

GEORGE MASON UNIVERSITY
MINUTES OF THE FACULTY SENATE EXECUTIVE COMMITTEE MEETING
Friday, February 22, 2019, 10:30 am – 12:00 p.m.
Nguyen Engineering Building, room 2903

Present: Lisa Billingham, Melissa Broeckelman-Post, Shannon Davis, Tim Leslie, Keith Renshaw (by phone), Suzanne Slayden, Girum Urgessa, Provost David Wu.

I. Approval of Minutes of November 19, 2018: The minutes were approved. The minutes of January 22, 2019 deferred to our next meeting.

II. Announcements

Online University Discussion – Mar 25 1:00 – 2:30 p.m. Working with Provost Wu, Michelle Marks (VP for Academic Innovation and New Ventures), and the AAUP, represented by GMU Chapter President Bethany Letiecq (or another faculty member of the GMU Chapter, AAUP), and some faculty in online education. To send around a request for primary topics. Location TBD, an announcement will be sent as soon as location confirmed. March 25th is a week after spring break ends. A lot of this came out of online university buzz. Negotiations with regard to acquiring an existing online university have slowed, so there is slightly less immediacy to the discussions. It's still a key issue, though, so panel should be a good venue for discussion.

Provost Wu provided the following updates:

We are pursuing online strategy starting with Wiley partnership, which is going well and beyond expectations of the number of programs and the number of students. The Dept. of Social Work and School of Nursing programs signed on, which is very encouraging. With regard to a Purdue-Kaplan kind of deal, we have been through some discussions, but we walked away from the latest one walked because of overall issue of academic control. We do need something to help develop online capabilities in a competitive way. It's showing up more in graduate programs now – many programs in competition with online programs now. Without Wiley, we would be quite behind in enrollment. However, that does not address the issue of undergraduate education. The March 25th meeting is just the first of several discussions.

The third Provost newsletter is out already. A long laundry list, all in one place, so people will know what is going on with all major initiatives. Do want to promote COACHE survey – this is a partnership with Harvard. They have been doing this for other universities for over a decade now. Not just a survey, benchmarking against a dozen or so institutions in relation to key areas of interest with regard to faculty work environment. The intent is to find areas we can improve on in faculty life, but we need for people to participate in survey. Jaime Lester and Kim Eby are

in charge: they plan to have a competition across the colleges, with incentives to participate (but they are limited by IRB in terms of ability to use incentives).

There has been transition in Registrar's Office – a necessary leadership transition. For over 38,000 students, the level of service is not what it should be. The Provost shares many concerns that Senators have expressed. There will be a national search for the position, complex, a lot of nuts and bolts to manage. Janette Muir is serving as interim person holding down the tent.

Mason Korea had a great restarting – all-time high in enrollment, over 120 new students coming in, largest class by far. Robert Matz was just installed as their dean. Hoping to see a lot more collaboration between that campus and Fairfax; collaboration is not where it needs to be.

Finally, we are entering the final stage of VA budget – Governor proposes, VA House and Senate legislate, and then final outcome to be announced by next Monday. Some language regarding tuition and raises are in both bills – need to see final resolution.

Questions/Discussion:

What is the mechanism/progress of the examination of salaries across campus?

Provost Wu: The Faculty Salary Equity Committee asked the same questions. We engaged a consultant a year ago to do a study using CUPA data – Happy to bring consultant in to show it to the Faculty Compensation Committee. There are three pieces of our approach: (1) Need to raise the faculty minimum salary university-wide. 168 faculty fall below what we consider minimal. Our first priority is to bring everyone at least above that minimum. Almost a \$100M hit to university budget. (2) Market Equity Issue – Salary Inversion: we are hiring at market, but faculty who have been here a long time have had slower increase in salary. This is a complex issue, and it differs across disciplines, as well. HR and Renate Guilford are working with each of the colleges to help with data analysis and benchmarking. (3) Merit Raise – depends on how VA budget unfolds. Entire next round of compensation adjustments will have both a base and merit adjustment. State has agreed to more funding – has agreed to have part of money distributed downward.

