



**MINUTES OF THE REGULAR FACULTY SENATE MEETING
HELD ON FEBRUARY 8, 2019
AT 1957 E STREET NW/STATE ROOM**

Present: President LeBlanc, Provost Maltzman, and Parliamentarian Charnovitz; Deans Brigety, Feuer, and Goldman; Executive Committee Chair Marotta-Walters; Registrar Amundson; Professors Agnew, Bukrinsky, Cordes, Costello, Dugan, Griesshammer, Gutman, Khilji, Lipscomb, Markus, McDonnell, Mylonas, Pelzman, Rehman, Roddis, Rohrbeck, Sarkar, Schumann, Schwartz, Tekleselassie, Wilson, Wirtz, Yezer, and Zeman.

Absent: Deans Akman, Jeffries, Mehrotra, and Morant; Interim Deans Deering, Riffat, and Wahlbeck; Professors Briscoe, Cottrol, Dickinson, Esseesy, Galston, Harrington, Hill, Lewis, McHugh, Pintz, Price, Sidawy, Tielsch, Wallace, and Zara.

CALL TO ORDER

The meeting was called to order at 2:18 p.m.

APPROVAL OF THE MINUTES

The minutes of the January 11, 2019, Faculty Senate meeting were approved unanimously without comment.

REPORT: Dean's Report (Ruben Brigety, Dean, Elliott School of International Affairs)

Speaking from the attached slides, Dean Brigety updated the Senate on activities in the Elliott School of International Affairs (ESIA). He noted that the ESIA has a slogan that is prominently displayed in the ESIA building: "building leaders for the world." The slogan reflects the fact that the school's work is an active process of developing leaders who will then work to bring people together to solve global challenges.

ESIA offers a wide variety of academic programming and is one of—if not the—largest international affairs schools in the nation and is ranked in the top ten for both bachelors and masters programs of international affairs worldwide. The school boasts a 90% employment rate for its masters program graduates and an 84% undergraduate graduation rate. The Sigur Center for Asian Studies and the Institute for Korean Studies have been awarded approximately \$3 million for an East Asian National Resource Center Award by the Department of Education under its Title VI program. Additionally, the Sigur Center, the Institute for Korean Studies, and the Institute for Middle East Studies have been awarded over 90 foreign language studies fellowships, which support the study of modern foreign languages and related areas of international studies by undergraduate and graduate students.

The student experience, one of President LeBlanc's core areas of focus, is taken very seriously at ESIA and helps drive the school's innovative curriculum, which is designed to provide graduates with ethical leadership and professional skills. This approach is called STEP, which stands for achieving elite excellence in scholarship, teaching, ethics, and practice. This approach places an important focus on using the students' time at ESIA to help orient and inform their individual moral compasses as well as to give them practical skill sets that will serve them in the work force. This new program is currently in its first year.

Dean Brigety highlighted two recent initiatives in ESIA. The school has created a Bachelor of Science in International Affairs that emphasizes more quantitative skills. This degree was created in response to demand from students who wanted to pursue more quantitative disciplines (e.g., computer science, public health) alongside international affairs. The school also launched the new Dean's Scholars Program, a two-year research mentorship program for outstanding undergraduate students. This permits students to pursue research alongside faculty as well as to ensure the school's most promising students have experiences beyond the classroom to meet their intellectual and academic aspirations.

ESIA's Graduate Student Services office is a unique, one-stop shop for graduate students, making it a leader in this area among Association of Professional Schools in International Affairs (APSIA) schools. ESIA went test-optional for the GRE two years ago, seeking to dramatically increase the global diversity of its applicant pool. This past year, ESIA received applications from 96 countries, 30 of these from Africa alone. In conjunction with the Provost's office, the school also worked to more efficiently allocate its limited fellowship monies.

Enrollments have remained stable, even as competition for students has increased. Roughly speaking, a little more than a third of ESIA masters graduates enter the public sector, a little less than a third enter the private sector, and slightly less than that enter the nonprofit sector.

ESIA's education partnerships illustrate its global connectivity. The school has fifteen exchange partnerships on five continents. ESIA is one of the few APSIA schools with partnerships around the world. Last year, 70% of ESIA students studied abroad, representing 41% of all GW students who did so.

The most important part of the student experience is the classroom experience, and ESIA has award-winning faculty teaching its students. There are 65 budgeted faculty members in ESIA, ten supported endowments, a significant number of non-budgeted faculty who hold dual appointments in ESIA, and a number of adjunct faculty supporting the teaching program.

ESIA is proud to be contributing to President LeBlanc's aspirations for GW to become a comprehensive global research university. For the second year in a row, ESIA's Institute for European, Russian, and Eurasian Studies has been ranked sixth of the regional studies institutes in the world, ahead of all such other institutes in the United States. ESIA has had tremendous growth on the research front over the past several years, and the indication for the current year is that this trend will continue; this is a testament to the strong faculty in the school. GW is currently the largest university recipient of grants from the Carnegie Corporation, and of these grants, all but one are held by ESIA. The school also has long-term support from the MacArthur Foundation and significant support from the Henry Luce Foundation and the Open Society Foundation.

Philanthropy is a vital part of the school's operations, supporting every aspect of the ESIA student experience, including fellowships, internships, the global capstone project, career services, the new LEAP initiative, and faculty hires.

Professor Wilson noted that many ESIA graduates go on to work for the federal government and asked how many go on to work for foreign governments. Dean Brigety responded that he does not have specific numbers on this. He noted that a number of foreign students are sent to ESIA by their home countries' governments or ministries for the school's mid-career masters programs. Additionally, ESIA receives requests from foreign governments to help train their diplomats, noting a request received just yesterday from the foreign ministry of Kenya that followed a visit by the Kenyan foreign minister, who was extremely impressed with her visit to give a speech at ESIA last summer.

Professor Yezer asked about the demand for international studies nationally and whether it is a flat or growing market. Dean Brigety responded that, at the undergraduate level, demand for this field is growing substantially. He noted that this past fall, ESIA enrolled its largest freshman class to date and that this demand is in evidence at other universities as well. There is also a growth in the number of international affairs programs in the country, due in part to the fact that, at the undergraduate level, there are low barriers to entry to create these programs and no credentialing barrier. At the graduate level, APSIA data showed an increase in applications to schools outside the United States and a decrease in applications to schools within the States. This is likely due, broadly speaking, to two reasons: first, foreign students are increasingly reluctant to come to the United States to study, preferring schools in Canada, the UK, Australia, continental Europe, etc.; second, the demand on the domestic side may be lower because of recent challenges to government service in the States.

Professor Marotta-Walters requested unanimous consent from the Senate to consider the attached slightly amended versions of Resolutions 19/4 and 19/5 that were brought in hard copy to today's meeting. These slight revisions represent the continued discussions among the Professional Ethics and Academic Freedom (PEAF) committee and the Faculty Senate Executive Committee discussions on these resolutions. The Senate voted in favor of considering the amended resolutions.

RESOLUTION 19/4: To Amend the *Faculty Code* (3) (Jeff Gutman, Chair, Professional Ethics & Academic Freedom Committee)

The floor was opened to clarifying questions on the resolution:

- Professor Roddis noted that the current bylaw review process has highlighted an issue around how to address specialized faculty who have a different distribution of duties than regular faculty. She expressed a concern that adding language about specialized faculty on the current resolution's issue will highlight other areas of the *Code* where specialized faculty could be but are not addressed and asked whether specialized faculty are fully within the scope of the *Code*. Professor Gutman noted that Article I/Sections B and C of the *Code* define regular and specialized faculty, so specialized faculty are recognized under the *Code*. However, the *Code* to date has not addressed the criteria by which specialized faculty should be evaluated. PEAF and the administration felt it was important to make specific mention of general evaluation criteria and procedures for specialized faculty and then leave it up to the

individual schools and units to determine how best to implement those criteria. Provost Maltzman added that there have been issues in the past with evaluating specialized faculty coming up for promotion whose schools did not have appropriate criteria against which to evaluate them.

