



Faculty Senate

The Faculty Senate will meet on Friday, September 11, 2020, at 2:00pm
via WebEx

AGENDA

1. Call to order
2. Approval of the minutes of the meeting held on August 14, 2020
3. INTRODUCTIONS
4. RESOLUTION 21/11: On Salary Increases Accompanying Faculty Promotions (Murli Gupta, Chair, Appointments, Salary, & Promotion Policies Committee)
5. RESOLUTION 21/12: Of Appreciation for Professor Sylvia Marotta-Walters (Professor Charles Garris)
6. RESOLUTION 21/13: Of Censure of President Thomas J. LeBlanc Regarding the Appointment of Heather Swain (Professor Phil Wirtz, Member, Appointments, Salary, & Promotion Policies Committee)
7. UPDATE: Title IX Policy Revision (Ed Swaine, Co-Chair, Professional Ethics & Academic Freedom Committee)
8. UPDATE: Operational/Academic/Financial Planning Updates (Thomas LeBlanc, President, and Brian Blake, Provost)
9. GENERAL BUSINESS
 - a) Nominations for membership to Senate standing committees
 - Fiscal Planning and Budgeting: Majeda El-Banna (SON/voting), Susan Kulp (GWSB/voting), and Terry Murphy (CCAS/voting)¹
 - Educational Policy & Technology: Nicole Cennamo (student/voting), Jay Goff (Provost/nonvoting), and Terry Murphy (CCAS/voting)
 - b) Reports of Senate standing committees
 - c) Report of the Executive Committee: Professor Arthur Wilson, Chair
 - d) Provost's Remarks
 - e) Chair's Remarks
9. Brief Statements and Questions
10. Adjournment

Elizabeth A. Amundson
Secretary

¹ These nominations were approved at the August 21 meeting of the Faculty Senate Executive Committee (FSEC) after a quorum was lost at the August 14 Faculty Senate meeting. The Senate is being asked today to accept the approval of these nominations by the FSEC.



**A RESOLUTION ON SALARY INCREASES ACCOMPANYING FACULTY PROMOTIONS
(21/11)**

WHEREAS, The Faculty Code¹ states that “As general practice, a promotion shall be accompanied by an appropriate increase in salary”; and

WHEREAS, the amount of savings resulting from denying promotion increases this year is estimated to be about \$500,000, a small percentage of total tenured faculty compensation; and

WHEREAS, while the faculty recognizes and greatly appreciates the contributions to the university by staff, rewarding faculty achieving promotions is a contractual obligation that is essential if the University is serious about striving to be a preeminent urban research university; and

WHEREAS, promotional increases are part of a long-term implicit contract with faculty to reward those whose efforts have met or exceeded predetermined criteria; and

WHEREAS, failure to award appropriate increases upon promotion can permanently distort the relative compensation of otherwise identical tenured faculty;

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

- 1) That the University must continue to reward faculty who are promoted this year with appropriate increases in salary and provide notification of these increases, consistent with the spirit of the *Faculty Code*, as expeditiously as possible, and if the salary increases are not provided at the promotion date, then retroactively to that date as early as possible; and
- 2) That, in the event that present financial constraints do not leave sufficient funds immediately available to support raises for faculty who have been recently awarded promotion, the university must make these raises available prior to awarding any bonuses, restoring any pay cuts, increasing any salary of, or in any way increasing the compensation (deferred or otherwise) of any other non-newly-promoted faculty member or any administration official; and
- 3) That the sizes of salary increases should be designed to be competitive with market basket institutions and considered part of a long-term budget process rather than related to fluctuations in cash flow or operating results in any given year.

Senate Committee on Appointments, Salary, and Promotion Policies
August 28, 2020

¹ Faculty Code, Article IV B3, page 11

Appendix: Resolution Background

These are trying times when the pandemic is causing all kinds of problems at the nation's colleges and universities that have had to cut their operating budgets by freezing salaries, reducing or eliminating retirement contributions, introducing layoffs and furloughs, and introducing cuts to salaries and compensation. In the midst of this pandemic, the university is still tenuring and promoting faculty who have been vetted by their peers and then college/school committees, deans and provosts. According to the Faculty Code: "As general practice, a promotion shall be accompanied by an appropriate increase in salary". There is an expectation that a faculty member, newly promoted, would receive an appropriate increase in his/her base salary as stated by the implicit contract between the faculty and the university.

