THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
MARCH 8, 2002, IN THE ALUMNI HOUSE

The meeting was called to order by President Trachtenberg at 2:15 p.m.

Present: President Trachtenberg, Vice President Lehman, Registrar Geyer, Parliamentarian Page; Deans Phillips, Southby, and Tong; Professors Castleberry, Divita, Duff, Gallo, Glascock, Griffith, Gupta, Haque, Harrington, Hoare, Kennedy, Maggs, McAleavey, Mergen, Miller, Pelzman, Robinson, Simon, West, Wilmarth, and Zaghloul

Absent: Deans Folkerts, Futrell, Harding, Williams, and Young; Professors Cawley, Johnston, Nagy, Thornton, and Yezer

APPROVAL OF THE MINUTES

President Trachtenberg called for approval of the minutes of the regular meeting of February 8th. Professor Harrington asked, on behalf of Dean Tong, that the minutes be amended on Page 1, Report on the School of Engineering & Applied Science, to insert the word "Engineering" before the word "School"; and to insert the words "and the Business School" before the words "a major grant" in the next to last line of the paragraph. In the third line of the first full paragraph on page 4, "Qwo" should be replaced with "Guo" after the word "Professor" to reflect the proper spelling of Professor Guo's name. Also on page 4, in the third full paragraph, third line, the words "the goal for next year's" should be replaced by the word "of". In that same sentence, the word "is" should be replaced with the word "a". Dean Tong also asked Professor Harrington to convey his apology to the Senate for his inability to transmit these amendments to the minutes to the Secretary before the deadline, and Professor Harrington did so. The amendments were approved. The minutes of February 8th, as amended, were approved.

RESOLUTIONS

I. RESOLUTION 01/6, "A RESOLUTION TO AMEND THE CODE OF ACADEMIC INTEGRITY"

On behalf of the Joint Committee of Faculty and Students, Professor David McAleavey, Faculty Co-Chair, moved the adoption of Resolution 01/6, and the motion was seconded. Professor McAleavey reminded the Senate that a Resolution (01/1), which recommended several changes to the Code of Academic Integrity had been considered by the Senate at its meeting in September. After discussion, that Resolution was tabled, as amended. The Joint Committee then reconsidered the suggested changes to the Code, and the result of its deliberations are reflected in Resolution 01/6. Professor McAleavey reminded the Senate
that the changes recommended by Resolution 01/6 grew out of the need to review the Code of Academic Integrity every five years.

The Code changes proposed are really very modest, he said. They permit part-time students to participate in the Academic Integrity Councils and in the hearing groups; they also indicate somewhat more clearly than before what actually happens to permanent files and records in academic integrity cases. Proper notice will be given in the Code, indicating that records that are not included on the permanent transcript, i.e. those that are administrative records in the handling of the procedures will be maintained by the University until such time they could apparently appropriately be destroyed. Finally, Professor McAleavey said that the further resolving clause reminds the administration that it is expected to give annual reports to a variety of committees, including committees of the Faculty Senate, so that those could be used to disseminate information about how the Code actually functions.

Professor Wilmarth inquired about the administration's policy on retention of records of incidents of academic dishonesty. Since the Code says that the University “may” retain for appropriate administrative purposes records of all proceedings, he said this raised a question in his mind about whether or not the University might decide to dispose of records dealing with academic dishonesty proceedings, and he added that he wanted to clarify that there’s an operating presumption the University would retain records of any proceedings where a violation had been found. He also said that he was looking for confirmation, or at least an understanding that it is not the administration’s policy to dispose of records of proceedings where violations had been charged and proven. President Trachtenberg said it seemed to him that once a notation has been removed from a transcript, with the passage of years, memory would disappear, and it would not be desirable to retain records which could somehow surface twenty years later and have an effect on somebody's career or life. Professor Wilmarth reminded the Senate that this policy of removing transcript notations had been discussed before, and he said that in his view, if the University destroys all records of such proceedings, it is tempting the dishonest student whose transcript notation has been removed to deny that an incident ever took place. On the other hand, the honest student who never had committed an act of academic dishonesty would not be able to prove the negative, i.e., that the student had never been charged, in the absence of records. Professor Wilmarth said it that was therefore undesirable for the University to expunge academic dishonesty files, at least within the reasonable professional lifetime of the student involved. Discussion on this point followed by Professors Wilmarth, Griffith, Duff, McAleavey, and the President.

