The Faculty Senate

October 3, 2002

The Faculty Senate will meet on Friday, October 11, 2002, at 2:10 p.m. in the Art Department Lecture Hall, Smith Hall of Art, Room A-114 [Please note change of location]

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of September 13, 2002, as distributed
3. Resolutions
   A RESOLUTION ON THE REGULATORY COMPLIANCE HELP AND REFERRAL LINE (02/3); Professor Lilien F. Robinson, Chair, Executive Committee of the Faculty Senate
4. Update on Communications by Vice President Michael Freedman
5. Update on proposed Restructuring of University Governance by Professor Lilien F. Robinson, Chair, Executive Committee of the Faculty Senate
6. Introduction of Resolutions
7. General Business:
   (a) Nomination for election to Faculty Senate Standing Committees:
       Appointment, Salary, and Promotion Policies: Arthur Kirsch;
       Honors and Academic Convocations: Barry L. Berman as Chair, and Bernard Wood
   (b) Nomination for election by the Faculty Senate to the Student Grievance Review Committee: Frank T. Anbari
   (c) Report of the Executive Committee: Professor Lilien F. Robinson, Chair
8. Brief Statements (and Questions)
9. Adjournment

Dennis L. Geyer
Secretary

Attachment
WHEREAS, on February 8, 2002, the Vice President and Treasurer, without consultation or advance notice to the faculty, invited members of the University community to file anonymous as well as self-identified complaints directed at any behaviors that the complainants deemed "unethical," illegal, or violative of any policies or regulations by calling a toll-free "Compliance Line," and

WHEREAS, on March 8, 2002, in Resolution 01/9, the Faculty Senate requested that the establishment of the "Compliance Line" and related procedures be suspended and referred for further study by the Faculty Senate and all relevant components of the administration of the University, and

WHEREAS, the "Compliance Line" was not suspended, and

WHEREAS, on April 12, 2002, the Faculty Senate approved Resolution 01/13 requesting administrative action on the implementation of Resolution 01/9, and

WHEREAS, thereafter a joint ad hoc committee of representatives of the Faculty Senate and the administration met and developed guidelines to attempt to assure that the "Regulatory Compliance Help and Referral Line" would be limited to referring complaints to already established offices of the University, that anonymous complaints would be discouraged, that it would not undertake its own investigations, that it would not maintain separate dossiers, in which people were identified by name, and that a joint committee of faculty and administration would be created to provide oversight; NOW, THEREFORE,

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

That the Faculty Senate approves the efforts of the administration to address most of the perceived dangers of the "Compliance Line" and calls upon the administration to monitor it, with the assistance of the faculty, to assure that the guidelines are followed and regular reports made to the Senate.

BE IT FURTHER RESOLVED,

That the Faculty Senate requests that the following sentence be inserted at the end of the section entitled "Types of Concerns Addressed" on page 2 of the guidelines:

"Unless an allegation received through the Compliance Line is substantiated during subsequent investigative and/or hearing procedures that are conducted in accordance with applicable University policies and legal requirements, the allegation itself will not be used by the University as a basis for imposing any sanction against, or denying any benefit, privilege, or honor to, any faculty member, staff member, or student who is the subject of the allegation."
BE IT FURTHER RESOLVED,

That (1) the Faculty Senate believes that the "Allegation" category in Item 11 of the attachment, entitled "Workplace Conduct," is excessively vague and not in keeping with the section entitled "Types of Concerns Addressed" on page 2 of the guidelines; and (2) the Faculty Senate requests that the "Allegation" category in Item 11 either be deleted or be revised to refer to a specific violation of law, regulation, or University Policy.

Executive Committee of the Faculty Senate
October 2, 2002
REGULATORY COMPLIANCE HELP AND REFERRAL LINE

Preamble

The Regulatory Compliance Referral Line (the “Referral Line”) is established by The George Washington University to facilitate the proper directing of concerns, including possible violations of federal and local law, as well as health and safety issues, to the appropriate offices within the University. The Referral Line is intended to provide GW personnel with efficient access to University programs for resolving specific concerns and complaints on a timely basis, by routing calls to the established offices best suited to addressing covered issues. Referral Line staff will also perform an important tracking function for calls referred to University offices.

In general, the Referral Line will be staffed by personnel trained to determine the nature of the concerns expressed by the caller. Staff will then direct the matter to the most appropriate University office for responding to that type of issue. Staff will subsequently follow up with that office to determine whether that office accepted responsibility to process the call. So long as the Referral Line remains in use, the procedures governing its operation will be no more intrusive than those outlined below.

Objectives of the Referral Line

The objectives of the Referral Line are as follows:

- to provide an intake clearinghouse for concerns and complaints governed by this program;
- to refer calls to the University offices established throughout the institution for handling specific allegations;
- to tally the general categories of concerns, complaints and the referrals made in order provide data for the evaluation of existing University policies, as well as the need for additional training of University personnel;
- to direct callers to a central location for obtaining information on GW policies;
- to provide guidance to callers on where to go for assistance in determining how to comply with University policies and procedures, as well as federal and local law.

