



**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*<sup>1</sup> 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 Marketing<sup>2</sup>; 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.”<sup>3</sup>; 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”<sup>4</sup>; 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 Swain had withdrawn her acceptance of the position of Vice President for Communications and Marketing<sup>5</sup>; and

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

<sup>2</sup> *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>.

<sup>3</sup> 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

<sup>4</sup> 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](https://www.michigan.gov/documents/ag/MSU_Investigation_Status_Update_final.redacted_JOB_644663_7.pdf)

<sup>5</sup> *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.