



**MINUTES OF THE REGULAR SENATE MEETING
HELD ON OCTOBER 9, 2020
VIA WEBEX**

- Present: President LeBlanc; Provost Blake; Faculty Senate Executive Committee Chair Wilson; Parliamentarian Charnovitz; Registrar Amundson; Senate Staffers Liz Carlson and Jenna Chaojareon; Deans Feuer, Goldman, Henry, Jeffries, Lach, Matthew, Mehrotra, and Wahlbeck; Interim Dean Feldman; Professors Abramowicz, Agnew, Baird, Borum, Cohen-Cole, Cordes, Costello, Eleftherianos, Galston, Garris, Griesshammer, Gupta, Gutman, Johnson, Khilji, Kurtzman, Lewis, Marotta-Walters, McHugh, Moersen, Mylonas, Orti, Parsons, Perry, Prasad, Rain, Rao, Roddis, Sarkar, Schumann, Subiaul, Swaine, Tekleselassie, Tielsch, Wagner, Wirtz, Yezer, and Zara.
- Absent: Deans Bass and Jeffries; Acting Dean Feuer.

CALL TO ORDER

The meeting was called to order at 2:06p.m.

President LeBlanc read the following statement on behalf of Faculty Senate Executive Committee (FSEC) Chair Arthur Wilson and the full FSEC:

“At its last meeting, the Faculty Senate Executive Committee discussed time management around questions and comments from the floor. In the interest of recognizing as many speakers as possible while managing meeting duration, the group arrived at the following guidelines to be observed during Senate meetings: As has been our practice in virtual meetings, Senators should still send a chat to Jenna to join the queue of speakers to be recognized. When recognized by the meeting chair, speakers should limit their remarks to a single comment or question and then rejoin the queue after having been recognized. Speakers should limit their remarks to three minutes. Jenna will verbally indicate when thirty seconds remain; at the three-minute mark, speakers will be notified that time has expired, and the next speaker in the queue will be recognized. The Executive Committee hopes that these guidelines, to be test-driven in today’s meeting, will allow more speakers to be heard from the floor during discussion periods.”

APPROVAL OF THE MINUTES

The minutes of the September 11, 2020, Faculty Senate meeting were approved unanimously without comment.

UPDATE: Operational/Academic/Financial Planning Updates (Thomas LeBlanc, President, and Brian Blake, Provost)

President LeBlanc wished the Senate well at the Fall Break, acknowledging that this is not much of a day off for faculty, considering midterms and all the other obligations they are balancing with teaching and research. He again shared that he continues to hear very positive feedback from students about the fall semester, and he thanked the Senate for everything they and their colleagues are doing to ensure a high-quality experience for GW students. He noted that, when he meets with students during office hours, one of the first questions he asks is how their classes are going, and he hears a lot of appreciation for the faculty—especially for the ways they have adapted their courses to make them more engaging and flexible as well as the extra time they are spending with students outside class time. He expressed his thanks to all.

The university will send an announcement to the university community this afternoon regarding plans to continue virtual learning in the spring. This decision was based on several important considerations, including:

- The university's foremost priority of health and safety;
- The current spread of the virus and the unlikelihood of a material change in the pandemic over the next several months, both locally and nationally;
- The pandemic's effect on the residential experience, including local limitations on gatherings and other necessary public health measures; and
- Ongoing feedback from the GW community, including continued concern for health and safety and a desire for flexibility and definitive information that allows ample time for planning.

After consulting with the Faculty Senate Executive Committee, Student Association leadership, academic leadership, and the Board of Trustees, the administration heard a general consensus for continuing virtual education and for making this decision as soon as possible. The administration believes that this path best supports the health and safety of the community while fulfilling GW's core academic mission.

Over the coming weeks, the COVID-19 website will be updated frequently with more information, and the university will host several forums to answer any questions and concerns from the community. The President noted that, because the possibility of being virtual in the spring was part of the university's financial planning, there are no new budget mitigation steps associated with this decision.

In terms of the budget, the President reminded the group that the administration announced on September 24 that it had determined the final mitigation steps for the current fiscal year. Barring a significant change in the pandemic and its impact, the administration believes that these final steps will conclude GW's budget mitigation for this fiscal year. The President noted that he is also optimistic that some of the temporary measures announced, such as a pause on retirement contributions, may be reduced in duration if spring enrollment is robust. The administration hopes that, with these latest decisions, it will be able to turn its attention fully to ensuring a successful fall, spring, and beyond.

On campus, GW's testing operation continues to operate smoothly. According to the Testing Dashboard established last month on GW's COVID-19 site, the university is now at more than

17,400 tests with about 29 positives. This translates to a low case positivity rate, which is being constantly monitored. In late September, GW expanded access to its in-house testing to additional students who live in the region but are not part of the on-campus cohort if they believe they have been exposed to the virus or have symptoms. This is giving the university more insight into off-campus positive cases and allowing for quicker test results and proper follow up and support for GW students.

The President also noted that GW has recently increased its communications about the importance of continuing to follow all public health guidelines to limit the spread of the virus and is sending reminders about getting a flu shot this year. According to GW's public health experts, these steps are especially critical as the community protects itself against illness with the vaccine that is available, while things like masking and distancing will be critical to protecting against COVID-19 as colder weather approaches and people spend more time indoors. The university will continue to reinforce these messages, especially with its on-campus community, and will be paying attention to adherence to all of its public health protocols.

The Provost noted that he continues to hear from students who are largely in support of a pass/fail option for the fall; obviously, there are complications involved with implementing it at this stage. The Deans and the Educational Policy and Technology (EP&T) committee have discussed this issue with Student Association (SA) leadership. He noted that he expects to receive a consensus statement from the deans with their recommendations shortly.

He noted that the Fall Census is tomorrow and that enrollments are tracking close to expectations, with a 7% year-over-year reduction for undergraduates and a 1-3% year-over-year reduction for graduate students.

With regard to financial mitigation, the Provost is working with his administrative area (the Vice Provosts) and the Deans on final expense mitigations. He noted that the Deans' targets are less than half of the overall target.

The Provost noted that, this past spring, he worked to create an academic dashboard that evaluates each program on its own bottom. He has previewed this with the Deans and the Fiscal Planning & Budgeting (FP&B) committee. He was delighted that FP&B is taking up this model to replicate and enhance. With this as a backdrop, there is a desire from the Board to see a formal plan to continually evolve GW's academic offerings. To this end, the Provost noted that he met with a group of 8-10 senators from EP&T and FP&B with an empty canvas approach to beginning to think about this idea. He noted that a comment from Professor Tielsch led to the idea of an Academic Master Plan, similar to GW's Facilities Master Plan; an initial question is how to create a principled incremental approach to such a plan. The Provost noted that he wanted a purely faculty perspective of shared guiding principles. Based on this faculty group's comments, he constructed draft principles and also set a few boundaries around sensitive areas of budget and faculty retention. He also created a high-level concept around a one-year process to develop the plan. The Board adopted these guiding principles with relatively few friendly amendments, which is a testament to the aligned thinking of the faculty, administration, and Board. The Provost noted that he would share these final details with the Deans for refinement, then with the faculty committee, and then begin the work with significant faculty two-way involvement.

Professor Griesshammer referred the Senate to an important footnote in the September minutes that clarified a statement made in that meeting about enrollment and commended the Hatchet for triggering the correction. He noted that the Provost quoted a 7% drop in undergraduate enrollment just now and asked what the baseline is for this drop. In the footnote, the baseline had been given as 10,126 full-time equivalent undergraduate students at the Foggy Bottom campus. However, that number was between 10,500 and 10,800 in 2016-2019. That would imply that the administration had reduced the baseline by about 500 students. That delta just happens to translates to the 2020 target under the 20/30 plan. which is, however, officially inoperative. He asked the Provost to clarify the baseline. The Provost responded that the numbers presented today represent a snapshot year-over-year headcount tagged to today's date.

Professor Galston asked when, given that the Fall Census is tomorrow, new budget figures can be shared based on revenue that is no longer estimated but can then be calculated with final census figures. She noted that the Senate will want to know if the budget gap has changed as result of final Fall Census numbers. The Provost responded that it typically takes a few days to compile all of the census data and that he expected more information would be available by mid-week; he added that tuition revenue numbers are separate from the census. Professor Galston asked whether these data would be reviewed with the FP&B committee to allow for faculty input; Provost Blake committed that Jay Goff would do so. Professor Cordes noted that FP&B meets on October 16 and that the first item on the agenda is a financial update. The numbers presented and reviewed that day will reflect the Fall Census.

Professor Cohen-Cole stated that the President noted a few years ago that the culture initiative was launched to address concerns in the GW community around a number of things, including inconsistent leadership, inefficient communication, poor service culture, and a lack of employee recognition. In the spirit of transparency and good communication, he asked when the university decided to terminate its contract with the Disney Institute and when the final payment was made to them. He also asked whether the university is planning to pay The Ward Group for a search for the Vice President of Marketing or for other marketing services. President LeBlanc responded that the Disney Institute contract was originally scheduled to end this year anyway, although he was not sure of the exact date of the final payment for that contract. He added that the university does not have a contract going forward with The Ward Group.

Professor Wirtz asked to what extent the university's general finances are linked to the Medical Faculty Associates (MFA). Related, he asked how the MFA is performing this year, financially, and how it is anticipated to perform next year. He asked whether the MFA's financial state would have an impact on plans described earlier. The President responded that the MFA's finances do consolidate on the university's financial balance sheet. The MFA has its own board, but the university has certain rights that allow it to be involved in that board. The MFA maintains its essentially corporate structure but is a fully owned subsidiary of the university; the agreement that led to this formalized what was already happening informally. The President emphasized that the MFA's physicians are physicians in GW's medical enterprise and in its medical school; clinical medical education and research are conducted by MFA physicians. The MFA always was in and of GW but was a separate 501(c)(3) for a time. GW felt an obligation to help the MFA be as successful as possible when they were a separate 501(c)(3) because they were the physicians of GW's medical school. The structure wherein the MFA now consolidates to university balance sheet formalizes this relationship and creates opportunities the MFA wouldn't have otherwise had.

The President noted that most medical care providers and health systems suffered under the pandemic as, barring emergencies, physicians couldn't practice during the beginning of the pandemic; this applied to the MFA as well. In response to this, the government increased some payments to hospitals, and some of that revenue has the chance to flow to the MFA. He noted that the MFA is geared back up now and working hard to recover some of its lost patient care revenue. MFA leadership is optimistic that the MFA has the opportunity to break even this year, which would be a sizable accomplishment in face of the pandemic. He noted that Dean Bass and the MFA Chief Operating Officer are working hard to make this happen, noting that increased efficiency in scheduling allowing for more appointments and telemedicine are helping to keep revenue flowing into the MFA.

REPORT: Anti-Racist and Anti-Bias Resources for Faculty (Caroline Laguerre-Brown, Vice Provost for Diversity, Equity, and Community Engagement)

Vice Provost Laguerre-Brown thanked the FSEC for putting this update on the agenda, which speaks to the Senate's recent Resolution on Diversity, Equity, and Inclusion as well as to the current global movement for racial justice, which has raised a sense of urgency on the GW campus around these issues following the deaths of George Floyd, Ahmaud Arbery, Breonna Taylor, and several other Black men, women, and transgender people. She reviewed the attached slides, highlighting several resources available through the [Office for Diversity, Equity, and Community Engagement](#) (ODECE), including live unconscious bias training, live sessions on inclusive classrooms, an online resource list covering a variety of areas, assistance with department-level climate surveys and group meetings, a bias incident reporting process, and online discrimination prevention courses. She noted that, as the national conversation swirls, her office continues to receive ideas for new programming from departments and students and works to be in a consultative partnership with units to develop programming and provide tools.

