



# Faculty Senate

## Professional Ethics & Academic Freedom Committee 2023-2024 Interim Report December 2023

The Committee on Professional Ethics and Academic Freedom (PEAF) has been working this year to address the following charges given to us by the Faculty Senate Executive Committee (FSEC).

1. Recommend changes to the Faculty Organization Plan (FOP) in the following areas:
  - a. Continue the work around Faculty Assembly membership
  - b. Update and codify the procedures around appointing the Faculty Consultative Committee that works with presidential search processes
  - c. Consider how FSEC can best contribute to supporting shared governance at the university and particularly to putting the Senate in the best position to work effectively with the new President. Consider whether any amendments to the FOP are necessary to support FSEC's effective functioning and/or whether an elaboration of a consensus interpretation of these documents will suffice;
2. Assess the Faculty Code for areas needing updates ahead of the upcoming three-year review process to be undertaken with the Board;
3. In light of increasing threats to academic freedom, of both individual faculty and collectivities, and from both within the university and by outside actors, consider whether additional mechanisms are required, beyond the existing academic freedom policy to ensure that faculty are protected and supported; and
4. Examine the collective bargaining agreement (CBA) between GW and the part-time instructors' union to ascertain if provisions infringe on academic operations (e.g., the ability of departments to replace underperforming part-time faculty) and provide input to the administration on how to eliminate any such infringements in future revisions of the agreement. Propose processes for engaging and consulting with departments and faculty in future negotiations.

This interim report lists actions by PEAF to address each of these charges to date and has attached the minutes of our regular meetings.

**1a.** The “Assembly membership problem” to be addressed is that SMHS Faculty (as currently defined by the FOP) represent >50% of the membership of the Faculty Assembly—hence, they have “veto power.” Many think that this is not a reasonable governing structure because it is disproportionate compared to Faculty Senate representation where SSMH has five senators (out of 40), or 12.5% of the membership. Other metrics (e.g., number of students taught, credit hour production) also show that SMHS faculty do not contribute the majority of the effort (>50%) since their contribution is closer to ~10% of the total effort to fulfill the University’s mission. A new definition of “SMHS faculty” that is proportional to both, senate representation and overall

contribution seems necessary. Previous proposals considered the criterion for membership based on direct employment by GW, but this stringent criterion would exclude, in addition to faculty employed by Children's National Medical Center, DC Veterans Administration, and Sinai Hospital of Baltimore, SMHS faculty employed by the MFA who usually serve on the Faculty Senate. Examples include Drs. Shesser, Simon, and Sidawy, plus two senators this current term (Drs. Borum and Zeman). Under a somewhat relaxed interpretation of this criterion, only full-time regular faculty in SMHS employed by GW plus regular faculty affiliated with the MFA might be considered members of the GW Faculty Assembly. Although the MFA is structured as an independent 501(c)(3) entity, the University has considerable oversight authority and financial involvement. The MFA Board of Trustees is chaired by former GWU Board Vice Chair Ellen Zane, and includes two members (Chichester, Lawrence) of the GW Board of Trustees, GW President Granberg, and GW Vice President/CFO/Treasurer Fernandes. The MFA CEO is GW VP for Health Affairs and GW Medical School Dean Barbara Bass. Under this criterion (SMHS faculty plus MFA faculty), the representation of the medical faculty in the Faculty Assembly will be close to 20%. A draft resolution with such a proposal is likely to be offered by PEAFF in the Spring for discussion at the Senate floor (and will be discussed at the forthcoming PEAFF meeting on December 11).

**1.b. The Faculty Consultative Committee:** PEAFF developed a draft resolution (tentatively approved on Oct 9—see minutes of that meeting attached to this report) that is pending final assessment and vote contingent on approval of FOP amendments by the Faculty Assembly that would empower the CPS to have representation in the Faculty Senate (as per SR 23/8). Since the Faculty Assembly could not approve these amendments on Nov 6 due to lack of quorum, it is necessary to delay treatment of this issue until the Assembly is able to pass its resolution (FA resolution 24/1), hopefully on December 7th. This issue is not urgent, but it may be offered for the consideration of the Senate in the Spring and will be discussed at the forthcoming PEAFF meeting on December 11.