- Professor Pelzman expressed concern about resolving clause 6, noting that the *Code* does not speak to the ratio of regular faculty to specialized faculty within the non-tenure-accruing faculty population. Professor Gutman noted that this clause tracks the distinction between regular and specialized faculty with no intent of changing any existing definitions of tenure-accruing, non-tenure-accruing, or specialized faculty. Professor Pelzman clarified that his concern is not with the definitions of these categories but rather with the ratio of each type. Professor Wirtz agreed that Professor Pelzman is identifying a hole in the *Code* wherein it does not address the ratio of regular to specialized faculty and noted that this is a separate issue from the one being addressed in the current resolution. Professor Pelzman agreed, expressing his concern that the distribution of these faculty categories matters. Provost Maltzman responded that specialized faculty are defined as those faculty who do not have all three areas of responsibility (teaching, research, and service). The most common form of specialized faculty at GW are research faculty; other specialized faculty members have teaching as their primary responsibility without a research expectation in their appointment letters. President LeBlanc noted that this is an important topic that resides outside the bounds of the debate on the resolution and asked that the clarifying question period continue.
- Professor Cordes asked about page 4/item 4, asking what committees would make recommendations to the Dean. Provost Maltzman responded that the Columbian College (CCAS) rules indicate the use of the CCAS Dean's Council for this purpose. The expectation of this amendment would be that, following the dean's decision, the Dean's Council would, in turn, receive feedback after providing recommendations to the dean.
- Professor Griesshammer asked whether page 3/item B2 refers to regular faculty only or both regular and specialized faculty. Professor Gutman responded that the point in question refers to all faculty, referring back to item B. Following up, Professor McDonnell asked whether item C should refer to both regular and specialized faculty as well. Professor Gutman responded that the arising confusion on these points stems from the ordering of these items in the resolution. Numbers 1 and 2 refer to item B, and item C stands separately from item B.
- Professor Zeman asked whether the schools would assign the appropriate weighting of review criteria for regular, non-tenure-accruing faculty. Professor Gutman responded that this is the assumption made, that a weight should be assigned to each of the three elements being evaluated.
- Professor Zeman asked about page 4/item 2, noting that the comparative function noted in instructions for outside reviewers does not currently ask a reviewer to compare a candidate to individuals of a certain stature and not to indicate whether they would support a tenure decision. He asked whether this is what is being addressed in this point. Provost Maltzman responded that this is different from instructions to outside reviewers, who do not make a recommendation on tenure as they are not assessing a candidate's teaching and service records. He noted that this amendment stems from a past grievance in which a faculty member read into the *Code* that they should compare favorably with candidates at peer institutions. The candidate found this unfair based on rankings indicating that the comparison schools were aspirational and not peer institutions. The change put forward here

makes it clear that the candidate is to be compared to candidates in similar fields and departments, not institutions as a whole. The instructions to the units sending the solicitations for external reviews will reflect this requirement.

- Professor Markus asked whether the “and/or” referring to the three elements of evaluation (teaching, scholarship, and service) in item B (page 3) might be problematic due to the reference in the following clause to regular faculty needing to meet all three criteria. She wondered if the two faculty categories might be separated for clarity. Professor Gutman responded that the “and/or” here was meant to reflect the fact that both faculty categories are being referred to in the amendment; this language can be amended if it is creating confusion.
- Professor Griesshammer suggested indenting sub-items 1 and 2 under item B for clarity, and perhaps switching B1 and B2 for better logical flow of this clause.
- Professor Yezer asked about the reference to published criteria in item B, wondering where the criteria are published. Professor Gutman responded that this is current language in the *Code* (as opposed to the amended language under this resolution) and that the decision about where to publish criteria is left to the individual schools and units. Provost Maltzman noted that, for example, CCAS has a statement on this and refers the faculty member to the *Code* in the appointment letter.

Debate began on Resolution 19/4, taking the resolving clauses in order.

Debate on resolving clause 1:

- None

Debate on resolving clause 2:

(Professor Roddis raised a point regarding the first resolving clause following the closure of debate for that clause. Debate proceeded while Professor Roddis clarified the clause her question addressed.)

- Professor Costello inquired about the need for changing this clause at all. She noted that the current language gives the responsibility of defining excellence to schools; given this, she questioned the need for a change here. Professor Gutman responded that the history behind this change began with the Provost’s office, with the underlying notion that this provision should better reflect the aspirations of the university. Provost Maltzman added that he wanted to be sure the amended statement is consistent with the previous statement, emphasizing the university’s commitment to excellence. He noted that problems arose when individuals began to use this paragraph as a reason for grieving tenure cases because of the word “peer” and the ambiguity around what this term meant. He gave an example of a highly regarded scholar at a non-research university being an appropriate comparison point, which would be more difficult to defend under the current *Code* language.
- Professor Marotta-Walters noted that the revised language in no way precludes the ability of a department or school to establish criteria on what it considers to be nationally recognized programs or fields.
- Professor Costello responded that growing and developing programs could have faculty held to the standards of top programs and that this raises concerns about the development and expectations of junior faculty at GW. The Provost responded that the university’s obligation would be to deny tenure to a sub-par faculty member, even if the faculty member’s department is also not especially well regarded. Locking this faculty member into decades of

employment would be inconsistent with the university's aspirations. Professor Costello presented the counterexample of a stellar faculty member in a weaker department and her concern about how this faculty member would compare to another stellar scholar in a much stronger department.

- Professor Pelzman noted that, as an outside reviewer on a tenure case, he has only seen references to comparisons to a peer group, not to a preeminent institution or department. He expressed his opinion that this is another avenue for the administration to deny tenure.
- Professor Wilson expressed a concern about how the descriptive terms are operationalized, asking whether this refers to news rankings or another set of criteria. The Provost responded that it is up to the faculty of the unit in question to define these terms for that unit.
- Professor Cordes asked whether “nationally recognized scholars” might replace “nationally recognized programs” in consideration of the fact that appropriate and strong letter writers come from a variety of institutions. Professor Gutman responded that GW’s peer institutions are already nationally recognized; this language doesn’t change the level at which faculty are being evaluated for tenure; the amended wording simply works better for the committee and the administration.
- Professor Wirtz asked whether there are any concrete amendments on the clause. He recommended that remarks be confined to proposals for wording changes.
- Professor Lipscomb proposed amending “institutions of higher education” to “institutions of higher education or research,” noting that many fields compare faculty research to that done by scholars at research museums or federal research entities. The amendment was seconded. A voice vote on the amendment passed unanimously.
- Professor Markus proposed amending “nationally recognized programs” to “nationally recognized scholars.” The amendment was seconded. Professor Griesshammer noted that this wording might change the intent of the statement: a department can identify criteria for a program (e.g., rankings) but not necessarily for an individual. Professor Mylonas suggested an alternate wording of “...at institutions of higher education or research that are nationally recognized in the particular candidate’s field.” Professor Markus accepted this amendment to her amendment. A voice vote on the amendment to Professor Markus’s amendment passed with one nay vote. A voice vote on Professor Markus’s revised amendment passed unanimously.

Debate on resolving clause 3:

- Professor Wirtz noted his discomfort with the school-wide personnel committee (SWPC) gathering additional information about a candidate without involving the departmental appointments, promotion, and tenure (APT) committee. He agreed with the thrust of the new language in this clause but proposed amending “...and the department may provide a written response to that information” to “...and the department may provide a written response to that information, prior to obtaining such information.” The current wording, as it stands, would permit the SWPC to collect information on a candidate without specifying when it needs to notify the departmental APT committee that new information has been obtained. This amendment would provide wording to require that the SWPC involve the departmental APT committee in the decision to collect new information on a candidate for promotion or tenure. Under this amendment, the departmental APT committee would have the opportunity to discuss with the SWPC its reasons for not obtaining this information previously and for not wishing the SWPC to do so. President LeBlanc responded that

Professor Wirtz is clear in his intent but that the sentence may need some editing for clarity. Professor Wirtz welcomed suggestions for alternative wording.

