

**GEORGE MASON UNIVERSITY**  
**MINUTES OF THE FACULTY SENATE MEETING**  
**FEBRUARY 6, 2019**  
**Robinson Hall B113, 3:00 – 4:15 p.m.**

**Senators present:** Ann Ardis, Christine Barthold, Jim Bennett, Alok Berry, Lisa Billingham, Virginia Blair, Melissa Broeckelman-Post, Carol Cleaveland, Richard Craig, Shannon Davis, Betsy DeMulder, Charlene Douglas, Christy Esposito-Smythers, Dimitrios Ioannou, Rebecca Jones, Brett Josephson, Larry Kerschberg, Jenna Krall, Timothy Leslie, Bethany Letiecq, Daniel Menascé, Robert Pasnak, Karen Reedy, Keith Renshaw, Pierre Rodgers, Esperanza Roman-Mendoza, Catherine Sausville, Joe Scimecca, Solon Simmons, Suzanne Slayden, Cristiana Stan, Susan Trencher, Girum Urgessa, Iosif Vaisman, Emily Vraga, S. David Wu, John Zenelis.

**Senators absent:** Peggy Agouris, Kevin Avruch, Kenneth Ball, Dominique Banville, Sonia Ben-Ouagrham-Gormley, Henry Butler, Ángel Cabrera, Meagan Call-Cummings, Lloyd Cohen, James Conant, Rick Davis, David Gallay, Michael Gilmore, Mark Ginsberg, Tamara Harvey, Aditya Johri, Ellen Laipson, Germaine Louis, Kumar Mehta, Maury Peiperl, Jeremy Rabkin, Gregory Robinson, Mark Rozell, Donglian Sun, Kun Sun, Masoud Yasai.

**Visitors present:** LaShonda Anthony, Director, Academic Integrity, University Life; Kevin Augustyn, Director of Development, CHSS; Monét Ballard, Student Government Liaison; Alexis Bracey, ECGM Student Researcher; Tom Butler, Associate Registrar, Degree Compliance, Records and Administration; Theresa Calcagno, IT and Engineering Librarian, University Libraries; Benedict Carton, Associate Professor, History and Art History, ECGM Memorial Project Director; Kathleen Diemer, Associate Vice President, Advancement Relations; Ed Dittmeier, University Auditor; Ayman Fatima, ECGM Student Researcher; Tim Gibson, Associate Professor, Communication; Amber Hannush, Operations and Initiatives Manager, Office of the Provost; Matt Karush, Professor, History and Art History/Chair, Institutional Conflict of Interest Committee (ICOIC); Wendi N. Manuel-Scott, Associate Professor, Integrative Studies and History/Art History, ECGM Memorial Project Director; Janette Muir, Associate Provost, Academic Initiatives and Services; Farhaj Murshed, ECGM Student Researcher; George Oberle, History Librarian, ECGM Memorial Project Director; Cathy Pinsky, Capital Program Director, Facilities, Project Manager, Core Campus Project; Shelley Reid, Director for Teaching Excellence, Stearns Center for Teaching and Learning; Frank Strike, Vice President, Facilities; Julian R. Williams, Vice President, Compliance, Diversity and Ethics.

**I. Call to Order:** Chair Keith Renshaw call the meeting to order at 3:01 p.m.

**II. Approval of the Minutes of December 5, 2018:** The minutes stand approved.

**III. Announcements**

Provost Wu welcomed everyone back to the spring semester and provided updates on several issues. Two working groups have been charged to work on the School of Computing design and the Institute for Digital InnovAtion. Members have been drawn from a broad set of disciplines across campus – 6-7 colleges/schools are represented. The Provost will provide updates at future meetings on work from these two groups. More responses from the Commonwealth regarding the relocation of Amazon to the area. The

university is paying attention to this. The Senior Vice President transition will occur in early March with Carol Kissal arriving in early March. She is working closely with interim Senior Vice President Tom Calhoun to get her into the right frame of mind. The Provost Wu is also working closely with President Cabrera and the deans on the Faculty Compensation Study. This study will provide suggestions for changes that encompass a more holistic approach, addressing faculty minimal salaries, salaries falling below market, and salary inversion.