**1.c. The role of FSEC** to best contribute to shared governance. An *ad hoc* subcommittee has been formed and is working to address this issue, formed by professors Cohen-Cole, Cseh, El-Ghazawi, Houghtby-Haddon, Koch, Marotta-Walters, Morley, Orti, Seager (see minutes of October 9 meeting).

**2. Faculty Code** revisions for areas needing updates: an *ad hoc* subcommittee has been formed and is working to address this issue, formed by professors Attia, Darr, El-Ghazawi, Gastwirth, Gutman, Houghtby-Haddon, Jain, Kyriakopoulos, Leibow, Marotta-Walters, Orti, Patel, Perez-Gaitan, Pollard, Wargotz, and Zhang (see minutes of October 9 meeting).

**3. Academic freedom:** an *ad hoc* subcommittee charged with suggesting proposals is working to address this issue, formed by professors Burke, Callier, Glenn, Gore, Houghtby-Haddon, Kyriakopoulos, Leibow, Morley, Patel, Seager, Walters-Edwards, and Whitt (see minutes of October 9 meeting).

**4. CBA between GW and the part-time instructors.** The current Collective Bargaining Agreement (CBA) with the part-time faculty union became effective on November 4, 2022 and is in effect until December 31, 2024. This agreement cannot be changed in any form. Sometime prior to the end date, GW will enter negotiations with the union to draft a new CBA. In the past, faculty and academic leaders (e.g. associate deans, VPs) as well as OGC, have served on the university side of the contract negotiations. A review of the current CBA will be undertaken by PEAFF in the Spring to

identify potential issues that may warrant revision during the forthcoming negotiations and discuss any Faculty Senate participation in this process.

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The PEAf committee met three times this year (September 11, October 9, November 13) and the minutes of those meetings are included in this report below. Regular monthly meetings have been scheduled for the Fall semester for the following dates: September 11, October 9, November 13, December 11. Several subcommittees have been formed to address some of the charges (see below) and they are in the process of organizing their own meetings to start working as soon as possible.

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MINUTES OF THE REGULAR PEAf MEETING  
HELD ON September 11, 2023  
VIA ZOOM

Present: Co-Chairs Houghtby-Haddon and Ortí; Vice Provost Riffat; Professors Bhati, Burke, Callier, Cohen-Cole, Cseh, Gastwirth, Glenn, Jain, Koch, Leibow, Morley, Patel, Perez-Gaitan, Pollard, Seager, Walters-Edwards, Wargotz, Wasserman, Whitt.

Absent: Professors Anderson, Attia, Burke, Clayton, Culbreath, Darr, El-Ghazawi, Gore, Gutman, Jacobsen, Kyriakopoulos, Marotta-Walters, Sheehi, Waraksa, Weitzner, Zhang.

1. Meeting called to order at 1:00 pm
2. Introduction of new members
3. Presentation of charges from FSEC for the academic year
4. The committee initiated discussion of the Senate charge to reconsider Resolution 23/3 that was committed to PEAf in May 2023, to consider how FSEC can best contribute to supporting shared governance at the university and particularly to putting the Senate in the best position to work effectively with the new President. Relevant documents were shared with the committee before the meeting, including the resolution itself, excerpts from the May 2023 Senate meeting minutes focusing on this issue, statements from the incoming and outgoing FSEC members in regard to this issue (shared with the Senate in May 2023), and a statement from the current FSEC chair. The chairs introduced the motivation and background information to PEAf members and also referenced the “Statement Of Principles Of Shared Governance” document of 2022 by the Shared Governance task Force posted by the Board of Trustees. Questions were raised about the definition of emergencies and the need for confidentiality. Functions of the FSEC, as stated in the FOP and Faculty Code were reviewed and discussed. Given the complexity of the topic and the limited time remaining, the committee decided to form a dedicated subcommittee to address this topic and (possibly) establish a process to exchange ideas and suggestions off-line.

5. Subcommittees also will be constituted to address the other charges listed by FSEC

Closing

- The committee adjourned at approximately 2 pm.

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MINUTES OF THE REGULAR PEAF MEETING  
HELD ON October 9, 2023  
VIA ZOOM

Present: Co-Chairs Houghtby-Haddon and Orti; Professors Bhati, Burke, Callier, Cohen-Cole, Culbreath, El-Ghazawi, Gastwirth, Glenn, Gutman, Jain, Koch, Leibow, Morley, Patel, Perez-Gaitan, Pollard, Seager, Walters-Edwards, Weitzner,  
Absent: Vice Provost Riffat; Professors Anderson, Attia, Burke, Clayton, Cseh, Darr, Gore, Jacobsen, Kyriakopoulos, Marotta-Walters, Sheehi, Waraksa, Wargotz, Wasserman, Whitt, Zhang.

