Professional Ethics & Academic Freedom Committee

Interim Report to the Faculty Senate
on the Topic of Newly Proposed Guidelines for University Policy Review Process

April 3, 2025

The administration shared "Guidelines for Development of University Policies" (hereafter referred to as the Guidelines document- refer to Appendix A) with FSEC and subsequently with PEAF on February 14th after the Faculty Senate meeting. This Guidelines document addresses several issues raised earlier by SR 25/2 (A Resolution on Process for Policy Revisions) introduced by PEAF and adopted by the Faculty Senate in September 2024. The process described in this new document is currently being implemented as *interim policy* to review changes in four policies to comply with an agreement with the Office of Civil Rights (OCR): (i) Barring People from Campus Policy Draft, (ii) Demonstrations Policy Draft, (iii) Equal Opportunity, Nondiscrimination, Anti-Harassment, and Non-Retaliation Policy Draft, and (iv) Poster Policy Draft. All draft policies are posted in this website for public comment until April 18, 2025, as duly communicated via email by Provost Bracey and Senior Vice President Mory on March 6.

PEAF has been charged with providing feedback on the proposed Guidelines and the committee has been discussing it at our regular meetings, including one with the Provost on March 4. Given the complexity of the issues and the rapidly changing environment, PEAF members are not *yet* ready to provide specific recommendations. However, we believe that it is important to share our concerns and feedback with the Faculty Senate to broaden participation and solicit additional comments. A summary of the main issues raised in our discussions is provided at the end of this report as Appendix 2.

Guidelines for University Policy Review Process

Section 1: Introduction

This document provides for consistent and transparent guidelines and process for reviewing university policies to include development/updating, publishing, and implementation. The guidelines and process are intended to be efficient while allowing community input in the review of university policies.

Routine review of existing university policies is vital to ensure that they remain up-to-date, in compliance with changing laws and regulations, and continue to align with current operations and best practices. The Office of Ethics, Compliance, and Risk (OECR) is responsible for facilitating a routine review process with Responsible University Offices (offices that own and are responsible for implementing policies) to consider if policies in their area require No Changes, Minor Changes, Material Changes, or should be Eliminated. In instances where it is not clear if proposed policy revisions are minor or material, the draft will be brought to the standing Policy Approval Board (PAB) meeting for consideration and decision regarding change type. The outcome of the PAB review may kick off the policy review process outlined in this document.

This document focuses on the process for new and materially changed existing policies. Material changes include those that affect the university's position or commitment, or spirit of the policy, because of changes in business principles, practices or relevant laws and regulations. Minor changes to policies will be done administratively. Minor changes include edits such as updating job titles, phone numbers, e-mail addresses, website links, and office names.

This process also excludes revisions to Codes of Conduct which generally stipulate specific reviews and approval processes as well as procedural documents, standards, or practices as defined in Section 2.
OECR is responsible for overseeing the execution of this process and the overall management of university policies. To enhance transparency in the overall university-policy landscape, OECR will post on their website an overview of all revisions to university policies at the conclusion of each semester.

Section 2: University Policy vs. Procedural Document

University policies are created and maintained with the purpose of encouraging a culture of ethical, social, professional, and legal behavior and responsibility. They uphold GW's values and mission while protecting its people and reputation. A university policy connects the GW mission to the everyday actions of its community and clarifies the institution's expectations of its individual members. Some university policies support compliance with applicable laws and regulations, others outline the university's commitment or community expectations on a specific matter.

Established University Policy Principles provide the standards and criteria for university policies. University policies have broad application throughout the university. They do not impact one

singular unit but rather apply broadly to members of the university community such as faculty, staff, or students. University policies establish behavioral expectations for members of the community. These standards of accountability are a source of reference for individuals to assess whether if they are meeting those expectations. University policies are frequently enforceable through identified sanctions for policy violations so that members of the community understand potential consequences if established expectations are not met.

Departmental policies or procedural documents generally operate at a departmental level and provide detailed information regarding practices, standards, guidance, plans, or processes. Procedures are often methods established for implementation of a policy. If a policy is "what" the institution does, the procedures are "how" it carries it out. Documents that provide guidance on how a staff member is to perform their job in their unit are not university policies but rather unit-specific procedures and can be maintained by individual units. Additionally, there may be times that a unit wants to provide additional standards beyond what is articulated in a university policy. Unit standards do not replace or supersede university policies but rather complement and provide additional expectations for that specific area. These types of documents are often included in university policy through links.

