonably intended to contribute to academic inquiry, education or debate on issues of public concern shall not be construed as sexual harassment."

WHEREAS, Recent events occurring on university campuses and in political and social contexts (including online discussion groups) have included (1) violence and threats of violence that have resulted in disruptions or cancellations of speeches at university-sanctioned forums, and (2) the placing of faculty members (including members of this University's faculty) on "target lists" created by various groups based on the publicly-expressed views of those faculty members.

WHEREAS, The foregoing events have created serious concerns among members of the University's faculty regarding the potential vulnerability of the academic freedom of faculty members and the need for the University to adopt additional guidelines to defend faculty members and other members of the University community against attempts by persons within or outside the University to restrict or impair the exercise of academic freedom and freedom of expression.

WHEREAS, In remarks delivered by Supreme Court Justice Ruth Bader Ginsburg at a recent public event in the University's Lisner Auditorium, Justice Ginsburg told the audience that "the right to speak one's mind out" and "the right to think, speak and write as we believe" are essential features of "what makes America great."¹

WHEREAS, The Faculty Senate has traditionally exercised great caution before deciding to consider resolutions advocating particular views or positions on political or social issues that are the subject of scholarly disagreement and debate, because such resolutions could have a chilling effect on the exercise of academic freedom and freedom of expression by the University's faculty and other members of the University community.

WHEREAS, The attached Guidelines for Exercising and Defending Academic Freedom have been drawn in part from similar policies upholding academic freedom and freedom of expression, which have been adopted by the University of Chicago and Princeton University.

WHEREAS, Based on the foregoing principles and considerations, the Faculty Senate approves and endorses the Guidelines for Exercising and Defending Academic Freedom in the form attached to this Resolution, and the Faculty Senate also recommends that, as contemplated by Article II of the *Faculty Code*, the University should formally adopt those Guidelines.

¹ Ruth Steinhardt, "Ruth Bader Ginsburg: Be Mindful of What Makes America Great," *GW Today* (Feb. 24, 2017), available at <https://gwtoday.gwu.edu/ruth-bader-ginsburg-be-mindful-what-makes-america-great>.

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

- (1) That that Faculty Senate hereby approves and endorses the Guidelines for Exercising and Defending Academic Freedom in the form attached to this Resolution.
- (2) That the Faculty Senate hereby recommends that the attached Guidelines for Exercising and Defending Academic Freedom should be adopted by the University as contemplated by Article II of the *Faculty Code*.
- (3) That the Faculty Senate hereby requests that the President of the University forward this Resolution and the attached Guidelines for Exercising and Defending Academic Freedom to the Board of Trustees for its consideration.
- (4) That the Faculty Senate hereby requests that the Board of Trustees consult with the Faculty Senate and provide a reasonable opportunity for the Faculty Senate to adopt a resolution presenting its further recommendations before the Board of Trustees adopts guidelines related to academic freedom that are different from the attached Guidelines for Exercising and Defending Academic Freedom.

March 1, 2017

Faculty Senate Committee on Professional Ethics and Academic Freedom

Appendix

THE GEORGE WASHINGTON UNIVERSITY GUIDELINES FOR EXERCISING AND DEFENDING ACADEMIC FREEDOM

1. As recognized in Article II of the University's *Faculty Code*, the University is committed to the principles of academic freedom, including free inquiry, free expression, and the vigorous discussion and debate on which the advancement of the University's educational mission depends. The University therefore guarantees to faculty members and other members of the University community the broadest possible latitude to inquire, speak, write, listen, challenge, and learn, except insofar as viewpoint-neutral and content-neutral limitations on that freedom are demonstrably necessary to permit the University to perform its essential academic and educational functions (including, for example, the holding of classes and the conduct of authorized research activities without interference or disruption by individuals or groups inside or outside the University community).
2. The ideas of different faculty members and of various other members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals within or outside the University from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community should strive to maintain a climate of mutual respect, concerns about civility and mutual respect cannot justify closing off the discussion of ideas protected by academic freedom and freedom of expression and inquiry, however offensive or disagreeable those ideas may be to some persons within or outside the University community. Indeed, fostering the ability of faculty members and other members of the University community to exercise their rights to engage in free inquiry, expression, debate, and deliberation is an essential part of the University's educational mission. Where there appears to be a conflict between the rights of free expression and free inquiry, on one hand, and concerns about potentially offensive statements, on the other, the University's educational mission requires it to give priority to the rights of free expression and free inquiry.
3. The freedom to debate and discuss the merits of competing ideas does not, of course, mean that faculty members and other members of the University community may say whatever they wish, whenever and wherever they wish, while carrying out their duties and fulfilling their respective roles within the University. In carrying out such duties and fulfilling such roles, faculty members and other members of the University community do not have the right to engage in expression that (1) violates clearly established law (for example, by making criminal or tortious threats or by engaging in tortious defamation or prohibited sexual harassment), or (2) violates University policies that are viewpoint-neutral and content-neutral and are demonstrably necessary (A) to enable the University to maintain the integrity of scholarly standards of teaching and research, or (B) to regulate the time, place, and manner of expression in order to prevent disruptions of the University's essential academic and educational functions, or (C) to enable the University to comply with applicable federal and local laws.

