

GEORGE MASON UNIVERSITY
AGENDA FOR THE FACULTY SENATE MEETING
OCTOBER 10, 2012
Robinson Hall B113, 3:00 - 4:15 p.m.

I. Call to Order

II. Approval of the Minutes of September 5, 2012

III. Announcements

President Cabrera to address the Faculty Senate

Special Faculty Senate Meeting with Senator Barbara Favola and Delegate David Bulova

Wednesday, October 24th 3:00 – 4:00 p.m., Founders Hall room 466, Arlington Campus
Appointments:

- Cody Edwards (COS) to serve as Faculty Senate Representative to the Student Senate
- Pierre Rodgers (CEHD) to serve as Faculty Senate Representative to the Staff Senate

IV. New Business - Committee Reports

A. Senate Standing Committees

Executive Committee

Academic Policies

Permission to Study Elsewhere Attachment A

Budget & Resources

Faculty Matters

Parental Leave Attachment B

Criminal Background Check Policy Attachment C

Organization & Operations

Email and Research Privacy Task Force Attachment D

Nominations

Three candidates are nominated to fill a vacancy on the Minority and Diversity Issues Committee:

Harold Geller (COS), Carlos Ramirez (CHSS), Suzanne Scott (CHSS)

Linda Schwartzstein (CHSS) is nominated to fill a vacancy on the Admissions Committee

Wayne Sigler (Vice President, Enrollment Services) will serve as Dean of Admissions appointee to the Admissions Committee

Priscilla Regan (CHSS), Zachary Schrag (CHSS), and Stanley Zoltek (COS) are nominated to serve on the Email and Research Privacy Task Force

Susan Trencher (CHSS) is nominated to fill a vacancy on the Budget and Resources Committee

B. Other Committees/Faculty Representatives

Faculty Representatives to the Board of Visitors

Faculty Handbook Revision Committee Attachment E

VI. Other New Business

Request for Exception for Emeritus Status
Resolution on the Binding Nature of the Faculty Handbook

Attachment F
Attachment G

VII. Remarks for the Good of the General Faculty

VIII. Adjournment

ATTACHMENT A

Proposed Changes to Policy for Permission to Study Elsewhere

- The most substantive change is in that “Current Policy,” paragraph A, which requires a change in the signature authority from the academic dean in the *student’s* college to *an* academic dean in the college where the *course is being credited*.
- An additional paragraph was added, paragraph B, to address the major arguments that students make in order to study elsewhere.
- **Rationale for the changes:**
 - The “Current Policy” paragraph is the *only* statement that currently appears in the catalogue regarding study elsewhere.
 - Course credits elsewhere from each college far exceeded the number of students in the college who were taking courses elsewhere (See Appendix B)
 - COS the most obvious example, with 611 course credits taken elsewhere; only 150 students in COS taking courses elsewhere.
 - Individual colleges have policies and procedures, but the practices have varied substantially from college to college.
 - Nowhere in the current policy was the 50-mile radius mentioned, although that was a generally understood rule.
 - The goal is to have a uniform policy that is fair for everyone in the University.
 - Each college, however, is able to fill gaps as they see fit (as indicated in the additional paragraph).

Paragraph A (*Current Policy*)**proposed changes/additions in bold*

Students who apply for admission to Mason usually do not seek simultaneous enrollment at another collegiate institution. In those unique situations when a student does seek concurrent enrollment, the student must obtain advance written approval from **an** academic dean. This process permits a student to enroll elsewhere in a suitable course unavailable at **Mason or through the Consortium of Universities of the Washington Metropolitan Area**. Catalog numbers and descriptions of courses to be taken elsewhere must be submitted with the request for approval. Students must submit an official transcript for all such course work to the Office of the University Registrar. Note that while credit may be approved for transfer and a minimum grade must be achieved, grades themselves do not compute into any Mason GPA. Students who enroll elsewhere without advance written permission while enrolled at Mason **will** not receive transfer credit for course work taken at other institutions **unless they re-apply for admission to Mason as transfer applicants and meet all priority deadlines. Re-admission is not guaranteed and transfer credit is awarded based upon course equivalencies in effect at the time of re-admission.** The Permission to Study Elsewhere form can be found at registrar.gmu.edu.

