

**GEORGE MASON UNIVERSITY**  
**MINUTES OF THE FACULTY SENATE EXECUTIVE COMMITTEE MEETING –**  
**MONDAY, AUGUST 24, 2020**  
**ELECTRONIC MEETING – 3:00 – 5:00 pm**

**Present:** Lisa Billingham, Melissa Broeckelman-Post, Shannon Davis (chair), Tim Leslie, Bethany Letiecq, Kumar Mehta, Suzanne Slayden

**I. Approval of Minutes:** The minutes of June 10 and July 7, 2020 were approved.

**II. Announcements**

Chair Davis

- All new Faculty Senators had attended the *New Senator Orientation*. Karen Akerlof is the new senator from COS. She noted that the new senators are excited and ready to engage.
- There is an introduction to Faculty Senate at New Faculty Orientation that she participated in both days.

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

**A. Academic Policies – Suzanne Slayden**

Changes to Fall 2020 Academic Calendar:

Senator Slayden: Thanked everyone for the feedback at the previous meeting. Following discussion with Academic Policies Committee, Chair Davis and Senator Slayden met with Provost Ginsberg to finalize exchanging the election day holiday for the fall break. The announcement was distributed August 24, 2020 (see [Attachment E](#)).

Discussion:

- Chair Davis noted that there was mild critical feedback notably centered on a few points:
  - a) late notice for having to make any necessary modifications, b) need to revise syllabus for courses already under way, and c) lack of flexibility in minimizing disruption.
- Senator Slayden noted that faculty who teach Thursdays had to bear the greatest disruption to their schedule.
- Senator Slayden informed that further discussions will be held for making election day as regular part of Fall academic calendar.

**B. Budget and Resources – Tim Leslie**

**C. Faculty Matters – Bethany Letiecq**

Stopgap measure to protect faculty interests while UP 4002 is revised.

Senator Letiecq: One of the most pressing issues right now has to do with copyright. She stated that the concerns merit a response beyond asking faculty to file a request with the provost.

Discussion:

- Senator expressed a need for clear reasoning underlying the three broad claims communicated by interim VPR - a) this is going to result in some loss of enrollment, b)

students not being able to graduate, and c) it is going to cause a fiscal harm. There is a need to show the connection from temporary suspension of UP 4002 and how it results in the three claimed negative outcomes. Short of a clear explanation it is difficult to accept the communicated claims as credible.

- Several Senators noted agreement and discussed making the letter (from interim VPR) public to highlight the potential absurdity of the claims.
- Chair Letiecq noted that this is an opportunity to continue educating the faculty on issues pertaining to copyright and academic freedom. To continue the conversation and engage with our colleagues about issues in online learning and the implications of the choices. She noted her support for commencing a public discourse to create broader participation and engagement in the policy revision process. Noting that the revised policy is likely to be in place for at least a decade the importance of broad participation for identifying issues and concerns is most relevant.
- Chair Davis made note of the positives of faculty's ability to write a letter to department chair and provost to register their concerns. Specifically, she observed that faculty can put their department chair on notice and request that their materials not be used without faculty's express permission.
- Senator Letiecq noted that university policy would always be legally upheld in case of a conflict between existing university policy and any letter faculty may have submitted restricting usage of their content without express permission.
- A Senator noted that under existing policy – the university can legally take possession of all the developed content (including test banks and questions pools) without express permission of the faculty. Using a graduate student, adjunct instructor, or anyone else – the course could be offered to students on any campus without knowledge of faculty who developed the content.
- Chair Davis noted that the potential scenario is possible under existing policies. She also reiterated her appreciation for the fact that until the policy is changed, that faculty have the right to restrict usage of their content without express permission.
- After additional discussion, it was decided that Chair Davis will email Interim VPR Dr. Dade and Provost Ginsberg seeking clarification that faculty's requests will be honored, and in case of violation the agreement will be enforced. The response from Dr. Dade and Provost Ginsberg will serve as confirmation regarding the understanding while university policy is being revised.
- The response along with original request from Faculty Matters Committee and other communications from EXC will be shared with faculty to maintain transparency and invite faculty to engage in the revision process.