Questions/Discussion:

Senators asked questions about the organization of the School of Computing and Institute for Digital InnovAtion and the timing of faculty input into the discussion. The Provost noted that while there will be physical space in Arlington there will also be a virtual component. Not that everyone with computing work will be there. Chair Renshaw added there are some faculty on the School of Computing (working) group as well as deans and administrators. The IDIA group is composed mostly of faculty. See [Attachment C](#) for membership list for both groups.

#### IV. Committee Reports

##### A. Senate Standing Committees

*Executive Committee* – Keith Renshaw, Chair

The Executive Committee continues to work with Provost Wu and the University Counsel to obtain list of units affiliated with the university using servers and other resources as a result of the email sent last fall. This includes examining a subset of MOUs. A Senator asked whether the information reviewed would be public; Chair Renshaw noted that the information was already public. The Committee is also working with the Provost and others on campus (AAUP) to share even more information regarding deliberations on the future of online education at Mason. More will be coming on this soon.

*Academic Policies* – Suzanne Slayden, Chair

Proposed 2019-2020 Calendar with multiple options

The Academic Policies Committee has received from the Registrar's Office a proposed academic calendar for the four 7.5-week sessions for the 2019-2020 academic year.

There is one option for the start and end times for the two sessions in Fall semester. There is one option for the start and end times for the second session in Spring semester.

There are two options for the start and end times for the first session of the Spring semester:

**Option A** begins at the same time as the regular Spring semester and ends during the regular Spring Break.

**Option B** begins before the start of the regular Spring semester and ends at the same time as the regular semester before Spring Break.

The Academic Policies Committee asks for opinions on these two options.  
See [Attachment A](#).

**Questions/Discussion:**

Several Senators expressed concern and requested clarification about how this would affect courses during the standard 15-week calendar. Senator Slayden noted that this calendar for the 7.5-week session would not have an bearing on the 15-week class sessions. The issue is whether the Faculty Senate wishes to express a preference for classes on the 7.5-week calendar to start at the same time as the regular Spring semester and end during the regular Spring Break or to start before the regular Spring semester and end at the same time as the regular semester and share the Spring Break.

Other Senators asked whether this was connected to the Wiley calendar and how the course hours would be able to meet the Carnegie meeting standards given the challenges in the 8-week courses for Wiley. Both Senator Slayden and Chair Renshaw noted that this request was not connected to Wiley and that regardless of the length of the classes, all faculty must still conform to the Carnegie meeting standards (referencing summer classes of even shorter length). Further, as with Wiley, faculty would not be required to teach a 7.5-week session. If departments want to offer classes in this time frame, faculty have to agree to teach those classes.

Senators expressed concern over courses starting substantially before the standard Spring semester due to the University's closure for winter break and offices not being open to support classroom instruction. Others reaffirmed the desire of some faculty to use the winter break as extended research time.

Logistical questions emerged around whether these courses would be meeting in traditional classrooms and how this would impact student learning and success if students were taking final exams the week before Spring Break when other classes were meeting on a standard schedule. The length of time for final exams would complicate the actual classroom space usage. Associate Provost Muir noted that this concern was something that was being discussed and no decisions have been made on any of these issues yet.

Senator Slayden thanked the Faculty Senate for their thoughts on these calendar questions.

*Budget and Resources* – Tim Leslie, Chair

We are tracking three things: (1) We have received faculty Salary Data from HR and will be posting it later this week, (2) subsequent to a Freedom of Information Act (FOIA) request, we have detailed budget model figures by College and are working on a communication plan, and (3) we have a dataset of faculty attrition by department over the past 10 years and are continuing analysis.

*Faculty Matters* – Girum Urgessa, Chair

We are summarizing the Faculty Evaluation of Administrators comments and hope to finalize report before spring break. We are working to learn where some faculty are told to generate some of their salary.

*Nominations* – Melissa Broeckelman-Post, Chair  
No report.

*Organization and Operations* – Lisa Billingham, Chair  
In March we will bring the proposed allocation of Senate seats for 2019-20. A call will go out soon for Faculty Liaison representatives, a short survey...

**B. Other Committees/Faculty Representatives** - none.

**V. New Business**

**Draft Changes to University’s Gift Acceptance Policy** [Attachment B](#)

Chair Renshaw reminded Senators that a committee to review the Gift Acceptance Policy met over the summer. Recommendations were taken by the President, Provost, Advancement and University Counsel’s recommendations to make changes to university policy. A draft policy was presented to the BOV in December, and was also released to the University community. Although individual faculty members may provide recommendations on their own, the Faculty Senate wants to weigh in on it formally. Senators were asked not to introduce motions at the beginning of the discussion but to allow discussion to proceed and try to construct motions in response to the discussion to be presented at the March meeting (March 6, 2019). Although the next BOV meeting takes place in February, the policy will not be finalized at that point. In addition, the new Vice President for Advancement arrives in March.