Paragraph B (*Proposed Addition to the Study Elsewhere Policy*)

Special instructions for undergraduates: Freshmen and transfer students in their first semester at Mason are not permitted to study elsewhere. Courses previously attempted at Mason (including withdrawals) cannot be taken elsewhere. Once enrolled in degree status at Mason, students may request permission to take a limited number of credits at another regionally accredited institution. Students must be in good standing with a minimum cumulative GPA of 2.00 in their Mason courses and obtain advance, written approval from their advisor and the academic dean of the college, school, or institute that offers the course(s) at Mason. Individual colleges/schools/institutes determine restrictions on the **number, type, mode of delivery, location and offering patterns of courses that can be taken elsewhere**. Students must also meet the minimum 30-hour residency requirement at Mason.

ATTACHMENT B

Parental Leave Motion

Full time tenured, tenure track, and contract faculty who have been employed at Mason for at least one academic year (both men and women who become parents through either birth or adoption) are granted a half time teaching reduction. The reduction can be taken by teaching no courses during the semester of the birth or arrival of the child or during the semester following this event, or it can be taken by teaching half time for two consecutive semesters (selected depending on circumstances/timing from the semester of the birth or arrival and the following two semesters). The faculty member continues to receive full pay and benefits during the semester(s) of reduced teaching. Parental leave is automatic provided that the faculty member notifies in writing the department chair or the dean/director of the college, school or institute in which the faculty member serves. Faculty members must take leave that is legally permitted under the Family Medical Leave Act (FMLA) simultaneous with parental leave as defined in this motion, i.e., leave granted under FMLA cannot be added to Mason's parental leave. Service is not required unless agreed to by the faculty member. Research requirements are not affected, but they have been addressed previously by the stoppage of the tenure clock for a new parent (see Section 2.7.3.1 of the *Faculty Handbook*).

Rationale

At present, the only leave guaranteed new parents is prescribed by the federal Family Medical Leave Act. According to this act, an employee is allowed twelve weeks of job protection. However, it is unpaid. This is often a non-option for faculty, given the low salaries of most young faculty, the high cost of living in the area, and the escalating costs of beginning a family.

Employees may use their accumulated sick leave to receive pay for a portion of their absence. However, new parenthood is not an illness, and use of sick leave should not be required if faculty want or need to be paid for parental leave. Furthermore, requiring faculty to use sick leave for this event reduces sick leave balance and could cause difficulty if later illness or injury prevents the individual from working.

Under the Family Medical Leave Act, instructional faculty who become new parents during a semester will usually require their colleagues or adjunct faculty members to cover their classes during part, but not all, of a semester. This creates a burden for both their students, who are presented uneven instruction, as instructors are changed at least once, and department chairs/program directors, who must fill the positions temporarily.

According to colleagues in Human Resources and Payroll (HRP), the practice in recent years has been to work with any faculty member who is about to become a new parent and who contacts the office. HRP attempts to develop an

arrangement that benefits the faculty member. Faculty members have also been encouraged to work with their department chairs or program directors. The unofficial practice, although not policy, has been to release faculty from their work commitments during the current semester or the semester following the qualifying event. However, an informal poll of tenure line faculty has found that some of them are reluctant to use the available leave when it is not a stated policy to grant it. These faculty report feeling that their motivation and professional dedication may be questioned, threatening their likelihood of achieving tenure. Therefore, the motion makes parental leave automatic if requested in writing. The wording in this part of the motion parallels that of the Faculty Handbook in the sections that guarantee extension of the tenure clock for new parents, serious illness, and military service.

We applaud and appreciate the work of HRP in facilitating parental leave. We also thank the members of HRP who suggested modifications to the motion and to the rationale for it.