- Professor Cordes suggested that “request for information” should be placed into the sentence to clarify that the SWPC is notifying the departmental APT committee of its intent to obtain new information prior to requesting that information.
- Professor Griesshammer suggested adding wording to the beginning of the article in question with “In consultation with the department...” to clarify that the SWPC must consult with the department prior to obtaining new information. The amended article would still provide the department with the opportunity to comment on the newly obtained information.
- Professor Wirtz indicated that he wanted to preclude the possibility that the SWPC simply notifies the department it intends to obtain new information; his intent is to enable a collegial collaboration between the department and the SWPC before any information is collected.
- Professor Lipscomb noted that this would preclude the SWPC from using information they come across incidentally (e.g., bad book review). Professor Wirtz responded that this is his intent; the department faculty are the scholars in this area, and if there is something in the process they have missed, they should be alerted to that fact. However, the SWPC shouldn’t be able to go around the departmental APT committee’s informed process. The department might be aware, for example, of a prominent young scholar who does some high-quality work in the field, in turn offending three other scholars at competing institutions. The departmental APT committee, understanding the dynamics of the situation, may decide to solicit a letter from one of those competing scholars but not all three. The SWPC should not be free to solicit letters from the other two scholars without engaging with the department on its reasoning for not requesting those letters in the first place.
- Provost Maltzman noted that there is a notion that a separate independent review beyond the departmental APT committee is a desirable thing. The 2015 *Code* revision changed the role of the SWPC such that they may now be a nonconcurring entity as opposed to simply an advisory body to the dean. The revised clause in the current resolution was developed to ensure that the department has an avenue by which it can comment on any new information obtained by the SWPC. The current amendment to this clause would seem to undermine the independence of the SWPC.
- Professor Rehman responded that this amendment does not undermine the SWPC as it still has the ability to obtain new information. The amendment simply funnels information in the proper order, ensuring that the department, with its subject expertise, has this information and can respond to it up through the SWPC, which can then in turn consider it before making its decision.
- Professor Pelzman added that in most tenure decisions, candidates are asked to present their dossier to the best of their ability, and the department then solicits letters from external reviewers. These data are then presented to the SWPC, who should notify the committee and the candidate if it feels important information is missing from the data presented by the department.
- Professor Griesshammer appreciated Professor Wirtz’s example of a candidate who might be sunk by multiple external reviewers. It is possible that multiple bad reviews could be due to a weak candidate or to a bias from the external reviewers and/or the department itself. This is why having the option of another go at discovery is important, but this process must

be collaborative. He noted his support for the idea that the SWPC must go to the departmental APT committee prior to obtaining new information to learn why this information was not initially obtained, but then still has the option of obtaining that information, then returning it to the department for their response. He proposed new wording for this clause, suggesting that the article should begin as follows: “With advance notice and in consultation with the department, the SWPC may request and gather...” Professor Wirtz seconded, noting that he would view this as a friendly amendment.

- Professor Zeman expressed his support for the amendment. He noted that this language does not undermine the independence of the SWPC and, further, that it does not require concurrence between the two entities, simply a collaborative process.
- A voice vote on the amendment to Professor Griesshammer’s amendment passed with one nay vote.

Debate on resolving clause 4:

- None.

Debate on resolving clause 5:

- None.

Debate on resolving clause 6:

- Professor Wilson expressed his feeling that this clause should be broader, as a program could essentially copy another without explicitly duplicating it or using the same name.
- Provost Maltzman noted that there is ambiguity in this issue, and, at a large university like GW, there can be apparent similarities between existing programs. He noted that in the origins of the College of Professional Studies (CPS), specific language was added to the *Code* instructing that CPS students could only be awarded a degree of Professional Studies. This was unique to CPS among GW’s schools and colleges. CPS is now a very different entity than it was at its inception, and there is a sense that the university is holding students back from certain opportunities through the use of this language. For example, students have asked whether the university could offer, through CPS, a degree in political management. This provision would allow CPS to offer this type of named degree as long as CPS is noted as the enrolling school, CPS is noted on the relevant transcripts, and the diploma is signed by the CPS dean. CPS would not be able to offer, for example, a degree in political science, as this degree exists in another GW school. There is no reasonable way for the *Code* to become the vehicle for regulating the distinction of academic programs across the university. He noted that provosts do this type of work all the time, utilizing the university’s existing program approval and review processes. CPS has a unique program approval procedure that involves a Dean’s Council, with a representative from every school sitting on that Council.
- Professor Wilson thanked Professor Yezer for his assistance in developing wording that would get at his point and suggested using “substantially similar” in the place of “duplicates” or “utilizes the same name” as a way of describing degree or program content that would be covered by this provision. The Provost expressed his concern that this would make the *Code* a vehicle for regulating the content of academic programs. Professor Wilson confirmed that, should CPS offer a program with a substantially similar name or content, both are problematic. The Provost expressed that this seems logistically unworkable as something that should be codified.

- Professor Cordes, while understanding the nature of the concern, wondered whether this issue rises to the level of a *Code* or constitutional issue as opposed to a process issue that sits outside the *Code*.
- Parliamentarian Charnovitz noted that the proposed wording actually tightens the restriction beyond the current wording by adding additional language to limit the potential similarities between programs.
- Professor Wilson proposed amending the clause language to read, "...that is substantially similar to or utilizes the same name as a degree offered by another school at the University." The amendment was seconded.
- Provost Maltzman noted that, should the amendment pass, he would recommend to the Board of Trustees that they not put this language in the *Code*, as the *Code* is not the place to adjudicate this type of program-by-program question.
- Professor Wirtz noted that, when CPS first began, this was a major concern, and safeguards were put into place to ensure that this type of program duplication would not happen. The proposed amendment would articulate a phrase in the *Code* that would give more teeth to the intent of the clause. The Board might not want to adopt the language in a *Code* revision, but he noted that, as a Senator, he wanted to go on record as stating that there should be constraints on CPS's program creation.
- Professor Mylonas noted that the current wording ("duplicates") doesn't have teeth but does still allude to content.
- Provost Maltzman noted that the language in the current clause is compromise language that was negotiated between PEAf and the Provost after a great deal of discussion, and he urged the Senate not to undo that compromise.
- Professor Yezer spoke against the amendment, noting that the language presented in the clause is strong enough already.
- A show of hands vote on the amendment failed 15-7.

Debate on resolving clause 7:

- None.

Debate on the preamble:

(Professor Roddis expressed her concern that the procedures outlined in resolving clause 1 will require that research faculty go through SWPC evaluation process. She noted that non-tenure-accruing faculty in the School of Engineering and Applied Science (SEAS) do not go through the SWPC, and SEAS faculty strongly object to the routing of specialized faculty through the SWPC. She noted her understanding of the procedural error in initially raising this point after debate closed on resolving clause 1, but, for the record, she expressed the SEAS faculty desire for an exception to this process. Professor Sarkar echoed this concern, which was also expressed in a School of Medicine and Health Sciences (SMHS) faculty meeting, noting that this will create an onerous procedure for schools with a large number of specialized faculty. Professor Marotta-Walters agreed that this is an important issue but noted that it has not yet been explored or discussed. She stated that it should go through PEAf review in their future discussions.)

- None.

Professor Gutman moved that amended resolution 19/4 be adopted; the motion was seconded. A voice vote on the resolution as amended passed with three nay votes.