Section 3: University Policy Review Process

The following process will be executed for new and materially changed university policies:

Step 1. Drafting. Using the standard university policy template, the Responsible University Office drafts a new policy or offers material changes to an existing policy (collectively "draft") and identifies the rationale for the draft. OECR and the Office of the Vice President and General Counsel (OGC) are resources to be engaged in the drafting process to support process consistency, compliance with applicable laws and regulations, and linkages between relevant university policies. Policy draft proposals are ultimately the responsibility of the Responsible University Official.

Step 2. Pre-vetting Review. The draft with the supporting rationale will be brought to the Policy Approval Board (PAB) meeting for a pre-vetting review. The PAB will review the draft in consideration of the established policy principles, its alignment with the university's mission and values, and the policy's necessity in supporting or enhancing the operations or compliance obligations of the university. If in its review, the PAB determines that the draft is not needed or does not align, support, or enhance the mission, operations, and compliance obligations of the institution, the draft will not move forward. The Responsible University Official is an ad-hoc member of the PAB and updates to the draft may be made because of the PAB's pre-vetting review. If the review yields approval by the PAB to proceed, the draft will be advanced for GW community comment.

Step 3. GW Community Comment Period: University policies that have received PAB's go-ahead will be posted publicly for the GW community to review and provide feedback. The GW community includes all faculty, staff, and students. Five (5) business days prior to the public announcement that a policy proposal is posted for review and comment, OECR will notify the heads of the Faculty Senate Executive Committee (FSEC), Student Government Association, and Staff Council so they may circulate this policy proposal within their organizations as they deem appropriate. OECR will

also notify members of the Executive Leadership Team at this time. After this 5-day pre-notice period, a public notice will be published by the Office of Communications and Marketing. Policy proposals and a mechanism for community members to submit feedback will be posted on OECR's policy website for 30 business days. More than one policy can proceed in this pathway at any given time.

Should the FSEC refer a policy proposal to a standing committee of the Faculty Senate, the Provost will arrange for that committee the opportunity for a briefing on the proposal with the Responsible University Office.

Step 4. Feedback and Revision. All feedback from the comment period will be compiled and evaluated by OECR and the Responsible Office, which will then be responsible for reporting back to the PAB on any proposed revisions to the policy proposal. OECR shall also prepare a thematic summary of the feedback. Following review by the PAB, OECR will send to the heads of the Faculty Senate Executive Committee, Student Government Association, and Staff Council the summary and current draft. This notice starts a five (5) business day period in which these groups may provide additional feedback.
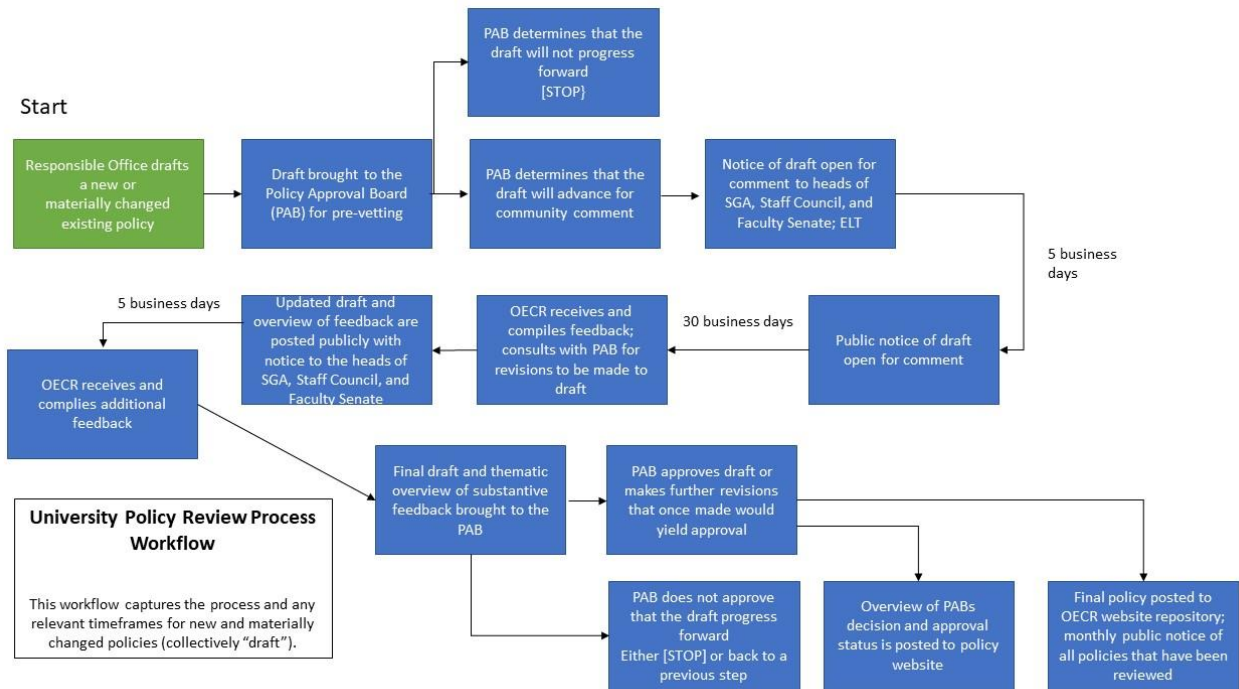
Step 5. Final Review. At the end of this period the PAB will then make its final decision as to whether or not to approve the policy. A summary of feedback and the final policy decision will be posted to the website.