Professor McAleavey spoke again on behalf of the Joint Committee and strongly supported the Resolution. He said that the Committee had held several long discussions on this retention of records point, and that the main reason for having this in the Code at all is to alert both faculty and students that indeed, while the transcript might be clear of academic dishonesty notations, miscellaneous correspondence and other background materials concerning the case really cannot be destroyed, and probably should not be destroyed, for reasons mentioned by Professor Wilmarth. He then added that even after the objections that had been raised about the records retention aspect of the Resolution, he was still comfortable
with the Committee's proposal. The question was called, a vote was taken, and Resolution 01/6 was adopted. (Resolution 01/6 is attached.)

CHANGE IN THE ORDER OF THE AGENDA

Professor Robinson moved that the order of the Senate’s agenda be changed so that the Report on the School of Public Health and Health Services by Interim Dean Richard Southby and the Report on the College of Professional Studies and GW Learning Solutions by Dean Roger Whitaker could be considered as the next items of business. The motion was seconded, and passed.

REPORT ON THE SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES

Interim Dean Richard F. Southby reported on the School of Public Health and Health Services. During his report, Dean Southby said that he wanted to do five things: present a very brief history of the School; describe the School in 2002; provide an overview of the students, faculty and programs of the School; and outline some of the things that have been accomplished since July 1, 2001. Finally, he said he would describe some of the proposed organizational changes for the School and conclude with a few words about the School’s plans for the future.

Dean Southby began by saying that the School is located administratively in Ross Hall, and the academic departments are located mainly in rental space at 2175 K Street, although there is some academic activity in Ross Hall. Health Services programs have been established at GW for nearly 50 years. While the School of Public Health and Health Services itself is 7 years old, a Master of Public Health degree program has been offered for the past 15 years.

Presently, the School’s enrollment stands at 120 undergraduate students, most of whom are Exercise Science students, and 800 graduate students. Over the years of its existence, the School has seen an increase in both the quality and quantity of its students at both the undergraduate and graduate levels. The full-time faculty numbers approximately 100 persons.

The School offers degree programs at the Bachelor’s, Master’s, and Doctoral levels and a variety of certificate programs. Among the distance education initiatives underway are a Master of Health Services Management Degree program with Monash University in Malaysia, and an emerging program with Cairo University in Egypt. There are also programs in place in Ecuador and Italy, and negotiations are in progress to establish programs with the University of the West Indies.

The School has initiated numerous improvements in the past seven months, and is very committed to ongoing assessment with continuous improvements in its teaching, research, and service programs. It is also committed to the development of an administrative infrastructure which will facilitate excellence in all of these areas.
Professor Griffith asked about the status of the development of bylaws for the School, and the process of getting them approved. Dean Southby reported that the School's bylaws were completed and forwarded to Vice President Lehman's office in September, 2001, and that they have been approved. He added that departments are in the process of completing their bylaws and bringing them into conformity with the School's bylaws.

Professor Griffith then asked about what was referred to as the “Executive” in the School's Executive Committee. At various points, he said, the Faculty Code assigns responsibility in the Schools to a Dean's Council, and he asked if the School's Executive Committee effectively functions as a Dean's Council. Dean Southby confirmed that this was so, and said that the Executive Committee functions may even go beyond that. It has worked very well, he said, because proposals developed by subcommittees have come through the Executive Committee to the full faculty. The recent proposal to change the structure of the School, he said, had gone through this process.

Professor Griffith said that he was glad to see that the School has initiated a comprehensive review of all faculty positions with regard to surveying the ratio between tenure/tenure-track, and contract faculty. This was important, he said, because there is a question about whether or not the School will be able to meet the requirements of the Faculty Code in that regard, or whether or not the Faculty Code will have to be amended to provide for an exception. Professor Griffith then said he was pleased to see that School is addressing this issue. (The Report is attached.)

REPORT ON THE COLLEGE OF PROFESSIONAL STUDIES AND GW LEARNING SOLUTIONS

Dean Roger Whitaker began his Report by saying that he had planned to report not only on the College of Professional Studies (CPS), but also upon its sister or affiliate program, GW Learning Solutions. Due to the length of the Senate's agenda, Dean Whitaker said that he would suspend the second portion of his presentation, noting only that an official launch of GW Solutions had taken place last week on campus, and 135 people were present for that luncheon event. Dean Whitaker then said that he had brought materials about GW Learning Solutions for the Senate's information, and those materials were available to anyone who wished to have a copy.