Suggestions include better communication to faculty. Communication differs dramatically between colleges, Central does not know what deans have communicated down. Central is leading the charge, should take credit for leadership.

When it is possible to highlight ways that faculty agitation has been heard, should take it. Also, encourage COACHE survey, encourage faculty to be partners in this. An opportunity to see

relationship between faculty and provost office as bidirectional, as a partner in this relationship, all working together. It may also be possible for Faculty Senators to agitate more in their colleges, to give people language and data. Provost Wu appreciates the feedback. He wants to communicate more directly in this way, a lot of committee work behind the scenes. To include discussion about minimal salaries in Provost blog.

Rector Davis rescheduled to April 24' 2019. President Cabrera will attend first April meeting (April 3).

III. Progress reports, business, and agenda items from Senate Standing Committees

A. Academic Policies – Suzanne Slayden

Topics included lack of progress in establishing a new permanent drop deadline; will have to have a semi-permanent calendar for AY 19-20.

Undergraduate Certificates: language not written tightly enough. Phrase “post baccalaureate” contradictory. Are they to be freestanding or part of a program? There should be parallels to existing programs. As written, they do not require students to come in with English 101 or Math.

Ancillary question: How to enforce requirement to complete English 101, 202 in a timely manner? Students once had to finish General Ed before (enrolling) in upper level courses, now take courses whenever they please.

As graduation requirements approved by the Faculty Senate, we should have a say. Who should be making this decision about certificates? Should we recommend they include English or Math requirements, to push up the number of credits? Or should the Undergraduate Council propose this?

There is a political push from SCHEV to make college education more affordable. There is a big pushback from parents all over the state to accept AP course credits at lower levels. The Undergraduate Council opposes this, as there is a need for faculty control. While the Undergraduate Council is not a policy committee, they do say yes or no. Issue requires more thought. We need to insist on tightly written guidelines, not pages of admissions guidelines. Also, there are implications on SACS accreditation within colleges; not to propose anything that would not go through department SACS.

Another Senator expressed strong concerns about asking GMU to do more than it needs to – we are accepting large numbers of transfer students, we have strengthened our relationship with NOVA – all of that is for a reason. Why are we bringing students into undergraduate classes without Math/English? Why are we

creating certificates that are less than undergraduate degrees – is this really something we should be doing as a university? We cannot be all things to all people – at some point, we have to make choices. It is not clear this is something that is important to or central to our mission.

B. Budget and Resources – Tim Leslie

-1- Salary data posted. This year we are working to fix errors in ranks, as well as a chunk of SCHAR categorized as PIA. It's difficult to figure out who actually can fix the errors.

Provost Wu: it's probably a "Banner thing," perhaps the FAST team, which manages Banner.

-2- Budget Model. We received line-item budget information for each college. B&R has now shared info with deans and associate provosts, so everyone has it before new VP for Budget starts. Some Deans are concerned about releasing data without context. There are a lot of budget lines, 90 different lines, and a lot of moving pieces.

-3- Attrition data from HR. May be informed by COACHE data, or may inform what to probe in COACHE survey. Data are by department, not just college – all non-retirement departures. The data are messy. We mentioned to President Cabrera last fall problems about losing job applicants – there is a lack of timeliness in allowing offers to go forward – in four searches, have lost 3 out of 4 candidates. How do we document these occasions?

Provost Wu: does it have to do with timing of searches?

We started so early but everything takes so long, and these are for term faculty – it's even longer to negotiate for tenure-track.

C. Faculty Matters – Girum Urgessa

-1- Faculty required to generate their own AY salary. FM reached out to HR asking for the number and school of instructional faculty required to generate part of their AY salary. FM did not receive the data as promised on Feb 22. FM at this point does not know the scale of the issue. FM has received concerns including a dean holding an overhead account of a faculty member, who was hired under this arrangement, hostage. There is also a claim that similar types of contracts exist outside of COS.