Operation of the Referral Line

The Referral Line will be operated by University personnel in the Compliance Office or by an outside agency retained for that purpose. Persons
answering calls will be trained and carefully scripted. The responsibility of such persons is to ascertain the nature of the concern expressed by the caller and to prepare a short summary for referral to the appropriate University office for handling. If the concern is not handled by a University office or is not otherwise covered by this program, the caller will be so informed. In such case, the caller may be directed to the most appropriate person to provide advice on that issue, e.g. a faculty advisor, dean, supervisor or University police. For calls referred to a University office, Referral Line staff will assign a tracking number for follow up that does not personally identify persons named in the call. Referral Line staff will use that tracking number to periodically follow up with the office to which a call has been referred to determine whether the office accepted responsibility to process the call.

Types of Concerns Addressed

The Referral Line is intended to address the following concerns:

1. allegations of a violation of a statute or regulation of the federal or local government,
2. allegations of a violation of requirements of outside agencies with jurisdiction over GW activities,
3. allegations of violations of University-wide policies, and
4. allegations involving threats to health and safety.

Attached is a list of the allegations covered, current as June, 2002. These areas will be adjusted to comply with changes in areas 1-3, above.

The Referral Line is not intended to cover general allegations of misconduct not covered by the above listed concerns or other University policies and procedures. Further, the Referral Line will not supplant, duplicate or supplement established University investigation procedures, nor circumvent the rights of parties – including those making allegations and those identified in the allegations – to participate in established procedures for addressing the allegations.

Anonymous Calls

The Referral Line staff will request callers to identify themselves, but will accept anonymous calls if the caller declines to provide a name. Allegations of misconduct will be referred to the appropriate office for processing, notwithstanding the anonymity of the caller. A caller requesting anonymity, however, will be advised that the request for anonymity may limit the University’s ability to respond and thus callers will be encouraged to identify themselves. If a caller is afraid of possible retaliation, the caller will be assured that University policy prohibits acts of retaliation based on allegations of misconduct made in
good faith. The University will take steps to prevent retaliation in such circumstances and will take strong responsive actions if retaliation occurs.

Oversight

The operation of the Referral Line will be reviewed by the Compliance Committee established by the University. The Compliance Committee shall include representatives of the Faculty Senate. Periodic reports on the operation of the Referral Line will be reviewed by the Compliance Committee, with copies made available to the Faculty Senate. These reports will be general summaries of the operation and will not include any references to persons, or personally identifying information, relating to either the caller or persons named in the call. The Compliance Committee may recommend changes to the operation of the Referral Line in order to more effectively accomplish the purposes as set forth above.

Compliance Office Tracking

The Compliance Office will track the number of calls made, the nature of the concerns alleged, the University offices to which the calls have been referred, and the resolution of the calls. The Compliance Office will produce periodic reports summarizing such information. The Compliance Office will track calls using the tracking number and will not maintain records identifying persons named in the calls.
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<thead>
<tr>
<th>Allegation Class</th>
<th>Allegation</th>
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<td>1 EEO/EEA/Diversity Issues</td>
<td>Discrimination</td>
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<td>2 Environmental-Legal and Regulatory</td>
<td>Violations of EPA regulations and Hazardous material releases</td>
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<td>3 Financial Operations &amp; Control Issues</td>
<td>Falsification of Documents</td>
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<td>4 Financial Operations &amp; Control Issues</td>
<td>Fraud</td>
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<td>7 General Issues</td>
<td>Request for Guidance/Information</td>
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<td>9 Health and Safety-Legal and Regulatory</td>
<td>Violation of OSHA, HFPA, BOCA, NRC, and FDA regulations</td>
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<td>Workplace Conduct</td>
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<td>Confidential GW Information Being Disclosed</td>
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<td>13 Information Security Issues</td>
<td>Violation of System Security</td>
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<td>14 Information Security Issues</td>
<td>Critical information system being hacked or compromised (Oracle, Banner, e-mail)</td>
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<td>15 NCAA Rules</td>
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<td>16 Research-Legal and Regulatory Issues</td>
<td>Animal Research Violations of NIH, USDA, AAALAC Regulations</td>
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<td>Billing and Reporting</td>
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<td>18 Research-Legal and Regulatory Issues</td>
<td>Conflict of Interest violation of DHHS, FDA, NSF or other Federal Agency Regulations</td>
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<td>Improper accounting and costing</td>
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<td>21 Research-Legal and Regulatory Issues</td>
<td>Laboratory Safety Violations</td>
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<td>22 Research-Legal and Regulatory Issues</td>
<td>Misconduct in Research Violation of DHHS, FDA, NSF or other Federal Agency regulations</td>
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<td>23 Research-Legal and Regulatory Issues</td>
<td>Radiation Safety Violation of NRC or DCRA Regulations</td>
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<td>26 Student Financial Aid Issues</td>
<td>Not Following Federal (DOE/DHHS) Rules</td>
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<td>27 Tax Issues</td>
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Proposed Amendment to Guidelines for the Compliance Line

Add the following sentence at the end of the section entitled “Types of Concerns Addressed,” on page 2 of the guidelines:

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