#### Kallaco contract, testing, health, and safety

Senator Letiecq informed EXC that jointly with Senator Tim Gibson, AAUP, and colleagues at other institution in Virginia, they have been researching Kallaco contract and testing.

#### Summary:

- George Mason, VCU, William and Mary have all contracted with Kallaco, as have Virginia State University, Hampton-Sydney College, Randolph-Macon. Randolph-Macon has a little different contract from the rest but all of them are using Kallaco for their software and their testing.
- William and Mary, VCU and, GMU president have all released a statement today. The core message of the statement is that the institutions have sought clarification from Kallaco and obtained responses from Kallaco assuring validity of the system of testing.

- Communication with FDA and CDC has validated specific concerns:
  - Thermo Fisher tests is not CUA approved for home specimen collection.
  - Thermo Fisher Scientific, the organization that sells the Thermo Fisher tests, is likely going to formally issue a statement that their test is not CUA approved for an individual to get a specimen from the back of their throat, and put it in a vial, and send it off for testing.
  - The FDA has also issued a warning that the Thermo Fisher test is at risk for inaccuracies (even when sample is collected by healthcare professional).
  - The FDA confirmed that if a vial that says for research purposes only, you must have prior approval that it is for research purposes only. Diagnostic tests must have an FDA approved diagnostic tube.
  - Opteo Lab (where samples are analyzed by Kallaco), does not have Clinical Laboratory Improvement Amendments ([CLIA](#)) certification. It is CLIA registration, which is one of the first steps towards obtaining CLIA certification.
- In summary, these issues make the sample collection and test results invalid.

There was an extended discussion among EXC members to determine a response focusing on what is needed to keep faculty and students safe.

- Considering communications received from FDA and CDC regarding sample collection procedures and use of lab vials, as well Opteo Lab not being CLIA certification -- concern was expressed regarding accuracy of the statement issued by President Washington.
- Senator Letiecq shared that:
  - They reached out to President Washington and shared all the gathered evidence. They have requested he take action based on all of the information.
  - They asked for the VA Dept. of Health to investigate – they declined.
  - They asked among other agencies, the investigations have already been initiated, we don't know whether this will be at the state or federal level.
  - Contract issues with Kallaco: if the universities were sold a bill of goods by a fraudulent company, anticipates the VA Attorney General's Office would handle the matter.
  - There may also be mail issues, i.e., with potentially mailing live virus without appropriate safeguards as may be legally required.
- Recommendation that the Faculty Senate call for an investigation, suggest everyone be retested, and exercise our obligation to alert everybody to ensure the safety of the community.

Discussion continued on the role of faculty governance, and the role of the Senate:

- Senator noted that now that all the students are on campus already, what are the next steps and how do we make sure we are part of that solution?
- Chair Davis noted the need of the Senate to focus on faculty concerns and while we want to be focused on overall campus security, the Senate has the responsibility to focus on the faculty experience on campus. Are there concerns about faculty safety that result from the decisions that were made?
- It was suggested that acceleration of the current testing regime would be a way to make that particular claim of safety.