Chair Renshaw suggested that the discussion focus on the composition of the Gift Acceptance Committee and the escalation procedures. As the Institutional Conflict of Interest Committee (ICOIC) has been studying this for over a year, their recommendations are to be presented (See [Attachment D](#)).

During the discussion one Senator noted that there was a video recorder on a stand in the back of the room and asked if the Faculty Senate had given permission to be recorded. The person recording, when asked their purpose for filming, said they were a student doing a documentary on higher education. Chair Renshaw asked if anyone had objections to being filmed, noting that the meetings were open to the public. Hearing no objections, the discussion continued.

**Section II C. Gift Acceptance**

**3a. “The Gift Acceptance Committee shall be composed of the ~~6~~ persons: a.**

The current membership was [presented](#) and is listed below: 7 administrators, 1 dean, 1 faculty member.

C. Gift Acceptance Committee:

1. Committee Members – The Gift Acceptance Committee is comprised of:

- the president of the foundation and vice president for advancement and alumni relations of the university;

- the university provost;
- the senior vice president for administration and finance of the university;
- the controller of the university;
- the chief financial officer of the foundation;
- the associate vice president of university advancement and alumni relations of the university;
- the associate vice president of advancement and executive campaign director of the university;
- one of the deans currently serving as a representative on the foundation's Board of Trustees;
- and the faculty member currently serving as a representative on the foundation's Board of Trustees.

Discussion regarding recommendations from the Senators yielded the following, all of which had some support expressed for them in the meeting:

- At least three Senators and three representatives from faculty-at-large elected by the General Faculty and preferably from different schools.
- Two Faculty Senators (or more) and a representative from ICOIC, and AAUP.
- Two faculty members and one Faculty Senator
- Matt Karush (Chair, ICIOC) presented a motion for FS approval: 2 faculty representatives elected by Faculty Senate, reporting to the Executive Committee of the Faculty Senate if gift is accepted over their objections.

Concerns were raised about requiring faculty members from all colleges/schools be included but Senators did express support for any faculty on the committee to represent more than one college/school.

Chair Renshaw asked Provost Wu who he thought should be on the committee. The Provost replied that he thought the Vice President for Advancement, University Counsel's office to be consulted as needed, Associate VP University Advancement/Alumni Relations, to run logistics of meeting. From there, the committee typically invites someone from a school/college wanting to accept a gift to the meeting so their perspective is included. They are not on the committee but participate during discussion on gifts for their unit. Chair Renshaw and Provost Wu noted the need for the committee to be of a manageable size as the group would need to potentially meet on short notice. Chair Renshaw noted that there are three faculty members (from two different colleges) on the New Ventures Advisory Board so there is precedent for that type of representation.

Faculty Senators discussed the merits of having committee members sign non-disclosure agreements as well as the Faculty Senate needing to play an instrumental role in the process overall. Several Faculty Senators and members of ICOIC requested a mechanism to convey concerns with gifts to the Faculty Senate Executive Committee and for the Senate to have a way to take action as a body if it so chose.

## **Section II, C, Gift Acceptance**

**5. The following types of Gifts may only be accepted by the University after review and approval of 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.**

## **Section II. C. Gift Acceptance**

**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.**

Chair Renshaw and Provost Wu noted that there are approximately 6,500 gifts given to the university per a year, many that would not trigger escalation to the Gift Acceptance Committee as per the guidelines here. The current language was intended to suggest that perhaps one person could vet all using some sort of standard template or check list. There is concern about having the entire committee look at all of the gift agreements given the time commitment that would require. It was suggested that perhaps a simple process of using a standard template or checklist could be used, with audit procedures in place to spot check the use of that template or list.

Senators asked questions about what was being considered a gift if there were 6,500 per year. Additional questions included wanting more information about the actual gifts, the

number that met specific dollar thresholds per year (e.g., more than \$25,000, more than \$50,000, more than \$100,000, etc.). This kind of information seemed to be of interest to Senators. Several Senators asked what was meant by a standard template, whether one was currently in use by the Gift Acceptance Committee, and how it could be examined if it was being used.