This year, for the first time in anyone's memory, the letters of promotion have not included any rise in salaries. The faculty believe that they have a Code-prescribed right to appropriate increases. It is also recognized that the university is in a tough financial situation and needs to cut costs. However, a cost of \$500,000 is small compared to the overall budget of the university and the faculty believe that the university should be able to find this kind of money in its budget. We further recognize that such funds may not be available at this time and ask that (1) the university provide notifications to the promoted faculty that their increases would be forthcoming in the near future, (2) that these raises would be made available before the university awards any bonuses and restores any cuts in compensation of any administration official, and (3) that these increases will be retroactive to the dates of promotion.

During the course of the discussion at the Faculty Senate meeting of August 14, and during subsequent discussions between several faculty members, it was stated that this seems to be a "tone-deaf" situation where the staff are being laid-off while the faculty is demanding pay increases for this unique group of faculty. However, we note that the Senate is in strong support for similar treatment of the staff, but we also recognize that the Senate's formal jurisdiction is defined by the Faculty Code, which prescribes the limits of the current Resolution.

The fact remains that the faculty who are newly promoted this year need to have an increase in their base salaries in the absence of which their relative compensation will be permanently distorted. Promotion in rank is one of three key events in the careers of faculty members thus while we highly respect and value staff and their contributions, the faculty promotion is different because it is an essential component to the academic process and the search for excellence in teaching, research and service which will lead to the University's goal of preeminence. This faculty group has been evaluated by peers, by a faculty committee, deans, and academic VP and certified as deserving of a contractual promise.

In summary, the Whereas clauses lay out the case for this Resolution.

- Resolving Clause 1 establishes the default principle that the university must continue to reward faculty who are promoted this year. Further, we ask that the promotion salary increases should be made retroactively to the date of promotion.
- Resolving Clause 2 recognizes that the appropriate funds may not be immediately available and asks that these raises must be made before reversing any of the cuts for administration officials.
- Resolving Clause 3 establishes the fundamental position that these salary increases should not be considered as solutions to a short-term problem we are facing in the current year.

Respectfully submitted,

Murli M. Gupta

Chair, Appointments, Salary, and Promotion Policy (ASPP)

August 28, 2020



Faculty Senate

A RESOLUTION OF APPRECIATION FOR PROFESSOR SYLVIA MAROTTA-WALTERS (21/12)

WHEREAS, Professor Sylvia Marotta-Walters has earned the highest level of respect, gratitude, and admiration of her colleagues on the Faculty Senate as well as the esteem and appreciation of the entire University community; and

WHEREAS, Professor Marotta-Walters's term of continuous service as Chair of the Executive Committee of the Faculty Senate reached its three-year limit under the Faculty Organization Plan in April 2020; and,

WHEREAS, The Board of Trustees of the George Washington University unanimously passed a Resolution recognizing Professor Marotta-Walters's service on May 20, 2020, honoring her work with the Senate, Administration, and Board on multiple initiatives, including the most recent Faculty Code revision process; and,

WHEREAS, Sylvia Marotta-Walters served in the position of Chair of the Executive Committee of the Faculty Senate and displayed extreme dedication to practicing shared governance among the faculty, staff, and administration at a difficult period of transition in Presidential leadership and in university culture and worked extremely hard to resolve differences and facilitate a cooperative shared governance environment;

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT THE FOLLOWING STATEMENT OF APPRECIATION BE ISSUED:

In recognition of the wide range of outstanding contributions to The George Washington University and its faculty and students made by Professor Sylvia Marotta-Walters during her remarkable tenure of nearly twenty-eight years as Professor of Counseling in the Graduate School of Education and Human Development, during which time she has consistently adhered to the highest standards of excellence in her teaching, scholarship, and service, as evidenced by her election to Fellow, American Counseling Association; Fellow, American Psychological Association Society of Counseling Psychology; appointment as Past-President, American Psychological Association Trauma Psychology Division; and receipt of the 2016 Oscar and Shoshana Trachtenberg Prize for Service; and

Especially in recognition of the extraordinary contributions Professor Marotta-Walters has made to the University and its faculty through her thus far thirteen years of exemplary service as a member of the Faculty Senate – including three years as Chair of the Executive Committee, as well as numerous years of chairing or serving as a member of, among others, the Faculty Senate Research, Honors and Academic Convocations, Libraries, Physical Facilities, and the Appointment, Salary, and Promotion Policy Standing Committees of the Faculty Senate – during which time she has compiled a remarkable record of major accomplishments due to her inspired leadership, integrity, collegiality, diplomacy, fairness, kindness, patience, perseverance, and grace under fire, as well as her unwavering commitment to advancing the best interests of the University and its faculty and students through a process of careful analysis, reasoned dialogue, shared governance, and deliberation;

THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY HEREBY EXPRESSES ITS DEEPEST ADMIRATION, APPRECIATION AND GRATITUDE TO PROFESSOR SYLVIA MAROTTA-WALTERS FOR HER DISTINGUISHED SERVICE.