Professor Wagner noted that Ms. Laguerre-Brown and her team have done an extraordinary job during very stressful times. She noted that one of the early recommendations of the Resolution on Diversity, Equity, and Inclusion was to ensure that ODECE receives additional funding to do its work. She emphasized that diversity, equity, and inclusion doesn't fall to an office but rather to the entire university community. With this in mind, and as the Appointments, Salary, & Promotion Policies (ASPP) committee thinks about an additional resolution to address structural issues at the faculty level (e.g., recruitment, hiring, and mentoring), she asked what obstacles institutions typically encounter when attempting to make structural changes and what can be done to overcome them. Ms. Laguerre-Brown responded that she hears consistently from students about GW's lack of faculty diversity, noting that the university now welcomes very diverse classes of students but hasn't made that same progress in terms of its faculty demographics. She noted that every year that GW doesn't make progress on faculty diversity, it graduates another generation of students who don't consider the professoriate. She stated that departments need to think about recruiting as a year-round proposition and reject the notion that there aren't diverse people to hire in any given field. She added that she also hears from students on the issue of inclusive classrooms and students' day-to-day experience. Students want to be at GW, and they want to see their classroom experience align with the university's stated commitment to diversity and inclusion. She noted that she was happy to see such a strong interest in the summer course ODECE offered on this but was also very encouraged to hear from departments asking for resources and working to develop their own

inclusive classrooms. With regard to tenure and promotion, she noted that unconscious bias training is extremely important.

Professor Tielsch asked whether GW plans to participate in any possible litigation that might arise against the recent executive order from the current administration essentially banning diversity training. Ms. Laguerre-Brown responded that the executive order puts diversity and, in particular, unconscious bias training in its sights. Her office is reviewing the order and its own materials very carefully to confirm her strong feeling that ODECE's work at GW does not run afoul of this order. GW's programming is always geared toward raising awareness and providing information and strategies, and there are no plans to pause these training activities. She noted that GW is not currently part of a lawsuit on this; she added that ODECE is watching this situation carefully to see what actual enforcement activity emerges from this and is continuing to do the work the community wants it to do. Professor Tielsch noted that it is important for universities like GW to make a statement and take action by opposing this action in a legal forum. He expressed his hope that GW (perhaps as part of a collection of research universities) would submit amicus briefs to cases in this area, and he encouraged the administration to be proactive.

Professor Perry attested to departments reaching out, noting that departments in her school have been working with ODECE's Dr. Jordan West (the University Diversity and Inclusion Program Director), who asked about goals and needs rather than prescribing how a department should proceed. With regard to investigating bias incident reports, she asked how the coordination of investigation works and how students and others are made to feel safe when reporting incidents of bias, while ensuring confidentiality and guarding against retaliation. Ms. Laguerre-Brown responded that ODECE has strong campus partners outside of the office in this area. She reiterated that the ODECE bias reporting site is not disciplinary but instead addresses the needs of the person who has raised a bias-related concern, including making sure that they have the services and support they need to be safe. The offices handling investigations for faculty, staff, and students are all trained to support those concerned about retaliation.

Professor Cordes noted that the University of Iowa, in response to the executive order, decided to shut down their anti-bias activities as they interpreted the order to mean their federal grants would be adversely affected if they continued. He asked why they might have done so when GW did not. Ms. Laguerre-Brown responded that the decision likely rests in knowing exactly what is in a particular curriculum's content. She stated that she knows GW's content well and is confident that the university is not doing the things that are in the exec order. She speculated that an abundance of caution might lead an institution to suspend programming while ensuring its content is in compliance with the order.

Professor Yezer noted that there is a difference in the information received from individual crime reports and broader victimization surveys, and he asked whether students are ever surveyed to ask if they have experienced bias. He suggested that survey responses might lead to different data than individual reports. Ms. Laguerre-Brown responded that the university has conducted surveys on some issues in the past and may do so again on these particular issues, adding that her office also looks at current university surveys along demographic lines to see if there are areas of concern. She further noted that ODECE is also engaging with individual departments who want to work on specific surveys for their populations.

Professor Johnson asked about the number of bias complaints that ODECE receives annually. Ms. Laguerre-Brown responded that, thus far in 2020, 59 reports have been made through the bias incident reporting site, and around 130 reports have been made since the site went live late last year. The site sees a lot of activity, and she noted that some reports are multiple reports of the same incident and some (less than 20%) are reports that don't reflect bias issues and need to be referred elsewhere (e.g., Title IX matters). Professor Johnson asked whether she has any sense of how many of these complaints are serious as opposed to trivial. Ms. Laguerre-Brown responded that she wouldn't characterize any reports as trivial. Rather, all reports provide a window into how individuals are perceiving their day-to-day lives at GW.

REPORT: GW Police Department Priorities and Initiatives (James Tate, Chief of Police)

President LeBlanc introduced Chief James Tate to the Senate. Chief Tate was appointed as the Chief of the GW Police Department (GWPD) on January 21, 2020, just a month before the pandemic arrived in the United States. Prior to joining GW, he served as the chief of police at Rice University and the University of St. Thomas in Houston, Texas. He has also served as the assistant chief at Lamar University in Beaumont, Texas. He began his police career with the Jonesboro, Arkansas, police department and has served as a patrol officer, a DARE officer, and a SWAT team member. He was also later called for active duty with the National Guard. Chief Tate retired with the rank of Lieutenant Colonel after 21 years of Army service and re-entered law enforcement in 2011 as a police officer with the University of Arkansas in Fayetteville, Arkansas. Chief Tate has implemented the use of body-worn and in-car cameras in his short time at GW, establishing accountability and transparency. He is becoming fully integrated within the GW community and works diligently to strengthen relationships across campus, including—and, perhaps, especially—with GW students.

Chief Tate, using the attached slides as a guide, addressed the Senate on his agenda for GWPD as well as internal improvements, community outreach, and GWPD's commitment to the university community.

He noted that body-worn and in-car camera usage was implemented on September 1st of this year. GWPD supervisors conduct periodic reviews of camera footage and can observe issues or mistakes made by officers; this in turn leads to more effective training. Chief Tate added that having video available also assists him in resolving community complaints and implementing changes in practice.

He noted that he will complete a racial profiling report annually, with the first due on March 21. Most police agencies across the country, he stated, submit racial profiling reports to their governing bodies each year. He is implementing a policy strictly prohibiting racial profiling, and this annual report will capture data that the community will find helpful. Specifically, it will look at pedestrian detainment (an on-campus equivalent of traffic stops), noting the individual's ethnicity (if known), whether a search was conducted, and whether the detainee consented to search. This information will be gathered on an annual basis and will be publicized on the [GWPD website](#).

He also noted that he will publish an Annual Statistical Overview (due January 21) that will include the number of internal affairs investigations, the number sustained, the origin of the investigation (external or internal to GWPD), the number of calls for service, and the number of arrests made. He emphasized that making this information publicly available is the right thing to do.

With regard to internal improvements, Chief Tate noted that the Division of Human Resources asked him to undertake a review of GWPD's recruitment and hiring processes. His review indicated that GWPD was not in line with best practices nationally. As a result, he has implemented changes that include a physical fitness assessment, a writing assessment, and a panel interview that goes beyond internal GWPD personnel interviewing candidates to include students, who are particularly well positioned to speak to a candidate's fit with the campus environment (while also learning about the role of police officers and what is expected of them). He noted that the current police academy used to train GWPD officers does not offer the same level of training as other accredited academies. He is working with the current academy to address that curriculum issue as well as with other area academies that are accredited to implement improvements. He expressed that effective and quality training has suffered over the past few years at GWPD and noted that he has established a new training unit (one did not exist before Chief Tate's arrival). He emphasized that good, effective training results in officers being better equipped to make good decisions when they are in the field without a leader standing next to them, reducing the risk of something going wrong. Chief Tate noted that, as of this summer, all officers now receive 40 hours of training annually in critical areas.

He added that GWPD needs to increase its own ability to conduct routine criminal investigations (e.g., theft)—something other university police departments do—in order to reduce GW's reliance on the Metropolitan Police Department (MPD). In general, he noted, he wants to reduce GW's reliance on MPD whenever possible on the GW campus.

Speaking to community outreach, Chief Tate noted that he is continuing the Student Advisory Board, which includes at least a dozen students, ensuring there is a forum to listen to concerns and issues and have conversations about improvements. He added that he is also creating a Community Outreach Officer. He noted that GWPD has never had an officer in this position and that there is a need to have someone on staff who can spearhead this effort every day. This individual will take care of GWPD's social media presence, maintain relationships with campus organizations, schedule community engagement events throughout year, and maintain good positive touch points between GWPD and GW students. He added that he is working with Dr. West to hire a student into the new role of Student Outreach Liaison; this student would be paired with the Community Outreach Officer to build strong relationships on campus. He noted the importance of seeing things from the students' point of view and not solely from the police perspective.

Chief Tate emphasized GWPD's commitment in several areas: to be accessible and approachable, to students in particular (he noted his strong desire to change the unfortunate reality that students of color tend to pull back and change their behavior when they see a uniformed officer); to keep the campus safe while being sure not to engage in over-policing; to be public servants, not warriors, eliminating an "us vs. them" mindset around the police and emphasizing instead that GWPD is here to serve the public and keep everyone safe while acting as a resource for students, staff, and faculty; and to build trust and legitimacy. On this last point, Chief Tate noted that GWPD can't confer this on itself. Rather, it has to be conferred by the community it serves. He noted that GWPD be a successful department only when these elements are earned.

Professor Galston thanked Chief Tate for his comments and welcomed him to GW. She asked whether, in his role, he has had any interactions with the Foggy Bottom neighborhood association. If so, she asked, what kind of relationship is he developing with them, and what are the goals of that relationship? Chief Tate responded that he has had some interactions with this group through a virtual meeting, thus far just to introduce himself and be available for concerns. Going forward,

GWPD will be involved in an upcoming task force to address homelessness in the area, and he noted that he has directed GWPD's community outreach staff to participate in this. More broadly, he expressed his intent to be out front and available to help in any way possible and to offer and build support at the university.

The President thanked Chief Tate for his presentation and turned the meeting chair over to Provost Blake. Provost Blake expressed his concern about his ability to effectively chair the balance of the meeting, given his strong feelings on Resolution 21/13. He yielded the meeting chair to Professor Wilson.

RESOLUTION 21/13: Of Censure of President Thomas J. LeBlanc Regarding the Appointment of Heather Swain (Professor Murli Gupta, Chair, Appointments, Salary, & Promotion Policies Committee)

Professor Wilson summarized the original resolution and invited Professor Gupta to present the resolution. Professor Gupta re-introduced Resolution 21/13, noting that the resolution was returned to ASPP at the September Senate meeting with an explicit set of instructions. He reviewed the attached slides, which summarize the Senate's instructions to the committee and the actions taken by ASPP since the September Senate meeting. He noted that he took no pleasure in introducing the resolution. He reminded the Senate that the original resolution was introduced at the September Senate meeting. Following extensive debate, it was recommitted to ASPP with three mandates:

1. To seek to meet with the President in private session, with the objective of permitting the President to thoroughly, candidly, and privately speak to Resolving Clauses 2 and 3 of the original Resolution 21/13.

Professor Gupta noted that the President met with ASPP on September 25, 2020. He was generous with his time. He explained the process of making the offer to Ms. Swain and answered all questions the committee members asked. This satisfied the first mandate.

2. To advise the Senate at the October meeting whether, in the view of a majority of voting-eligible ASPP members:
 - a. The President has satisfactorily addressed Resolving Clause 2 of the resolution (without any further need to make public the basis on which the ASPP committee has reached that conclusion); and
 - b. The President has provided ASPP with a document, to be shared with the Senate and the University community, that fully and adequately responds to Resolving Clause 3 of the resolution.

Professor Gupta noted that the President satisfactorily addressed Resolving Clause 2 of the original resolution. He has also provided ASPP with a document entitled "Protocols for Hiring Vice Presidents Who Report to the President." This document (Appendix 1 to the current resolution) fully and adequately responds to Resolving Clause 3 of the original resolution, which ASPP recommends for adoption by the full Senate.