If approved, the parental leave proposal will formalize and slightly extend the current informal practice at George Mason of releasing faculty from their work commitments for the semester in which they become new parents or the semester following that event. Costs to the university will be minor, as some of the expenditures for wages required from hiring extra adjunct faculty will be counterbalanced by the likelihood that tenure track faculty who become new parents will defer their tenure decisions (and resulting increase in salary) for a year. This policy should also increase morale among young faculty and increase Mason's ability to attract the best and brightest scholars.

ATTACHMENT C

Criminal Background Check

George Mason University is modifying University Policy Number 2221 (Criminal Background Investigations). The new policy will require all new employees and all current employees who change positions to undergo criminal background checks. The old policy specified the employment categories and offices that require such checks. They included all staff and most administrative faculty positions. Due to outside certification requirements, faculty teaching in the College of Health and Human Services and the College of Science were also subject to background checks. The new policy will extend the check to all new faculty, staff, and admin faculty for whom a check has not been completed in the last three years, including those who leave the university and then are rehired. Employees who are simply promoted in their present positions will not be required to have a background check completed. Also, anyone who signed a contract with the university prior to June 25 is exempt from a check unless it was already part of their hiring process.

According to Linda Harber, Associate Vice President and CHRO of Human Resources and Payroll, all major universities in Virginia except Old Dominion University either presently have a policy like the new one being implemented or are in the process of implementing one. The change in policy at Mason and some other institutions is, in part, the result of the recent incidents at Penn State.

The policy change was developed by Linda Harber and senior administrative staff. The first major planning meeting occurred on April 5, 2012. With the unfolding revelation of child molestation at Penn State, there was some urgency to complete the process quickly. Faculty and staff were not invited to participate in the planning process. Any concerns or feedback with the policy can be shared with Jessica Cain (jcain4@gmu.edu) in Employee Relations.

The background check process occurs as follows. As part of hiring or position-changing, the employee must agree to a criminal background check. That action is a condition of employment or job change. The university then uses the services of an online company named *HireRight*. This company completes (a) a Social Security Trace which

reveals the names and addresses associated with the social security number, (b) a search of the Sex Offenders Registry and Prohibited Parties (terror watch) List, and (c) a criminal search that reveals felony and misdemeanor convictions (not arrests or accusations) within the last seven years. Minor traffic violations are exempted. Once the check is complete, results are kept in a locked file in HR, apart from the individual's personnel file, and never shared with a third party under any circumstances. Jessica Cain and Christine Harchick in HR Employee Relations are responsible for initiating the checks.

The cost to the university varies between about \$42 and \$70 per check, averaging about \$50, and this is paid centrally, not from the budget of the hiring unit. The total annual cost for completing this process is difficult to estimate. According to Jessica Cain, the university had about 500 new hires last year, meaning the cost for this category of employee is about \$25,000. However, this number does not include present employees who changed positions and staff/volunteers associated with camps.

If the search results in the finding of a criminal conviction or other issue, the individual will have a confidential one-on-one meeting with a member of Employee Relations. This meeting allows the employee the opportunity to verify the results and inform Employee Relations of any ongoing appeals. Concerns can potentially be discussed with the position's supervisor and, if deemed necessary by the department, with individuals higher on the employment chain and the university's General Counsel's Office. A negative finding would not normally result in non-hiring or non-promotion. Usually, unless the conviction occurred in an area that might compromise the ability to complete the individual's assigned duties, the person would be hired or the job change would go through.

The change in the policy is not the result of any significant problems at Mason. No faculty and only a small number of staff have been released or not hired as a result of criminal background checks. The reason for most of those is that the individuals did not disclose their convictions. Disclosure is required by both the old and new policies. In addition, there have been no cases to date in which a successful candidate has refused to approve a check and therefore not been hired.

ATTACHMENT D

E-Mail and Research Privacy Task Force

Motion for the creation of a Task Force to investigate policies concerning faculty and staff e-mail privacy and the protections afforded to faculty research data.

