

**GEORGE MASON UNIVERSITY
AGENDA FOR THE FACULTY SENATE MEETING
OCTOBER 3, 2018
Robinson Hall B113, 3:00 – 4:15 p.m.**

- I. Call to Order**
- II. Approval of the Minutes of September 5, 2018**
- III. Announcements**
 - President Cabrera
 - Provost Wu
 - Faculty Senate Reception @ Mathy House: THU 10/4 5:30pm
- IV. Committee Reports**
 - A. Senate Standing Committees**
 - Executive Committee*
 - Academic Policies* [Attachment A](#)
 - Budget and Resources*
 - Faculty Matters* [Attachment B](#)
 - Nominations* [Attachment C](#)
 - Organization and Operations*
 - B. Other Committees/Faculty Representative**
- V. New Business**
 - A. New Ventures to Increase Access - Michelle Marks, Vice President of Academic Innovations and New Ventures**
- VI. Remarks for the Good of the General Faculty**
- VII. Adjournment**

Attachment A

Report to the Faculty Senate regarding the impact of Student Financial Aid regulations on establishing Add, Drop, Withdrawal, and Tuition Refund deadlines

Background Information:

The Drop/Withdrawal/Tuition policy¹ that was announced to the faculty on Aug. 2, 2018 contained three new sub-policies:

- the Drop deadline date (no notation on student transcript);
- allowing unlimited withdrawals the day after the Drop deadline (W notation on transcript) until the date of Selective Withdrawal (no change in policy); and
- the timing and extent of tuition refund for dropped classes.

When the new policy was announced, this statement was made in partial justification: *"This new policy is driven by Federal regulations...."*. Other statements made by various administrators conveyed a sense of urgency to comply with the regulations after a program review by the Department of Education (DOE): *"We are mandated by the DOE"; "we needed to act with dispatch"; and "could result in millions of dollars of fines if we don't address soon"*.

The Academic Policies Committee asked for and received the **Program Review Report**² (PRR, "the Audit", May 1, 2017) to find out how the previous drop/withdrawal policy was not in compliance with DOE regulations. However, an administrator wrote this statement, which accompanied the PRR: *"Though this letter doesn't address the crux of the issue. The DOE team also provided oral response that addresses the area that led to this decision,..."*.

In other words, and as verified by reading the PRR, the DOE audit found only two instances of non-compliance, neither of which were in any way connected to the new Drop deadline policy.

The AP Comm. asked for a written summary of the oral conversation between the DOE and the Office of Financial Aid (Feb., 2017). This request was returned to the AP Comm. as a **Summary from the Director of Financial Aid**³.

In the Summary, it was stated that DOE required the university to identify those students who had received financial aid for their enrollment at the beginning of the year, but who then dropped the classes before the 5-week deadline (with no notation on the transcript), thus getting more aid than they were entitled to. The DOD reviewer indicated that GMU might have to pay back the

over-awards, perhaps for several years. The Director of Financial Aid stated that her office subsequently identified “hundreds” of students in any given year who were receiving aid for courses they did not take. The list was given to DOE as requested. However, no response was ever received from DOE and no mention of it was made in the **Final Program Review Determination**⁴ (FPRD, Sept. 14, 2017) issued by DOE several months later.

Conclusion:

From this, we may conclude that a policy change was not mandated by federal regulations.

However, it may be “good practice” for an institution to have a contiguous ‘end of Drop period and beginning of Withdrawal period’ in order to prevent student abuse of Financial Aid disbursement rules⁵. Since this policy involves the academic policies of Drop and Withdrawal periods, as well as the Academic Calendar, the Faculty Senate should have been consulted.

Although we have not been told the reason for changing the tuition refund dates, tuition liability is not an academic policy and does not require the Faculty Senate to be involved.

The Drop deadline date is a academic policy that has long been under the purview of the Faculty Senate. As such, the Faculty Senate should approve any proposal to establish a Drop deadline date.

These documents may be found through this link: <http://mason.gmu.edu/~sslayden/Docs/Docs.htm>

¹ GMU Faculty_Staff Comm-Add-Drop-61918-VF_EDW.docx

² Program review findings letter from DOE 05011217.pdf

³ Summary of Program Review February 2017 and Dropped Credits Issue.docx

⁴ George Mason University Final Program Review Determination September 2017.pdf

⁵ Virginia Tech has a notable academic calendar with regard to its Drop deadline and Census date. VT received its FPRD from DOE program review in Nov., 2016 (one year before GMU) and there was no mention of its Drop/Withdrawal policy. See next page.

Days are calendar days

The Schedule for GMU is as proposed by the administration for Fall, 2018.