3. To advise the Senate at the October meeting whether, in the view of a majority of voting-eligible ASPP members, the resolution presented at the September meeting should be

debated as presented, debated with amendments as informed by ASPP's meeting with the President, or withdrawn.

Professor Gupta reported that, informed by its meeting with the President, ASPP voted to amend the original resolution. The first option (debating the original resolution) was no longer on the table as the original Resolving Clauses 2 and 3 were satisfied, and the third option (withdrawing the resolution) was not approved by the committee. After extensive discussion and deliberation, ASPP voted unanimously to approved the following language: "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."

Professor Gupta noted that the President has apologized on several occasions, and he expressed the ASPP committee's appreciation for the President's willingness to provide the requested information. This information shall remain confidential as mandated by the Senate's vote. However, Professor Gupta noted, the committee was, by a majority vote, unwilling to completely drop this issue. ASPP discussed whether, in view of the President's candor, any further action was needed; it concluded that the President exercised sufficiently poor judgment that further Senate action was warranted.

Professor Gupta noted that ASPP extensively discussed the use of the word "censure," drawing on a number of defining resources (noted in the attached slides), before arriving at the decision to use this word in the current resolution. He noted that the term's definitions include notes that it is usually non-binding, requiring no compulsory action from the censured party, and that, like a reprimand, a censure does not remove a member from their office. Based on these reviews, ASPP believes that "censure" is the mildest form that it can return to the Senate.

Professor Gupta stated, ASPP strictly followed the Senate mandates. The committee struggled with the right language to use and decided that "censure" is the correct word. He noted that, as a result of this process, similar appointments in the future would require more consultation, stronger vetting, and social media reviews of a candidate. He noted that, going forward, a faculty member would be on all such search committees, the full FSEC would be consulted at the beginning of the process, and the President would personally contact a candidate's previous employers rather than leaving this to a third party.

Finally, in discussions of what constitutes GW's core values, Professor Gupta noted that ASPP considered this carefully and referenced the university's [Title IX Sexual Harassment and Related Conduct Policy](#), which states, "The George Washington University is committed to maintaining a positive climate for study and work, in which individuals are judged solely on relevant factors, such as ability and performance, and can pursue their activities in an atmosphere that is free from discrimination, harassment, and violence." This, he noted, the committee agreed is a core value.

Professor Marotta-Walters noted that she is speaking from a difficult place because she has a long track record as both a researcher and as a provider of treatment to victims of sexual abuse, sexual violence, and interpersonal violence of any kind; indeed, she has spent her entire career in that arena. In addition, she noted that, as a former FSEC Chair and as a Senator of many years, she is normally inclined to support any resolution that comes from a Senate committee and that has been fully vetted by the FSEC to the Senate. However, she indicated that she could not support the current resolution for several reasons. At the September Senate meeting, she recalled that what the Senate

debated was related to language and facts in the resolution; the Senate was very clear in expressing that the action taken was clearly condemned and constituted an institutional betrayal. She expressed that the strong condemnation expressed at the September Senate meeting was censure and represented justice for the victims who have been inordinately silenced in the past. In her view, applying further censure in the form of this resolution—on top of the clear statements made in the last meeting—will be perceived as “piling on” and will make it more difficult to have a badly needed discussion about the three pillars of shared governance (the faculty, administration, and Board) as equals in the decision-making process. She reported having long conversations with her colleagues and quoted one who said, “There is a paradox here. We want justice for victims. We also want peace for the community.” She suggested to the Senate that justice was served in September when the Senate universally stated that this was an egregious act that shouldn’t have happened. She closed by noting that it is time to make peace and not be divided as a community.

Professor Johnson noted that, given that the President acknowledged his mistake and apologized and that Ms. Swain withdrew from the position, the fact of a mistake is clear. He added that the President has also been extremely busy with keeping the university afloat during the COVID-19 crisis. It is clear that he made a mistake, and the Senate has had adequate opportunity to express its dismay with that mistake. He asked who among the group has never made a serious mistake and has been censured as a consequence. He expressed that censure is a terrible idea that sets the Senate against the President and the administration at a time when they are working very hard to keep the university functional during a crisis. He stated his opposition to the notion of censuring the President, noting that it will look bad in the press, will make the Senate look bad, and will make GW look bad.

Professor Zara made the following statement: “I understand that a large portion of the faculty I represent would indeed like to see the Faculty Senate formally express displeasure as a result of a series of decisions and actions that have damaged the trust that the faculty have in the administration. However, I feel like this motion calls for ‘censure’ for a reason that is too limited in scope and that the only way ‘censure’ makes sense in this motion is if this one hiring decision is the part of the series of decisions that is meant to refer to the whole of the series, meaning we’re not going to go back and continuing bring up other decisions to censure in the future that happened previously.

“President LeBlanc and his administration have acknowledged errors in process and communication and seem genuine in working to repair our trust. I feel that it is appropriate for the Senate to voice our displeasure in the actions that have resulted in the mistrust we are experiencing right now. But in using this motion as the vehicle for censure, it is essential for the Senate to then shift our focus from past actions to the future. After voting on this motion, let us look forward and develop better processes to work together with the administration to improve GW for all.”

Professor Griesshammer disagreed with Professor Marotta-Walters, noting that there was not unanimity in condemning President LeBlanc’s action; he recalled an extensive comment in the September meeting that defended the President’s action. He noted that the current resolution is one part and perhaps the end of an excruciatingly long process. He recalled that Professors Wilson and Wirtz spoke to this timeline at the last meeting. The FSEC reached out to the President as the news broke, first informally and then formally, asking him to address the community and answer questions, if need be in private. The FSEC then met with the President, and the President’s emailed apology followed that meeting. The September meeting minutes state that this confidential FSEC

meeting with the President did not lead to satisfactory answers. The FSEC asked the Board, first informally and then formally, to urge the President to provide answers, if necessary in confidence. It also urged them to address the university community on this issue, given that they have the ultimate fiduciary responsibility not only for the university's finances, but for its well-being; the Board did not address the university community. ASPP then drew up a resolution, which was shared with the President before it was introduced; the President had an opportunity to react in confidence to ASPP before the resolution reached the floor, if he so chose. The resolution then came to the Senate floor last month. To date, the President still hasn't spoken with the university community about lessons learned from this event. In September, the Senate asked ASPP to bring President LeBlanc into a confidential session. Many were uneasy about this confidential setting but understood that personnel issues justified it. Appendix 2 of the present resolution states that that only a small part of what was discussed in the confidential meeting with the President was actually restricted by legal issues. Professor Griesshammer noted that, apparently, the President's silence was mostly to spare himself embarrassment, and not due to any potential legal repercussions.

Professor Griesshammer noted that the last two years showed that being a Senator is no sinecure, but this is a vote he never wanted to take. However, this is the end of a long road for which the Senate and its committees have provided many possible exits that have not been taken by the President. Compromise requires two parties, and he noted that the Senate has done its due diligence in this matter with no equivalent effort from the President. There were ample opportunities to avoid a censure resolution. Until ASPP had a formal mandate from the Senate, President LeBlanc did not even respond sufficiently to numerous expressed concerns over how much the university community was hurting. This reflects a severe error in judgment that goes beyond even the hiring decision itself. Professor Griesshammer concluded that he sees no other choice but to vote for censure.

Professor Cohen-Cole noted that, early in President LeBlanc's tenure, the observation was made that there was a problem at GW with inconsistent leadership, inefficient communication, a poor service culture, and a lack of employee appreciation. In announcing the culture initiative, the President stated that GW employees often feel their leaders aren't held accountable for their behavior. Professor Cohen-Cole asked the Senate to consider whether what has happened thus far in this matter involves the leadership being accountable for its behavior.

With regard to the current resolution, Professor Cohen-Cole pointed out Appendix 2 confirms that President LeBlanc "noted that legal issues restricted a small part of what he could share with the Committee." He asked why the wider community doesn't therefore already know about the elements that are not tied to legal issues. As the Senate considers whether a vote for censure is the right step, he noted that that the Senate's peers on ASPP received information in confidence and arrived at the judgment that censure is appropriate. Specifically, he quoted from Appendix 2 that ASPP recommended censure "after evaluating the explanation provided by President LeBlanc regarding the events, timeline, and decision-making process leading to the announcement of Ms. Swain's appointment. Specifically, a majority of the ASPP Committee concluded that President LeBlanc's actions reflected a significant error in judgment and failure of leadership." Professor Cohen-Cole expressed that a vote against this measure suggests that Senators not serving on ASPP have determined that their judgment, without the data available to ASPP, is better than that of their ASPP peers with the data.

Professor Wagner made the following statement: “First of all, I want to thank Murli as chair of ASPP for his leadership, skillfully guiding us through this very difficult series of conversations. I also want to thank Phil for his exceptional work in bringing forward this resolution in its original form and helping the committee work through the findings of the September 25 meeting with President LeBlanc. That we had these two individuals at the helm has been crucial to the process—ensuring that it’s been respectful and deliberate throughout.

“Many of you know from my remarks in our September meeting—and the questions I posed at that time—that I was deeply troubled by President LeBlanc’s decision to hire Ms. Swain. To me, as a human being, a member of our university community, and as a woman, the hire was wrong and hurtful. It sent a terrible message to our community, particularly our students and especially those among our community who have experienced sexual assault.

“For me, that decision and the President’s own acknowledgement of his insensitivities, his apology, so many days after the fact, was enough to censure.

“And yet many of you had reservations about doing so, voting on the resolution without really knowing the facts what President LeBlanc knew and when. I understand and respect that position. And so, we as a deliberative body agreed that we needed to hear from him. Led by Murli, ASPP followed the instructions that this body provided it.

“And so, on September 25, we asked questions, and we heard their answers. And then we deliberated. After careful consideration of terms and their consequences, we wrote a report in which we determined—and I’ll say these words slowly—that the events, timeline, and decision-making process leading up to the announcement of Ms. Swain’s appointment was the basis for our conclusion that President LeBlanc’s actions reflected a significant error in judgment and a failure of leadership.

“That error in judgment and failure of leadership have cost this university in terms of its reputation, yes, but more importantly, in terms of trust. The decision to hire Ms. Swain breached the trust we extend to the President that he value first and foremost our community members’, especially our students’, well-being and safety.

“I will vote to support this resolution because it is the appropriate response to the President’s significant error judgement and failure of leadership. In so doing it seeks to repair the damage done to our community not only by Ms. Swain’s hire, but also by the lack of transparency and accountability preceding and following it.”

Professor Subiaul noted that these are extremely difficult but important conversations. He added that a debate on censure is not the same as an official vote to censure, noting that, in September, the Senate voted not to censure. At this point, therefore, the Senate does not officially recognize that the President has done anything wrong. If the Senate wants to change this, it must officially vote to censure the President for violating a core value; simply talking about censure is not the same thing. He noted that the Senate is as responsible for how it responds to this matter as the President is for how he responds.

Professor Parsons noted that this is an extremely unusual circumstance in his fifty years of experience. He affirmed that the situation around Larry Nassar is horrendous but that he doesn’t

feel quite the same level of rage for Ms. Swain as for Larry Nassar, as her link to the matter is limited and ex post. He noted that there is a general dissatisfaction with the administration at GW, but he stressed that GW has a deeper problem than President LeBlanc. What has happened over the last decade or more is gross mismanagement and has been run through the Board of Trustees. He stated that what the university has is a failure of the Board. As he looks back at what he has seen over the last decade by way of management, he noted a comparison with the struggles of Polyphemus after Odysseus blinded him. He noted that spending and debt have increased substantially at GW, well outpacing revenue, while the university's quality index in the *U.S. News & World Report* rankings has dropped; in short, there is a crisis at GW but not the one the Senate is currently thinking of. He suggested that, if President LeBlanc made a mistake, it was accepting this job and having to clean up the chaos of the last decade, when, in fact, the management had not changed and is oblivious to its incompetence. He urged the Senate not to conflate these issues.