- A. Unless otherwise indicated by the Faculty Senate, this Task Force will operate for the 2012-2013 academic year, and will issue a report for the consideration of the Faculty Senate by the first week of April, 2013.
- B. The ERP Task Force will consist of five members, of which at least one is a Faculty Senator, and will be staffed from University faculty, staff and elected members of the Faculty Senate. The Provost's Office will be asked to appoint an additional ex-officio non-voting member to ensure clear communication on relevant issues.
- C. The Task Force has the following direct charge:
 1. Clarify George Mason University's policies and current practice regarding access to and use of faculty and staff e-mail, archived information (electronic or otherwise) and access to and use of faculty research data.
 2. Investigate relevant policies from institutions of higher education within the Commonwealth of Virginia, within George Mason University's set of peer institutions, and perhaps others that have taken the lead on this issue.

3. Gather information relevant to these issues from involved organizations such as the American Association of University Professors.
4. Identify procedures, constraints, and relevant implications of the Virginia Freedom of Information Act.
5. Provide specific recommendations for amending existing policies or creating new policies that offer substantive protection of faculty and staff e-mails and faculty research data, including but not limited to situations, criteria and processes for justifying and informing faculty and staff about internal administrative or supervisor access, law enforcement access, and access by external agencies or individuals.

ATTACHMENT E

Agenda item from the Faculty Handbook Revision Committee for the Faculty Senate meeting, October 10, 2012

Members of the Faculty Senate, in anticipation of a Provost search committee being formed in the near future, have requested a revision to Section 1.2.5 to insure greater faculty participation in the search committee for the Provost, as well as the President.

Although in the past few years the proposed revisions to the Faculty Handbook have been presented and considered as one package at a Special Meeting in the Spring semester, this year the committee will submit a proposal for consideration at the November 7, 2012 Faculty Senate meeting.

By this report, we hope to give Faculty Senators and the General Faculty ample time to read and discuss the proposal before the Nov. 7th meeting. If there are any questions or comments, they can be voiced at the Faculty Senate meeting on October 10th or communicated to the Faculty Handbook Revision Committee.

When the agenda for the Nov. 7th meeting is circulated, the motion to approve the revisions will include the stipulation that there are to be no further revisions at the meeting other than those necessary to correct typographical or grammatical errors. This procedure is the same as used for consideration of past revisions.

If the revision is approved by the Faculty Senate, it will be submitted to the Board of Visitors for its approval at their Dec. 5th meeting.

Faculty Handbook Revision Committee:

Lloyd Cohen (LAW), Kevin Curtin (COS), Suzanne Slayden (COS, Chair).

[Proposed Revisions to Faculty Handbook Section 1.2.5](#)

Left Side: 2012 Handbook Text with Proposed Revisions using Tracked changes in Word.

New text is underlined and deleted text appears with strike through.

Right Side: Handbook as it will appear if the changes on the left side are approved.

ATTACHMENT F

Request for Exception to Emeritus Status

----- Original Message -----

From: Gary Kreps <gkreps@gmu.edu>

Date: Sunday, August 19, 2012 12:11 pm

Subject: Request to Provide Steve Klein with Emeritus Status

Dear Jack,

As we discussed earlier I am formally requesting that Steve Klein be recommended for Emeritus status after his retirement from Mason at the end of the Fall, 2012 semester in recognition of his long and distinguished service to the University. Steve has served on the faculty of the Department of Communication for 14 years, and has been instrumental in building a vibrant, innovative, and well-respected journalism program at Mason (with very limited resources). He has championed a major focus on electronic journalism at Mason back when most journalism programs were still focusing solely on print journalism. Steve currently serves as a Term Instructor and Coordinator of our Journalism Program. He also serves as Director of minor degree programs in Electronic Journalism and Sport Communication (in collaboration with the College of Education and Human Development). I am requesting an appointment for him as an Emeritus Instructor upon his retirement.

