

GEORGE MASON UNIVERSITY
MINUTES OF THE FACULTY SENATE MEETING
FEBRUARY 5, 2020
Robinson Hall B113, 3:00 – 4:15 p.m.

Senators present: Alan Abramson, Ann Ardis, Dominique Banville, Christine Barthold, Jim Bennett, Alok Berry, Lisa Billingham, Virginia Blair, Melissa Broeckelman-Post, Carol Cleaveland, Lloyd Cohen, Richard Craig, Shannon Davis, Betsy DeMulder, Stephanie Dodman, Christy Esposito-Smythers, Daniel Garrison, Tamara Harvey, Dimitrios Ioannou, Aditya Johri, Brett Josephson, Larry Kerschberg, Jenna Krall, Tim Leslie, Kumar Mehta, Daniel Menascé, Linda Monson, Robert Pasnak, Maury Peiperl, Daniel Polsby, Keith Renshaw, Pierre Rodgers, Esperanza Roman-Mendoza, Catherine Sausville, Zachary Schrag, Joe Scimecca, Solon Simmons, Suzanne Slayden, Cristiana Stan, Kun Sun, David Wong, S. David Wu, Masoud Yasai, John Zenelis, Jie Zhang.

Senators absent: Ali Andalibi, Kenneth Ball, Sonia Ben Ouagrham-Gormley, Henry Butler, Meagan Call-Cummings, James Conant, Rick Davis, Michael Gilmore, Mark Ginsberg, Anne Holton, Germaine Louis, Alpaslan Özerdem, Karen Reedy, Mark Rozell, Donglian Sun, Rebecca Sutter, Susan Trencher, Andy Yao.

Visitors present: LaShonda Anthony, Director, Academic Integrity, University Life;; Lester Arnold, Vice President, HR/Payroll; Jim Blevins, Professor, Linguistics and Director, Global Affairs; Kerry Bolognese, Director, Federal Government Relations; P. Daniel Chen, Associate Professor, Higher Education Program; Patricia Coray, HRIS and Benefits Director, HR/Payroll; Angela Detlev, Assistant Provost, Institutional Research, Office of Institutional Effectiveness and Planning; Kathleen Diemer, Associate Vice President, Advancement Relations; Ed Dittmeier, University Auditor; Resources; Kim Ford, Personnel Project Manager, Provost Office; Wayne Froman, Associate Professor, Philosophy; Brooke Gowl, Associate Director, Research Development, College of Humanities and Social Sciences; Matthew Hicks, Director Information Technology and Security, College of Health and Human Services; Devon Janes, Assistant Director, Residential Academic Engagement, Housing and Residence Life; Karen Kessler, Academic Director, INTO Mason; Sr. Vice President Carol Kissal; Misty Krell, Director Academic Affairs, School of Integrative Studies; Jamie Lester, Associate Dean for Faculty Affairs, College of Humanities and Social Sciences; Sajid Mahmood, Senior Scheduling Specialist, Registrar's Office; Doug McKenna, University Registrar; Janette K. Muir, Associate Provost, Academic Initiatives and Services; Angela Nastase Title IX Coordinator, Compliance, Diversity and Ethics; Joe Pagan, Student Government Liaison to the Faculty Senate; Aysha Puhl, Associate Director, Residential Education and Engagement; Claudia Rector, Honors College; Michael Sandler, Interim Vice President, Communications and Marketing; Matthew Smith, Director of Accreditation, Provost Office; Kyle Warfield, Equal Opportunity Specialist, Compliance, Diversity and Ethics; Elizabeth Woodley, University Ethics Officer and Policy Manager, Compliance, Diversity and Ethics; FOIA.

- I. Call to Order:** Chair Shannon Davis called the meeting to order at 3:00 p.m.
- II. Approval of the Minutes of December 4, 2019:** The minutes were approved.

III. Committee Reports

A. Senate Standing Committees

Executive Committee – Shannon Davis

On behalf of the Faculty Senate, Chair Shannon Davis congratulated Provost Wu on his appointment as the next President of Baruch College.

Provost Wu expressed his gratitude for the privilege of working with the faculty at Mason for the last 5.5 years. He also expressed his view that the Provost position is tied to the President in many ways, and the timing of his departure would allow the next President of Mason to conduct a national search for the next provost.