Several Senators specifically suggested that faculty members should be a part of the determination process; this was echoed by members of the ICOIC. Chair Renshaw reiterated that motions regarding modifications to the policy should be prepared for the March 2019 Faculty Senate meeting.

## **Section II, 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.**

Discussion on this section focused on the extent to which terms and conditions of a gift would be FOIA-able and why do so if the information could be made public. Chair Renshaw noted that much information is FOIA-able (salary data, for example), so there is precedent that the Faculty Senate could decide to act to request more information. He also noted if there is a condition on a gift, that condition would be public.

In closing, Chair Renshaw asked that faculty members share additional thoughts directly with him in order to be prepared to make recommendations as a body.

### **Wilkins Plaza Project: Wendi Manuel-Scott, Ben Carton, George Oberle, and student researchers on the ECGM project**

Professor Wendi Manuel-Scott, School of Integrative Studies, History and Art History, African and African American Studies, Professor Ben Carton, History and Art History, African and African-American Studies, and George Oberle, History Librarian, Fenwick Library serve as directors of the GMU Enslaved Persons of George Mason Memorial. Professor Manuel-Scott introduced three ECGM (Enslaved Children George Mason) student researches present: Alexis Bracey, Ayman Fatima, and Farhaj Murshed. Other members of the Memorial Team present were Julian Williams, VP, Compliance, Diversity and ethics, Cathy Pinskey, Capital Program Director in Facilities, Project Manager, Core Campus Project, and Frank Strike VP, Facilities.

The team presented background on the research project, Enslaved Children of George Mason, that led to the development of the Wilkins Plaza reconstruction as a GMU

Enslaved Persons of George Mason Memorial. After displaying a video the team went over the construction plans for the memorial, to include a reflection pool, statuary, footprints, and several other key elements that reflect the research performed by the students and faculty. This new construction will reflect the complexity of George Mason as a man in history. Please see “[George Mason University: Utilities Infrastructure/Memorial to the Enslaved Persons of George Mason’s Gunston Hall](#)” for additional details.

**VI. Remarks for the Good of the General Faculty** – none.

**VII. Adjournment:** The meeting was adjourned at 4:19 p.m.

Respectfully submitted,  
Shannon N. Davis  
Secretary



## Attachment A

# 7.5 Week Session Calendar Proposal

**Fall Option:** With Classes Not Meeting on Labor Day or Thanksgiving Break. Classes on Fall Break (Columbus Day). Classes Start on Monday for Second Session.

**Spring Option A:** Classes start on the **same day as the regular semester**. **Students lose part of Spring Break** for class and finals in order to meet Carnegie contact hours. Second 7.5 Week Session starts Monday after Spring Break.

FALL 7.5-WEEK SESSIONS		Fall 2019
<b>Session 1</b>	First Day of Classes	Mon Aug 26
	Labor Day ( <b>University Closed</b> )	Mon Sep 2
	Last Day to Add	Tue Sept 3
	Last Day to Drop	Fri Sept 6
	Last Day to Self-Withdraw	Fri Sept 13
	Selective Withdraw Period	Sat Sept 14 – Fri Oct 4
	Last Day of Class	Mon Oct 14
	Examination Period	Tue Oct 15 – Wed Oct 16
<b>Session 2</b>	First Day of Classes	Mon Oct 21
	Last Day to Add	Mon Oct 28
	Last Day to Drop	Thu Oct 31
	Last Day to Self-Withdraw	Thu Nov 7
	Selective Withdraw Period	Fri Nov 8 – Tue Dec 3
	Thanksgiving Recess ( <b>Classes do not meet Wed; University closed Thurs - Sun</b> )	Wed Nov 28 – Sun Dec 1
	Last Day of Class	Wed Dec 11
	Examination Period	Thu Dec 12 – Fri Dec 13
SPRING 7.5-WEEK SESSIONS		Spring 2020
<b>Session 1</b>	MLK Day ( <b>University Closed</b> )	Mon Jan 20
	First Day of Classes	Tue Jan 21
	Last Day to Add	Tue Jan 28
	Last Day to Drop	Fri Jan 31
	Last Day to Self-Withdraw	Fri Feb 7
	Selective Withdraw Period	Sat Feb 8 – Fri Feb 28
	Last Day of Class	Mon Mar 9
	Examination Period	Tue Mar 10 – Wed Mar 11
Spring Break ( <b>Classes do not meet</b> )	Thu Mar 12 – Sun Mar 15	
<b>Session 2</b>	First Day of Classes	Mon Mar 16
	Last Day to Add	Mon Mar 23
	Last Day to Drop	Thu Mar 26
	Last Day to Self-Withdraw	Thu April 2
	Selective Withdraw Period	Fri Apr 3 – Thu Apr 23
	Last Day of Class	Fri May 1
	Examination Period	Mon May 4 – Tue May 5