1. Meeting called to order at 1:00 pm
2. Approval of minutes (May 1<sup>st</sup> and Sept 11, 2023 meetings)
3. Subcommittees formed to address several charges sent to us by FSEC: (i) recommend changes to the Faculty Organization Plan (FOP) in the following areas: continue the work around Faculty Assembly membership; (ii) consider how FSEC can best contribute to supporting shared governance at the university and particularly to putting the Senate in the best position to work effectively with the new President and consider whether any amendments to the FOP are necessary to support FSEC's effective functioning and/or whether an elaboration of a consensus interpretation of these documents will suffice; (iii) assess the Faculty Code for areas needing updates ahead of the upcoming three-year review process to be undertaken with the Board; (iv) in light of increasing threats to academic freedom, of both individual faculty and collectivities, and from both within the university and by outside actors, consider whether additional mechanisms are required, beyond the existing academic freedom policy to ensure that faculty are protected and supported.
  - a. **Faculty Organization Plan, to define the Faculty Assembly membership:** Cohen-Cole, Orti, Houghtby-Haddon, Walters-Edwards, Waraska, Wasserman, Weitzner, Whitt.
  - b. **Faculty Organization Plan, to consider how FSEC can best contribute to supporting shared governance:** Cohen-Cole, Cseh, El-Ghazawi, Houghtby-Haddon, Koch, Marotta-Walters, Morley, Orti, Seager.

- c. **Faculty Code revisions:** Attia, Darr, El-Ghazawi, Gastwirth, Gutman, Houghtby-Haddon, Jain, Kyriakopoulos, Leibow, Marotta-Walters, Orti, Patel, Perez-Gaitan, Pollard, Wargotz, Zhang.
- d. **Academic freedom policy:** Burke, Callier, Glenn, Gore, Houghtby-Haddon, Kyriakopoulos, Leibow, Morley, Patel, Seager, Walters-Edwards, Whitt.

Each subcommittee will meet independently as soon as possible, choose a chair, and start working on their respective charges. When subcommittees have specific proposals, these will be placed on the agenda for the next full PEAFF meeting.

4. Update to codify the procedures around appointing **the Faculty Consultative Committee** (FCC) that works with presidential search processes. A review of the history of this issue was facilitated by documents that included FA-86/1, FA-17/2, FS-22/2, ASPP resolution 22/6 (postponed indefinitely by the Faculty Senate in March 2022), PEAFF Resolution 22/7 (postponed indefinitely by the Faculty Senate in March 2022), Minutes of the Faculty Senate meeting on March 2022. In light of this history, a proposal was discussed and amended and subsequently tabled until the next PEAFF meeting (Nov 13). The proposal was based on the previous two (ASPP and PEAFF) resolutions and the concerns raised during Senate discussions at its regular meeting in March 2022. The draft resolution under consideration is appended below. At the next PEAFF meeting, we will know whether the resolution “on defining representation of the College of Professional Studies(CPS) in the Faculty Senate” (SR23/8) is approved at the upcoming Faculty Assembly meeting (on November 6), so we can approve appropriate language to include representatives of CPS in the FCC. The draft version of the proposal (attached) assumes that SR23/8 will be accepted and the FOP will reflect this change.
5. Other matters: an interim report of PEAFF activities will be submitted to the Senate office this week.

#### Closing

- The committee adjourned at approximately 2:10 pm. Next meeting will be November 13.



**A RESOLUTION TO IMPLEMENT A FACULTY CONSULTATIVE COMMITTEE IN  
PRESIDENTIAL SEARCHES (24/x)**

**WHEREAS**, Section C, subsection 5, of “Procedures for the Implementation of the Faculty Code” states, without further guidance:

“The Faculty Assembly shall elect a committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President”; and

**WHEREAS**, In 1986, the Faculty Assembly adopted “A Resolution to Implement Part C.5 of the *Procedures for the Implementation of the Faculty Code*” (FA 86/1), which established procedures for faculty participation in presidential searches and directed each of the Schools then in existence to elect a member-designate for confirmation by the Faculty Assembly to serve on the Faculty Consultative Committee (FCC); and