- It was noted that faculty who have agreed to do teach in-person classes did so based on an implicit assurance of creating a safe environment for faculty through the testing process of the students. To that extent EXC can say there was an implied assurance and would like the university to uphold that implied assurance that comes with conducting valid testing of the students.
- It was noted that faculty have the ability to move their class online if they want to. EXC may need to remind faculty that if they feel their classroom space is unsafe because of concerns regarding testing or because students may engage in less than safe practices.
- Pros and Cons were discussed about sending out a communication to faculty right now outlining the concerns regarding the testing and reminding them that faculty have this option of moving class online.
- The other reality is there are 12,000 students on campus and Mason continues to be a majority non-residential campus.
  - Besides the 3000 or so students in residential halls, others who are coming on to campus and did not require a negative test to enter a classroom.
  - The issues that the students have taken tests that might not be valid, but many other students were not required to have a test.
  - It was noted that requiring all residential students to be tested is different because they are all living in close quarter in a dorm and thus should be monitored.
  - The issues of importance are -- repairing the trust of having been tested for COVID and that of the institution as well having paid for these tests. We have done way more due diligence than was done before contracting.
- Chair Davis summarized the immediate responses needed and in the longer-term where Budget and Resources would need to work to resolve the contract related issues.
  - In person face-to-face classes are a continued concern.
  - For the students who chose to come to campus and are paying room and board, to potentially be in face-to-face classes, therefore potentially imperiling faculty and graduate students who are teaching – an acknowledgement that those students will need to be immediately retested.
  - Faculty need to continue to be empowered to make the decisions for their course modality in ways that meet their holistic needs.
  - The Faculty Senate would call for greater transparency around the contract – the process by which the contract was created, awarded, executed, and the appropriateness of expenditure of limited financial resources.
- Senator noted special concern for the welfare of the faculty who begin teaching face-to-face today. There are two components: (1) the implied assurance that faculty would be in a classroom where there was a relatively high likelihood of safety as we were promised throughout the summer and that is called into question. We ask the administration to immediately address that by providing tests to students now and (2) if faculty have an increased concern about health and safety, they are encouraged to modify the modality of their teaching to suit the needs of their course, or they are reminded that they have the opportunity to structure the modality of their course to suit the needs /concerns they have at a particular moment.

Discussion:

- Chair Davis shared information from the IC meeting
  - After actually experiencing a face-to-face class, some faculty and students are inquiring about possibility of changing the modality.
  - There is a process for changing to fully online or hybrid, and that change needs to be made in Banner system.
  - She emphasized the need to make changes in the system to enable meaningful deployment and use of resources for classroom management, as well as the need for documentation for SACS accreditation.

EXC decided on composing two documents: (1) an email from Executive Committee to the President expressing our concern for the safety and well-being of the faculty and the university community, and (2) a resolution to include in the first Faculty Senate meeting agenda to be distributed on Wednesday.

Chair Davis: A communication that needs to go out quickly, that focuses first on the issue faulty test for which sample was not collected by a licensed healthcare professional resulting in breaking the trust faculty had with the administration, regarding the implied assurance of safety in the classrooms. As a result, we ask that all residential students that were given the faulty test be retested with an approved test. And second, we ask for concerns around the budget and contracts to not be ignored as something that is critical to the university. The Faculty Senate will engage in that space as tasked.

#### **D. Nominations – Melissa Broeckelman-Post**

Senator Broeckelman-Post: The committee is meeting tomorrow morning at 9:00 am to put together the slate. She has been compiling all the information in Qualtrics, then the committee will try to balance out based on needs and requirements. Only about half of the Senators have volunteered for the Senate Standing Committees, and 80+ for University Committees. Committee will reach out to those who have not volunteered.

A fake ballot will be used for practice meeting with Senators on Wednesday, and will also have ready breakout rooms for members of Senate standing committees to practice meeting.

#### **Meeting Attendance: - Kumar Mehta, Secretary:**

##### Attendance:

- If Zoom meeting announcement goes out from him, as a host he can generate a report to see who attended. This can greatly help with documenting attendance.
- Additionally, we could also use link to an attendance sheet during the meeting and keep reminding everyone to sign in.

##### Electronic Meeting Venue and Backup:

- For every meeting there will be a primary Zoom meeting link, and a backup meeting link on Blackboard Collaborate.
- Both links will be made available on Blackboard Faculty Senate Organization.
- In case of technical problems with Zoom, announcement will be posted on Blackboard indicating change of venue to Blackboard Collaborate.