Approved by Faculty Senate: TBA

Approval Date:

# 7.5 Week Session Calendar Proposal

**Fall Option:** With Classes Not Meeting on Labor Day or Thanksgiving Break. Classes on Fall Break (Columbus Day). Classes Start on Monday for Second Session.

**Spring Option B:** Classes start week before regular semester. Students do not lose Spring Break. Second 7.5 Week Session starts Monday after Spring Break.

FALL 7.5-WEEK SESSIONS		Fall 2019
Session 1	First Day of Classes	Mon Aug 26
	Labor Day ( <b>University Closed</b> )	Mon Sep 2
	Last Day to Add	Tue Sept 3
	Last Day to Drop	Fri Sept 6
	Last Day to Self-Withdraw	Fri Sept 13
	Selective Withdraw Period	Sat Sept 14 – Fri Oct 4
	Last Day of Class	Mon Oct 14
	Examination Period	Tue Oct 15 – Wed Oct 16
Session 2	First Day of Classes	Mon Oct 21
	Last Day to Add	Tue Oct 28
	Last Day to Drop	Thu Oct 31
	Last Day to Self-Withdraw	Thu Nov 7
	Selective Withdraw Period	Fri Nov 8 – Tue Dec 3
	Thanksgiving Recess ( <b>Classes do not meet Wed; University closed Thurs - Sun</b> )	Wed Nov 28 – Sun Dec 1
	Last Day of Class	Thu Dec 11
	Examination Period	Wed Dec 11 – Fri Dec 13
SPRING 7.5-WEEK SESSIONS		Spring 2020
Session 1	First Day of Classes	Mon Jan 13
	MLK Day ( <b>University Closed</b> )	Mon Jan 20
	Last Day to Add	Tue Jan 21
	Last Day to Drop	Fri Jan 24
	Last Day to Self-Withdraw	Fri Jan 31
	Selective Withdraw Period	Fri Feb 21
	Last Day of Class	Mon Mar 2
	Examination Period	Tue Mar 3 – Wed Mar 4
Session 2	Spring Break ( <b>Classes do not meet</b> )	Mon Mar 9 – Sun Mar 15
	First Day of Classes	Mon Mar 16
	Last Day to Add	Mon Mar 23
	Last Day to Drop	Thu Mar 26
	Last Day to Self-Withdraw	Thu April 2
	Selective Withdraw Period	Fri Apr 3 – Thu Apr 23
	Last Day of Class	Fri May 1
	Examination Period	Mon May 4 – Tue May 5

Approved by Faculty Senate: TBA

Approval Date:

# 7.5 Week Session Calendar Proposal

## Calendar Assumptions

### *Fall 7.5 Week Calendar:*

- First session begins according to the 15 week semester calendar.
- Students will have classes on during the Fall Break (Columbus Day).
- Second session starts the following Monday, after the end of the first session.

### *Spring 7.5 Week Calendar - Choose One Option*

- **Spring Option A**
  - Classes begin according to the 15 week semester calendar.
  - The first 7.5 week session ends in the middle of Spring Break for the 15 week semester, so students within this compressed session will lose part of their Spring Break to class and their final exams in order to meet Carnegie contact hours.
  - Second session starts the Monday following Spring Break.
- **Spring Option B**
  - Classes begin a week before the 15 week semester calendar.
  - Final exams are held the week before Spring Break. Students do not lose Spring Break.
  - Second session starts the Monday following Spring Break.