**WHEREAS**, Modifications to the selection procedures intended to broaden diversity and enhance representativeness have been adopted for the 2017 (FA 17/2) and 2022 (FS 22/2) presidential searches; and

**WHEREAS**, These resolutions required the Senate to elect additional members to the FCC so that the FCC and Presidential Search Committee include adequate participation among disciplines and faculty rank; and

**WHEREAS**, Making such modifications permanent for all future presidential searches underscores the Faculty Senate’s unqualified commitment to fundamental principles of diversity, equity, and inclusion,

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

1. Article IV of the Faculty Organization Plan should be amended by striking and replacing Article IV with the following:

**“Article IV. The Faculty Consultative Committee**

**SECTION 1. CREATION OF THE FACULTY CONSULTATIVE COMMITTEE**

The Faculty Senate shall send to the Faculty Assembly for endorsement an elected Faculty Consultative Committee to advise and consult with the Board of Trustees or appropriate members thereof in the selection of a President:

{1) No later than four weeks after the announcement of a presidential vacancy, or as

soon thereafter as is possible, the Faculty Senate representatives of the ten academic divisions represented on the Senate (to wit: Columbian College of Arts and Sciences, Elliott School of International Affairs, School of Medical and Health Sciences, School of Business, Graduate School of Education and Human Development, Law School, Milken Institute School of Public Health, School of Nursing, School of Engineering and Applied Sciences, College of Professional Studies), shall caucus to nominate to their respective faculties members of those faculties;

- {2) The several faculties shall meet no later than six weeks after the announcement of a presidential vacancy, or as soon thereafter as is possible, to elect member-designate(s) to the Faculty Consultative Committee (FCC) from the slate submitted by their Senate representatives or by nomination and election from the floor;
- {3) The number of elected member-designates from each faculty shall be equal to one-fourth of the number of that faculty's representation in the Faculty Senate, rounded to the next highest integer;
- {4) In addition to these member-designates per academic division, each faculty will also elect a slate of up to three additional names to increase broader faculty representation with otherwise underrepresented demographic traits or characteristics and with diverse academic disciplines, ranks, and tracks (the 'diversity pool');
- {5) The several faculties shall immediately submit the names of persons thus elected to the Chair of the Faculty Senate Executive Committee (FSEC);
- {6) The FCC will be constituted by the elected member-designates from each faculty plus up to four additional candidates from the 'diversity pool' chosen by the FSEC;
- {7) The FSEC Chair shall present the resulting slate of nominees to the Faculty Senate for its confirmation and approval;
- {8) The proposed FCC shall be submitted to the Faculty Assembly for election at a Special Meeting to be called as soon as feasibly possible after confirmation and approval by the Faculty Senate, upon which the confirmed and approved slate of nominees shall be declared elected to serve as members of the FCC;
- {9) Within three weeks of the confirmation and approval by the Faculty Assembly, the FCC shall convene upon the initiative of the FSEC Chairman, elect a chair, and provide for record-keeping;

## SECTION 2. FACULTY CONSULTATIVE COMMITTEE ROLE IN THE PRESIDENTIAL SEARCH PROCESS

- (1) The FCC shall request the Board of Trustees or appropriate members thereof to accept some or all of its members to serve on the Presidential Search Committee for the duration of the presidential search. In the event that not all members of

the FCC are so accepted, the FCC shall, in keeping with the principles set forth in Section 1(5) above, elect from among its members that number designated by the Board to serve on the Search Committee; but the FCC shall retain a separate order of business and confer regularly with those of its members who become active members of the Search Committee;

- (2) The FCC shall request of the Board of Trustees or appropriate members thereof that, whether some or all of its members are accepted as full members of the Search Committee:
  - a. The FCC be accorded an active role in defining the criteria which the Search Committee will apply in its consideration of the applicants; and
  - b. The Search Committee give full and judicious consideration to any well-reasoned views which the FCC may express with respect to particular applicants;
  - c. Within constraints imposed by the need for confidentiality, as defined by the Search Committee, the FCC may, at its discretion, make interim reports to the Faculty Senate;
  - d. The duly constituted FCC will be disbanded upon the appointment of a new president.”
2. Section C.5 of the Procedures for the Implementation of the Faculty Code should be deleted.
3. Article IV of the Faculty Organization Plan should be renumbered Article V.