Step 6. Publish and Implement. When the PAB approves the final draft, the policy will be considered final and will be posted to OECR's public university policy repository. OECR will work with the Responsible University Office to implement the policy's compliance plan. The compliance plan outlines the steps to be taken by the Responsible University Office to execute the policy including procedures, training, communications, supporting resources, and enforcement.
Note on Proposed Timelines. The timelines described in this proposal may be extended by the PAB, by its own initiative or in response to a request, if it determines that such an extension would benefit the policy review process. Requests for extensions can be sent to OECR.

Section 4: Interim Policies

University policies may be drafted and approved by the PAB on an interim basis in situations where a university policy must be established in a time period too short to permit the completion of the process delineated in this document. An interim policy will remain in effect until the final policy is fully adopted through this process or for up to twelve months from the implementation date, whichever occurs first. The PAB may renew an interim university policy, if necessary, based on their judgment. Notification including the rationale for the interim policy will be sent to the Executive Leadership Team, the FSEC Chair, and the Presidents of the Student Government Association and Staff Council, for distribution to their constituents as desired.

University Policy Review Process Workflow

This workflow captures the process and any relevant timeframes for new and materially changed policies (collectively "draft").

Start

- Responsible Office drafts a new or materially changed existing policy
- Draft brought to the Policy Approval Board (PAB) for pre-vetting
- PAB determines that the draft will not progress forward [STOP]
- PAB determines that the draft will advance for community comment
- Notice of draft open for comment to heads of SGA, Staff Council, and Faculty Senate; ELT
- 5 business days
- Public notice of draft open for comment
- 30 business days
- OECR receives and compiles feedback; consults with PAB for revisions to be made to draft
- Updated draft and overview of feedback are posted publicly with notice to the heads of SGA, Staff Council, and Faculty Senate
- 5 business days
- OECR receives and complies additional feedback
- Final draft and thematic overview of substantive feedback brought to the PAB
- PAB approves draft or makes further revisions that once made would yield approval
- PAB does not approve that the draft progress forward Either [STOP] or back to a previous step
- Overview of PABs decision and approval status is posted to policy website
- Final policy posted to OECR website repository; monthly public notice of all policies that have been reviewed

Section 5: Eliminating a University Policy

It is the responsibility of the Responsible University Office to identify if a policy in their area is no longer applicable (e.g., change in regulation or law, operations, or university expectations, or does not meet the criteria for what constitutes a university policy). The proposed elimination of a university policy will be brought to a standing PAB meeting for consideration and final decision. In cases where the elimination of a university policy is a recommendation because of material changes to an existing policy or development of a new policy, the recommendation for elimination will be included as a part of that policy's draft development process and will only be eliminated once the draft is approved by the PAB through the established process in this document. OECR will publish on its website a list of eliminated policies in the overview of all revisions to university policies at the conclusion of each semester.