Approved by Faculty Senate: TBA

Approval Date:



## Policy 1123: Gift Acceptance

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### 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.*

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## 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, ~~and~~ 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:
  - n Gifts subject to any conditions or restrictions of \$500,000 or more (~~to~~ established programs and faculty research grants);
  - o Gifts of real estate;
  - p Gifts that would be paid over a period greater than five years;
  - q Gifts that would be paid with assets other than cash or readily marketable securities (except for planned gifts);
  - r Gifts that will draw significant public attention, or have significant reputational implications for the University;
  - s Gifts from international entities not already known to or affiliated with the University;
  - t Gifts that would permit use of the University logo or other trademark by the donor or a third party;
  - u Gifts that may have real or apparent conflicts of interest for the donor or University officers;
  - v Gifts that are specifically related to the appointment or retention of a specific individual;
  - w Gifts that potentially create immediate or future financial or significant administrative burdens,
  - x Gifts associated with naming opportunities recognizing current or former heads of state or public officials, government entities, corporations, or individuals;
  - y Gifts endowing faculty positions at a lower amount than the threshold established for each school; or
  - z 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 ~~to~~ 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 ~~the~~ 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.

3. The University affords donors the privacy protections permitted by the Virginia Freedom of Information Act.
4. Gifts may be made anonymously, but for gifts \$100,000 or more, the President, ~~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, 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 C

GEORGE MASON UNIVERSITY

SCHOOL OF COMPUTING AND IDIA WORKING GROUP MEMBERS

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## Attachment D

To: Faculty Senate  
From: Institutional Conflict of Interest  
Committee Re: Draft Gift Acceptance Policy

Feb 4, 2019

The Institutional Conflict of Interest Committee, appointed by the Faculty Senate, has spent more than one year investigating the University's gift acceptance policies and the potential for those policies to give rise to conflicts of interest or to threats to academic integrity. We are therefore in a privileged position to inform the faculty's discussion of the draft of the new policy.

The committee strongly supports the effort to revise the policy and supports many of the specific principles and rules outlined in the draft. In particular, section C.2 does an excellent job of laying out the gift acceptance practices that would constitute a threat to the university's mission and integrity. Likewise, the draft policy follows this committee's recommendation by giving the Gift Acceptance Committee (GAC) a much more explicit role in the process of reviewing gifts.

On some specific issues, however, the draft needs improvement.

Section 6, which establishes that the VP for Advancement has the sole discretion to determine whether a gift is to be reviewed by the GAC, is unacceptable. It would create a secret vetting process and thereby vitiate any trust in the process. GAC review must be triggered automatically.

Section 3 – on the membership of the GAC – has been left blank in order to spur discussion. A robust role for elected faculty representatives is the only way to establish trust in the University's gift acceptance procedures. In line with our motion that was approved by the Senate, the ICOIC believes that the GAC should include at least two faculty members elected by the Senate.

Furthermore, those two faculty representatives should be charged with reporting to the Executive Committee on any gift accepted over their objections.

Missing from the policy is the excellent recommendation of the Provost's committee that donors be strongly encouraged to use a standard template for gift agreements.

Section 5 stipulates that gifts meeting certain conditions would be subject to review by the GAC. We believe that all gifts should be reviewed by the GAC. If the number of gifts would make this unwieldy, then the GAC could review all gifts subject to any conditions or restrictions that are above a certain size. Advancement could assist in determining a reasonable threshold – perhaps \$25,000 or \$50,000. The conditions listed in section 5 comprise a useful list of red flags – aspects of gifts that are likely to give rise to conflicts of interest or threats to academic integrity. They should be included in the policy as a non-exhaustive list of issues that the GAC will consider in conducting its review.

We applaud the effort in section D to bring GMU policy in line with the proposed reform of the VA FOIA statute currently being considered in the VA House of Delegates, though we would support using the bill's precise language. However, section D includes no provision for making gift agreements (anonymized, if necessary) publicly available except via a FOIA request and therefore falls well short of the standard for transparency proposed by our motion and passed by the faculty senate. This is a significant missed opportunity. Furthermore, section D.3 stipulates that the President, Provost, and Vice President for University Advancement must be aware of the identity of anonymous donors of large gifts. This list must include the two faculty representatives on the GAC. In many if not most cases, it is impossible to assess the potential for conflicts of interest without knowing the identity of the donor.

Section E.5 provides for the President to approve "exceptions to this policy." If this statement is meant to cover the entire gift acceptance policy, then the GAC should also approve any exceptions.

Many of the problematic gift agreements uncovered by the Provost's committee resulted from fundraising campaigns launched by entities within the University. The current draft would not necessarily prevent these practices. The gift acceptance policy needs to include a mechanism for insuring that such campaigns abide by the principles articulated in C.2.