Provost Wu: We have practically stopped the practice of hiring faculty with this type of arrangement. This was common in the College of Science when federal funding was abundant. Some of the faculty, who were hired under the research intensive agreement and with very low teaching loads, promise that they will bring in money.

They may not be living up to the expectation of the contract. The issue has many different sides to it.

-2- FEA. Summaries of open ended comments are due today and we will proceed with production of the FEA final report.

-3. Mason COACHE leadership survey – FM committee member Solon Simmons is a member of the Mason COACHE leadership team. He will keep FM informed about the progress of this initiative.

D. Nominations – Melissa Broeckelman-Post

For the last few years, Mason Core committee has envisioned a process to think about revisions. Seems time to start a redesign process and to involve faculty. Wants to have a 2-year process with appreciative engagement. Need to address core questions: What do we want for our students? What are the differing ways to accomplish that? What will it look like? How to best configure a group, task force to do this – not sure it should be MCC. Needs to be a clear, faculty-driven process. To write a charge to configure Task Force? What do you think configuration should look like?

Discussion: Suggest to look at Janette Muir’s work in the late 90s. When Peter Stearns first came to the university, he presented it to the BOV, they suggested hydraulics as a course. There is a whole list of weird things. Is it easier just to get rid of weird things? Not to get rid of General Ed, but just clean up courses.

Chair Renshaw: Developing a charge and proposing composition of group might be the right way to go – it could specify membership across colleges, with ex-officio members to ensure drawing someone from something like the Higher Ed Program, to weigh in and get some feedback in it. He feels Mason Core Committee is as good a group as any to craft this. He asked Melissa to work with the committee, bring proposals here.

Provost Wu doesn’t think current BOV members would want to have anything to do with this.

Some discussion emerged about membership of BOV, work to be done on Mason Core. Chair Renshaw noted that we can give updates to BOV, but main thing is to think about what is needed to get started. We need to figure out who the committee should be, not do its work here in Exec. Others noted that, to do that, we need to specify what the problem is to be solved.

Provost Wu feels core curriculum needs a fresh look once in a while, let alone once every 20 years or so. However, SACS accreditation occurs in 2022 . General Ed Courses part of SACS body of interest. So might not be good to try to change just before that.

E. Organization and Operations – Lisa Billingham

Allocation of FS 19-20, distributed. math is done, the number of people is the same.

Faculty Liaisons: final meeting is Tuesday, Melissa to help Lisa with Qualtrics and call for Faculty Liaisons to go out.

IV. Other Committees/Faculty Representatives

V. New Business, Updates, and Discussion

- Gift Acceptance Policy Draft Recommendations [Attachment A](#)
 - Note comments from Danny Menasce [Attachment B](#)
 - Gift Acceptance Committee
 - How many faculty representatives, and how selected?
 - Who should other members be, and how many?
 - 6 is too many, 3 is reasonable, although needs to be balanced against how many on committee total. Three helps to cover absences.
 - To ask Fac Reps to BOV Development Committee to be part of it? To hold a faculty-wide election? To include FS chair or designee? At least one Faculty Senator? Some external reps to the committee? To have college-specific reps for gifts for colleges? TL: falls within B&R, to ask a member of B&R to go?
 - Note – people from college would come anyway.
 - Provost Wu: has experience with this – 99% of stuff is boring, mundane. To have a huge committee over time will be unrealistic, he likes idea of having fac reps to Development Committee as members. Provost Wu can work with new VP of Advancement to review.
 - How to ensure gift agreements are routed to GAC appropriately?
 - Policy recommendations
 - FS committee to review MOUs (if so, existing or new ad hoc committee – and for how long)?
 - How to handle gifts from controversial donors (either based on actual donor identity, or potential COI, like tobacco company donating to research lab focused on nicotine)
 - Maybe we need an “Implementation committee”: very small group to think about implementation piece (processes and practices) of this?