Section 6: Definition of Roles

Policy Approval Board (PAB) is comprised of members of the university's senior leadership including the Provost and Executive Vice President for Academic Affairs, Executive Vice President and CFO, Senior Vice President and Chief of Staff, and Vice President and General Counsel. The President will be included in PAB meetings for policies that require Board of Trustee approval governed by the established criteria. The Policy Owner/Responsible University Official are ad-hoc members of the PAB as appropriate. The PAB will review the draft in consideration of the established university policy principles, its alignment with the university's mission and values, and the policy's necessity in supporting or enhancing the operations or compliance obligations of the university.

Responsible University Officials/Office (RUO) are owners of university policies. RUOs lead university units where policies exist to comply with laws or regulations, establish university expectations, and encourage a culture of ethical, social, professional, and legal behavior. RUOs are ultimately responsible for the content of the policies under their leadership and ensuring that said policies are not dormant but have active and thoughtful compliance plans. RUOs are essential in promoting a thoughtful policy review process and ensuring that the unit meets established policy review timelines.

Operational Policy Owners are staff who are responsible for the day-to-date execution and enforcement of university policies. As such, they are responsible for the review and edits (minor or material changes) of university policies and executing the compliance plans.

OECR is responsible for overseeing the university's policy management program. This includes facilitating the annual review process, assisting in the drafting and editing of all new and amended university policies, supporting the university policy approval process as needed, including convening Policy Approval Board meetings, and maintaining the internal and external repository. OECR serves as a resource for questions regarding university policies and executing leadership's vision for policies.

Summary of comments and feedback on the proposed "Guidelines for University Policy Review Process" by PEAF (March 1 to April 1)

The Guidelines document compels us to reassert the essence of shared governance in decision and policy making (refer to [AAUP's Shared Governance Statement](#)), which stipulates that effective planning and operations demand the *broadest* exchange of information through channels of communication established and maintained by joint endeavor.

Our most burning concern is with PAB— its structure, composition, and the process outlined in the Guidelines document. We explain this and other concerns below:

1. The proposed "PAB process" (Policy Approval Board) has no faculty membership and is exclusively comprised of senior administration. Hence, its structure limits the university leadership from gathering relevant information from university's main constituents—the faculty— who ought to be involved with the University governance (refer to Shared Governance Principles endorsed by the Faculty Senate and the Faculty Code, Appendix 3), and who have consistent and daily contact with the undergraduates. Further, the PAB structure restricts information about research, the other area of the university's primary missions where the faculty has primary knowledge and expertise.

PEAF members repeatedly asked why not include faculty members to serve *ex officio* on PAB? Including a faculty member on the PAB would increase input and transparency and enable the PAB to receive early information. Further, the presently constructed PAB is composed only of members of the university's senior leadership including the Provost and Executive Vice President for Academic Affairs, Executive Vice President and CFO, Senior Vice President and Chief of Staff, and Vice President and General Counsel. Not only is this body limited to administration, but it contains only one person that would have ever been regular status university faculty member in most cases.

2. It is also not clear how the administration will gather and use the feedback from Faculty Senate committees such as PEAF, ASPP, EPT (that have wide faculty and staff memberships). Will they be asked to submit their feedback on the same "community feedback" website? Or through another mechanism? And how will their feedback be treated? How will the feedback be summarized? Will the administration respond to Senate subcommittees' feedback separately?

The university's governing documents include the recognition of the Faculty Senate and Faculty Assembly. "We recognize that the Board, through its adoption of the FOP, and the Administration acknowledge that the Faculty has two faculty bodies – the Faculty Senate and the Faculty Assembly – that serve as the principal mechanisms through which the Faculty participate in shared governance." According to the Guidelines circulated by the Provost: "Step 3. GW Community Comment Period: Five (5) business days prior to the public announcement that a policy proposal is posted for review and comment, OECR will notify the heads of the Faculty Senate Executive Committee (FSEC), Student Government Association, and Staff Council so they may circulate this policy proposal within their organizations as they deem appropriate."