Dean Whitaker told the Senate that the CPS now has constituted its Dean's Council, which is holding its fourth meeting this month. The College has nearly finished preparing its bylaws and is prepared to adopt these when they are final. In addition, he said, all of the proper materials have been submitted and favorably reviewed by a committee of the Middle States Association of Colleges and Universities. They are now on their way forward for consideration by the larger body within that organization.

Dean Whitaker focused his remarks on describing off campus programs in the CPS. The College, he said, is a major part of graduate programming for a number of Schools at GW,
including the Graduate School of Education and Human Development, the School of Business and Public Management, the School of Engineering and Applied Science, and the Columbian College of Arts and Sciences. Over one-third of the Master’s and graduate certificate students in these Schools is enrolled at off campus locations rather than at GW’s Foggy Bottom campus. For many reasons, he said, including the suburbanization of the professional middle class, students are increasingly demanding convenience in the location of classes, and often this means they are not willing to come to downtown Washington. Dean Whitaker also noted that, although the CPS provides a number of support functions and works with the Schools in order to ensure the success of off-campus programs, it is important to note that the curricula, admissions and academic standards, the advising and teaching of students, and graduation requirements are totally controlled by the School hosting each program.

Dean Whitaker then reviewed a number of points contained in his very comprehensive report which he distributed at the meeting. He reviewed the mission of the CPS, and touched upon the role of the College in Off-Campus Programs, and he also reviewed Off-Campus Credit Hours and Revenue by School as well as Off-Campus Program Credit Hours by Degree. He also reviewed the Off-Campus Master’s and Certificate Student totals as a percentage of University totals in these areas from Fall 1997 to Fall 2001. A significant trend, he said, was the growing share of certificate programs, which are viewed as approximately a “half-Master’s degree.” Increasingly, he said, students matriculate these certificate programs into a full Master’s degree. Dean Whitaker also reviewed differential pricing for off campus programs, which is driven by competitive pricing, and amounts to an average of about 70% of campus tuition rates. However, he added, overhead costs are different off campus, and it is also true that there is no financial aid for off campus programs. In conclusion, Dean Whitaker said the College presently has about 35 employees at this point, and he reviewed the organization chart of the College and the composition of the Dean’s Council.

Following Dean Whitaker’s remarks, Professor Griffith said that he thought it would be nice if the Dean’s Council were included in the College’s organization chart, as a natural part of the organization. (The Report is attached.)

II. RESOLUTION 01/7, “A RESOLUTION TO AMEND THE FACULTY CODE OF THE GEORGE WASHINGTON UNIVERSITY TO PROVIDE A REQUESTED STATEMENT OF REASONS TO LONG-TERM CONTRACT FACULTY UPON NONRENEWAL OF THEIR APPOINTMENTS”

Professor Arthur E. Wilmarth, Jr., Chair, Committee on Professional Ethics and Academic Freedom, moved the adoption of Resolution 01/7, and the motion was seconded. Professor Wilmarth advised that a subgroup of the Appointment, Salary, and Promotion Policies Committee and the Professional Ethics and Academic Freedom Committee had been formed to examine whether or not the Faculty Code should be amended in any respect related to full-time and part-time contract faculty members. A concern that arose from these deliberations was the fact that Article V of the Faculty Code provides that full-time contract faculty with more than two years of service can be terminated provided they are given notice no later than June 30th preceding the final academic year of the term, and these faculty are not
entitled to a statement of reasons for the termination unless less than the required notice is
given, or unless someone is terminated during a year in which they are appointed to serve.
While acknowledging that University Schools and departments have strong curricular
concerns, and that some degree of flexibility in personnel matters is required, Professor
Wilmarth said that the PEAF nevertheless decided that in the case of long-term faculty
members who have served successfully for a number of years, it is only fair to provide them
with an explanation of the reasons for which their contracts will not be renewed. This
information would be especially useful, he added, when contract faculty are seeking
employment elsewhere. After further discussion, the PEAF Committee decided that the
appropriate length of service required to trigger this requirement should be five years, and that
the statement of reasons for contract nonrenewal should be provided upon the nonrenewed
faculty member's request, and not otherwise. Professor Wilmarth then asked for the privilege
of the floor for Professor David Robinson, who had chaired the subgroup which originated the
proposal to provide a requested statement of reasons.