Provost Wu relayed message from Interim President Anne Holton. She will be consulting Deans and Faculty to identify an Interim Provost. In the meantime, Provost Wu will continue to work with her on that and in assisting with the transition of Interim Provost. He invited faculty to share their thoughts regarding selection process of Interim Provost with him or convey them to Faculty Senate Executive Committee. He thanked the faculty for all their hard work that has helped the university's rise in prominence.

Report on Server Use –Recommendations for Final Vote - Keith Renshaw:

Senator Renshaw briefly reviewed the origins of the inquiry. An excerpt from the report (pp. 3-4) appears below:

Presenting Issue

In Fall of 2018, the Faculty Senate (FS) received documents relating to the Institute for Humane Studies (IHS; see Appendices A-C). One of these documents (Appendix A) was an anonymous letter indicating that IHS was using the gmu.edu domain name for email but using its own server. This set of circumstances raised concerns that this affiliated organization was using George Mason's name to its benefit, while protecting itself from the statutes that govern George Mason, such as those related to the Freedom of Information Act (FOIA).

The FS Executive Committee agreed to investigate the issue. In addition, SVP Kissal recommended that the letter regarding the email server be shared with the University Auditor. The Auditor's Office then conducted its own investigation. The ensuing report summarizes our findings.

VA Code Related to Freedom of Information Act (FOIA)

The VA Freedom of Information Act is contained in the following chapter of the VA Code: Title 2.2 (Administration of Government), Subtitle II (Administration of State Government), Part B (Transaction of Public Business), Chapter 37 (Virginia Freedom of Information Act). This code is available at <https://law.lis.virginia.gov/vacode/title2.2/chapter37/>. In its review, the Executive Committee noted the following key elements of this chapter of the VA Code (highlighting added):

2.2-3700.B. By enacting this chapter, the General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request. All public records and meetings shall be presumed open, unless an exemption is properly invoked.

2.2-3701. "Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

2.2-3704.A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records.

These elements suggest that any writing or recording (which includes email) that is related to the transaction of public business and in the possession of a public body (which we interpret to include residing on a GMU-operated server) is subject to FOIA. Thus, emails housed on a server that is not owned or operated by GMU would not be "in possession" of a public body. Nothing in the Code indicates that using the *name* of a public body (e.g., using 'gmu.edu' in a domain name) automatically

makes a work product subject to this chapter of the VA Code. In other words, by our interpretation of this statute, an email written in the transaction of public business from an address that contains gmU.edu but that is *not* processed on a GMU-owned servers would, indeed, mean that email is not *subject to FOIA*.

Senator Renshaw: The committee has prepared a pretty thorough report. The university provided MOUs for a number of organizations that operate with gmU.edu domain name. Most of the MOUs had no mention about the use of the domain, with only a couple having clear parameters to the use of the domain. The committee filed FOIA requests to determine what kind of results would be achieved. The University Auditor concluded that if the data is not on GMU server, it is not within purview of FOIA. While most MOU specified conditions for use of logos, IHS had explicit permission but they did not do this. The updated report (Jan. 28, 2020) has been available from the Faculty Senate website (see [Attachment A](#)). The first nine pages of the report are followed by Appendices A –R (pp. 10 – 176).

Discussion: Some organizations are famous for connecting with Mason. How could they represent themselves not being affiliated with Mason?

Senator Renshaw: Our recommendation is not for gray areas. It is for affiliations such as “Y Center at GMU”. To begin with, we recommend that the MOU should spell it all out and avoid getting into business of interpreting affiliation if not already specified in MOU.

If doing research? Yes. What about affiliation when conducting fundraising?

Senator Renshaw: The committee did not consider that.

A Senator expressed two concerns: FOIA is very broad and pertains to all information in conducting of public business not limited to information contained on assets owned by the state. Public business conducted while storing information on private assets are also within scope of FOIA requests.

IHS has not been in compliance with MOU. Mercatus MOU is effective till 2040. So, this recommendation only impacts future MOU. If taken literally, it could conceivably deter public-private relationships because any proximity to public business would make private records subject to FOIA.

Sr. Vice President Kissal agreed that the institution should thoughtfully enter into MOU because the conditions are binding for the duration of the MOU. For this reason MOU should have great clarity about all issues. Overly broad recommendations can inhibit entering into any MOU.

Various examples of different portrayal of affiliations were voiced to gauge the scope of the recommendation. Discussion also covered use of GMU IT services and assets, and whether such use made the information part of FOIA.