Professor Orti noted that the current resolution is clear and specific on what point it is addressing. He echoed others' thanks to ASPP and its leadership in conducting this process. The Senate failed to censure the President at its September meeting, and he noted that, as a result, many Senators are receiving overwhelming input from the community indicating that censure is the appropriate action to take today. This, he noted, is transparency, and being transparent will not compromise the three governing legs of the university. On the contrary, the Senate is setting up the standards of transparency that are needed to make productive contributions going forward. Failing to pass this resolution today would be seen as sweeping under the rug the strong feeling of the GW community that the Senate should do the right thing.

Professor Yezer echoed Professor Parsons's comments that GW has had a decade of mismanagement, taking on \$1 billion in debt for virtually no gain. He noted that President LeBlanc is the best president GW is likely to get given that he's taken over such a badly managed ship with no change in thinking at the Board level. Having said that, he asked Professor Gupta to confirm that this is not a situation in which those doing the hiring were deceived about information that was in public domain and therefore easily discoverable, that there was not a massive deception of the administration regarding press reports. Professor Gupta responded that he had no knowledge of such a deception.

Professor Khilji made the following statement: "I agree with my colleagues that this is a difficult decision that we have to make as a representative body. We each have our own rationale for voting yes or no to this resolution. I take the opportunity to explain mine.

"I believe that we are all humans. We make mistakes. Personally, for me, what is most important is not the mistake that we make, but whether and what we learn from the mistake. Do we use the mistake to learn and grow?

"It was a mistake that President LeBlanc made, and he took responsibility for it. I appreciate him owning up to the Swain hiring.

"Having said that, we are also responsible for the decisions we make and the actions we take. As I think about my role as a Senator, I think of my responsibility as a Senator. The GW community is hurting—some are even traumatized by the Swain hiring and continue to say so. There may or may not be enough votes in the Senate today to approve the resolution. I understand that. But, based on the number of faculty and staff who have contacted me—and what they have shared—I know there

is support—even a call for censure—outside this Senate body of 40 people. I also make a note of the fact that ASPP voted for this resolution unanimously.

“With that in mind and with a sense of a moral responsibility that I feel—to make a decision that I can live with—I would be supporting censure of the President.

“After that, I would also like to move on and allow the President to show that he has learned from this mistake. In my role as a member of the FSEC, I would continue to work with him to make GW an inclusive place where we can respectfully disagree with each other and a place that prioritizes academic mission and shared governance and where he can show that he has learned from his mistakes. Thank you for allowing me the opportunity to explain my reasoning.”

Professor Galston thanked Professor Gupta and ASPP for their work on this fraught and demanding task assigned to them. She noted that she was initially extremely supportive of the resolution in September. She wanted to condemn President LeBlanc’s actions around this hire and to call for the adoption of measures to prevent similar things from happening in the future. She noted that she especially found the President’s actions following Ms. Swain’s withdrawal seriously inadequate. The ASPP report of their meeting with the President states that he gave a “forthright and full accounting” of the events surrounding the Swain appointment and that he “satisfactorily addressed” Resolving Clause 2 of the original resolution, which required him to “provide a full and complete accounting of the vetting process that resulted in the appointment of Heather Swain” and that he “answered all questions posed to him by the committee.” She noted that the summary report also contains rigorous protocols to govern vetting for high-level administrative hires that the President apparently proposed to the committee and that the committee endorses.

In light of these facts, Professor Galston stated, she no longer supports a resolution censuring the President. She stated that there were two goals in resolving to censor President LeBlanc: 1) for him to come clean with a full accounting of the circumstances around this hire, and 2) to compel the university to adopt rigorous and inclusive vetting procedures for making high-level administrative appointments in the future. Based on Professor Gupta’s email and the appendices to the revised resolution, both objectives have been met. The President has explained the circumstances surrounding the Heather Swain appointment to the satisfaction of ASPP; that does not mean that they agreed with them. However, he responded accurately and openly, and he bound himself and the administration to several levels of review for potential high-level hires in the future as well as participation by all relevant constituencies in that process. Further, the President has agreed to take personal responsibility for probing candidates’ credentials and background before they are appointed—no more delegating that important due diligence. She noted that, in her mind, there is a disconnect between the preceding facts and the revised resolution of censure. The resolution fails to take into account that the President has satisfied everything the Senate demanded of him, albeit belatedly. He is not to be lauded for belatedly conducting himself as he should have earlier. Yet, she asked, what benefit does the Senate expect from approving this resolution now? As things stand, the Senate has managed to channel its anger into something very productive—the aforementioned protocols. She does not want her lingering anger to undermine that very positive and real result.

Professor Galston raised one other issue that has been mentioned in email threads on this issue. She expressed her belief that censuring the President now will create further negative stories in the press that may encourage some to engage in another round of criticism on this matter. She further expressed her understanding that the trustees have indicated that something short of censure, such

as strong disapproval, would be more acceptable to them. She stated that she does not want to take orders from the Board any more than anyone else in this body does, but she believes in shared governance, and, to her, this means not only that the Board listens to the Senate and takes into account what the Senate thinks, but also the reverse. Shared governance is compromise. In this situation, where the Senate has obtained the two things it requested from the President and the administration as a whole, she noted she does not see what productive purpose passing this resolution of censure serves.

Professor Gupta noted that several Senators have stated that they are opposed to approving this resolution. As part of this process, President LeBlanc provided new protocols for hiring Vice Presidents that report to the President; he asked whether these protocols would be off the table if the resolution does not pass, possibly requiring a future resolution for Senate approval.

Professor Sarkar recalled Professor Zara's comment that, in speaking with his faculty colleagues, there is overwhelming displeasure and a break in trust with the upper administration, and he needs to voice that in the Senate. He also expressed concern that, as Professor Parsons suggested, the Senate may be using this matter as a vehicle to voice its displeasure over a whole host of issues. He reiterated Professor Galston's comments noting that the President provided a full accounting as requested, noting the challenge he faces reconciling this fact with the current resolution.

Professor Wirtz responded to Professors Sarkar and Galston, noting that it is absolutely correct that President LeBlanc did come completely clean with ASPP and that the committee received a complete and compelling story in its meeting with him. He asked whether the fact that ASPP received this full accounting is sufficient to say that the matter is concluded. In his opinion, what ASPP was asked to do transcended that: the first step was to figure out what happened, and the second was to determine whether what happened rises to a level that merits sanctioning. Merely coming clean isn't enough. ASPP responded to both points. It heard the specifics of the situation and was then asked to further determine whether, with the facts in hand, there was some action that needed to be taken in view of the President's judgment. The committee deliberated long and carefully, and, in its view, action does need to be taken, and that action is censure. As a result of that, he noted that he will support this resolution.

Professor Griesshammer noted that, speaking for himself, the current resolution is not a vehicle for anything beyond the matter it addresses. It would be unethical, he said, not to say that this is of course part of an observed pattern in this administration. The President only provided answers after significant public pressure, including at the last Senate meeting. Thus far, the only one of the legs of shared governance who has spoken to the GW community on this matter is the President himself, in a relatively noncommittal email. The Board has said nothing, and the faculty have not gone on record via Senate action, having postponed a vote on this issue to today. He noted that the issues with the Swain hire go beyond the question of her involvement or non-involvement with the Nassar matter. These are issues with the hiring firm and the connection between that firm and Ms. Swain. Without the public pressure that has been applied, there would likely not be a commitment from the President to new hiring protocols, and there would not have been a full accounting to ASPP that then allowed them to make a judgment based on that evidence. He reiterated that the Senate has asked ASPP to review more information than the Senate has in hand and that it now recommends censure. The Senate should trust the judgment it has asked of ASPP.

Professor Cohen-Cole noted that a decision to censure may bring press attention, but a decision not to censure may get even more press and more negative responses. He noted that a problem that is not dealt with can be treated as a cover-up and make the institution look bad (with the institution being both the university as a whole and the Senate). He understood that the trustees have a preference for something lighter than censure. However, censure is not a legally binding action that would remove the President but rather expresses what the Senate thinks. He noted that he does not want to understand shared governance as allowing the Board to dictate what the Senate says. Were this the case as a principle of shared governance, the trustees would be asking the Senate to weigh in on their statements, and that is clearly not happening.

Professor Cohen-Cole reiterated his earlier point that those not serving on ASPP don't have the evidence in hand, but ASPP—with that information—voted unanimously for this revised resolution of censure. He read back the third charge to ASPP from the September Senate meeting: “to advise the Senate at the October meeting whether, in the view of a majority of voting-eligible ASPP members, the Resolution presented at the September meeting should be debated as presented, debated with amendments as informed by ASPP's meeting with the President, or withdrawn.” ASPP has recommended amendments. If the Senate doesn't pass this resolution, it will be substituting its uninformed judgment in absence of the facts that ASPP had when it deliberated this resolution. It would have been nice, he added, if the President had also decided to share those portions of his decision-making process that were legally available, but that is not the case, and the Senate is left to trust ASPP's process and judgment.

Professor Galston resisted the idea that the Senate would be substituting its judgment for that of ASPP by not passing this resolution. The Senate asked ASPP to provide a secure environment where the President could, if he chose, give a full accounting of what happened in a way that would not be made public and subject to any distortions that can happen when information is made public. She reiterated her understanding that the Senate asked the President to come clean, and he did, and her feeling that the most important outcome is a plan for lax vetting to be replaced by rigorous due diligence. Rather than substituting her judgment for that of ASPP, she expressed her belief that she is accommodating what ASPP did on the Senate's behalf—namely, providing a forum for him to state what actually happened. Now that this is complete, she does not need to know the details, just that the accounting was given. If censure is the response to a full disclosure, there may be a disincentive for people to be transparent and forthcoming in the future. The President, she noted, understands the consequences of his actions. The most important thing is having protocols for the future and having the President experience the consequences of his actions. Whether those consequences have to include censure or not is up to the Senate to decide. She noted that she would support milder language than “censure” but that to censure the President after he did exactly what the Senate instructed him to do is inconsistent on the Senate's part and provides a very bad precedent for any relationships that the Senate will have with administrators in the future.

Professor Perry noted that she feels the weight of this discussion and is listening to the wise words of her fellow Senators on this issue. Regarding some comments today about broader problems with the institution, she recalled when the President first arrived and seemed to size up what the university needed, perceiving an inferiority complex wherein GW as a whole saw itself as less accomplished than it is perceived externally. He understood all the potential that the university had in terms of striving for excellence. However, pushing toward excellence also means accountability and recognizing leadership behavior when it is wrong. As painful as that is, she noted, it takes a tremendous amount of courage. Rather than feeling guilty, embarrassed, and ashamed, the Senate

should recognize that, through this process, it is really talking about courage, affirmation, and reconciliation. The current resolution speaks to a violation of the university's values; that is what is being spoken to and called out. This is what the President has communicated to the GW community; a problem has to be recognized to be corrected. Once that has happened, it is time to move on. The notion that a vote for censure will irreparably damage governance going forward, she stated, undercuts and underestimates who the shared governance parties are and their potential for reconciliation going forward. She noted that she has also received a great deal of input from the faculty she represents and has heard what this censure action means to them and how important it is, as a university that is continuously striving toward value-driven excellence, to uphold this action. As a result, with great pain, trepidation, and struggle, she feels compelled to vote for censure.

Professor Garris noted that his opinion differs from that of many of his colleagues. Specifically, he stated that the hiring decision itself was not necessarily wrong, although, in hindsight, the distress and distraction of some following the matter may have been avoided had the hire not occurred. He delivered the following statement: "I would like to speak against Resolution 21/13. The basis for Resolution 21/13 is that Heather Swain engaged in a cover-up for the sexual misconduct of Dr. Larry Nassar at MSU and that hiring such a person would "fly in the face of the university's own policy to guarantee GW's students the kind of safety that they are entitled to expect at the university." I don't think Heather Swain did anything wrong, and I think she was demonized by the GW community, and let me explain why.