RESOLUTION 19/5: To Amend the *Faculty Code* (4) (Jeff Gutman, Chair, Professional Ethics & Academic Freedom Committee)

The floor was opened to clarifying questions on the resolution:

- Professor Griesshammer referred to page 1/new paragraph 4 and asked whether the reviews and evaluations not made available to the candidate would include information regarding where in the process the tenure/promotion case stands. Professor Gutman responded that there would not be an embargo on process information, only on substantive information.
- Professor Cordes noted that redacting information in a review would not necessarily prevent a candidate from deducing who wrote the letter and that perhaps the university would now need to include a disclaimer in requests for evaluation letters that the candidate may see a letter under certain circumstances.
- Professor Costello asked whether consideration was given to the size of a department and the inherent difficulty in maintaining anonymity in a small department. She further noted that both resolutions presented today are very content heavy and wondered if there was any consideration given to separating them out into separate resolutions. Professor Gutman responded that the nature of confidentiality addressed in resolving clause 1 doesn't pertain to the department but rather on the information received from third parties. Procedurally, the Parliamentarian can advise on the best way to proceed; Parliamentarian Charnovitz noted that the committee has presented a resolution that amalgamates a number of issues, and the Senate is now considering that resolution in proper order.
- Professor Yezer noted that the current legal standard is that, under litigation, all parties have access to all materials and that other universities note this in their requests for external reviews; namely, that absolute privacy will be maintained. He wondered if there are disclaimers that go into the specifics of redaction and possible loss of anonymity during a litigated case. Provost Maltzman noted that redaction would also apply to transmittal letters, such that a department chair's name would be removed from a letter. Professor Cordes confirmed that he has received requests for letters noting that the candidate may at some point have access to the letter he writes. The Provost noted that he does not have systematic data on this, but this is common in public universities with sunshine laws (e.g., the University of California system). Most private universities maintain a strict firewall around their peer evaluation processes.

Debate began on Resolution 19/5, taking the resolving clauses in order.

Debate on resolving clause 1:

- Professor Wirtz expressed his opinion that this is a terrible precedent; there is not a reasonable expectation that letters could be redacted to the extent that the identity of an individual is not evident to someone with knowledge of the field. He proposed amending the first resolving clause to read as follows: "The confidentiality of sources of information and evaluations obtained during the promotion process (including external review letters and evaluative transmittal memoranda) shall be strictly maintained, and will not be made available to a candidate for promotion, including under Section E.4.c)3) of the Procedures for the Implementation of the *Faculty Code*. Notwithstanding the above, the substance of evaluative reviews may be shared with a candidate for promotion in appropriate circumstances (e.g., under Section B.6 of the Procedures for the Implementation of the *Faculty Code*) only to the

extent that such sharing does not jeopardize the confidentiality of the source's identity.” The amendment was seconded.

- Professor Griesshammer asked whether the amendment means that, after the evaluation process has completed, a candidate would not be able to see what the basis was for the decision. Professor Wirtz responded that the candidate would not be able to review the materials that led to the decision (external reviewer letters, transmittal letters), but there is nothing that precludes a discussion with the candidate about general concerns arising from the evaluation. He noted that his primary objective is to be sure that people who write evaluation letters to the university are protected, adding that it would be very difficult to obtain letters under the clause as it is currently written.
- Professor Griesshammer noted his concern that, if a letter is grossly unfair, the candidate has no redress. Professor Wirtz responded that the process does allow for the candidate to be protected. This is why, during a nonconcurrence review at the Faculty Senate Executive Committee (FSEC) level, the departmental APT chair—with full access to the materials—is asked to speak to the FSEC about anything that should be refuted and should act in that case as the candidate's advocate. Professor Griesshammer noted that the departmental APT chair *should* be acting as the candidate's advocate but that this is not always the case.
- Professor Cordes asked about the “notwithstanding” phrase in the amendment and whether this leaves the door open for the candidate to access materials. Professor Wirtz pointed out that the word “substance” is key here; the candidate would still not have access to the actual documents.
- Professor Markus asked whether the term “sharing” means in writing, orally, or both. Professor Wirtz responded that this doesn't need to be stipulated in the *Code*.
- Professor Sarkar asked where this revision comes from, noting the example of peer-reviewed journals that do not disclose reviewers' names following the evaluative process.
- Provost Maltzman noted that he supports Professor Wirtz's amendment, which he feels strongly supports faculty governance. He noted his concern about protecting transmittal letters, which are very detailed and analytical and reflect the overall consensus of the department. Removing the chair's name from the letter only goes so far, as there are very small departments at the university. He recalled cases in which department faculty members hoped someone else in the evaluation process would address concerns they had about a candidate but weren't comfortable sharing as they were not assured of anonymity; this undermines faculty governance and can result in grievances being filed simply to gain access to the content of the evaluation.
- Professor Rohrbeck noted her disagreement with the amendment and asked where this new language came from if this wasn't a solicited amendment to the *Code*. Professor Marotta-Walters responded that she supports the amendment language and that the first two resolving clauses are in place to allow the candidate more visibility into what has occurred during the evaluation process. Decisions are currently made with the candidate knowing nothing—positively or negatively—about what goes into the decision, and this process permits discussion of substance to occur while protecting anonymity.
- Professor Mylonas spoke in support of the amendment but suggested that the language specify in the “notwithstanding” section who is responsible for providing the substance of the evaluative reviews (e.g., APT committee, dean). President LeBlanc responded that the *Code* may not be the place to specify this.

- Professor Rehman spoke in support of the amendment, noting that transparency of process is a strength at an institution. Faculty members do not file grievances for the purpose of finding out who wrote what. The proposed amendment safeguards the candidate as well as the institutional process should it proceed to a grievance and mediation.
- Professor Griesshammer noted his concern that the word “substance” is less exact, as third-party communication of the content of an evaluation could create a circumstance in which a candidate’s only redress is then to pursue a legal path to obtaining the original documents.
- Professor Yezer noted that the problem is obtaining honest letters for the process. Honest letters that say negative things about a candidate are important to the evaluation process, and compromising anonymity will prevent that level of honesty.
- Professor Cordes expressed that obtaining honest letters requires ensuring a confidential process. There is a price to pay for that, and he noted that Professor Wirtz’s amendment strikes the right balance.
- Professor Lipscomb spoke in favor of the amendment, noting that judging faculty for promotion and tenure is not like a peer review of a journal article. Rather, it is a comprehensive review of the whole promotion and tenure package that goes through the departmental committee, then the SWPC, the dean, the Provost, and the FSEC if there is disagreement at any stage. This goes well beyond the impact of one reviewer.
- Professor Sarkar expressed that the faculty needs to trust that it takes its responsibilities seriously in this area.
- A voice vote on the amendment passed.

Debate on resolving clause 2:

- Professor Wirtz proposed amending the second resolving clause to read as follows: “The confidentiality of sources of information and evaluations obtained during the promotion process (including external review letters and evaluative transmittal memoranda) shall be strictly maintained, and will not be made available to a candidate for tenure, including under Section E.4.c)3) of the Procedures for the Implementation of the *Faculty Code*. Notwithstanding the above, the substance of evaluative reviews may be shared with a candidate for promotion in appropriate circumstances (e.g., under Section B.6 of the Procedures for the Implementation of the *Faculty Code*) only to the extent that such sharing does not jeopardize the confidentiality of the source’s identity.” The amendment was seconded.
- A voice vote on the amendment passed.

Debate on resolving clause 3:

- Provost Maltzman spoke in the spirit of transparency, noting that this language does not address the Provost’s continued concern with utilization of the “arbitrary and capricious” standard for grievances. Professor Marotta-Walters noted that PEAFF was not able to come to consensus on this element and will continue to work on it. The content of the current resolving clause will not be affected by what PEAFF does on that section. Further action on that issue will return to the Senate when consensus has been reached.
- Professor Wilson expressed his concern about the phrase “acts of discrimination prohibited by federal or local laws,” as laws change and this might be better stated more specifically.

- Professor Griesshammer noted that this language stipulates that the law of the land overrules anything in the *Code*. Cementing current law in the *Code* would result in the *Code* requiring constant revision as laws change.
- Professor Cordes wondered if future *Code* revisions might look at cementing protections at the university that might be undone at the federal level.

Debate on resolving clause 4:

- Professor Lipscomb proposed amending the new language to read, “The President may invite the unit making the initial recommendation...” The amendment was seconded.
- Professor Griesshammer noted that the wording of the clause makes the request an invitation, not a mandate, and that the unit has the prerogative to decline that invitation.
- A show of hands vote on the amendment passed 14-9.