Following spirited discussion, it was decided to vote separately on each of the recommendations.

Summary and Recommendations

When an outside organization establishes a formal relationship with George Mason University, it establishes a Memorandum of Understanding (MOU). MOUs vary tremendously in terms of the level of detail with which they specify the nature of the relationship between the independent affiliate and GMU. Some MOUs, such as those with the Institute for Humane Studies and the Confucius Institute, are quite specific, whereas others are less clear. In addition, many outside organizations are given permission to represent themselves as part of GMU, through use of logos, website/email domain names, and other means.

Based on our review, the Executive Committee of the Faculty Senate makes the following recommendations:

1. When the University enters into a formal Memorandum of Understanding with affiliate organizations, the MOU should clearly state the parameters of the affiliate's ability to represent itself as associated with GMU, and the parameters under which the affiliate is and is not subject to the regulations that guide GMU.

The recommendation was approved.

2. We recommend that, when an organization formally represents itself as affiliated with Mason through the use of logos, domain names, or other means, all business conducted should be considered "public business" and, thus, should be subject to the policies, procedures, rules, and regulations that govern Mason. In contrast, when an organizational affiliate (or its employees) conducts activities or produces records as an independent entity with no connection to Mason or specification of its affiliation with Mason, those activities or records would not be considered "public business" and, thus, should not be subject to rules and regulations governing the University.

The recommendation was not approved

3. Given the nature of Sections 2 and 8 of the IHS MOU, the University should seek clarification of why IHS is using the University's name on its website. Given the prominence of this use, the University should either request that the website be altered or change the MOU accordingly.

The recommendation was approved.

Academic Policies – Suzanne Slayden, Chair

Catalog modification to indicate quantity of out-of-class work per credit hour ([Attachment A](#)) is presented as an information item; with thanks to Senator Dominique Banville for asking for clarification of the question.

Budget and Resources – Tim Leslie, Chair

The Faculty Salary data information is posted. If there are any concerns or if something is wrong or if individuals have difficulty in accessing files, please contact (tleslie@gmu.edu) so that the issue can be appropriately addressed.

Discussion:

A Senator noted he is not aware of having received an official notification of what his salary is, and he would prefer is official notification would be sent annually.

Sr. VP Kissal suggested logging into Banner to see the requisite information. Other suggestions included locating the information under “Employee Services” section of the Patriot Web.

Senator noted that annual evaluations communicated to the faculty should contain the recommended raises as well as salary information. However, for a number of years faculty have not received these annual evaluations.

Faculty Matters – Joe Scimecca, Chair

The committee met this afternoon and has three items to report on:

- (1) The Faculty Evaluation of Administrators will be distributed soon.
- (2) Representation of INTO faculty in the Faculty Senate): There is lack of clarity regarding status of INTO and its faculty which leads to questions of representation in the faculty senate.
- (3) Bring Your Own Device (BYOD): a number of classrooms do not have desktops. Faculty teaching in these rooms are expected to bring laptops. This raises concern for teaching by adjunct faculty who do not have personal laptop. Associated with this are concerns about lack of responsiveness to requests for classroom equipment. Committee has received a number of complaints about both issues, and is working with Classroom Services to identify appropriate solution. Committee will report back on its progress on these issues. s

Requested faculty to email (jscimecc@gmu.edu) with their concerns and complaints.

Nominations – no report at this time.

Organization and Operations – no report at this time.

B. Other Committees/Faculty Representatives

Update from the Presidential Search Committee by Co-Chair Shannon Davis. The committee will meet in the HUB Ballroom on Friday February 7, 2020 at 1:00 pm; and also available on WebEx. The first part of the meeting will be to receive public comments and as a listening session. There will be 45 minutes for comments. Then the Presidential Search Committee will meet to debate and make recommendations to the BOV about how the university community can participate in the interviews. (See link Presidential Search Committee Meeting, February 7, 2020 at <https://www2.gmu.edu/news/582571>). Following Presidential Search Committee Meeting, there is a **Special BOV meeting** 3:00 – 4:00 p.m., during which a decision will be made on these recommendations.

She added Rector Davis and Vice Rector Hazel are comfortable with taking more time if needed. The Special Faculty Senate Meeting with Rector Davis next week (February 12, 2020) was set up before the BOV Special Meeting, as an opportunity for the Rector to answer questions on process the BOV might choose to adopt.