Professor David Robinson reminded the Senate that a number of years ago, when the
agreement between the American Association of University Professors (AAUP) and literally
hundreds of American colleges and universities was developed, it was understood that if
people were going to be faculty members on a long term basis, they should be either on a
tenure track, or tenured. The notion of people serving indefinitely in non-tenure track
positions simply wasn't something, he said, that was endorsed. At the present time, more than
half of American college and university faculty are not appointed to tenure-track positions, and
they serve, often for long periods of time, without the prospect of tenure. Certainly, he said,
educational institutions have a need for some flexibility in personnel matters, but academic
freedom is also an important consideration. It was the conclusion of the subgroup, he said,
that as a matter of fairness, long-term contract faculty whose service is terminated should be
given a “hand up” while they seek alternative employment and attempt to explain why their
contracts were not renewed.

President Trachtenberg asked Professor Wilmarth if adoption of this policy might
create unintended consequences by giving an incentive for the University to automatically
dismiss contract faculty after four years. Professor Wilmarth agreed that this could happen,
but said that the contract period triggering the request for a statement of reasons could always
be shortened in that event.

Professor Griffith said he thought that the Senate had adopted a requirement several
years ago that would require departments to adopt procedures for considering the appointment
and reappointment of non-tenure-track faculty. In addition, a faculty member who is reviewed
for a possible award of tenure and doesn't receive it simply gets a letter saying their
appointment will end, and no statement of reasons is provided. Professor Griffith added that it
seemed to him that while he would support Resolution 01/7, it confers an option upon non-
tenure-track faculty that is unavailable to tenure-track faculty. Faculty denied tenure would
then be forced to go to court to get a statement of reasons for their contract non-renewal from
the University, while contract faculty would not.
Vice President Lehman said he agreed with Professor Griffith's latter point, and he urged that the Committee reconsider the Resolution. He added that there are two types of non-tenure track contract positions at the University - there is a small group that has been here since the 1970's, but more recently, contract faculty receive a letter stating very explicitly that their appointment is programmatically connected. A number of these positions are appointed for 3 to 5 years, and there is another group that is appointed for two 3-year appointments, after which they are automatically terminated by the University. This is understood from the beginning by these contract faculty, he added. If the Senate were to adopt Resolution 01/7, the Vice President Lehman said he thought the length of service triggering the requested statement of reasons should be longer than five years.

Professor Gupta said he agreed with Professor Griffith and Vice President Lehman, and although he thought the Resolution should be recommitted to the PEAF Committee, he moved that the words "non-tenure accruing" be deleted from the Resolving Clause of Resolution 01/7 so that the requested statement of reasons would be available to all full-time faculty who had served for five or more years. He also moved that the word "an oral or" be deleted from the Resolving Clause, and that the word "a" be inserted before "written." The motions were seconded.

A short discussion followed by Professor Griffith and President Trachtenberg on the motion to amend the Resolution by deleting the latter provision. The question was called, a vote was taken, and the motion was approved.

Vice President Lehman spoke in opposition to the amendment to remove the words "non-tenure accruing" from the Resolving Clause of Resolution 01/7, and he reiterated his point that the time period should be longer than five years of service for faculty requesting a statement of reasons.

Further discussion followed by Professors Wilmarth, Pelzman, Gupta, and Castleberry.

Professor Maggs spoke in opposition to the amendment, and he said that it would be nearly impossible to give a statement of reasons to tenure-track faculty who were denied tenure. There is usually no one single reason why faculty are denied tenure, he said and it was not a good idea to offer such a statement in tenure denial cases.

Further discussion followed by Professors Gupta, Griffith, and President Trachtenberg. Professor Mergen spoke in opposition to the motion, and Professor Robinson said she thought that the essence of Resolution 01/7 spoke to the section of the Faculty Code dealing with non-tenured faculty, and thus, it was not designed to deal with provisions which apply to tenure-track faculty. Her point was in agreement with an issue raised earlier in the discussion by Professor Wilmarth.