Debate on resolving clause 5:

- Professor Marotta-Walters proposed deleting this clause. She spoke on behalf of the FSEC and explained that, in recent days, extensive conversations have taken place among the FSEC, Provost, and President; these conversations have led to the desire to view this process through a wider lens. She therefore proposed that the *Code* retain the current language a little longer in order to allow for a more comprehensive study of the process to be accomplished. This amendment to the resolution was seconded.
- Professor Wirtz spoke in support of the deletion of this clause (and the associated whereas clause). He noted that this is a complicated issue with a great deal of back and forth discussion. The addition of the current resolving clause would actually make that deliberative process more difficult.
- Professor Gutman expressed his dissent with the FSEC on this point, noting that the clause is the result of an extensive and rigorous process that included the administration and the faculty and that it strengthens the role of the faculty in providing decanal review input.
- Professor Maltzman expressed his support for the amendment. He noted that he is consulting with faculty during the decanal reviews and that postponing this point for inclusion in a more comprehensive process review is appropriate.
- A show of hands vote on the amendment passed.

Debate on resolving clause 6:

- Professor Markus proposed deleting this clause as the amendments to the first and second resolving clauses render this language moot. This amendment to the resolution was seconded.
- A voice vote on the amendment passed unanimously.

Debate on resolving clause 7:

- None.

Debate on the preamble:

- Professor Wirtz proposed striking the fourth “whereas” clause following the earlier vote on resolving clause 5. The amendment to the resolution was seconded. A voice vote on the amendment passed unanimously.

- Professor Markus proposed striking the fifth “whereas” clause following the earlier vote on resolving clause 6. The amendment to the resolution was seconded. A voice vote on the amendment passed unanimously.

Professor Gutman moved that amended resolution 19/5 be adopted; the motion was seconded. A show of hands vote on the resolution as amended passed.

INTRODUCTION OF RESOLUTIONS

None.

GENERAL BUSINESS

- I. Nominations for election of 2018-2019 Senate standing committee chairs and members
Two nominations for committee service were approved without objection:
 - a. Educational Policy: Guy Lotrecchiano (SMHS, non-voting)
 - b. Research: Allison Kolbe (Post-Doc representative)

- II. Approval of the Faculty Senate Executive Committee Nominating Committee
The attached roster was approved without objection. The committee will present the slate of nominees for the 2019-2020 Faculty Senate Executive Committee at the April 2019 Senate meeting.

- III. Reports of the Standing Committees
None.

- IV. Report of the Executive Committee: Professor Sylvia Marotta-Walters, Chair
The full report of the Executive Committee is attached to these minutes. Given the late hour, Professor Marotta-Walters yielded her time to the Provost.

- V. Provost’s Remarks:
 - Thank you to the PEAFF committee for highlighting the strength of the shared governance system. A great deal of work has gone into the changes made to date.
 - In the near future, the GW community will hear about an upcoming series of programs to train current and future academic leaders. The strength of the academic leadership group can have an enormous impact on the smooth operation of a school or department. Events will include an annual conference, a leadership academy, and series of “lunch & learn” opportunities open to the GW community.

- VI. President’s Remarks:
 - GW is in the midst of Black Heritage Celebration. There are many events taking place this month; faculty are encouraged to visit the Multicultural Student Services Center website for the schedule and to participate in these events.

- There are many current news stories about racist images in yearbooks. Every university is going back and reviewing their yearbooks, and GW's yearbooks have been found to include racist images as well. It is important to acknowledge this part of our past. Racism has no place at GW or in GW's yearbook, and the university continues to work on creating an inclusive and welcoming community for all.
- The Board of Trustees meetings took place over the past couple of days. Many important discussions and decisions took place that will be communicated to the university community in the coming days. In particular, the slate for the new Board chair, vice chair, and secretary was announced today. There is one candidate per position, and it is clear who is likely to be elected in May; the President noted he is delighted with the slate of candidates.
- GW will be hosting the Four Freedoms exhibit beginning next Wednesday. The exhibit, Norman Rockwell's depictions of Roosevelt's Four Freedoms, will be open for public viewing.
- On February 20, Ron Chernow is coming to GW as the first in a series of distinguished speakers, and other events designed to give students no-cost access to these types of events and interactions.
- Clear themes emerged from the recent institutional culture assessment: a lack of consistent leadership across the university leading to mixed messages; a lack of clear communication; a surplus of silos; insufficient recognition for staff; and insufficient orientations for new employees. The institutional culture team is continuing its work on these issues.
- "Discussions have begun with the trustees regarding the next stages of development of the university. In the past, the university's development rested on three strategic pillars: student population growth, the purchase and build-out of the Foggy Bottom campus, and maintaining excellence in fields traditionally associated with the nation's capital such as law, international relations, policy, and politics. External conditions require that the university rethink its assumptions about these pillars. For some years now, the District has imposed a cap on the number of students on the Foggy Bottom campus, so continued growth in the undergraduate student body is quite limited. In the face of an enrollment cap and changing demographics, the university must think carefully about the future size of the undergraduate population. Having fully developed the Foggy Bottom campus, we should focus on filling in, rather than filling out, our campus, starting with the long-overdue renovation of Thurston Hall. And the digital revolution calls into question both how we teach the disciplines of historic preeminence at GW, and what other disciplines need to be taught as the world around us becomes more science and technology focused. We are already meeting this challenge with the new bachelor of science degree in ESIA, which opens up STEM fields of study to students in that school. In addition, SEAS is responding with a Python for All course that allows all students, not just engineers, to learn the skills needed for the quantitative analysis of data using technology. As we think about our future, we must consider how the changing world around us

redefines our opportunities and challenges for preeminence as a comprehensive, global, research university.”

- GW is experiencing several personnel changes. SMHS Dean Akman and LAW Dean Morant are both stepping down. Matt Manfra, who was the head of Alumni Relations, has left GW, as has Deputy Executive Vice President & Treasurer Ann McCorvey. The President also recognized Professor Craig Linebaugh, who has done an excellent job as faculty athletic representative and is stepping down after thirteen years in that role. Professor Beverly Westerman will serve as the new faculty athletic representative.

BRIEF STATEMENTS AND QUESTIONS

None.

ADJOURNMENT

The meeting was adjourned at 4:51 pm.



DEAN'S REPORT

REUBEN E. BRIGETY, II
DEAN

Elliott School of International Affairs



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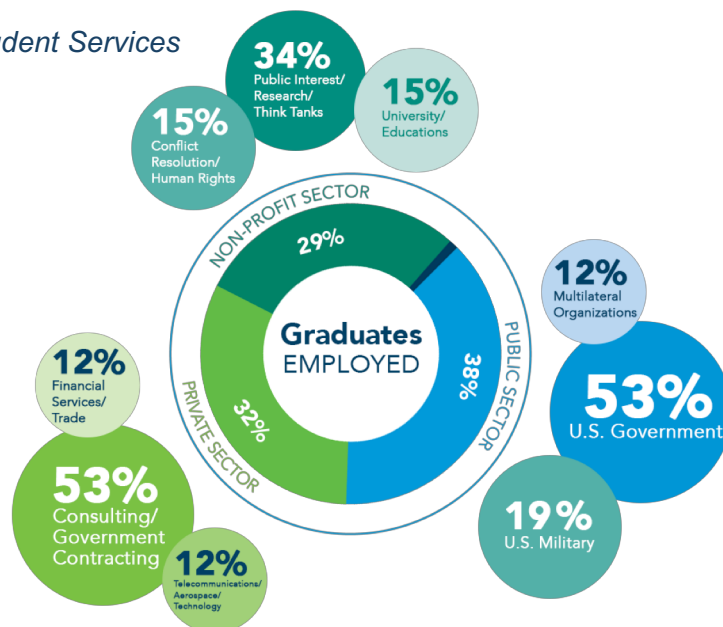
Recent Initiatives

- *BSIA*
- *Dean’s Scholars Program*
- *Global Bachelors Program on Conflict Resolution*
- *MIPP Online (security track and international development studies tracks)*
- *Rebranding MA in International Trade and Investment Policy to MA in International Economics Policy*
- *MA in African Studies under development*



GSS

Graduate Student Services



Note: This represents the top three employers for each sector.