"In Resolution 21/13, the concern with Ms. Swain's hire expressed in Whereas clauses #3, #4, and #7 all derive from a single report: The December 20, 2018, report "Status of the Independent Special Counsel's Investigation into MSU's Handling of the Larry Nassar Matter" by Independent Special Prosecutor William Forsyth. There is one little paragraph there that mentions Heather Swain's name. If you look at that and within the context of the overall Nassar prosecution, and the fact that Nassar was in jail long before the special prosecutor even started an investigation, it's not clear that she did anything wrong whatsoever. Now, if you take the point of view that she did absolutely nothing wrong, then hiring her was not really a mistake at all. I don't believe that coming from MSU by itself is sufficient not to hire her if she has excellent qualifications. If she is excellent in all respects except that she came from MSU, hiring her was not a mistake.

"What happened at GW is eloquently described in a paragraph from "Fratti-Tutti" (brothers all), the October 3, 2020, Encyclical Letter Pope Francis published. He said: "The way many platforms work often ends up favoring encounters between persons who think alike, shielding them from debate. These closed circuits facilitate the spread of fake news and false information, fomenting prejudice and hate." (pp 45 & 46—Fratelli Tutti (brothers all); Pope Francis Encyclical Letter; October 3, 2020).

"The Heather Swain narrative was initiated by someone who became aware of the Forsyth Report or one of the several articles about it, but failed to understand its significance including what was investigated, the process of the investigation, who Mr. Forsyth was, and to understand its role with the timeline of events involving the Nassar case. You have to understand the context to understand what, if anything Heather Swain did, and the conclusion I came to is absolutely nothing. There resulted a totally false and defamatory narrative about Ms. Swain that circulated through social media amongst the GW community. The following are some examples:

- In early September, the churning on social media produced an internet petition which stated that Ms. Swain has ‘...a history of protecting a sexual predator.’ The petition was signed by over 1500 people, presumably from the GW community.

There is no evidence or suggestion, whatsoever, that Ms. Swain ‘protected a sexual predator.’

- On September 13, 2020, the Hatchet Editorial Board published an op-ed which stated that Ms. Swain ‘had helped protect serial abuser Larry Nassar from prosecution.’

There is no evidence or suggestion, whatsoever, that Ms. Swain helped protect serial abuser Larry Nassar from prosecution.

- On September 21, 2020, the GW Student Association published an Executive Order which attributed to Ms. Swain: ‘her revolting background of covering up sexual assault for Larry Nassar.’

There is no evidence or suggestion, whatsoever, that Ms. Swain had a background of covering up sexual assault for Larry Nassar.

- On October 7, a group of GW professors wrote an op-ed in the Hatchet which criticized President LeBlanc for ‘...hiring someone credibly accused of covering up the rape of college athletes.’

There is absolutely no evidence that Ms. Swain was ‘accused of covering up the rape of college athletes’ by sources outside of GW.

“This kind of narrative does not exist at Michigan State. I recently discovered a new MSU report released September 1, 2020, entitled ‘Report of Employee Review,’ which included the results of 10 independent investigations into the Larry Nassar matter. The express purpose was to identify members of the MSU community who may have been aware of Nassar’s activities and failed to adequately respond. The report identified and listed about 20 MSU employees. It is relevant that Heather Swain is not among them. In fact, I could find no reference to her name in the entire 43-page report. I also note that Heather Swain continues to hold her position as Vice President for Marketing, Public Relations, and Digital Strategy at MSU. I did a search in The State News (MSU equivalent of the Hatchet), and I could find nothing that suggested she participated in protecting or covering up Dr. Nassar’s abuses. My impression is that at MSU, she is well respected and not a danger to MSU students. Michigan State has more students than we do, and they consider her a highly respected administrator. The idea of her coming here and being a danger to our students and threatening our students is absurd.

“And now, we have Resolution 21/13 which gives the Faculty Senate’s support for this maelstrom, and we propose to censure President LeBlanc for not anticipating this outrageous demonizing of Heather Swain by the GW community. President LeBlanc had every reason to think Heather Swain was a highly qualified and accomplished professional worthy of being hired at GW.

“Resolution 21/13 is a disgrace for supporting this kind of demonization of an innocent person and will damage our credibility as a Senate and a responsible partner in shared governance. I implore you to vote it down.”

Professor Johnson noted that the Senate has delivered its message of disapproval on the Swain hire very clearly to the President and asked what positive outcome it imagines might come from censure. He noted his agreement with Professor Galston’s comments and appreciation for Professor Garris’s comments, which relayed facts related to the situation.

Professor Sarkar noted that, following the President's accounting to ASPP, that committee still felt his conduct warranted censure. He asked whether something besides censure could be done now, observing that the original censure resolution was in absence of any response or accommodation by the President. If the Board would like to see something lighter than censure, perhaps the Senate can accommodate this in order to move on. He expressed his hope that the President has learned from this experience and his feeling that the Senate now needs to give him time to show in good faith that he has indeed learned lessons from this. He was pressed into action by the Senate's work, and the Senate should be proud that this has been achieved.

Professor Mylonas noted that the resolution provides the closure on this matter that many want to see. If the Senate doesn't go forward and finish with this unpleasant resolution, the matter will not be put to rest but will rather light more fires outside the Senate and into the university community. This needs to be taken into account when casting a vote today.

Professor Orti made the following statement: "We recently heard that the Board 'thanked Dr. LeBlanc for his 'strong leadership' and for ably guiding GW through the pandemic, emphasizing his care and concern for the community as GW transitioned courses online and addressed financial challenges.' Furthermore, in reference to the President's actions, they stated: 'The Board of Trustees appreciates and supports the outstanding work you and your leadership team have done to navigate circumstances unlike any we have ever experienced before.' On a personal basis, it is hard to believe that the Board feels the same way regarding the President's actions in what is now known as the Swain affair. One may safely assume that they may have expressed some dissatisfaction (I dare not say 'censure') to him privately. In this sense, one could say that the Board has chosen not to be transparent. I strongly believe the Senate should not do the same, because we believe that transparency is a value we must respect. We represent the faculty at this university, and we heard consistently, loud and clear, the generalized feeling demanding censure. The Senate cannot sweep this responsibility under the rug. Transparency was not served in this process; this is why we need to censure."

Professor Wilson noted that he is proud of the Senate for deliberations it has undertaken and for the work done by Professor Gupta and ASPP. He noted that he finds himself agreeing with almost everyone as they are speaking and has truly been struggling with this. He reiterated the question posed earlier as to whether this is about the Swain hire or something bigger, and he noted his sense that the issue is transparency. The administration is not particularly transparent, and neither are the trustees. He expressed that there seems to be an organizational mindset that the trustees talk to the administration, the administration talks to the faculty, and the faculty does not talk to the trustees. As long as that hierarchy exists, he stated, this university won't be as strong as it could be. This is the issue here, and work is required for shared governance to truly function effectively.

He affirmed the facts of the situation—namely, that President LeBlanc did not answer the questions asked initially on this matter. Around the time this matter was coming to light, in a separate context, members of the Senate, the FSEC, and one non-Senate faculty member arranged to meet with several trustees about budget issues. In the course of setting up that meeting, a trustee asked how they can trust the faculty when the Senate is censuring the President. Professor Wilson responded that censure is a normal academic response to the fact of a bad decision. In response, the trustee expressed concern about more negative publicity for the university. Professor Wilson noted to the Senate that much of this adverse publicity is coming from administrative decisions as well as more random events such as the Jessica Krug affair. He noted that the trustees didn't like the term "severe

disapproval,” either, but they disliked it less than the term “censure.” This struck Professor Wilson as a compromise that could be achieved, if indeed shared governance is about compromise. Professor Wilson suggested that perhaps President LeBlanc didn’t change his mind about providing a response to ASPP because a confidential venue was provided but rather because he was encouraged to do so by the trustees.

Professor Wilson added that the faculty have already won one of the issues it has with this administration and risks throwing that away if we proceed wrongly. He noted that, less than two months ago, the university was looking at significant salary cuts for faculty and staff as part of budget mitigation efforts. In part because the trustees met with faculty and heard their perspective, some university funds were freed up that were previously not made available as part of mitigation. The resolution may undermine the Senate’s ability to obtain data and cooperation from the administration, which may not feel any need to be transparent about sharing this information if they think coming clean will result in censure. Censure also risks undoing some of the recent gains in faculty/trustee communications and has the potential to undermine the Senate’s ability to work directly with trustees in the future or even to reverse recent accomplishments in this area, such as the tabling of salary reductions. Further, breaking off this line of communications allows the administration to misrepresent the views of the faculty. In fact, Professor Wilson noted, the Board Chair was surprised to learn that the faculty did not overwhelmingly support the 20/30 plan.

He expressed his view that changing the word “censure” to the phrase “severe disapproval” would make the Senate’s point while recognizing that the trustees have a concern in this matter as well. He noted that the Board is dependent on the administration for information about what is going on at the university. They are supposedly regulating the administration, but this is challenging if the administration is the Board’s sole source of information. Shared governance should be achieved by ensuring that direct contacts between faculty and trustees are taking place across the board.

Professor Gupta proposed an amendment to change “censure” to “severe disapproval” in the three places it appears in the resolution (the resolution’s title and Resolving Clauses 2 and 3). Professor Johnson seconded the amendment. Professor Gupta expressed his understanding that, based on today’s debate, the Senate wants to say something but that the word “censure” is creating grief for some, and that this could lead to a very close vote, which would not send a unified message.

Professor Marotta-Walters spoke in support of the amendment on the basis of Professor Galston’s and Professor Wilson’s points, which speak to the greater good of having a seat at the table going forward.

Professor Wirtz spoke in opposition to amendment, noting that it would seem to put the Senate in the position of saying that if it proceeds as the Board wants, the Board will allow the Senate a seat at the table. This poses a serious problem for him, as it would become the model and set a precedent that the Board can dictate what the Senate does. He emphasized that he doesn’t want to be in the position of having to make a change to the current resolution because the Board wants it, despite the fact that the Senate agrees that ASPP found the right word and, but for the Board’s wishes, it would be using that word.

Professor Cohen-Cole echoed Professor Wirtz’s sentiments, noting that it sounds like a reasonable conclusion from Professor Wilson’s comments would be that, if the Senate doesn’t modify how it speaks, the Board could take retaliatory action. If this is indeed a matter of shared governance,

there's no suggestion that the Board would then need to vet what it says with the Senate. In turn, the Senate should not be vetting the positions it will take on a serious matter with the Board. Regarding the amendment, if the Senate feels the resolution's original language is not the way to go, that's fine, but he encouraged the Senate not to change the resolution's language on the basis that Board should influence what the Senate says.

Professor Orti expressed his agreement with the last two comments. The Senate needs to be true to its values and principles in order to have a productive relationship with the administration and the Board. This sets a bad precedent, and he noted his opposition to the amendment.

Professor Galston noted that, without this amendment, she would oppose the resolution to censure. She indicated that she has no idea how this vote will go, but she wanted to respond to the implied assertion that, somehow, in approving a resolution of severe disapproval, the Senate would not be getting its own way. She noted that her own way would be not to have a resolution of censure but that she would compromise and vote for this modification for the sake of the good of the whole. This, she noted, is the precedent she wants to set—specifically, one of compromise. The Board's position is that this should go away completely; they weren't endorsing the use of the term "severe disapproval," either. She noted that she would prefer a precedent of negotiation and compromise with the Board.

She added that she wanted to correct a misinterpretation of Professor Wilson's earlier statement. Some trustees and Senate members had a conversation in which the Senate representatives made the case that all of the mitigation efforts applied thus far were coming solely at the expense of faculty and staff, and none was coming from the Board going to their sources. A week or two later, the Board decided they could come up with \$20 million from university resources; this was in response to this group's persuasive argument that the burden of mitigation should be shared by more than the faculty and staff. The Board heard this case and did something, and Professor Galston noted that credit must be given where it's due. The Board is not always flexible and open to persuasion, but a few inroads have been made. She observed a precedent developing that each party gives some, and no one is completely happy. She noted another principle, that of getting along and being able to work together in a form of shared governance that involves negotiation, compromise, and hopefully a better day than the university is experiencing this year.