Vice President Lehman spoke in opposition to the motion, as did Professors Hoare and Pelzman. The question was called, a vote was taken, and the amendment was defeated.
Professor Glascock spoke in support of recommitting the Resolution to Committee for further consideration. The question was then called on the Resolution. A vote was taken, and Resolution 01/7, as amended, was recommitted to the Committee on Professional Ethics and Freedom. (Resolution 01/7 is attached.)

III. RESOLUTION 01/8, “RESOLUTION TO ESTABLISH A GW FILM FESTIVAL”

Professor Robinson moved the adoption of resolution 01/8, and the motion was seconded. She then asked for the privilege of the floor for Professor Kathleen Steeves, Acting Chair of the Committee on University and Urban Affairs.

Professor Steeves said that she was happy to present this Resolution to the Senate, and that the Committee's presentation would be short. Establishing a GW Film Festival, she said, would link the University with an existing and well-respected film festival, the D.C. Filmfest. GW’s participation, she said, would always take place with the intent of involving as many academic departments as possible.

Professor Steeves introduced Professor Yvonne Captain, Chair of the Film Festival Subcommittee; and Professor Ranjan Chhibber, the new Director of GW’s Film Studies Program. Professor Captain told the Senate that the idea for the GW Film Festival had originated with her colleague on the Urban Affairs Committee, Professor Stuart Umpleby. She also said that a high level of cooperation from numerous academic and University departments had been necessary for the GW Film Festival proposal to move forward, and she expressed particular appreciation to Mr. Bernard Demczuk, Assistant Vice President in the Office of Government Relations, and Mr. James Hess, of the Executive Director of the Office of University Events Office. She stressed that GW is now poised to expand its previous collaboration in one event with the D.C. Filmfest, to participation in six different levels of the Filmfest, at little cost to the University. Professor Captain then turned to Professor Chhibber who reported that the central theme of the D.C. Filmfest changes annually, and that Asian films form the theme this year. GW’s component of the Festival, or its “sidebar,” will focus on the films of an Indian director. Professor Chhibber also noted the growing impact of India’s films in terms of award nominations and the growing interest of his students in them.

While finding space for the GW Film Festival has proven somewhat difficult, Professor Chhibber said, he is receiving a lot of help from University personnel on this. In addition, the Embassy of the Government of India has offered its support by providing a projector, screen, and projectionist for the project, and it is also providing funding for a reception to host the Ambassador.

President Trachtenberg noted that GW has a significant number of alumni who are employed in the film industry, particularly in Hollywood, and he suggested that, should the Film Festival focus shift to domestic films at some time in the future, he thought the University might be able to offer some significant assistance.
Following the Committee’s presentation, the question was called. A vote was taken, Resolution 01/8 was adopted, and the Senate applauded the effort of the University and Urban Affairs Committee. (Resolution 01/8 is attached.)

IV. RESOLUTION 01/9, “A RESOLUTION REGARDING THE ADMINISTRATION’S ESTABLISHMENT OF A ‘COMPLIANCE LINE’”

Professor Lilien F. Robinson, Chair, Executive Committee of the Faculty Senate, moved the adoption of Resolution 01/9, and the motion was seconded.

Professor Robinson began by saying that the Resolution addresses both procedure and substance with respect to the establishment of a compliance line. With regard to procedure, she said, faculty members learned of the establishment of a Compliance Program at GW when they received a mailing at their homes consisting of a letter from Vice President and Treasurer Louis Katz, along with a glossy brochure and a wallet card with a toll-free number (located in North Carolina) which could be used to report complaints. There has been no consultation with the faculty at the University regarding the need for this new system, she said, and clearly, the Program impacts upon the faculty’s discharge of their professional duties. In the context of the system of shared governance defined in the faculty’s contractual document, the Faculty Code, consultation with the faculty by the administration with respect to such matters is not a matter of choice, she said, but a requirement.