Steve is a most passionate and involved educator who has promoted a very high level of professionalism among our journalism students, and has fostered enhanced media literacy for all of our students, not just the journalism majors. He encourages our students to fully participate in democratic society through active examination of the news from multiple sources. He has recruited outstanding journalism professionals from leading media outlets to work with us and teach for our journalism program (including from the Washington Post, the Voice of America, USA Today, NBC News Channel 4, United Press International, the Gannet Corporation, the Knight Foundation, and many other news organizations). Steve is an outstanding and motivating instructor, who has placed many of his students in professional positions at major media outlets across the nation. He came to Mason after a distinguished career as a reporter and editor, including serving as the online Sports Editor for USA today. He has maintained strong relations with members of the fourth estate (journalism community) and established an innovative educational partnership with C-SPAN, where Mason hosted a televised public events course that enabled our students to interact with world leaders and media luminaries. He has also strongly supported active media internship opportunities for our students. In addition, Steve has been an active member of Faculty Senate Committees on Technology and Athletics for many years.

I encourage you to support my recommendation for Emeritus status for Steve Klein.

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Wishing you the very best,

Gary

Gary L. Kreps, Ph.D., FAAHB

University Distinguished Professor and Chair, Department of Communication

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ENDORSEMENT BY DEAN CENSER:

From: Jack Censer [<mailto:jcenser@gmu.edu>]

Sent: Sunday, August 19, 2012 1:27 PM

To: Gary Kreps

Cc: June Tangney

Subject: Re: Request to Provide Steve Klein with Emeritus Status

Dear Gary,

I wholeheartedly support your request. Because my intellectual interests overlap with Steve's, I know him quite well. His commitment is extraordinary. I can endorse everything in your letter.

As you know from our correspondence some months ago, this will require a variance from the faculty senate. So, June, please let us know what, if anything, we need to do to go forward.

Regards,

Jack

Jack R. Censer, Dean

College of Humanities and Social Sciences George Mason University Fairfax,

Virginia 22030

703.993.8720

ATTACHMENT G

Resolution on the Binding Nature of the Faculty Handbook

Whereas the Faculty Handbook of George Mason University, as noted in the Preface and adopted by the Board of Visitors, is incorporated in employment contracts with the University and is binding on the University:

The GMU Faculty Handbook defines and describes the conditions of full-time instructional, research, and clinical faculty employment; the structures and processes through which the faculty participates in

institutional decision-making and governance; and the academic policies of the University as established by its Board of Visitors.

The provisions of the Faculty Handbook are incorporated by reference in all full time instructional, research, and clinical faculty employment contracts. These provisions are binding on the University and on individual faculty members. The Faculty Handbook governs the employment relationship of individual faculty members, and sets forth the rights, privileges, and responsibilities of faculty members and of the University. (http://www.gmu.edu/resources/facstaff/handbook/GMU_Faculty_Handbook_7-1-12_FINAL.pdf, Page 6 of 61); and

Whereas, the Faculty Handbook supersedes all inconsistent policies and procedures when adopted by the Board of Visitors:

As of the date of the adoption of this edition of the Handbook, all prior policies with respect to matters covered therein are superseded. With the exception of the bylaws governing the University's Board of Visitors, the provisions of this Handbook supersede all inconsistent bylaws, policies and procedures in effect at the time of its adoption by the Board of Visitors (including, if applicable, custom and usage) of any officer, person, body, or unit of the University, including but not limited to the President or other officer of the University and any college, school, institute, department or other faculty organization.

(Preface to the George Mason University Faculty Handbook - July 1, 2012, Page 7 of 61); and

Whereas the Administration and the University Counsel of George Mason University have been unable to provide any specific delineation of which parts of the Faculty Handbook are “contractual” and which parts are “aspirational”;

Therefore be it resolved: That the Faculty Handbook of George Mason University is a contractual agreement that is legally binding on all parties within the University