Professor Wagner commented that she was elected by the Columbian College of Arts & Sciences (CCAS) faculty, and, overwhelmingly, her inbox is full of messages asking her to support this resolution. She noted that she hasn't received one email suggesting she vote against the resolution. She urged her colleagues to think about the messages Senators have received on this issue, noting that people are expressing strong feelings; if this is toned down or voted down, the issue won't go away because accountability will not have been achieved. Accountability, she noted is not merely about getting the language perfect; it is about action.

Professor Griesshammer noted that he was torn on the amendment, noting that he did not think the language mattered too much in the context of the Senate's discussion on censure. He then recalled the actions of the U.S. Senate in 1952, when it censured Joseph McCarthy. The censure resolution said "condemn" instead of "censure." However, he stated, "no matter what color the donkey, it's still a donkey"—this is a censure resolution no matter what the Senate calls it.

Professor Tielsch reminded the Senate that the word “censure” has a variety of synonyms, including strong and extreme disapproval. It seems clear in the minds of those present that “censure” seems to carry some more formal disapproval. It seemed to him that if one could live with “censure,” one could also live with “severe disapproval,” unless one was paying no attention to the actual definitions of these terms. He spoke in support of the amendment, noting that he was going to oppose censure because he wanted to look forward to making further progress for university going forward and get past this as quickly as possible.

Professor Garris noted that a resolution of censure has weight when it is unanimous or near-unanimous but not when the vote is close. One way out of the present situation, he suggested, would be to postpone the resolution indefinitely, which would essentially send it into limbo and avoid a vote altogether.

A vote on the amendment to replace “censure” with “severe disapproval” in the resolution’s title and Resolving Clauses 2 and 3 passed, 20-13.

A vote on the amended resolution passed, 33-3.

Noting a comment in the WebEx chat, Professor Galston provided clarification on Professor Wilson’s earlier comment, noting that there are no threats of retaliation coming from the Board in response to possible Senate actions. She noted that, in an effort to meet the Senate part way and open up an avenue of mutual discourse, the Board found \$20 million in university funding toward mitigation efforts that they had said for five to six months they could not make available. She noted that Professor Wilson’s point was that he was worried that, should the Senate not show similar flexibility, the Board might not have the incentive to take such actions going forward. However, no such retaliatory threats were made by the trustees. Professor Wilson confirmed this. He noted that the dialogue with the Board led to some gains and expressed his concern that losing that dialogue could be detrimental for future gains.

Professor Yezer recalled that the Board used to hold dinners with the Senate that provided a collegial environment for the exchange of ideas, and he suggested that reinstating these would be a welcome development.

Professor Gupta thanked ASPP and the full Senate for their hard work on this resolution. Professor Galston thanked Professor Gupta for his hard work shepherding this through the process. Professor Wilson seconded these sentiments, noting that the Swain matter has now been addressed, and, at the same time, the Senate understands that it needs to work on the issue of transparency with the administration for the good of the whole university. If shared governance is going to work, it will do so on the basis of shared information.

GENERAL BUSINESS

- I. Nominations for election of new members to Senate standing committees
The following nominations of standing committee members were approved by unanimous consent:
 - Student Association nominations for student representatives on Senate standing committees (see attached)

The following additional nominations were made and were approved by unanimous consent:

- University & Urban Planning/David Rain, Chair: Ina Gajkondi and Samantha Henry (both of the Center for Excellence in Public Leadership, both voting)

Professor Zara, Chair of the Educational Policy & Technology also announced that Brian Ensor and Jared Johnson (both of Information Technology) have joined this committee in a non-voting capacity. This change does not require Senate approval.

Professor Tielsch expressed his concern about the process by which individual are nominated to committee membership. He noted that there seem to be no rules about balance across divisions of the university. At the September Senate meeting, he stated that he was appalled at the attempt to pack the ASPP committee and felt that this was totally inappropriate. He stated that he was embarrassed for the Senate for allowing this to happen and that he feels it is imperative that the Senate create some rules around this process. Professor Wilson noted that the FSEC is addressing this and is considering which standing committee would best be tasked with working on this issue.

Professor Cordes noted that he receives a list of individuals who have volunteered for committee service from the Senate office each year and that he does consider balanced representation when considering new and continuing committee members. He supported the idea of the FSEC developing rules to formalize this process.

Professor Griesshammer expressed his surprise at what he described as the use of highly unparliamentary language in this discussion. He stated that it is not becoming of this body to insinuate the ill intentions of other members. Everyone here is serving a common cause, and he asked Professor Tielsch to consider rephrasing his comment in a more appropriate way. He concurred that, at the last meeting, the Senate noted serious issues with the committee nomination process. However, his understanding is that these issues are being dealt with. Professor Tielsch responded that he is delighted that the FSEC will be working on this issue. He did not feel that his comments were inappropriate and declined to withdraw or rephrase them.

Professor Sarkar added that he follows a similar process to Professor Cordes when considering the membership of the Research committee. He noted for the sake of transparency that he and his co-chair consider the composition of the committee to be inclusive of all of GW's schools.

The Parliamentarian noted that the Faculty Organization Plan (FOP) assigns the role of nominating committee members to the FSEC. The typical practice has been that faculty are voting and non-faculty are not, but this is not stipulated in the FOP. The FOP also provides that, when the FSEC makes committee nominations, Senate members may add to those nominations. There is no way to prevent Senate members from adding floor nominations. He noted that if one wanted to establish a

process to try to establish balance on the committees or to work with the committee chairs to allow them to select who serves on their committees, there may need to be a rule change. As of now, the rules would allow any member of the Senate to add an additional nominee at a Senate meeting. This nomination would then be voted on at the Senate; the Senate's recent practice has been to approve these nominations by unanimous consent.

Professor Cohen-Cole suggested that, as the FOP states that the FSEC and Senators can make nominations to committees, then this should continue. If the Senate feels any nominations were not done in order, a full vote could be taken as opposed to asking for unanimous consent. He felt that it would not be a good thing for the FSEC to make it impossible for the Senate to vote on committee nominees. Professor Wilson responded that the FSEC is not considering this but that it would undertake a discussion around developing some ground rules to make the process more orderly. He noted that there are good and bad reasons why the composition of a committee might change over time. He affirmed Professor Tielsch's concern as valid, noting that several individuals expressed concern that the process needs to be made more orderly.

Professor Griesshammer urged the Senate to refrain from characterizing what happened at the September meeting in an unfortunate light. At the time these nominations were made during the September meeting, the Parliamentarian was asked outright if there was anything untoward in the way that these nominations were made. The Parliamentarian then assured the Senate that everything done was within the scope of the existing rules; this is noted in the meeting minutes. Professor Griesshammer noted that the Senate is always free to vote on nominations rather than adopting them by unanimous consent.

II. Appointments for service on University administrative committees

The following nomination was approved by unanimous consent:

- Student Rights & Responsibilities Appeals Board: Robert Baker/CCAS (mid-term replacement)

III. Reports of the Standing Committees

None.

IV. Report of the Executive Committee: Professor Arthur Wilson, Chair

Professor Wilson provided brief comments on recent FSEC activities:

- Several members of the FSEC have been working with the administration on the injecting the views of the faculty into the work of the shared services committees.
- Professor Wilson met with the trustees last week during their fall meetings; this meeting record is public.
- There was a meeting of the University Leadership Council where various issues were discussed. Several continuing issues will come up over the next weeks and months.

BRIEF STATEMENTS AND QUESTIONS

Professor Cordes noted that FP&B will take its first detailed look at how the MFA relates to the university as a whole (using the audit and financial statements) at its meeting next Friday. Following this, the committee will send a summary to the FSEC. In addition, he noted that the Senate will need to play a role in the Provost's nascent and rapidly developing Academic Master Plan, which is not a one-off topic but will rather be looking at a wide range of topics.

Professor Wilson confirmed this, noting that there is a general lack of familiarity among the faculty in this developing area. He expressed his hope that, as these conversations begin, there will be a clear message that the 20/30 plan is dead and that there is a clean slate to discuss strategic planning going forward with everyone at the table. This will take a lot of work, and he hoped that, with the budget issues becoming less acute and with today's resolution addressed, that the Senate can begin focusing on plans for the future.

Professor Marotta-Walters noted that she spoke with Mark Diaz last week regarding the campus facilities master plan. She noted that he will update her on the current status of this plan in her capacity as chair of the Physical Facilities committee within the week. Professor Galston noted that Mr. Diaz had conceded that faculty could be involved when progress on Thurston is discussed and a decision is made about whether to move forward; she stated that there is a definite need to ensure a faculty presence on this issue.

Professor Tielsch expressed his confusion around the fact that the university president chairs Senate meetings and wondered whether this is counterproductive for an independent faculty body with a free voice. He noted he would be happy to have the ex officio voice of the President at Senate meetings but suggested that the Senate should discuss why this structure exists as it does and whether this should continue. Professor Cordes responded that this structure dates back to the early days of the Senate, when the then-President permitted the establishment of the Senate as long as the President chaired the meetings. Professor Sarkar noted that his experience of the University of Delaware senate was nothing like GW, where the experience is better for having the president fully engaged. At Delaware, he noted, there was a complete disconnect with the administration as a result. Professor Garris recalled a time when the President was not chairing the Senate, and the administration did not attend the meetings. A decision was made that the meetings would be more productive if the President, Provost, and Deans were engaged members of the Senate.

Professor Johnson noted that he was not in favor of asking the trustees to permanently discard the 20/30 plan, expressing his opinion that the plan would improve GW in a significant way. He suggested that the President should be allowed to enact this plan when the pandemic is past and see what happens. His sense is that the concept of the 20/30 plan's changes will improve the quality of the student body and make the university more competitive. Professor Wilson responded that his sense was that the 20/30 plan was presented as something of a given that included substantial financial losses without an explanation for how those losses would be covered. He suggested that, before the university enacts a plan to cut its revenue, it needs to have a plan to cut its expenses as well, and this was not in evidence with the 20/30 plan. Professor Johnson agreed with this, noting that expenses could be cut by eliminating programs that are not supported by robust enrollments and future employment prospects.

ADJOURNMENT

The meeting was adjourned at 6:12pm.

Anti-Bias and Anti-Racism Resources for Faculty

Caroline Laguerre-Brown, JD
Vice Provost for Diversity, Equity
and Community Engagement



Context

- Global movement for racial justice following the killings of George Floyd, Ahmaud Arbery, Breonna Taylor, and several other Black men, women, and trans people.
- ODECE has received sustained requests for education, support, and consultation from our campus partners and from our constituents.

Live Unconscious Bias Training

- Live sessions designed to raise awareness and understanding about how unconscious bias can undermine a conscious desire to support diversity & inclusion objectives.
- Provide strategies for managing unconscious bias in hiring, assessments, and in interactions with students, colleagues, and co-workers.
- Contact ODECE at diverse@gwu.edu to schedule an appointment.

Live Sessions on Inclusive Classrooms

- Highly engaging, customized workshop that raises faculty awareness around individual and program/department level biases that show up in classroom settings through pedagogy, curriculum design, instruction, grading, and more.
- Explicit guidance and tools on ways to create more inclusive classrooms, and assess student learning, engagement, and sense of belonging.

ODECE Website: Resources Page

- Living website with readings, videos, and other mediums to provide campus community with passive educational opportunities from various perspectives.
- Categories include race, anti-Semitism, ableism, allyship, inclusive classroom, bias, and more.
- Opportunity for members of GW to offer input and recommendations.

Access resource page at www.diversity.gwu.edu.

Assistance with Climate Surveys and Group Meetings

- ODECE has been responding to requests for support in developing climate surveys, strategic planning, and short- and long-term goals related to diversity, inclusion, and equity.
- Based on requests, ODECE is facilitating group meetings, committees, and community forums to assess and address climate concerns with students, faculty, and staff in academic and non-academic units.