Professional Ethics and Academic Freedom Committee

(Discussed and amended on Oct 9, 2023; tabled until the next regular PEAFF meeting on Nov 13)

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MINUTES OF THE REGULAR PEAFF MEETING (draft)  
HELD ON November 13, 2023  
VIA ZOOM

Present: Co-Chairs Houghtby-Haddon and Ortí; Vice Provost Riffat; Professors Bhati, Burke, Callier, Cseh, Culbreath, Darr, El-Ghazawi, Gastwirth, Glenn, Gutman, Jacobsen, Kyriakopoulos, Leibow, Marotta-Walters, Patel, Pollard, Walters-Edwards, Wasserman, Weitzner, and Whitt.



Absent: Professors Anderson, Attia, Burke, Clayton, Cohen-Cole, Gore, Jain, Koch, Morley, Perez-Gaitan, Seager, Sheehi, Waraksa, Wargotz, and Zhang.

6. Meeting called to order at 1:00 pm
7. Approval of minutes (October 9, 2023 meetings)
8. Announcements and updates, Q&As: The following updates are offered by the co-chairs and discussed at the meeting: An interim report is due to the Senate Office by Nov 30. We will append the minutes of today's meeting to the interim report already posted.
  - a. Work around **Faculty Assembly membership**. Co-chairs Orti and Houghtby-Haddon met with Vice Provost Riffat on Oct 16 to request help from the Provost's office to initiate high-level discussions with the SMHS Dean and the leadership of several affiliated hospitals and physician groups (e.g. The GW Medical Faculty Associates, Children's National Medical Center, DC Veterans Administration, and Sinai Hospital of Baltimore, site of the new GW SMHS Regional Medical Center) to discuss this issue. The Provost's office declined to provide such service and deferred to the faculty to provide solutions. Previous proposals considered the criterion for membership based on direct employment by GW, but this stringent criterion would exclude SMHS faculty employed by the MFA who have served on the Faculty Senate, e.g., Drs. Shesser, Simon and Sidawy, including two senators this term (Drs. Borum and Zeman). Under a somewhat relaxed interpretation of this criterion, only full-time regular faculty in SMHS employed by GW and regular faculty affiliated with the MFA (with financial ties to GW) might be considered members of the GW Faculty Assembly.
  - b. Update and codify the procedures around appointing the **Faculty Consultative Committee**. A draft proposal tentatively approved by PEAf on Oct 9 is pending final assessment and vote contingent on approval of FOP amendments by the Faculty Assembly that would empower the CPS to have representation in the Faculty Senate (as per SR 23/8). Since the Faculty Assembly could not approve these amendments on Nov 6 due to lack of quorum, it is necessary to delay treatment of this issue until the Assembly is able to pass its resolution (FA resolution 24/1). This issue is not urgent.
  - c. Consider how FSEC can best contribute to supporting shared governance at the university and particularly to putting the Senate in the best position to work effectively with the new President. Consider whether any amendments to the FOP are necessary to support FSEC's effective functioning and/or whether an elaboration of a consensus interpretation of these documents will suffice. Subcommittee was charged with suggesting proposals.
  - d. Assess the Faculty Code for areas needing updates ahead of the upcoming three-year review process to be undertaken with the Board; Subcommittee charged with suggesting proposals.
  - e. In light of increasing threats to academic freedom, of both individual faculty and collectivities, and from both within the university and by outside actors, consider whether additional mechanisms are required, beyond the existing academic freedom policy to ensure that faculty are protected and supported; Subcommittee charged with suggesting proposals.
  - f. Examine the collective bargaining agreement between GW and the part-time instructors' union to ascertain if provisions infringe on academic operations (e.g., the ability of departments to replace underperforming part-time faculty) and provide input to the administration on how to eliminate any such infringements in future revisions of the

agreement. Propose processes for engaging and consulting with departments and faculty in future negotiations. According to the Provost's office, the current Collective Bargaining Agreement (CBA) with the part time faculty union is in effect until December 31, 2024. It became effective November 4, 2022. That agreement cannot be changed in any form now. Sometime prior to the end date, we will enter negotiations with the union. In the past, faculty and academic leaders (e.g. associate deans, VPs) as well as OGC, have served on the university side of the contract negotiations. We will do the same next time also.

9. Other matters: none reported.

10. Closing: the meeting adjourned at approximately 2 pm. Next meeting will be December 11.