- Who is going to check this at the end of the day? Noting whether gifts are vetted appropriately, etc. IF there are going to be written agreements from the university to the GMUF for any conditions, will they be on file, FOIABLE? Should we FOIA MOUs each year? In perpetuity?
 - Provost Wu: One possible solution:
 - MOUs are public documents, make it plain they are public, no (need) to FOIA.
 - Make this a clerical process – create a template form to verify conditions are met, so that it would be a simple clerical check
- Implementation committee sounds worth trying – have a good first pass at things, get some things locked down. KR will work on language on what we can bring to the floor.
- Discussion of affiliated organizations who use email servers, etc.
 - Results of FOIA requests – is there more to do?
 - KR to draft report
- ETC updates – they have updated course eval items and other policy recs
 - They want to present it all at one meeting. Chair Renshaw thinks they should present form in March and recommendations in April. Many negative comments about the proposed form were made, such as there is no provision for large classes. There is so much research on course evaluation, inherently biased, measure biases, etc.
 - KR concluded that ETC was right, they should present everything together, to prevent some of the confusion that arose as we considered items alone

VI. Agenda Items for March 6, 2019 FS Meeting

- Draft FS Minutes February 6, 2019
- Provost Wu
- Announcements
- Committee Reports
 - Apportionment of Senate Seats 19-20 (O&O)
 - Effective Teaching Committee – final recommended changes to items
- New Business
 - Gift Review Policy Recommendation Resolutions

VII. Adjournment: The meeting adjourned approximately 12:10 p.m.

Respectfully submitted,
 Meg Caniano
 Faculty Senate clerk



Policy 1123: Gift Acceptance

Responsible Office:

University Advancement and Alumni Relations

Procedures:

Appendix A: George Mason University Required Endowment and Deferred (Planned) Gift Minimums)

Appendix B: George Mason University Philanthropic Naming Opportunities
Gift Acceptance Committee Procedures

Related Law & Policy:

Policy 1129, Art Collection Management

Policy 4006, Sponsored Programs Administration

Policy 4008, Private Sector Funding (draft in progress)

Virginia Freedom of Information Act, Va. Code § 2.2-3700 *et seq.*

I. Scope

This Policy covers the transmission, acceptance, disposition, and management of Gifts (as later defined) made for the benefit of George Mason University (the “University”). The policy applies to all University offices. This policy does not apply to grants, which are governed in part by Policy 4008, Private Sector Funding for George Mason University, and Policy 4006, Sponsored Programs Administration.

II. Policy Statement**A. Taxation**

1. George Mason University is a public institution of higher education of the Commonwealth of Virginia. The University is an organization described in Internal Revenue Code section 170. The George Mason University Foundation, Inc. (the Foundation), is a Virginia nonstock corporation organized and operated exclusively to receive, manage, invest, and administer private gifts and property and to make expenditures to or for the benefit of the University. The Foundation is an organization described in Internal Revenue Code section 501(c)(3) and is classified as a publicly supported organization under Internal Revenue Code sections 509(a)(1) and 170(b)(1)(A)(iv).
2. The University does not provide specific tax advice to donors. In general, under IRS regulations, a donor may deduct a Gift to the University if the donor does not retain control over the Gift and does not receive any benefit from the Gift.

B. Receipt of Gifts

1. Collection of Gifts from donors directly by a University department is strongly discouraged. In the event that a donor makes a Gift directly to a University department, the department administrator must contact the Office of University Advancement and Alumni Relations immediately for instructions.