## **E. Organization and Operations – Lisa Billingham**

### Ombuds Office:

Senator Billingham: Received invitation to have discussion about the ombuds position with Chair Davis, Ken Walsh, and Lester Arnold. She has also reached out to the ombuds at UVA for advice and is meeting with him soon. In addition, she has been talking with individuals in California and South Carolina to ensure that she had feedback from the most established ombuds office in VA and other parts of the country.

### Faculty Equity and Inclusion Committee:

Over the summer, she has been working with Senator Bethany Letiecq and Chair Davis on by-laws and committee charges. There has been discussion about changing the Faculty Equity and Inclusion Committee (FEIC) from a university committee to a senate standing committee with a seat on Executive Committee.

With everything the President is doing as a new initiative, there is concern about duplicating efforts as well as ensuring that our actions partner well with those of the president's initiative. With that, she requested feedback from EXC during the meeting or follow up by email.

Chair Davis shared her excitement regarding the possibility of moving the FEIC committee to a Senate committee and having the chair of that committee sit on the EXC. She shared related developments which may inform recommended actions:

- Anti-Racism and Inclusive Excellence Task Force (ARIE) will be meeting bi-weekly and will submit first report by October 30.
- Information about the specific committees plus the TF will be made public soon.

She suggested that after there is an initial report, might be the moment to follow up and propose the FEIC Senate Standing Committee.

### Discussion:

- There are some challenges with the FEIC becoming a (Senate) standing committee. If it becomes a standing committee, it will lose university (non-Senator) members, unless it was ex-officio, or ad hoc subcommittee or something like that. In the longer term, it may be better to have a person from the ARIE TF serve as liaison to the EXC or the Senate, focused just on this and thinking about it across all committees
- Chair Davis provided clarification regarding the composition and charge of the IRTF
- After further discussion regarding possible charge, coordination and collaboration possibilities with other stakeholders – EXC decided that it was best to wait till outcome of current initiatives is known.

## **IV. Other Committees/Faculty Representatives**

### **• Annual Report of the Grievance Committee**

Chair Davis thanked Suzanne for clarifying that the names in the Grievance Committee report will be redacted.

Discussion:

- Suggestion to include some amount of data that would not violate any individual's privacy, but at the same time provide meaningful information regarding what are the notable areas of conflicts are, e.g., diversity, inclusion, workload etc.
  - Senator Slayden shared that Grievance Committee reports have been written very generally. What has always been important and has not always been included is: What is the response of the administration? For example: the Grievance was against the dean, the response from the provost was – decision – to be somewhat general, but at least you would know there was a conclusion. Senator Slayden expressed support for the suggestion of including aggregate metrics by unit and noted that this may change with committee chair.
  - Senator inquired if it is usually known whether the committee was in support of the candidate's grievance?
- Letter to legislators re: upcoming session [Attachment B](#)

## **V. New Business, Updates, and Discussion**

- Updating Senate Website: mockup <https://admissions.gmu.edu/facultysenate/>  
Chair Davis:
  - Propose to change the Senate website so we have photographs along with names for Senators.
  - When Interfolio system is fully implemented, Faculty Senator will be one of the designations that will be attached to people's names.
  - Proposal postponed until an unspecified later time.
- Exec Committee practice session using Zoom August 24<sup>th</sup>.
- New Senator Orientation – Third session August 24 – 9 am.
- EXC Meetings with President Washington [Attachment D](#)  
Chair Davis: Discussed scheduling of meeting with President Washington. Included in the agenda (Attachment D) are the available dates. Currently the president is scheduled to have an entire session with us October 14<sup>th</sup>.  
Discussion:
  - Senators discussed pros and cons of having a meeting before/after President Washington has had chance to meet with the Senate.
  - Senator indicated an inclination to meeting after meeting with Senate. Those discussions could provide agenda items for discussion.
  - Other Senators agreed with pros/cons of both
  - In the end Chair Davis agreed to schedule it sometime in November – with Nov 11 as first preference and Nov 18 as second preference.
- [Senate practice session using Zoom August 26th](#)