FACULTY BUILD OUR REPUTATION

65 Budgeted faculty including **10** supported by endowments

Marc Lynch



Ilana Feldman



Charles Glaser



Graciela Kaminsky



Maggie Chen



RESEARCH BY THE NUMBERS

10 RESEARCH INSTITUTES

Conducting cutting-edge research and policy outreach

+53.6% IN RESEARCH EXPENDITURES

Fiscal Year 2018 to Three-Year Average Change

27.4% AVERAGE ANNUAL GROWTH

Fiscal Year 2018 to Three-Year Average Change

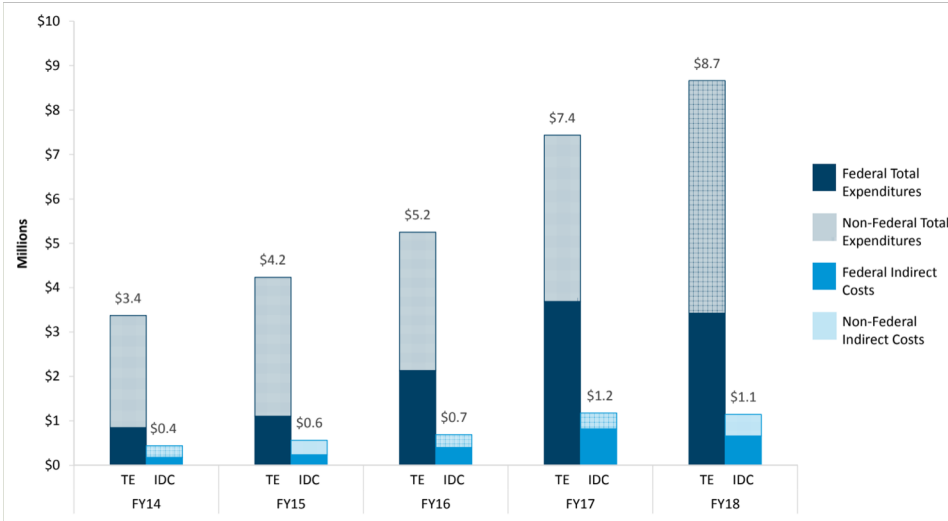
+41.2% IN INDIRECT COSTS

Fiscal Year 2018 to Three-Year Average Change



EXTERNAL GRANTS

Expenditures by Funding Source



FY17 to FY18 Change:
Total Expenditures: +16.5%
Indirect Costs: -2.8%

FY18 to Three-Year Average Change:
Total Expenditures: +53.6%
Indirect Costs: +41.2%



DEVELOPMENT



IMPACT OF DEVELOPMENT ON STUDENTS



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A RESOLUTION TO AMEND THE *FACULTY CODE* (3) (19/4)

WHEREAS, There is currently no explicit mention in the *Faculty Code* regarding the criteria and procedures for the appointment, reappointment and promotion of specialized faculty. Article IV.A.6 should be amended so that schools and departments adopt criteria for the appointment and reappointment of specialized faculty, and those criteria should ensure that their reappointment and/or promotion is consistent with the terms of their appointment or reappointment letters.

WHEREAS, The first sentence of Article IV.C identifies GW as a preeminent research university. To ensure GW's continued preeminence, the standard for excellence in scholarship for candidates for tenure should be clarified by stating that tenure is reserved for faculty members whose scholarly accomplishments are considered excellent when compared with successful candidates at similar stages of their careers in institutions of higher education that have nationally recognized programs in the particular candidate's field.

WHEREAS, Article IV.D.4. should be amended to ensure that the school department from which a tenure or promotion recommendation originates has an opportunity to review and to respond to any additional information obtained by the School-Wide Personnel Committee.

WHEREAS, Under Article IV.D.4, a professor may be recused from voting as a member of the School-Wide Personnel Committee on a candidate's application for tenure or promotion, but that professor may have valuable information regarding the candidate's scholarship and other accomplishments. The SWPC should be permitted to obtain that information through the department in the normal course, i.e., through the professor's participation in the departmental review process to develop a full record of understanding the candidate without compromising the reason for recusal.

WHEREAS, Part B.1. of the *Procedures for the Implementation of the Faculty Code* (Code Procedures) currently requires that faculty of each school create a committee to make recommendations to the Dean on the allocation of regular tenure-track appointments within the school. Those recommendations may serve as a source of important guidance to the Dean. Concern has been expressed that some of those recommendations may have been ignored because the Dean did not respond to them. Part B.1. of the Code Procedures should be amended to require the Dean to report back on the allocation of tenure-track appointments.

WHEREAS, Part C.2.b.i of the Code Procedures should be amended to provide a modest degree of flexibility in the rule that currently states that only tenured full professors may chair Dean's search committees, and to clarify that the search committee and Provost should establish procedures for the selection of the Dean consistent with rules of the school.

WHEREAS: Part C.2.b.i.1.iii of the *Code* Procedures should no longer exempt the School of Nursing from the requirement that tenured professors constitute at least half of the Dean's Search Committee because the School of Nursing now has sufficient tenured faculty to satisfy the requirement.

WHEREAS, Part D.4 of the Code Procedures should be amended to provide the College of Professional Studies with additional flexibility in designating its degrees while (1) retaining the requirement that the College may not issue degrees that duplicate or utilize the same names as degrees issued by other schools in the University, and (2) requiring transcripts relating to degrees and certificates conferred by the University to students in the College to identify the College as the unit in which those students were enrolled, and diplomas for students in the College to be signed by the College's Dean.

WHEREAS, Part E.7 of the Code Procedures should be amended to provide that if the Provost, when reviewing a grievance decision, finds that relevant information was not obtained by the Hearing Committee or by the Dispute Resolution Committee, the Provost should provide that information to the relevant Committee and request that Committee to reconsider its decision within 45 days. When the Provost determines that a final decision by a Hearing Committee or the Dispute Resolution Committee (following any such reconsideration) should not be implemented for compelling reasons, the Provost should provide his or her determination (including a statement of such compelling reasons) to the President, and the President, rather than the Board of Trustees, should issue the final decision on the grievance.

NOW, THEREFORE,

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

1. Article IV.A.6 should be amended by adding the language in italics and deleting the text lined out as follows:

6. Criteria and Procedures for Appointments, Reappointments, and Promotion of Regular *and Specialized* Faculty Serving in Non-Tenure-Track Appointments

Each school and each department (except in the case of non-departmentalized schools) shall take the following actions with regard to appointments, reappointments, and promotion of regular *and specialized* faculty serving in non-tenure-track appointments:

a) In accordance with ~~this~~ Article IV and Part B of the Procedures for the Implementation of the Faculty Code, the faculty of each of the foregoing units shall approve and publish the criteria to be applied in making decisions regarding appointments, reappointments, and promotion of regular *and specialized* faculty serving in nontenure-track appointments. These criteria shall be based on the purpose(s) of the non-tenure-track appointments. Each letter of appointment *or reappointment* for a regular *or specialized* faculty member serving in a non-tenure-track appointment shall include appropriate references to the criteria, *weighting of criteria*, and *the purpose(s)*, ~~of applicable to~~ such appointment.

b) Decisions regarding appointments, reappointments, and promotion of regular *and specialized* faculty for non-tenure-track positions ~~at a rank lower than the rank of professor~~ *may* shall be based on published criteria *which may* ~~that~~ assign different weights to the factors of teaching ~~ability~~, ~~productive~~ scholarship, and/or service to the University, professional societies and the public ~~than the published criteria that would be applied to faculty members serving in tenure-track appointments in the applicable department or non-departmentalized school;~~ provided, however, that

1) none of the foregoing factors *as applied to the review of regular faculty* shall be assigned a weight of zero, and each regular faculty member serving in a non-tenure-track position shall be expected to generate evidence of *meeting applicable university, school, and department criteria for teaching, ability and productive scholarship and service*; and

2) *such decisions shall be consistent with the terms set forth in the candidate's appointment or reappointment letter. The weights to be applied to the foregoing factors shall be based on the purpose(s) of the particular non-tenure-track appointments, and such weights shall be explicitly stated in the applicable letters of appointment or reappointment;* and

~~e) Decisions regarding appointments, re-appointments, and promotion of regular and specialized faculty for non-tenure-track positions at the rank of professor shall be based on published criteria that are substantially comparable (though not necessarily identical) to the published criteria that would be applied to faculty members serving in tenure-track appointments in the applicable department or non-departmentalized school.~~

c) ~~d)~~ Teaching loads and service assignments for all regular faculty in a department or non-departmentalized school should be structured so that during the term of each appointment, consistent with the University's needs, each regular faculty member in that department or school has a reasonable opportunity to generate evidence of *meeting applicable university, school, and department criteria for teaching, ability and productive scholarship, and service*.