C. Gift Acceptance

1. The University is obligated to use Gifts in a manner consistent with the stated intentions of the donor. Because the University must comply with donor restrictions, only Gifts that are consistent with federal and state laws, are consistent with the University's values and policies, and are supportive of the University's mission, may be accepted.
2. The University shall not accept any Gift that:
 - a. interferes with or influences the University's academic freedom or its capacity to fully control the management, operations, and direction of its affairs, including admission procedures, faculty selection and promotion, academic programs, and their integrity;
 - b. contains restrictions that unlawfully discriminate on the basis of race, creed, color, citizenship, national origin, religion, sexual orientation, gender identity, gender expression, age, marital or partnership status, military status, or disability;
 - c. presumes or requires a particular result or conclusion of scholarly work;
 - d. impedes the free inquiry and scholarly activity of a faculty member, fellowship holder, or student;
 - e. is offered for purposes inconsistent with its missions of education, research, and service;
 - f. conveys a benefit to the donor rather than serving the public benefit;
 - g. affords the donor influence over the continued employment of specific personnel; or
 - h. impairs the University's ability to define and pursue its mission, require illegal or unethical acts, hinder governance or administration, or compromise the University's accreditation.
3. The Gift Acceptance Committee shall be composed of the following persons:

- a.
4. Although the Foundation controls the acceptance of gifts to it, the University understands that the Foundation normally chooses to accept gifts that the University has determined to be in furtherance of the mission of the University. Accordingly, the Gift Acceptance Committee shall review and approve Gifts under its purview before the completion of a gift to the Foundation.
5. The following types of Gifts may only be accepted by the University after review and approval by the University's Gift Acceptance Committee:
 - a. Gifts subject to any conditions or restrictions of \$500,000 or more (excluding established programs and faculty research grants);
 - b. Gifts of real estate;
 - c. Gifts that would be paid over a period greater than five years;
 - d. Gifts that would be paid with assets other than cash or readily marketable securities (except for planned gifts);
 - e. Gifts that will draw significant public attention, or have significant reputational implications for the University;
 - f. Gifts from international entities not already known to or affiliated with the University;
 - g. Gifts that would permit use of the University logo or other trademark by the donor or a third party;
 - h. Gifts that may have real or apparent conflicts of interest for the donor or University officers;
 - i. Gifts that are specifically related to the appointment or retention of a specific individual;
 - j. Gifts that potentially create immediate or future financial or significant administrative burdens,
 - k. Gifts associated with naming opportunities recognizing current or former heads of state or public officials, government entities, corporations, or individuals;
 - l. Gifts endowing faculty positions at a lower amount than the threshold established for each school; or
 - m. Gifts requiring donor oversight or advisory committees. If such a committee is created, the University should appoint the majority of the members, and any donor designees should be limited to a nonvoting role on any matter related to academic governance.
6. The determination of whether a gift must be reviewed by the Gift Acceptance Committee shall be at the discretion of the Vice President for University Advancement and Alumni Relations.
7. Gifts to the University that may expose the University to liability or that obligate the University shall also be reviewed by the Office of University Counsel.

D. Public access to Gift information

1. When the Foundation accepts a gift subject to conditions that govern the use of those funds by the University, the University shall provide the Foundation with a writing specifying the University's acceptance of those conditions. Such writing is a public record of the University under the Virginia Freedom of Information Act.
2. The University affords donors the privacy protections permitted by the Virginia Freedom of Information Act.
3. Gifts may be made anonymously, but for gifts \$100,000 or more, the President, Provost, and Vice President for University Advancement and Alumni Relations must be aware of the donor's identity and agree that the University will accept the Gift on condition of anonymity.

E. Administration of Gifts

1. The University's administration of Gifts must comply with all relevant federal and state regulations.
2. The financial management of Gifts should follow the guidelines set forth in the University's Financial Policies.
3. The Office of University Advancement and Alumni Relations is responsible for ensuring that the University is in compliance with applicable laws pertaining to the receipt and management of Gifts and that it honors its fiduciary responsibility to donors. It is the duty of each department or school to use Gifts in accordance with the donor's intentions as agreed by the University.
4. If it becomes impossible or inadvisable for the funds associated with a Gift to continue to be used for the specific purpose for which given and subject to the terms of any applicable gift agreement, the University shall contact the donor or notify the Foundation so that the Foundation may contact the donor to discuss an alternate application of the funds in the case of funds subject to a gift agreement with the Foundation. If the donor cannot be contacted, the University, subject to the terms of the applicable gift instrument(s) and applicable law, will determine appropriate uses of the funds or work with the Foundation to do so in consultation with the University's President, Senior Vice President for Administration and Finance, and Provost and Executive Vice President.
5. Exceptions to this policy must be approved by the President.