Fall 2018	Classes begin	Add deadline	Days to Add	100% tuition refund for reduced course load	Drop deadline w/o grade penalty	Days to Drop (no notation)	Census date	Days to Census	Withdrawal fr. Class
GMU	Aug. 27 (M)	Sept. 4 (T)*	8	14	Sept. 9	14	Sept. 9	14	up to 5 wks
VT	Aug. 20 (M)	Aug. 24 (F)*	5	5**	Oct. 1	43	Sept. 17	29***	until Dec. 5 (last day) Max. 3

* These allow students a full week of classes to Add.

**VT has a sliding tuition refund scale.

***VT Finan. Aid Q&A: My contract says I can't drop after the census date, but I thought I had until the last day to drop. Isn't this the same day?
– No, the census date is generally two weeks before the last day to drop. (Census date - freeze for reporting)

Attachment B

Parental Leave for Administrative & Professional, Research & 12- month Instructional Faculty

Faculty Matters was asked to provide input on the draft policy on parental leave for administrative and professional faculty, research faculty, and 12-month instructional faculty. This policy is being created in parallel with the newly established Commonwealth leave policy for Classified Staff. The draft policy presented to Faculty Matters is below, followed by the feedback that was offered.

DRAFT

Parental Leave for Administrative & Professional, Research & 12-month Instructional Faculty

Related Policies

[The Family and Medical Leave Act \(FMLA\)](#)

[University Policy 2215: Family Medical Leave](#)

[University Policy 2232: Sick Leave Policy for Faculty under the Traditional Sick Leave Plan](#)

[Department of Human Resource Management \(DHRM\)](#)

Policy 4.57 – Virginia Sickness and Disability Program

Scope

This policy is intended to assist Administrative & Professional, Research and 12-month Instructional faculty in managing work and family obligations in the first year surrounding the birth or placement of a child for adoption or foster care.

Parental time away from work assists eligible George Mason University faculty members during the first six (6) months of becoming a parent to meet both their professional and parental obligations. It is the goal of this policy to 1) help faculty balance the responsibilities of family and career development, 2) encourage and enable equal parenting opportunity across all departments, and 3) recognize the benefits to faculty members and their families of meaningful bonding time upon the birth or placement of a child for adoption or foster care.

This paid leave enhances the family-friendly practices already in place and provides an additional tool for talent acquisition and retention that supports a diverse, capable, and engaged workforce.

Policy Statement

It is the policy of George Mason University to provide paid parental leave to Administrative & Professional, Research and 12-month Instructional faculty to enable the faculty member to care for and bond with a newborn or child under the age of eighteen (18) newly-placed for adoption or for foster or custodial care. This paid leave may be used in combination with other benefits.

The purpose of this policy is to provide eligible faculty members with up to eight (8) weeks (320 hours) of paid parental leave to be used within six (6) months of the birth of an infant or adoptive, foster, or custodial placement of a child under the age of eighteen (18).

Eligibility

Administrative & Professional, Research and 12-month Instructional faculty who become parents via birth, adoption, or foster or custodial care and meet the following criteria:

- Faculty member is in a full-time or part-time greater than 20 hours per week (or .50 FTE and greater) upon the birth or placement of the child.
- Faculty member must be eligible for Family and Medical Leave (FMLA):
 - Must have been employed by Mason for a minimum of twelve months in the past year
AND
 - Must have worked for at least 1,250 hours in the previous 12-month period.

Eligibility determinations are made as of the date that the child is born or placed via adoption or foster or custodial care.

A faculty member who is not eligible for parental leave on the date of birth or placement may become eligible during the following six (6) months and access parental leave once he/she meets the eligibility requirements.

If both parents work for Mason and meet the eligibility criteria, each is entitled to up to 320 hours of parental leave.

Leave Amount

Eligible full-time faculty members will receive up to eight (8) weeks (320 hours) of paid parental leave to be used within six (6) months of the birth/placement of a child for any one or more of the following reasons:

- To give birth to, care for, and bond with a newborn child.
- To care for and bond with a child placed with the employee through adoption or foster care or a legal custodial arrangement.
- To supplement reduced income replacement disability benefits following the birth of an infant.

Eligible part-time faculty members may take up to eight (8) weeks of parental leave for the reasons listed above. Hours taken will be counted on a pro-rated basis corresponding to the percentage of hours they normally are scheduled to work.