Bias Incident Reporting Process

- Support students who are targets or witnesses of hate or bias incidents
- Refer students to available campus resources and services including units that have the authority to investigate complaints
- Serve as a source of support for those who become the subject of a report. (e.g. assistance with processing feedback and addressing the concern raised)
- Non-disciplinary; not a sanctioning body

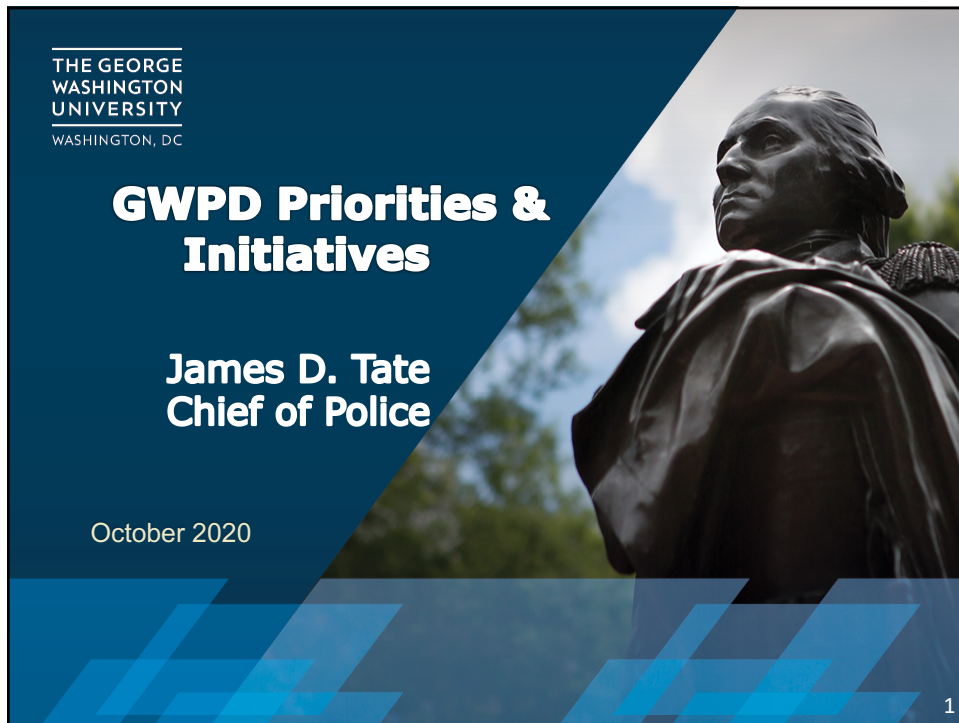
Discrimination Complaint Procedures

- Faculty who have concerns may bring their concerns to the Faculty Affairs Office.
- Students who have concerns about discrimination can report their concerns to the Student Rights and Responsibilities Office.
- Staff can report concerns to Human Resources/
Equal Employment Opportunity Office.

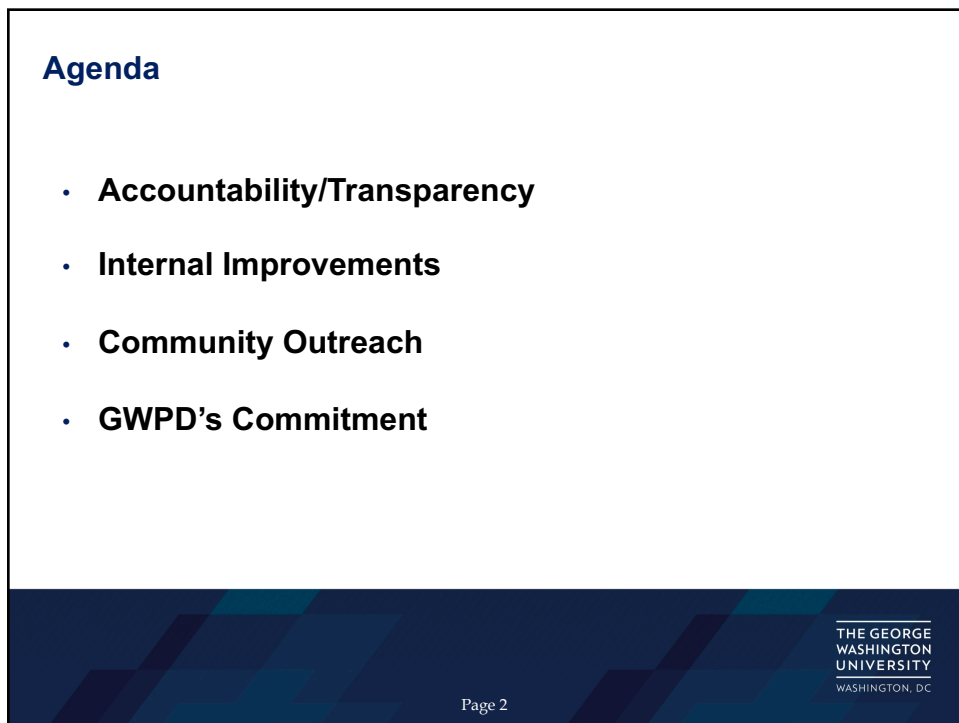
Online Discrimination Prevention Courses

- Preventing Harassment & Discrimination
 - Broad coverage anti-discrimination basics
 - Title IX Coverage (recently revised)
 - Course sits on the university's learning management system on the Talent@GW platform.
- GW provides online classes covering several topics via LinkedIn Learning also on Talent@GW.

Questions



1



2

Accountability and Transparency

- **Body-Worn Cameras**
- **In-Car Cameras**
- **Racial Profiling Report (Mar 21)**
- **Annual Statistical Overview (Jan 21)**

3

Internal Improvements

- **Recruiting/Hiring Process**
- **Police Qualifications**
- **Police Training**
- **Criminal Investigations**

4

Community Outreach

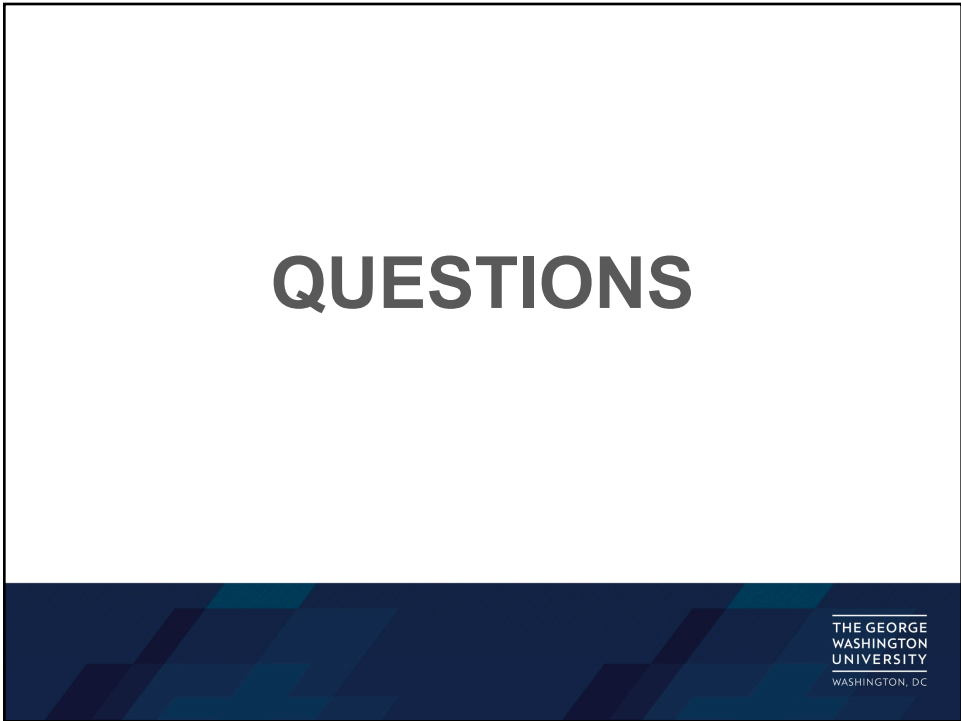
- **Div. of Safety & Facilities Student Advisory Board**
- **Community Outreach Officer**
- **GWPD Student Outreach Liaison**
- **GW Media Relations**

5

GWPD's Commitment

- **Accessible & Approachable**
- **Keep the Campus Safe**
- **Public Servants....Not Warriors**
- **Building Trust & Legitimacy**

6



7



8

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Resolution 21/13 was originally presented to the Faculty Senate on September 11, 2020.

After extensive debate, it was **recommitted** to the ASPP committee with 3 mandates

1

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Resolving Clauses from the original Resolution:

RC2: 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.

RC3: 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.

2

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Mandate 1: “to seek to meet with the President in **private** session, with the objective of permitting the President to thoroughly, candidly, and privately speak to Resolving Clauses (2) and (3) of Resolution 21/13”

3

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Committee Response to Mandate 1: The President met with the ASPP committee on September 25, 2020. He was generous with his time. He explained the process of making the offer to Ms. Swain and answered all questions the committee members asked.

4

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Mandate 2: “to advise the Senate at the October meeting whether, in the view of a majority of voting-eligible ASPP members:

- a. the President has satisfactorily addressed Resolving Clause (2) of the Resolution (**without any further need to make public the basis on which the ASPP Committee has reached that conclusion**);
- b. the President has presented ASPP with a document, to be shared with the Senate and the University community, that fully and adequately responds to Resolving Clause (3) of the Resolution”

5

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Committee Response to Mandate 2:

- (a) The President has **satisfactorily addressed** resolving clause 2 of the original resolution.
- (b) The President has provided the ASPP committee a document entitled “**Protocols for Hiring Vice Presidents Who Report to the President.**” This document (**Appendix 1**) fully and adequately responds to resolving clause 3 of the original resolution which ASPP recommends for adoption by the full Senate.

6

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Mandate 3: “to advise the Senate at the October meeting whether, in the view of a majority of voting-eligible ASPP members, the Resolution presented at the September meeting should be **debated as presented, debated with amendments as informed by ASPP’s meeting with the President, or withdrawn**”

7

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Committee Response to Mandate 3: The Committee voted to **amend** the resolution informed by our meeting with the President.

- The first option (**original version**) was not on the table any more.
- The third option (**withdrawn**) was not approved by the committee.

8

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Committee Response to Mandate 3: After extensive discussion and deliberation, the committee voted **unanimously** to approve the following language:

“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”

9

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Note: The President has apologized on several occasions including:

GW Today, August 25, 2020: “I sincerely apologize for the distress and distraction that this has caused many in our community. I should have recognized the sensitivities and implications of this hire. It is a mistake I deeply regret.”

10

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Note: The ASPP Committee appreciates the President's willingness to provide the requested information (**this information shall remain confidential as mandated by the Senate vote**).

However, the Committee was (by a majority vote) **unwilling to completely drop** this issue. The Committee discussed whether, in view of the President's candor, any further action was needed. It concluded that the President exercised sufficiently poor judgment that further Senate action was warranted.