III. Definitions

Bequest - A gift of real or personal property made at death by a will or a trust.

Gift - A voluntary transfer of property made without consideration, which may or may not be restricted as to its use. The term “Gift” as used in this Policy includes both transfers of funds or property made by a donor directly to the University; as well as restricted and unrestricted funds transferred by the Foundation to the University.

Grant - An agreement representing the transfer of money, property, or services by a sponsor in exchange for specified services or activities (e.g. research and development). Grants are enforceable by law, and performance is typically accomplished with set time parameters with payment subject to being revoked for cause.

Cash - Money, currency, checks, money orders or cash equivalents.

Securities - Stocks, bonds, options, warrants, notes, or similar instruments, either publicly traded on an exchange (public) or not publicly traded (private).

Gift-in-kind - A gift that is a tangible item, for example, a work of art, equipment, or a literary collection.

Internal Revenue Code (IRC) – 26 U.S.C.S. §1 et seq.

IV. Responsibilities

- A. Department Administration –
Promptly deposits Gifts received in the form of cash or check in accordance with University procedures, or forward such Gifts to the Foundation.
- B. Office of University Advancement and Alumni Relations –
Responsible for overseeing University compliance with laws pertaining to the management of charitable gifts and confirming that the University honors its fiduciary responsibility to donors. Performs quality assurance reviews to ensure that gifts are assigned to correct accounts.
- C. Vice President, University Advancement and Alumni Relations - Has general oversight of gifts accepted by the University.

V. Forms

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VI. Dates:

- A. **Effective Date:**

This policy will become effective upon the date of approval by the Senior Vice President for Administration and Finance and the Provost and Executive Vice President.

B. Date of Most Recent Review:

N/A.

VII. Timetable for Review

This policy, and any related procedures, shall be reviewed every three years or more frequently as needed.

VIII. Signatures

Approved:

**Senior Vice President for
Administration and Finance**

Date

Approved:

Provost and Executive Vice President

Date

Attachment B

- II.C.2.g (The University shall not accept any Gift that affords the donor influence over the continued employment of specific personnel
 - Danny noted that this specific wording might preclude the following scenario: A research center is funded by a donor. If that donor for some reason is no longer able to continue funding the center, the personnel working at the center may lose their employment. In this scenario, the donor ultimately had an influence over the continued employment of specific personnel.
 - Keith's comment: The intent of this wording is to prevent donors from saying, "I'll give you money if you hire X person." So maybe this wording can be cleaned up a bit to address Danny's concern ... at the same time, this feels like individual feedback that can be provided, rather than something that needs to come from FS.
- II.C.5.a (The following types of Gifts may only be accepted by the University after review and approval by the University's Gift Acceptance Committee: Gifts subject to any conditions or restrictions of \$500,000 or more (excluding established programs and faculty research grants)
 - Danny suggested that this wording to be edited to be something like the following: "Gifts, or any sequence of gifts from the same donor with the same purpose, that total to \$500,000 or more and are subject to any conditions or restrictions"
 - Keith's comment: Good suggestion, although harder to enforce (who determines "same purpose" – can't go back and review prior gifts that were already accepted once a threshold of 500K is crossed). The broader issue here is the money threshold that triggers review no matter what.
- II.C.5.e. (The following types of Gifts may only be accepted by the University after review and approval by the University's Gift Acceptance Committee: Gifts that will draw significant public attention, or have significant reputational implications for the University)
 - Danny wonders who will determine this?
 - Keith's comment: valid point. Worth being raised by FS?