Adopted by Acclamation
September 11, 2020

Thomas J. LeBlanc
President



**A RESOLUTION OF CENSURE OF PRESIDENT THOMAS J. LEBLANC
REGARDING THE APPOINTMENT OF HEATHER SWAIN (21/13)**

WHEREAS, Article IX.A (“Faculty Role in Decision Making”) of the *Faculty Code*¹ states that “The regular faculty shares with the officers of administration the responsibility for effective operation of the departments and schools and the university as a whole”; and

WHEREAS, On August 12, 2020, GW Today announced that President Thomas LeBlanc had appointed Ms. Heather Swain to the position of Vice President for Communications and Marketing²; and

WHEREAS, On August 15, 2020, President LeBlanc announced that Ms. Swain had withdrawn her acceptance of the position of Vice President for Communications and Marketing³; and

WHEREAS, Two years prior to the appointment of Ms. Swain, media sources reported that “prosecutors found that Heather Swain, [Michigan State University’s] vice president for communications, told a trustee to copy in the university’s attorney just so the thread could be hidden from investigators.”⁴; and

WHEREAS, The media reports were verified by the 2018 *Independent Special Counsel’s Investigation into Michigan State University’s Handling of the Larry Nassar Matter*, which determined that “Vice President for Communications and Brand Strategy, Heather Swain, directed Trustee Brian Breslin to copy University legal counsel Robert Noto on an email to other Trustees in order to ‘maintain privilege,’ despite the fact that the email was not seeking any type of legal advice from Noto”⁵; and

¹ <https://cpb-us-e1.wpmucdn.com/blogs.gwu.edu/dist/0/196/files/2019/08/Faculty-Code-May-2019.pdf>

² *GW Today*, “Heather Swain Named Vice President for Communications and Marketing,” August 12, 2020, <https://gwtoday.gwu.edu/heather-swain-named-vice-president-communications-and-marketing>.

³ *GW Today*, “Update on Vice President for Communications and Marketing,” August 15, 2020, <https://gwtoday.gwu.edu/update-vice-president-communications-and-marketing>

⁴ See, for example, David K. Li, “Michigan State University Has Stonewalled Larry Nassar Investigation, Prosecutors Say,” *NBC News*, December 21, 2018, <https://www.nbcnews.com/news/us-news/michigan-state-university-has-stonewalled-larry-nassar-investigation-prosecutors-say-n950951>; and

⁵ State of Michigan Department of Attorney General, “Status of the Independent Special Counsel’s Investigation into Michigan State University’s Handling of the Larry Nassar Matter,” December 21, 2018, https://www.michigan.gov/documents/ag/MSU_Investigation_Status_Update_final.redacted_JOB_644663_7.pdf

WHEREAS, On August 25, 2020, President LeBlanc sent an email to the Members of the GW Community which apologized and took responsibility for the appointment of Ms. Swain but which failed to provide a full account of the process that led to the appointment of Ms. Swain or of the safeguards being implemented as a result to avoid similar mistakes in the future; and

WHEREAS, The appointment of Ms. Swain, in the light of the Special Counsel's Investigation, was totally inconsistent with the core values of The George Washington University; and

WHEREAS, The President, as the administrative leader of the University, has a fundamental responsibility to ensure that appropriate vetting procedures are followed with all University appointments, especially those of high-level officers;

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

- (1) The Faculty Senate of The George Washington University hereby censures President Thomas J. LeBlanc for violating the core principles of The George Washington University in appointing Heather Swain to the position of Vice President for Communications and Marketing; and
- (2) The Faculty Senate calls upon President LeBlanc to provide a full and complete accounting of the vetting process that resulted in the appointment of Ms. Swain; and
- (3) The Faculty Senate calls upon President LeBlanc to present for Senate review and amendment a process for vetting all subsequent high-level administrative officer appointments that will ensure the core values of the University are never again abrogated; faculty members not presently holding an administrative appointment should be included in this vetting process; and
- (4) The Faculty Senate recommends that this censure be sustained by the Board of Trustees of The George Washington University.

Senate Committee on Appointments, Salary, and Promotion Policies
August 30, 2020