11

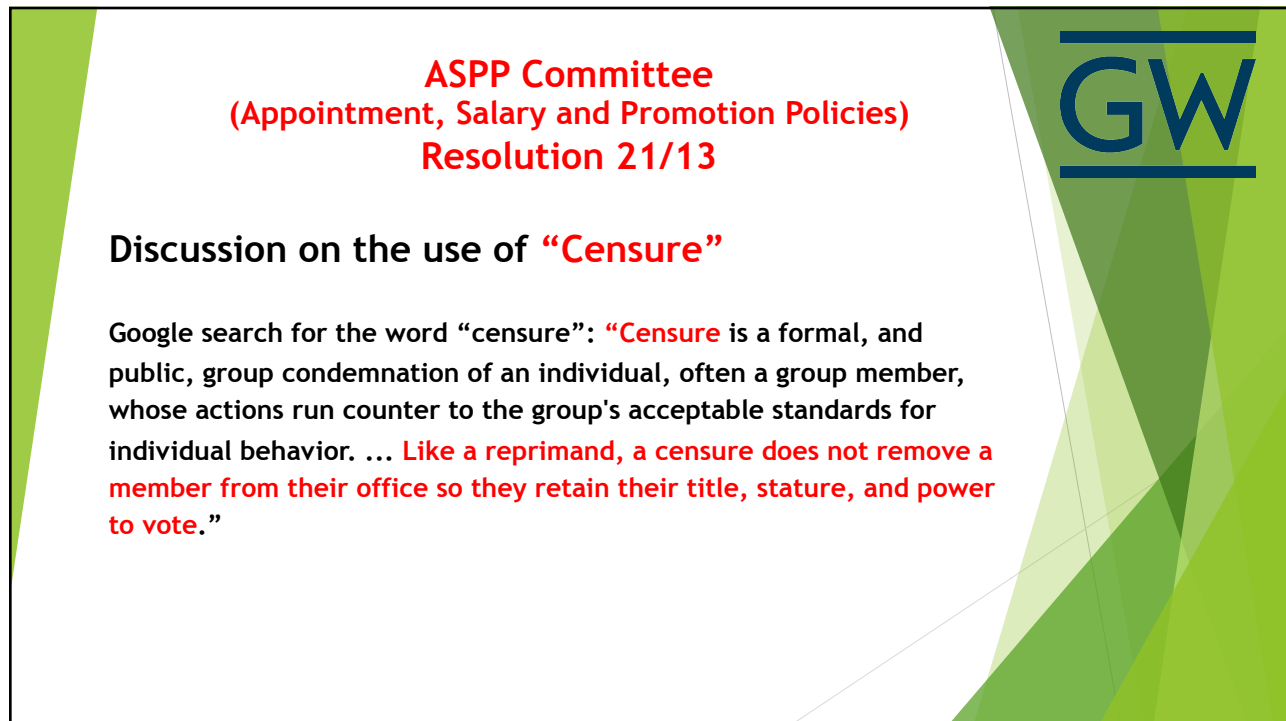
ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Discussion on the use of "Censure"

From Wikipedia: "A **censure** is an expression of **strong disapproval** or **harsh criticism**. In parliamentary procedure, it is a debatable main motion that could be adopted by a majority vote. Among the forms that it can take are a stern rebuke by a legislature, a spiritual penalty imposed by a church, or a negative judgment pronounced on a theological proposition. **It is usually non-binding (requiring no compulsory action from the censured party), unlike a motion of no confidence (which may require the referenced party to resign).**"

12



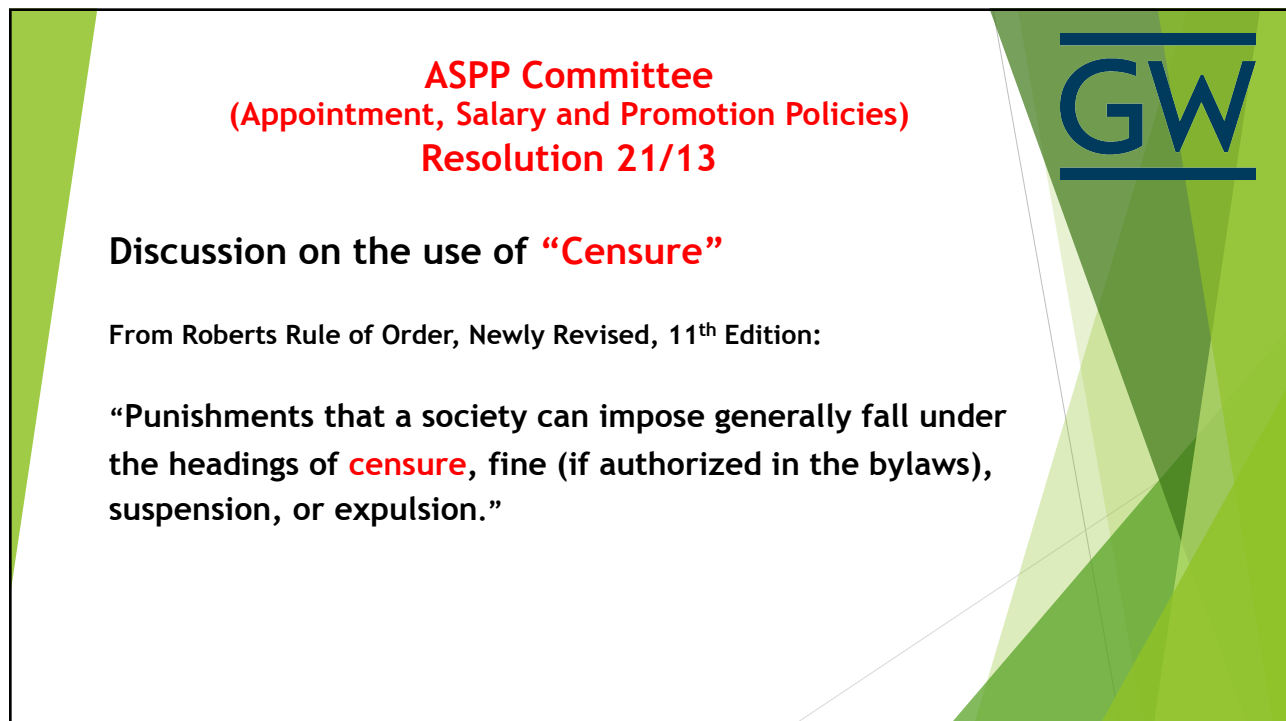
**ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13**

GW

Discussion on the use of “Censure”

Google search for the word “censure”: “**Censure** is a formal, and public, group condemnation of an individual, often a group member, whose actions run counter to the group’s acceptable standards for individual behavior. ... **Like a reprimand, a censure does not remove a member from their office so they retain their title, stature, and power to vote.**”

13



**ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13**

GW

Discussion on the use of “Censure”

From Roberts Rule of Order, Newly Revised, 11th Edition:

“Punishments that a society can impose generally fall under the headings of **censure**, fine (if authorized in the bylaws), suspension, or expulsion.”

14

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Further Discussion

- ASPP committee **strictly followed** the Senate mandate.
- We struggled with the right language to use and decided that **“Censure” is the right word.**
- Similar appointments in the **future** would require more consultations, stronger vetting, and social media checking.

15

ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13



Further Discussion: Core Values

The Committee did consider the meaning of “core values”, and referenced the University Policy on Sexual Harassment (<https://compliance.gwu.edu/title-ix-sexual-harassment-and-related-conduct-policy>) which states: “The George Washington University is committed to maintaining a positive climate for study and work, in which individuals are judged solely on relevant factors, such as ability and performance, and can pursue their activities in an atmosphere that is free from discrimination, harassment, and violence.”

***That* is a “core value”.**

16

**ASPP Committee
(Appointment, Salary and Promotion Policies)
Resolution 21/13**



Thank you



A RESOLUTION OF SEVERE DISAPPROVAL 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 the 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, 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.”³; 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”⁴; 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 Marketing⁵; 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 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

⁴ 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

⁵ *GW Today*, “Update on Vice President for Communications and Marketing,” August 15, 2020, <https://gwtoday.gwu.edu/update-vice-president-communications-and-marketing>

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 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; and

WHEREAS, At the direction of the Faculty Senate, the Appointment, Salary, and Promotion Policies (ASPP) Committee met with President LeBlanc on September 25, 2020, in order to advise the Senate on whether the President (1) satisfactorily provided a full and complete accounting of the vetting process that resulted in the appointment of Ms. Swain (without any further need to make public the basis on which the ASPP Committee reached that conclusion), and (2) presented 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 (including a provision for including faculty members not presently holding an administrative appointment in the vetting process); and

WHEREAS, The ASPP has provided the Senate with a Summary Report (presented as Attachment 2) on its meeting with the President;

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

- (1) The Faculty Senate of The George Washington University endorses the “Protocols for Hiring Vice Presidents Who Report to the President” (presented as Attachment 1);
- (2) The Faculty Senate of The George Washington University hereby expresses its severe disapproval of 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
- (3) The Faculty Senate recommends that this severe disapproval be sustained by the Board of Trustees of The George Washington University.

Senate Committee on Appointments, Salary, and Promotion Policies
September 27, 2020

Adopted as Amended by the Faculty Senate
October 9, 2020

Appendix 1

Protocols for Hiring Vice Presidents Who Report to the President

- The Faculty Senate Executive Committee will be consulted.
- There will be a search committee, which will include at least one faculty representative nominated by the Faculty Senate Executive Committee.
- The following vetting practices are expected:
 - The search firm will conduct on-list and off-list references for all finalists (subject to finalist authorization to go off-list). The search firm will also conduct vetting using press and social media searches.
 - The search firm will share a confidential consolidated summary of references and vetting searches with the search committee.
 - In addition to the search firm's reference checks, the search committee chair or designees will personally conduct reference checks both on-list and off-list (subject to finalist authorization to go off-list).
 - In accordance with, and subject to, applicable law, a trusted third party will conduct vetting using press and social media searches, criminal record checks, civil case checks, credit checks (if applicable), degree verification checks, driver's license checks.
- The President will personally contact the last two presidents/leaders for whom the finalist worked.

Appendix 2

Summary Report of September 25, 2020, Meeting of President LeBlanc with the Appointment, Salary, and Promotion Policies Committee

At the direction of the Faculty Senate, the Appointment, Salary, and Promotion Policies (ASPP) Committee met with President LeBlanc on September 25, 2020, in order to advise the Senate on whether the President has (1) satisfactorily provided a full and complete accounting of the vetting process that resulted in the appointment of Ms. Swain (without any further need to make public the basis on which the ASPP Committee reached that conclusion), and (2) presented 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 (including a provision for including faculty members not presently holding an administrative appointment in the vetting process).

In early remarks, President LeBlanc apologized to the Committee for the circumstances that led to the meeting. He also noted that legal issues restricted a small part of what he could share with the Committee. Subject to the condition established by the Senate that the information not be made public, President LeBlanc then detailed for the Committee (pursuant to the first of the two Senate mandates) the sequence of events leading up to the announcement of Ms. Swain's appointment, and answered all questions posed to him by the Committee.

The ASPP Committee then discussed with President LeBlanc his proposed "Protocols for Hiring Vice Presidents Who Report to the President" (see Appendix 1). The President answered all questions Committee members had about this proposal.

The ASPP Committee then met in Executive Session. In accordance with the Senate's stipulation (and the President's request) that its advice to the Senate concerning information regarding the events leading up to Ms. Swain's appointment be provided "without any further need to make public the basis on which the ASPP Committee has reached [its] conclusion," the Committee reached the following conclusions::

1. President LeBlanc has "satisfactorily addressed" Resolving Clause 2 (viz., "to provide a full and complete accounting of the vetting process that resulted in the appointment of Ms. Swain") of Resolution 21/13 as originally debated by the Faculty Senate;
2. The ASPP Committee endorses the Protocols for Hiring Vice Presidents Who Report to the President, and recommends the endorsement of these Protocols by the Faculty Senate;
3. The ASPP Committee appreciates President LeBlanc's forthright and full accounting of the events leading up to the announcement of Ms. Swain's appointment;
4. The ASPP Committee recommends censure. It does so after evaluating the explanation provided by President LeBlanc regarding the events, timeline, and decision-making process leading to the announcement of Ms. Swain's appointment. Specifically, a majority of the ASPP Committee concluded that President LeBlanc's actions reflected a significant error in judgment and failure of leadership regarding a matter of critical importance to the University. The Committee deliberated extensively on whether the term "censure" was appropriately applied here. In recognition of the definition provided by Robert's Rules of Order (Chapter XX, page 643) that censure is "an expression of strong disapproval or harsh criticism," the Committee concluded, after consideration of alternatives, that "censure" is appropriately applied in this case.