4. Faculty members and other members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest the views of speakers who have been invited to express their views on campus. However, faculty members and other members of the University community may not obstruct or interfere with the rights of others on campus to express their views (for example, by blocking access to a University-sanctioned forum or by attempting to silence or shout down a speaker at such a forum). To this end, the University has a solemn responsibility to take reasonable, customary, and lawful measures to protect the exercise of freedom of academic inquiry, expression, debate, and deliberation by members of the faculty, other members of the University community, and invited guests when persons within or outside the University attempt to obstruct or interfere with that exercise. For example, the University should take appropriate disciplinary action against members of the University community who intentionally obstruct or interfere with the exercise of academic freedom and freedom of expression and inquiry that are protected under these guidelines.
5. If faculty members believe that their right to exercise academic freedom under Article II of the *Faculty Code* and these Guidelines has been restricted or impaired by actions or threats from persons within or outside the University, those faculty members may contact the Chair of the Faculty Senate Executive Committee, the Chair of the Faculty Senate Committee on Professional Ethics and Academic Freedom, or the Office of the Provost to obtain assistance. The University will take reasonable, customary, and lawful measures to protect faculty members against non-trivial impairments of their right to exercise academic freedom, including threats from persons within or outside the University community.

**Faculty Senate
April 7, 2017**

Nominees for Approval by the Faculty Senate

2017-2018 Faculty Senate Executive Committee

CCAS: Bill Briscoe

ESIA: Hugh Agnew

GSEHD: Sylvia Marotta-Walters, Chair

GWSB: Jennifer Griffin

GWSPH: Karen McDonnell

LAW: Miriam Galston

SEAS: Robert Harrington

SMHS: Jannet Lewis

SON: Christine Pintz

Senate Standing Committee Nominees

Physical Facilities: Cole Ettingoff (Student Representative)

2017-2018 Dispute Resolution Committee Chair

Joan Schaffner, Law School

2017-2018 Faculty Senate Parliamentarian

Steve Charnovitz, Law School

The George Washington University
Faculty Senate Committee on
Appointment, Salary, and Promotion Policies (including Fringe Benefits)

Friday April 7, 2017

Annual Report

The ASPP committee has met on 5 occasions during the session 2016/2017.

At our October meeting we discussed the following:

- (i) The Chair gave the Committee an update on the ongoing discussions with Human Resources regarding the new Health Benefits for the coming Calendar Year 2017 and the proposed composition of the Benefits Advisory Committee (BAC). Vice President McLeod responded with a detailed discussion of the role of the BAC and its new faculty and staff composition. There followed a lengthy discussion on the faculty membership of the BAC and the concern was expressed that there were too few female members. The recommendation finally agreed was that the composition of the faculty members should be increased to 6 and the Executive Committee should present to the Faculty Senate at its next meeting a full slate including the previously agreed ex-officio members. These were: the chair of the ASPP committee, the chair of the FP&B committee and the liaison member of the executive committee to the ASPP committee. The ASPP committee recommended that two of the remaining members to be appointed by the Faculty Senate could be Professor Anbinder & Galston. This proposal to expand the faculty membership of the BAC to 6 was passed by vote 8Y,1N.**
- (ii) Professor Rice then gave the ASPP committee an update on the state of Non-Concurrences. It was noticed that the final determinations mostly followed the Dean's recommendations.**

At our meeting in December we discussed the following:

- (i) The chair of the ASPP committee summarized the faculty composition of the Benefits Advisory Committee (BAC). Vice President McLeod gave a short explanation of the new approach the BAC would be taking in future meetings which was well received by the ASPP committee. Much of the work of the BAC would rely on the previous year activities as there was general agreement that the Benefits would be kept for at least two years.**
- (ii) Professors Anbinder and Cordes produced a brief summary report on the state of benefits in comparison to the GW Market Basket Schools. A more detailed report would be forthcoming to possibly enable the ASPP committee to draft a resolution to the Faculty Senate at a later meeting.**

At our meeting on February 3 we discussed the following:

- (i) Vice President Dale Mcleod and Kara Flack gave an update on the new configuration of the Benefits Advisory Committee (BAC) which had held its first meeting in January. Concentration at the meeting had been on Wellness Benefits as the Health Benefits were currently being held at their previous calendar year level. Subsidizing gym membership had been a suggestion. The President's Task Force on benefits had asked the BAC to survey GW employees regarding benefits and this would be shared with the BAC once completed. There was general agreement that the reformed BAC was operating well. The next meeting of the BAC would be on March 3 in room SEH 2000.**
- (ii) The draft resolution prepared by Professors Anbinder & Cordes was discussed at length. This was as a result of the report on GW's place within the list of schools provided. More data was required from Associate Provost Beil to establish the Salaries per School estimates as this would be helpful in determining GW's place within the Market Basket School list on a GW School basis. The report would be finalized shortly and be presented along with the resolution. Professor Galston agreed to lead a group of ASPP members comprised of Professors Anbinder, Biles and Cordes to address the concerns of the ASPP committee and perhaps those of the Executive Committee regarding the resolution. As the Trustees would be meeting in March, it was essential that the resolution be presented at the Faculty Senate meeting on March 3 together with the report on faculty compensation so that the Trustees would have an opportunity to respond to the resolution.**

At our meeting on February 17 we discussed the following:

- (i) The report drafted by Professor Anbinder was discussed as part of the presentation to the Faculty Senate on March 3 along with the resolution mentioned in the next section of the minutes. It had been agreed with the Executive committee that Provost Maltzman would give a report of averaged salaries across schools at GW, so the report herein mentioned would be particularly relevant following the presentation of the Maltzman report. Professor Anbinder mentioned that he had updated some of the compensation from more recent data.**
- (ii) The final version of the resolution prepared by Professors Anbinder & Cordes which had been further edited by the Executive Committee, was then discussed. Professor Galston had lead a group of ASPP members comprised of Professors Anbinder, Biles and Cordes to address the concerns of the Executive Committee regarding the resolution. As the Trustees would be meeting in March, it was essential that the resolution be presented at the Faculty Senate meeting on March 3 together with the report on faculty compensation so that the Trustees would have an opportunity to respond to the resolution. There was general satisfaction of this resolution by the ASPP committee.**

At our meeting on March 24 we discussed the following:

- (i) The report by Professor Anbinder and the presentation of the resolution regarding faculty compensation at the Faculty Senate meeting on March 3 were discussed. Professors Rohrbeck and Wirtz gave the committee an update on the reception these two items received. There were a number of questions by the faculty from the floor of the senate and President Knapp had been asked for his reaction to the resolution, which was that it was a budget issue. The resolution had been passed unanimously.**
- (ii) There followed a long discussion on the question of salary equity and the ASPP committee noted that there did not seem to be much impetus by the administration to pursue this matter. The ASPP committee felt very strongly that the salary equity committee designated by the administration should be reconvened and start afresh on both methodology and the current salary situation. Professor Tuch, the faculty co-chair of the Salary Equity Committee, should be asked to help in this. A subcommittee of the ASPP committee could also be constituted to look into this. It was pointed out that salary equity should be recognized as being separate from the ongoing activities the ASPP committee was committed to regarding faculty compensation. A resolution to put these ideas in motion could be formulated by the ASPP committee at a later meeting.**
- (iii) Professor Gupta very kindly agreed to provide the ASPP committee with updates on the top GW salaries for the most recent available IRS filings.**

The committee also commissioned subcommittees and task forces to work on matters of importance to the ASPP committee between meetings to identify the relevant issues for the many items of the agenda for specific meetings. This involved considerable time and effort on the part of the members of the committee serving on these small groups of faculty for which the entire ASPP committee is forever grateful.