## **VI. Agenda Items for FS Meeting September 2, 2020**

- Approval of the Draft FS Minutes March 4 and March 24, April 1, April 22, and April 29, 2020
- Opening Remarks: Shannon Davis, Chair  
 Appointments: Chair pro tem, parliamentarian, Sergeants-at-Arms  
 Special Meeting with President Washington – Wednesday, October 14, 2020

President Washington will address the Faculty Senate – March 3, 2021

- **Committee Reports:**
  - A. Faculty Senate Standing Committees**
    - Executive Committee
    - Academic Policies
    - Budget and Resources
    - Faculty Matters
    - Nominations – see Special Orders
    - Organization and Operations
  - B. Other Committees/Faculty Representatives**
    - Annual reports 19-20 received from Grievance, Research Advisory, and Writing Across the Curriculum Committees. (Annual Reports pending from MASC and Technology Policy)
- **Special Orders:** Elections *Note – should be Special Orders, which would come **after** Committee Reports*
  - Election of Members of Faculty Senate Standing Committees
  - Election of Members of University Standing Committees
  - Election of Faculty Representatives
- **New Business**
- **Announcements**
  - Provost Ginsberg
  - Sr. VP Kissal
  - Reports from the Faculty Representatives to the BOV Committees
    - APDUC: Keith Renshaw
    - Finance and Land Use: Mohan Venigalla
  - Report from the Gift Acceptance Committee – Chris Kennedy
  - Board of Visitors Liaison to Faculty Senate - At the July 31, 2020 Board of Visitors meeting, Rector Hazel announced a new liaison position between the Board and the Faculty Senate. Filling this role during the 2020-21 academic year will be Visitor Tom Davis, the immediate past-Rector of the Board. The Board Liaison role is an opportunity to strengthen the relationship between the Board and the Senate and to provide an additional contact with the Board for the Senate throughout the academic year. This year, the Liaison will attend Senate meetings when feasible and will meet once per semester with each Faculty Senate Standing Committee. Senators are encouraged to meet with Visitor Davis to discuss issues that are of concern to them as well. The goal is for Senators and the Board to have more access to one another to allow both parties to understand each other and our roles better. Visitor Davis's contact information is listed in the Senate roster.
- **Post Meeting Election of Chairs of Faculty Senate Standing Committees**

Respectfully submitted,  
Kumar Mehta  
Secretary

## **Attachment B**

### **Letter sent to Senate Finance and House Appropriations Committee members**

Dear X:

I write to you today as a faculty member at George Mason University and the Chair of the Mason Faculty Senate. As you prepare for the special session called by Governor Ralph Northam this week, I ask that you be especially mindful of the deleterious consequences of the COVID-19 pandemic on higher education. Students, faculty, and staff have all made substantial sacrifices this year as we have collectively responded to the simultaneous crises that this global pandemic has put in front of us. Between budget shortfalls and public health concerns, higher education has a steep set of challenges ahead of us.

Investing in public higher education is good for the Commonwealth, in large part due to the economic and social benefits that higher education provides to our communities. Colleges and universities are economic contributors through employment of faculty and staff (and many students as well) but also provide economic investment into our communities through our research and teaching enterprises. Supporting Mason in particular means supporting communities in Fairfax, Loudoun, and Arlington counties. It means supporting the public university whose student body is the most diverse in the Commonwealth, where there is no racial/ethnic gap in graduation rates, and where students turn to complete their education after military service or caregiving responsibilities have waned.

I serve the students of Mason and the faculty as well, faculty who have chosen to be part of a university on the move with our groundbreaking research, including contributions to the fight against COVID-19. Our undergraduate research program is a national leader and our graduate programs are internationally ranked. Supporting Mason means supporting the extraordinary faculty, staff, and students of Mason who are making a difference for the world.

I ask that you maintain support of Virginia's institutions of higher education and limit any potential budget cuts to these critical components of Virginia's intellectual infrastructure. I ask in particular that you see investment in George Mason University as an investment in the Commonwealth's future, something worthy of supporting.