2. Article IV.C should be amended by adding the text in italics and deleting the text lined out:

Recognizing the significance of the university's commitment when it grants tenure, including to the university's standing as a preeminent research university, tenure is reserved for members of the faculty who demonstrate excellence in scholarship, teaching, and engagement in service and who show promise of continued excellence. Excellence in teaching and engagement in service are prerequisites for tenure, but they are not in themselves sufficient grounds for tenure. Tenure is reserved for faculty members whose scholarly accomplishments are *considered excellent when compared with distinguished in their fields, and a candidate's record must compare favorably with that of successful candidates in at similar stages in of their careers at institutions of higher education or research that are nationally recognized peer research universities* in the particular candidate's field. Upon a specific showing that the academic needs of the ~~University~~ *university* have changed with respect to a particular position, that factor may also be considered in determining whether tenure shall be granted. The granting of tenure is generally accompanied by promotion to associate professor.

3. Article IV.D.4 should be amended by adding the text in italics:

With advance notice and in consultation with the department, the School-Wide Personnel Committee may request and gather additional information, documentation, or clarification regarding recommendations they are considering. Any additional information obtained by the School-Wide Personnel Committee shall be shared with the referring department, and the Department may provide a written response to that information. Recommendations shall be determined by committee members holding equal or higher rank relative to the considered action. Schools shall develop rules for recusal involving potential conflicts of interest for committee members, such as membership in the same department as the candidate. *Members of the Committee who are recused because of membership in the same department may participate in providing information about the candidate to the School-Wide Personnel Committee through their department.*

Proposed Changes to the Procedures for the Implementation of the Faculty Code

4. Section B.1 should be amended by adding the text in italics:

Section B.1 The regular faculty shall establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations *to the Dean* on the allocation of regular, tenure-track appointments within that school. *Following consideration of such recommendations, the Dean shall inform the committee of his or her determination of the appropriate allocation.*

5. Section C.2.b.i.1 should be amended by adding the text in italics and deleting the text lined-out:

The Search Committee Composition. When a vacancy in a school's deanship arises, the full-time faculty of the school shall establish a search committee. The full-time faculty of the school has discretion to determine the composition of the search committee, subject to these requires:

- i. The search committee shall include (a) at least five and at most ten full-time faculty members elected by the full-time faculty of the school, (b) the Provost or a representative designated by the Provost, (c) One or two current students, and (d) one or two alumni. The search committee may include other members, in accordance with the procedures approved by a school's full-time faculty. The elected members of the search committee shall elect one of their group (who must hold a tenured appointment, *normally* with the rank of professor) as the chair of the search committee.
- ii. The Chair of the Board of Trustees shall appoint trustees to serve as members of the search committee, the number of which shall ordinarily be one or two.
- iii. The elected faculty and appointed trustees shall be voting members. In accordance with procedures approved by a school's full-time faculty, voting rights may be extended to other members, but, except for the School of Medicine and Health Sciences ~~and the School of Nursing~~, the composition of the search committee must ensure that faculty members with tenured appointments constitute at least a majority of the voting members of the search committee.
- iv. Each search committee shall establish criteria for the Dean search, including a position description, and those criteria shall be approved by the school's full-time faculty and the Provost. *Each search committee and the Provost shall in a manner consistent with the procedures and rules of each school, determine the procedures to be utilized for the selection and evaluation of decanal candidates.*

6. Section D.4 should be amended by adding the text in italics and deleting the text lined out:

The College of Professional Studies shall not confer any degree (*whether at the associate's, bachelor's, or master's level*) that duplicates or utilizes the same name as a degree offered by another school *at the University*. ~~Each degree conferred by the College (whether at the associate's, bachelor's, or master's level) shall carry the designation "of Professional Studies."~~ *All transcripts relating to degrees and certificates conferred by the university to students of the College of Professional Studies shall identify the College as the unit of the University in which the student was enrolled, and all diplomas for students of the College shall contain the signature of the College's Dean.*

7. Section E.7 should be amended by adding the text in italics and deleting the text lined out:

In the absence of a timely appeal filed by either party from a decision of a Hearing Committee, or after a decision of the Dispute Resolution Committee, such decision (*including any recommendations*) shall be transmitted to the parties, to the Chair of the Executive Committee of the Faculty Senate, and to the Provost. The decision of the relevant Committee shall be deemed final and shall be implemented by the university unless the Provost determines that there are compelling reasons not to implement the relevant Committee's decision. *Should the Provost determine, prior to making a determination whether compelling reasons exist not to implement the relevant Committee's decision, that relevant information was not obtained by the Committee, the Provost shall provide that information to the Committee and request that it reconsider its decision in light of the information. The Committee shall review the information and advise the Provost whether (and, if so, how) it has changed its decision within 45 days.* ~~It~~ *Thereafter, in the event of such a determination that there are compelling reasons not to implement a final decision made by the relevant Committee, the Provost shall transmit his or her determination (including an explanation of such compelling reasons) and recommendation, and the record of the case, through the President of the university to the Board of Trustees, or, at the election of the Grievant, solely to the President, with copies to the Grievant and the Chairs of the Dispute Resolution Committee and the Executive Committee of the Faculty Senate, for a prompt final decision of by the President within 45 days. or the Board of Trustees.*

Faculty Senate Committee on Professional Ethics and Academic Freedom
February 8, 2019

Adopted as Amended by the Faculty Senate
February 8, 2019



A RESOLUTION TO AMEND THE *FACULTY CODE* (4) (19/5)

WHEREAS, Articles IV.B and C of the *Faculty Code* (*Code*) should be amended to ensure that evaluative materials are not disclosed to tenure and promotion candidates while their candidacy is considered and that such material should be disclosed, after making appropriate redactions to protect the confidentiality of the reviewer(s), only in cases of a grievance filing.

WHEREAS, Article X.B of the *Code* should be amended to clarify the circumstances and grounds upon which a grievance may be filed.

WHEREAS, Section B.7 of the Procedures for the Implementation of the *Faculty Code* (*Code* Procedures) should be amended to allow the President to receive additional written information from candidates and from the recommending faculty units in promotion and tenure cases in which there have been non-concurrences.

WHEREAS, Part E.6 of the *Code* Procedures should be amended to ensure that a Hearing Committee or the Dispute Resolution Committee may not recommend the granting of tenure or promotion following the completion of a grievance proceeding.

NOW, THEREFORE,

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

1. Article IV.B of the *Faculty Code* should be amended by adding the language in italics as a new paragraph 4 at the conclusion of that section:

4. The confidentiality of sources of information and evaluations obtained during the promotion process (including external review letters and evaluative transmittal memoranda) shall be strictly maintained, and will not be made available to a candidate for promotion, including under Section E.4.c)3) of the Procedures for the Implementation of the *Faculty Code*. Notwithstanding the above, the substance of evaluative reviews may be shared with a candidate for promotion in appropriate circumstances (e.g., under Section B.6 of the Procedures for the Implementation of the *Faculty Code*) only to the extent that such sharing does not jeopardize the confidentiality of the source's identity.