The PAB process does not include an explicit or central role for these two faculty bodies other than "*notifying FSEC*" (in addition to SGA and SC) when a public announcement is to be made that a

policy proposal is posted to review by the GW community. In "Section 6: Definition of Roles," the faculty governing bodies or their roles are not mentioned.

3. The faculty on PEAF also discussed the need for a veto power in administrative decision-making, particularly in policy proposals. Some argued that faculty input must be more than just consultation, and there must be an effective way to say 'no' to unreasonable proposals given the not-too-distant memory of policy errors of past university administrative leaders.

4. In our discussion with Provost Bracey, he stressed that the PAB is the decision-making body, which explains why there are no faculty members on the PAB. "As you are aware, the shared governance model contemplates faculty consultation on matters that fall within the faculty preview. Hence the desire to consult prior to making any policy decision.   Faculty representation on the decision-making body is inconsistent with the consultative process and the principles of shared governance described in our *governing documents*."

PEAF notes that the "governing documents" on shared governance ([STATEMENT OF PRINCIPLES OF SHARED GOVERNANCE](#)) include a section that sets 'limits' to faculty participation that was **never** approved by the Senate. This section, that the Provost referred to, starts in p.5 and is titled "Summary of Roles and Responsibilities" and was included in the "Statements of Principles" by the Trustees and the Administration without consultation or agreement by the Faculty Senate. In this light, it is important to challenge the Provost's assumptions.

5. In recent years, trustees and boards have accumulated more power under the guise of fiduciary responsibility. We are concerned, in the current environment, that they may decide to bypass faculty consultation to make decisions that harms the University/ faculty. PEAF also observes that the BOT are the ultimate decision makers, that they can sometimes decide to limit the ability of the administration and BOT to hear information from knowledgeable faculty just in the way that we witnessed with the decision to arm the GWPD, and in a similar fashion as just as the CDC and NOAA are blinding the American people by stripping data from their websites and deleting other information entirely.

PEAF understands that there is a considerable amount of distrust from faculty due to previous actions of Administrations and Boards, and it's perhaps natural that that distrust continues under the current administration; it's difficult to build trust. A widespread perception is that the PAB process, while intended as a step in the right direction, does little to rebuild trust especially because it, on the surface, seems to be designed to insulate the PAB at initial stages from learning.

In its current form, it may even suggest that the PAB and the proposed policy revision process may control the Faculty Code. PEAF observed that an extreme implication is that the Faculty Code could be revised and/or significantly altered in the span of 35 days with little information gathering.

In light of this, PEAF observed that it would be best if the administration and BOT affirmed that the policy revision process does not apply to the Faculty Code.

PEAF also recommends that the administration and BOT each commit to and reiterate that future revisions to the Faculty Code will require not 35 days but instead the traditional practice of both substantive collaboration and agreement by the faculty, administration, and the BOT (Appendix 3).

IX. FACULTY ROLE IN UNIVERSITY DECISION MAKING

A. The regular faculty shares with the officers of administration the responsibility for effective operation of the departments and schools and the university as a whole. In the exercise of this responsibility, the regular faculty plays a role in decisions on the appointment and promotion of members of the faculty and the appointment of the President, deans, departmental chairs, and other administrative officials with authority over academic matters. The regular faculty also participates in the formulation of policy and planning decisions affecting the quality of education and life at the university. This participation includes an active role in the development, revision, or elimination of curricular offerings of each department or school. The regular members of the faculty of a school are also entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of departments, institutes, or other academic or research units making up a part of that school. The Faculty Senate or an appropriate committee thereof is entitled to an opportunity to make recommendations on proposals concerning the creation, consolidation, or elimination of schools or other major components of the university.

B. The faculty cannot perform an effective and responsible role in university decision making without the cooperation of the administrative officers of the university. This cooperation includes the provision of such information as is necessary to the development of sound, well-informed recommendations. Faculty bodies charged with responsibilities for particular policy and planning areas are entitled, to the extent feasible, to be informed sufficiently in advance of important decisions within their areas of competence to be able to provide their advice or recommendations to the appropriate university officials.