IV. New Business

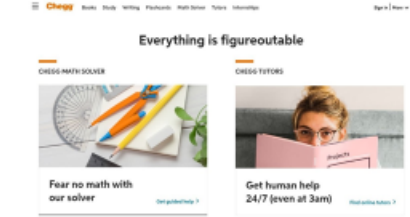
Online Study Sites

Office of Academic Integrity
Oai.gmu.edu



GEORGE MASON UNIVERSITY | Academic Integrity

What is an Online Study Site?




Chegg Study Tools Writing Proofreader Math Solver Video Knowledge

Everything is figureoutable

CHEGG MATH SOLVER
Fear no math with our solver

CHEGG TUTORS
Get human help 24/7 (even at 3am)




BRAINLY

Go from questioning to understanding

Brainly is the knowledge sharing community where 60 million students and experts get their heads together to crack their toughest homework questions.

What is your question?

Ruled by students, supported by parents.




LeetCode

We <3 people who code

We build products that empower developers and empower them to achieve their maximum productivity, growth, and discovery.

For developers, by developers



Course Hero

Get Unstuck

Access 30 million course specific study materials

Challenges

- Uploading copies of tests, quizzes, exams, and papers
- Sending out requests for help with answering questions and using those answers in classes
- Sending out requests for help with creating codes and error checking functions in coding classes and turning those answers in as original work



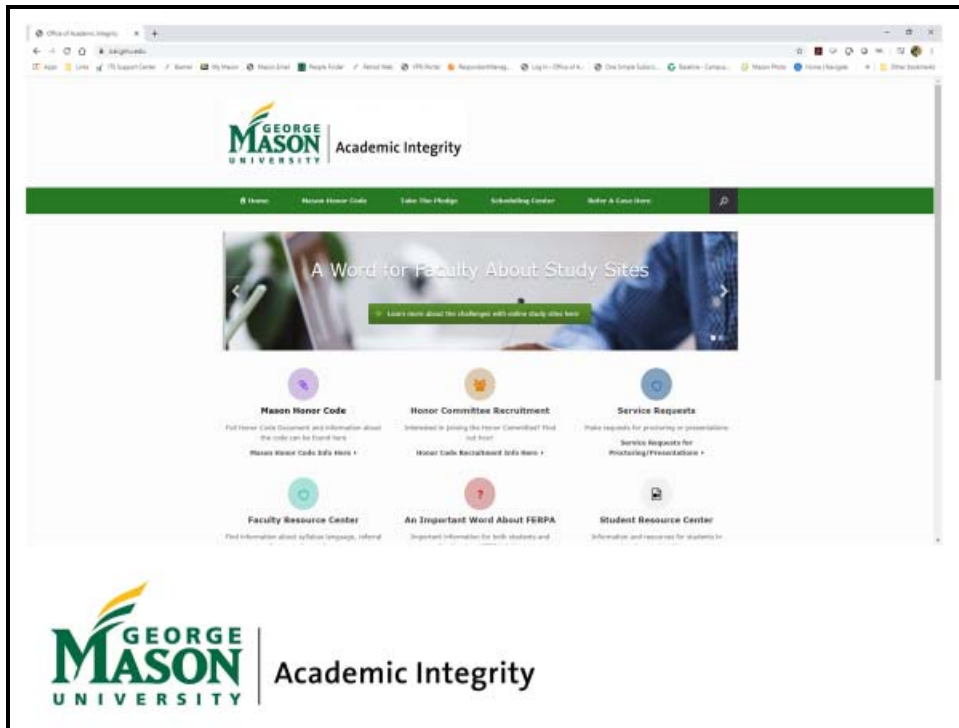
Academic Integrity

Mason's Response

- Cease and desist-Course Hero situation
- Increased education
 - What is acceptable use of these sites?
- Suggested Syllabus language
 - Some kinds of participation in online study sites violate the Mason Honor code: these include accessing exam or quiz questions for this class; accessing exam, quiz, or assignment answers for this class; uploading of any of the instructor's materials or exams; and uploading any of your own answers or finished work. Always consult your syllabus and your professor before using these sites.



Academic Integrity



On the [Office of Academic Integrity](#) website, there is a link [Faculty Resource Center](#) which discusses what's going on.

Discussion:

Students subscribing to these services and copy information from there. How to address this problem?

Response: It is an Honor Code violation, and easily detected because a large number of students would be submitting identical answers.