Please feel free to reach out to me at any time about this note, Mason, or our faculty. I would absolutely enjoy talking with you.

My very best regards,  
Dr. Shannon N. Davis  
Chair, Faculty Senate & Professor of Sociology  
George Mason University  
[sdavis@gmu.edu](mailto:sdavis@gmu.edu)

## **Attachment D**

We are happy to schedule an opportunity for the Faculty Senate Executive Committee to meet with Dr. Washington this Fall. We are still not able to schedule a group event at the president's home due to continued challenges with COVID so unfortunately that preliminary plan previously discussed with Shannon is not going to be an option during the Fall semester.

Please refer to the following and advise of the preference for the Fall Executive Committee session; the first four are prior to **October 14**, the second four are following. Not knowing Shannon's preference, we thought it best to provide both options:

- Tuesday, September 29, 12:00-1:30 (lunch session)

- Wednesday, September 30, 12:00-1:30 (lunch session)
- Monday, October 5, 12:00-1:30 (lunch session)
- Thursday, October 8, 10:30-12:00
- **Attendance at the Wednesday, October 14 Faculty Senate session.**
- Tuesday, October 27, 12:00-1:30 (lunch session)
- Thursday, October 29, 12:00-1:30 (lunch session)
- Wednesday, November 11, 12:00-1:30 (lunch session)
- Wednesday, November 18, 1:30-3:00

Dr. Washington's calendar is also noted for the March 3 Faculty Senate meeting. Provided for your additional consideration below are options for April engagement with the Executive Committee and Dr. Washington:

- Monday, April 5, 12:00 – 1:30 p.m. (lunch session)
- Wednesday, April 7, 12:00 – 1:30 p.m. (lunch session)
- Monday, April 12, 12:00 – 1:30 p.m. (lunch session)
- Tuesday, April 13, 12:00 – 1:30 p.m. (lunch session)
- Thursday, April 15, 10:00 – 11:30 a.m.

In previous discussion, a General Faculty meeting had been mentioned for January; are there preferred dates/times for this meeting under consideration?

## **Attachment E**

### **George Mason to Close on Election Day, Tuesday, November 3**

Earlier this year, Governor Ralph Northam signed legislation to designate Election Day as a state holiday. As a state agency, George Mason University will participate in the observance by closing on Tuesday, November 3. All eligible members of the Mason community are encouraged to exercise their civic responsibility on Election Day, by voting, serving as Officers of Election, assisting others to vote, or otherwise participating in this cornerstone of American democracy.

So that the closure of the university on Election Day will not result in a loss of instructional time for Tuesday classes, the Fall Break currently scheduled for Monday, October 12 will be transformed into an instructional day such that regularly scheduled Monday classes will meet that day. Tuesday classes will meet on Tuesday, Oct. 13. (As previously scheduled, Monday classes would have met on Tuesday.) This plan ensures that all classes meet for the full 14 weeks in the standard semester. Because this change to the Fall semester calendar occurs with short notice, faculty are encouraged to be flexible with attendance of synchronous classes on those dates.

The Provost partnered with the Chair of the Faculty Senate and the Chair of the Senate's Academic Policies Committee to determine that this change to the Fall 2020 academic calendar would accommodate the Election Day closure.

We acknowledge that the process through which this decision was made is not consistent with the manner in which changes to the academic calendar typically are handled, whereby the Academic Policies Committee has presented the academic calendar to the Faculty Senate for consideration. The Provost notes that as part of his new administrative role he is becoming more aware of the variety of academic issues and associated decisions shared between the Faculty Senate and the Provost's Office and acknowledges responsibility for this departure from the normal process.

We appreciate your support for this change so that our faculty, staff, and students have the flexibility to participate fully in our democracy by voting in this year's national, state, and local elections.

Best regards,

Mark R. Ginsberg  
Interim Provost and Executive Vice President

Shannon N. Davis  
Chair, Faculty Senate

Suzanne W. Slayden  
Chair, Academic Policies Committee