2. Article IV.C of the *Faculty Code* should be amended by adding the language in italics as a new paragraph 4 at the conclusion that section:

4. The confidentiality of sources of information and evaluations obtained during the promotion process (including external review letters and evaluative transmittal memoranda) shall be strictly maintained, and will not be made available to a candidate for tenure, including under Section E.4.c)3) of the Procedures for the Implementation of the *Faculty Code*. Notwithstanding the above, the substance of evaluative reviews may be shared with a candidate for promotion in appropriate circumstances (e.g., under Section B.6 of the Procedures for the Implementation of the *Faculty Code*) only to the extent that such sharing does not jeopardize the confidentiality of the source's identity.

3. Article X.B of the *Faculty Code* should be amended by adding the language in italics and deleting the lined-out language:

To maintain a grievance, the complaining party must allege that he or she has suffered a substantial injury resulting from *the violation of rights or privileges concerning academic freedom, research or other scholarly activities, tenure, promotion, reappointment, dismissal, or sabbatical or other leave*, arising from:

1. Acts of discrimination prohibited by federal or local law;
2. Failure to comply with the *Faculty Code*, ~~or Faculty Handbook~~, *the terms and conditions of the grieving party's letter of appointment or reappointment*, or other rules, regulations, and procedures established by the university;
3. Arbitrary and capricious actions on behalf of the university, or arbitrary and capricious applications of federal or local statutes and regulations; or
4. Retaliation for exercise of *Code*-protected rights.

Proposed Changes to the Procedures for the Implementation of the Faculty Code

4. Section B.7 of the *Code Procedures* should be amended by adding the language in italics and deleting the lined-out language:

The Provost's decision in such matters shall be final, subject to the remainder of this Paragraph B.7 and Paragraph B.8. Variant or nonconcurring recommendations from a School-Wide Personnel Committee or administrative officer, together with supporting reasons identified in Sections C.1 and E of Part IV of the *Faculty Code*, shall be sent to the Executive Committee of the Faculty Senate. The Executive Committee may seek information and advice and make recommendations to the department or the appropriate unit thereof, to the School-Wide Personnel Committee, and to the appropriate administrative officers. If concurrence cannot be obtained after opportunity for reconsideration [of the faculty recommendation (whether positive or negative)]¹ in light of the recommendations of the Executive Committee, the recommendations of the School-Wide Personnel Committee and appropriate administrative officers, accompanied by the recommendation of the department, and the report of the Executive Committee shall be transmitted to the President ~~who will make a final decision, subject to Paragraph B.8.~~ *The President*

¹ This addition was approved by the Faculty Senate last year but awaits Board approval.

may invite the unit making the initial recommendation on tenure or promotion, and the faculty candidate, to provide written explanatory statements to the President. The President will thereafter make a final decision, subject to Paragraph B.8.

5. Section E.6 of the *Faculty Code* should be amended by adding the language in italics:

A Hearing Committee and the Dispute Resolution Committee may recommend that the university action being challenged be upheld, modified, reconsidered or remanded under specified conditions, or reversed, in whole or in part, *except that a Hearing Committee and the Dispute Resolution Committee may not recommend the granting of tenure or promotion.* A Hearing Committee and the Dispute Resolution Committee may not include as part of their recommendations any monetary damages, punitive damages, or any other actions or measures outside of the scope of the underlying university action being challenged.

Faculty Senate Committee on Professional Ethics and Academic Freedom
February 8, 2019

Adopted as Amended by the Faculty Senate
February 8, 2019



Faculty Senate

Faculty Senate Executive Committee Nominating Committee (FSECNC) Slate

The FSECNC will convene to nominate the 2019-2020 Faculty Senate Executive Committee.

CCAS: Marie Price

ESIA: Nick Vonortas

GSEHD: Abe Tekleselassie

GWSB: Ernie Englander

GWSPH: Karen McDonnell

LAW: Miriam Galston

SEAS: Charles Garris

SMHS: Gary Simon

SON: Mary Jean Schumann

Report of the Faculty Senate Executive Committee (FSEC)
February 8, 2019
Sylvia A. Marotta-Walters, Chair

Actions of the Executive Committee

Code Review. At today's meeting, the Senate will take up Resolutions 19/4 and 19/5, which represent the recommendations of the Professional Ethics and Academic Freedom (PEAF) Committee on a major part of the revisions to the *Faculty Code*. PEAFF continues to provide excellent leadership in formulating language that incorporates faculty experiences in complex areas such as grievance procedures and the confidentiality of documents associated with personnel actions.

This week, during the Board of Trustees' Academic Affairs Committee meeting, Chair Madeleine Jacobs extended the time period during which her committee usually deals with matters related to the faculty, to allow the trustees on her committee to hear and respond to the proposed changes to the *Code*. Both the Provost and the Chair of the Faculty Senate Executive Committee, along with Art Wilmarth, representing PEAFF, provided our perspectives on the rationale for what changes were being suggested. The Trustees had clearly read the materials ahead of time and had both comments and questions for everyone. During the coming months, that dialogue will continue in preparation for the May Trustees' meeting, during which *Code* revisions will be voted upon.

Faculty Role on Strategic Initiatives on Culture and on the Research Ecosystem.

At this morning's meeting of the Board of Trustees, I had the opportunity to report on the faculty's input on both of these strategic initiatives. The Faculty Senate has been intimately involved due to the excellent co-chairing of the Research Initiative by Karen McDonnell and Kausik Sarkar and by Marie Price and me on the Culture Initiative.

The extensive report on research was submitted to the President on February 1, and makes some excellent suggestions for improving in four of the areas studied

so far: The pre-award processes, post-award processes, research integrity/compliance, and non-sponsored research and scholarship. The report assesses the areas that researchers have struggled with across the university and for many years as the university strengthened its research mission. The next steps will be to engage in Phase 2 of the ecosystem analysis, to include the research core, big data, and high performance computing among other topics. Both phases seek to identify what is working well, as well as what the challenges are, and ways to provide solutions to these.

On the culture initiative, the Culture Leadership Team (CLT) meets bi-weekly to determine next steps in addressing the diagnostic assessment that was provided to the university community by the President in January. The CLT will engage with the university Central Administrative Team (CAT) this coming week on an all-day retreat to define a common purpose for the initiative. The CLT is also nominating people from across the university to serve as ‘ambassadors’ for the culture initiative.

Update on Policy Reviews.

Title IX. PEAFF as a whole met on January 29, 2019, to discuss the subcommittee’s recommendations on the Title IX policy review that the subcommittee conducted. Two areas of concern were discussed – one is the role of the faculty as responsible parties, and the other is the possibility of re-traumatizing people who have experienced a sexual assault by removing their ability to consent to what the university does with the information once it gets to the Title IX office. A third area of discussion was the single investigator model. Since the Department of Education (DOE) is proposing that the single investigator model not be used by universities, this latter point may become moot. DOE is also proposing that faculty not become responsible parties. While DOE finalizes its policy, another subcommittee of PEAFF will convene this coming week to discuss ways to preserve the ability of the university to detect patterns of illegal behavior through faculty reporting; a second topic of discussion is preserving the rights of individuals to decide what is done with their information should they decide to disclose to anyone.

Equal Employment Opportunity Policy. A subcommittee of PEAFF has made recommendations to PEAFF following their review of this policy. The policy itself has not been updated in quite some time, and is not in compliance with current federal legislation and policy. A meeting of the full PEAFF committee will be scheduled later this month.

Faculty Personnel Matters

Grievances: There is one grievance in the Columbian College and it is in the early mediation stage. Of the two School of Business grievances reported previously, one went to litigation and the other was withdrawn.

Upcoming Agenda Items

The March 1, 2019 Senate Meeting will have a report by Dean Michael Feuer on the Graduate School of Education and Human Development. Provost Maltzman will provide his report on Core Indicators of Academic Excellence.

Calendar

The next meeting of the Executive Committee will be on February 22, 2019. Please submit items for consideration no later than Friday, February 15, 2019.