One Senator, who coordinates a large number of lab sessions, noted that many of the solutions uploaded on Chegg are wrong. Should she refer these large number of students to OAI?

Response: OAI has addressed large cases, with one case where 58 students who had used Chegg. Students respond differently to being reported to OAI. In some instances students acknowledge and accept that they did it; some students may come to a realization that they need to change their major; or simply because referrals act as a deterrent to other students.

Status of GMU bookstore actively promoting Bartelby?

Response: The bookstore clarified that it was being promoted by a publisher and not the bookstore itself. Publishers seem to be partnering with similar services while other publishers are beginning to offer similar services.

How is OAI talking to students about academic integrity and also how is it raising Faculty awareness?

Response: In addition to Integrity Week, OAI actively informs students that violations do not result in zero, but a grade of F. OAI encourages students to not have Chegg account. At freshman orientation, academic integrity information is included in the Orientation Guide.

Title IX Update and Resources for Faculty – Angela Nastase, JD, Title IX Coordinator,
Compliance, Diversity and Ethics



George Mason University- Title IX
Title IX Update and Faculty Resources
Angela Nastase, JD- Title IX Coordinator

Road Map

- Background and GMU Policy
- Title IX Updates
- Resources for Students and Faculty



Title IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

-Education Amendments Act of 1972



Prohibited Conduct at GMU- Policy 1202

Prohibited Conduct applies to *students & employees*

- Sexual Assault
- Dating Violence and Domestic Violence
- Stalking
- Sexual or Gender-Based Harassment:
 - Hostile Environment or Quid Pro Quo Harassment
- Sexual Exploitation
- Complicity
- Retaliation



As of the previous week, there were 193 reports of prohibitive conducts – some of the reports were not on campus. It is important for students to understand prevention.

GMU Responsible Employee Policy

- All GMU employees are “**responsible employees**” and are required to report known or suspected incidents of sexual or interpersonal misconduct to the Title IX Coordinator. This includes *past and present* incidents of misconduct and *on and off campus* reports of misconduct
- **Notifying the Title IX Coordinator:**
 - Allows the Title IX Coordinator to share **rights, resources, and information** with **all parties**
 - Allows institutions to **promptly address** potential safety concerns & violations of sexual harassment or sexual misconduct and implement **interim measures**



Faculty's role is very important because of continual contact with students in the classroom. Sexual misconduct can impact not only student retention, but also their mental health, and it is important that we respond immediately. The office reports to the Commonwealth of Virginia and also works closely with police.

How to Report to the Title IX Coordinator?

- Notify the Title IX Coordinator immediately of any reports of sexual or interpersonal misconduct:

Angela Nastase, JD- Title IX Coordinator

Email: titleix@gmu.edu

Online Reporting Form- Title IX Website



The goal of the office is to respond within 24-48 hours.

Title IX Updates

- Staff: Title IX Coordinator, Two Investigators, and Hiring Intake-Coordinator
- New Office Location, Aquia 374
 - Open House Event Spring 2020
- Policy and Website Updates
- Student Groups
- Lactation Support Ad Hoc Committee
- Pregnancy and Parenting Support



Their new office is next to Compliance, Diversity & Ethics. It is a more private space for students to visit. Faculty and students should know that the office is dedicated to ensuring due process in the system.

Faculty Resource

- Stearns Center for Teaching and Learning Website
 - Guidance for Designing Syllabus
 - Information about Title IX Policy and Resources
 - Responsible Employee Statement
 - Student Support Resources
- Title IX Team
- CDE/Title IX Websites and Trainings
 - In-Person and Online



Annual training is mandatory for faculty, and CDC recommends in-person training.

GMU Confidential Resources

- Counseling and Psychological Services (Students)
- Student Health Services (Students)
- Student Support and Advocacy Center (Students)
- Employee Assistance Program (Faculty and Staff)



Questions or Comments:

Angela Nastase, JD
University Title IX Coordinator
703-993-8730, titleix@gmu.edu
Compliance, Diversity and Ethics Office
373 Aquia Building



Faculty Personal Profile in Patriot Web – Lester Arnold, VP Human Resources and Payroll & Patricia Coray, HRIS Director
They are working closely with Information Technology Services and the Registrar's Office to update personal profile page in Patriot Web. Three new fields have been dovetailed into the Chosen Name project. Personal Profile page is not integrated with

any other system, and there are plans to integrate with Blackboard in the future. Faculty and students may use chosen name except where it is necessary to use legal name.