Leave Usage

- Parental leave must be used within six months of the birth of an infant or placement of a child.
 - Eligible faculty members may charge parental leave in
 - one continuous period of time, or
 - in two leave periods of at least one week. E.g. take 2 weeks off when the child is born then come back to work for 1 month and then take the additional 6 weeks off.
- The 320 hours of parental leave may be used only once per child and only once within a 12 month period.
- Unused parental leave is forfeited six (6) months from the date of the birth/placement.
- Unused parental leave is not compensable if a faculty member separates from Mason employment or moves to a non-covered position.
- Parental leave terminates at the conclusion of the foster or custodial care placement or within six (6) months of the placement, whichever comes first.
- FMLA Job Protection: FMLA will run concurrently with paid parental leave. Faculty members using paid parental leave are afforded the remaining job protection under FMLA for an absence up to a total of twelve (12) weeks (480 hours). They may charge personal leave or take leave without pay to cover the additional absence.
- Virginia Sickness and Disability Program (VSDP) Participants: Parental leave may be used to supplement reduced income replacement disability benefits following the birth of a child and/or may be accessed after the VSDP benefits related to the birth cease.
- Traditional Sick Leave Program Participants: Parental leave may be used for FMLA events related to bonding by faculty members participating in the traditional sick leave program.

Faculty Members Responsibility

Faculty members should submit a written request to his/her department and Benefits in HR & Payroll for parental leave at least thirty (30) calendar days prior to the anticipated leave begin date or as soon as practicable.

Certification of Eligibility for Parental Leave

Mason will require documentation of the birth or placement in order to approve parental leave. Official documents that will be considered, but may not be limited to, are: a report of birth, a birth certificate, an order of parentage, an adoption order, certified DNA test results, a custody order, and a foster care placement agreement. Documents provided should show date of birth and date of placement if placement was other than the date of birth.

Faculty Matters provided the following feedback on the policy:

- Faculty Matters is pleased to see an 8-week paid leave plan to be used in concert with FMLA.
- The parental leave policy for 9-month faculty allows the leave to be completed within twelve month and we should strive for equity amongst our colleagues. Thus, the timing of the 12-month faculty parental leave policy uptake has raised questions. What was the rationale for allowing the leave only within 6-months post-birth? Can that be expanded to 12-months post-birth/placement to give a bit more flexibility with uptake? It is likely that most will take the leave shortly after birth, but given men are also eligible, having flexibility to share caregiving up to 1-year post-partum may add more flexibility to family planning.
- We believe that the language on the certification of eligibility for parental leave should be revised or even omitted. The language is a departure from the 9-month faculty parental policy and it does not inspire trust among our colleagues. Is HR worried that someone will lie about a birth or foster placement in order to take up leave, which has to be pre-approved by an immediate supervisor and/or unit leadership anyway? Perhaps, can we state that a supervisor may require this information and should be provided upon request? Relatedly, NOT mandating this certification may allow for some flexibility when supervisors or administrators may consider employees to be a beneficiary of this leave under rare and complex circumstances (e.g. neonatal death etc).

HR provided the following response:

- The draft policy for Faculty basically mirrors the policy the Commonwealth has put in place for Classified staff. The 6 month period is what the Governor allocated as the period for use. We will discuss aligning it with the 9 month policy and for ease of administration potentially align the classified policy as well to 12 months.
- The certification of eligibility is also identical to what is asked of our Classified staff who will go out on paid parental leave. We also ask for certificaion of anyone going out on maternity leave today. It is standard practice for an employer to ask for proof of a life event (i.e. marriage certificate; divorce decree, birth certificate, etc.) for health insurance and other benefit purposes. We will not be changing this language.

Related Item: Parental Leave for Instructional 9-month Faculty

Faculty Matters also reached out to HR again to attempt to engage in dialog that was begun over the summer, regarding two main concerns raised about the existing parental leave policy for instructional 9-month faculty. These concerns are listed below.

- A requirement that faculty must fill a repayment agreement form was added to University Policy #2230 without faculty input. At some point, we heard that HR has reversed its

position and removed this provision. However, University Policy #2230 still reflects the provision. Do you have an update for us?

- The exiting policy does not allow parental and study leaves to be taken in consecutive semesters (unless authorization is requested and granted). A department chair, who had to request this exception twice in recent years, reached out to the Faculty Senate with multiple concerns. We believe that a study leave is a workload re-allocation whereas a parental leave is a workload reduction, and examining possible revisions to this provision may be warranted. We initiated discussions with HR but it is stalled at this time.

HR provided the following response:

- On the 9 month policy, the good news is we are lifting/removing the repayment agreement form. The policy itself is going through some other slight revisions and is making its way to being finalized very soon.
- On the other concern, my understanding is the Provost wants to review/approve any requests for consecutive parental and study leave. So, that language will remain in the policy.

Attachment C

The Nominations Committee presents the following nominees to fill open seats on the following committees:

Writing Across the Curriculum: Carol Cleaveland (CHHS)

Mason Core: Lorelei Crear (COS)

Research Advisory Council: Lance Liotta (COS)