Respectfully submitted,

Robert J. Harrington, April 7, 2017, Chair

Members of the ASPP committee, Faculty Senate year 2016/2017

Professors:

Abravanel, E. Professor Emeritus of Psychology,

Anbinder, T.G. Professor of History,

Biles, B.L. Professor Emeritus of Health Policy,

Briggs, L.A. Professor of Nursing,

Cordes, J.J. Professor of Economics,

Galston, M. Professor of Law,

Gupta, M.M. Professor of Mathematics,

Hayes, C. Professor of Writing

LeLacheur, S.F. Professor of Physician Assistant Studies,

Maring, J.R. Professor of Physical Therapy,

Mohamed, M.A. Associate Professor of Pediatrics,

Pelzman, J. Professor of Economics

Plack, M.M. Professor of Physical Therapy,

Rau, P.A. Professor of Marketing and International Business

Rice, E.K. Professor of Special Education and Disability Studies

Rohrbeck, C.A. Professor of Psychology,

Schanfield, M.S. Professor of Forensic Sciences and Anthropology

Wirtz, P.W. Professor of Decision Sciences and Psychology

Harrington, R.J. Professor of Engineering and Applied Science (Chair)

Staff:

Gullo, P.R. Director, Legal Clinics;

Administration:

Vice President Katz, Deputy Vice President McCorvey; Vice president McLeod, Associate Vice President Kosky; Vice Provost Bracey; Library HR Shea; UHR Flack

The George Washington University

Faculty Senate Committee on

Athletics and Recreation

Friday April 7, 2017

Annual Report

The Athletics and Recreation committee met once during the session 2016/2017 and had follow-up email communication.

During the October meeting, the following topics were covered.

- 1) The status of Men's basketball following the firing of head coach Mike Lonergan. Tanya Vogel, Senior Associate Athletics Director, met with the committee to answer questions. The main concern revolved around the basketball student-athletes and how they were adjusting to the personnel changes. The way the student-athletes learned of the firing was also of concern as the media reported before the student-athletes were told. Fortunately the student-athletes had a good relationship with Coach Maurice Joseph so the transition was smooth.
- 2) Things faculty can do to assist the Athletic Department. The Committee discussed ways faculty can be of assistance to the athletic department such as identifying potential tutors for the Office of Educational Support Services and completing the mid-semester reviews for student-athletes. Currently only 50% of faculty respond to the mid-semester reviews. There was also a discussion of scheduling classes more accommodating to students-athletes but determined that our student-athletes are in degrees across campus and not clustered in certain degrees like other universities thus this would not be feasible.
- 3) Recreation facilities at the Virginia Science & Technology Campus. The nursing faculty are extremely concerned and disappointed with the lack of recreational facilities at the Loudoun campus. Currently there is one small room with very limited, old and dangerous equipment. Following the meeting the Chair of the Committee made attempts to follow-up on the possibility of improving fitness/recreational facilities with a lack of response.

Outside of the Committee meeting, the Chair of the Committee served on the Student First Task Force which explored the:

1. Awarding and Retention of Scholarships
2. Promotion and Training of Student Athletes in Terms of Media and Branding
3. Effectiveness and Integrity of Student Athlete Feedback and Reporting Procedures

The results of this task force were shared with the full committee and opened for discussion.

Communication was also shared with the Committee regarding incoming President LeBlanc's response to a question regarding his feeling toward athletics. He stated "Athletics can serve as a center of excellence at a university". The committee was also made aware that the Athletic Budget is

being cut 5% each year for the next 5 years thus the Athletic Department needs to figure out a way to continue to serve the same number of student-athletes and teams with less money. Finally, information was shared on the new contract signed with Coach Joseph.

Members of the Athletics and Recreation Committee, Faculty Senate year 2016/2017

Professors:

Lisa Delpy Neirotti, GWSB (Chair)

Mary Barron, SMHS

Ashley Darcy-Mahoney, SON

Eric Cline, CCAS

Patrick McHugh, GWSB

Rebecca Mance (SON)

Toni Marsh, CPS

Beverly Westerman, SMHS

Gretchen Wiersma, SON

Heather Young, SMHS

Administration/Non-Voting/Ex Officio:

Alexander Downes, ESIA; Ann Brown, Gelman; Andre Julien, Athletics; Craig Linebaugh, CCAS