Doug McKenna, University Registrar, informed faculty that the registrar's office has activated registration to chosen name. Of 9,000 entries, 100+ made change for themselves. At present, the integration to Blackboard has been discontinued. He also informed that with integration of chosen names, faculty are likely to see new names for students on their class roster (that they may not have seen before).

He clarified that Mason ID is used to identify students. Since it is considered a legal document in state of Virginia, only legal name can be used on ID. The net id (for email and other systems) will not be changing with change in chosen name. However, the displayed name associated with the net id can be changed by individual.

If roster shows chosen name, how would faculty confirm identity with Mason ID?

Doug McKenna: Suggested matching G Numbers to confirm identity.

How often does system update?

Doug McKenna: Theoretically, students can change chosen first name every day. Experience of other universities who have enabled chosen name indicates that police it has not been necessary.

Faculty to match IDs to IDs?

Doug McKenna: He was not aware faculty were checking IDs, Registrar's office will evaluate and provide clarity on this.

V. Announcements

Special Faculty Senate Meeting: Conversation with Rector Davis
@Wednesday, February 12, 2020 3:00 – 4:15 p.m. Robinson Hall B113

FS Meetings in AY 20-21 in Research 163, 3-4:30p

- 9/2, 9/30, 10/14, 11/4, 12/2, 2/3, 3/3, 3/31, 4/7, 4/28. In consultation with the Executive Committee, meetings will not take classroom offline.

Video and PowerPoint slides from 1/29/2020 General Faculty Meeting can be found at <https://provost.gmu.edu/faculty-matters>

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

VII. Adjournment: The meeting adjourned at 4:17 p.m.

Respectfully submitted,
Kumar Mehta
Secretary

Attachment A

Academic Policies Committee

Agenda Item for Faculty Senate Meeting, Feb. 5, 2020

Catalog modification to indicate quantity of out-of-class work per credit hour.

Catalog section AP.2.3 is not consistent with SCHEV guidelines regarding the measurement of a credit hour, specifically with respect to the hours of out-of-class work. In order to bring the catalog into alignment with this and other guidelines, the Academic Policies Committee has recommended to the Provost's office that the catalog be modified as shown below. The current SCHEV guidelines appear at the bottom of the page (emphasis added).

Existing catalog language:

AP.2.3 Contact Hours

University coursework is measured in terms of quantity and quality. A credit normally represents one hour per week of lecture or recitation, or not fewer than two hours per week of laboratory work, throughout a semester. The number of credits is a measure of quantity. The grade is a measure of quality.

Recommended catalog language:

AP.2.3 Credit Hours

A credit hour is the unit by which coursework is measured. One unit of credit normally represents one hour in the classroom and a minimum of two hours of out-of-class work; or one hour of recitation; or not fewer than two hours of laboratory work, per week throughout a 15-week semester. In the academic context, an hour is defined as 50 minutes. Depending on the course-delivery format, a credit hour may be measured by demonstrations of competency, proficiency, or fulfillment of learning outcomes that are equivalent to traditionally delivered courses.

Background: SCHEV guidelines p. 4ff 8VAC40-31-10. Definitions

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Academic credit" means the measure of the total time commitment an average student is expected to devote to learning per week of study. Generally, *one unit of credit represents a total of three hours per week of in-class and out-of-class work* (Carnegie Unit of Credit). In this context, an hour is defined as 50 minutes. Emerging delivery methodologies may necessitate determining a unit of undergraduate or graduate credit with nontime-based methods. These courses shall use demonstration of competency, demonstration of proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.

"Credit hour" means a unit by which a school may measure its coursework. The number of credit hours assigned to a traditionally delivered course is usually defined by a *combination of the number of hours per week in class, the number of hours per week in a laboratory, and/or the number of hours devoted to externship multiplied by the number of hours in the term. One unit of credit is usually equivalent to, at a minimum, one hour of classroom study and outside preparation*, two hours of laboratory experience, or three hours of internship or practicum, or a combination of the three multiplied by the number of weeks in the term. Emerging delivery methodologies may necessitate determining a unit of undergraduate or graduate credit with nontime-based methods. These courses shall use demonstration of competency, demonstration of proficiency, or fulfillment of learning outcomes to ensure these courses are equivalent to traditionally delivered courses.