Turning to substantive issues, Professor Robinson observed that in his February 8th letter to University employees, Vice President Katz stated that the University must adhere to Federal, State, and District laws. Certainly, she said, the faculty would concur with and support that sentiment. However, she added, the University already has policies and procedures in place for these purposes. This new system, she said, is duplicative of many policies and procedures that have already been adopted, and the Compliance Program adds yet another layer. Professor Robinson continued by saying that the Program as outlined is vague, extending beyond legal violations to complaints based upon the ethical perceptions of potential complainants. It also risks abuse, inviting the lodging of anonymous allegations without providing for notification or challenge of the persons complained against or identification of the complainant. This makes it difficult to investigate the complaint and whether or not it is general or idiosyncratic, since multiple complaints can be simply the product of the dissatisfaction of a single person.

This Orwellian Program, she said, literally invites, even urges, anonymous complaints, and is simply antithetical to an academic institution, as it does not encourage fairness, trust, or respect. In the final analysis, she said, what it does do is threaten collegiality, mutual trust, academic freedom, and it ultimately violates the University’s controlling governance document, the Faculty Code.

In conclusion, Professor Robinson said that if Federal, State, or District law is deemed to require a University-wide compliance mechanism and additional opportunities to report
violations of pertinent laws or regulations, these laws and regulations need to be specifically identified and cited, and any program established to provide a new compliance mechanism needs to be devised through the University’s well-established procedures and system of shared governance. By calling for a suspension of the Compliance Program and Line until the requisite consultation with faculty can be secured, the Resolution provides an opportunity for the University community to re-think its approach to the issue of Compliance, and Professor Robinson urged the Senate to adopt Resolution 01/9.

President Trachtenberg then called upon Vice President and Treasurer Louis Katz, who was offered the opportunity to respond to Professor Robinson’s remarks. Vice President Katz said he would like to speak for a few minutes about the Compliance Program and also about the Compliance Line, which is one of the points at issue. He also said he would speak about Resolution 01/9.

First and foremost, Vice President Katz said, he wanted to apologize for not coming forward to the Faculty Senate before the Compliance Program was established, and also for failing to include faculty members on the Compliance Committee, which guided the Program’s development. The effort to establish a Compliance Program, he said, has been going on at GW for over a year, he said. A formal Compliance Committee was established for this purpose, and the membership is listed on page six of an outline of the Compliance Program which he distributed at the Senate meeting and is attached to these minutes. It would be possible, he said, to add faculty members to the Compliance Committee.

Turning to his outline of the Compliance Program, Vice President Katz pointed out that page three of this document outlines the purpose of the Program. This Program, he said, is not intended to replace compliance efforts already underway throughout the University. The Compliance Program is really intended to coordinate, manage, and monitor all of the risks that emerge from the University’s existing compliance efforts. Complaints about noncompliance will still be handled in the same manner as they have always been, whether these complaints are about a legal issue, a Human Resources issue, a faculty issue or an audit issue. The Program was established to provide a central oversight mechanism for the entire University’s established compliance mechanisms. It is also an effort, he added, to manage risk, identify the need for possible new policies, and provide an institutional response to laws and regulations the University has to abide by.

An integral part of the Compliance Program, he said, is a written code of conduct which has been formulated and appears on page three of the outline. This code of conduct has been compiled from other codes of conduct already in existence at the University, and thus, it contains nothing new, it just centralizes everything into one place.

Turning to page five of his outline, Vice President Katz pointed out that this summarizes the required components of an institutional Compliance Program. All of these components are derived, he said, from the Federal Sentencing Guidelines. The first requirement is that there be a designated compliance officer and an advisory committee. The
University's Compliance Officer under the new Program is Mr. Colin Clasper, Assistant Vice President of University Compliance, whom Vice President Katz then introduced. Another requirement, already mentioned, is a written code of ethics. Yet another requirement is that an institution have an independent reporting mechanism. This requirement has been met in GW's Compliance Program by the establishment of a Compliance telephone line which can be used to file complaints about violations of University policies or procedures, or applicable laws and regulations.

Professor Pelzman asked if the Compliance Program is a substitute for existing compliance efforts. Vice President Katz confirmed again that it was not, and Professor Pelzman then asked why the Program was necessary if the University has already established compliance procedures. He also asked if this Program was a lawyer's welfare bill, or if it was designed to minimize litigation costs for the University. Vice President Katz responded that there are Federal Sentencing Guidelines that have affected many large organizations. The University has good compliance efforts, and the new Program is not designed to replace them. The issue, he said, is how the institution consolidates all of that effort to be sure that there are no gaps in its compliance efforts, and that these efforts are adequate.

Professor Pelzman then observed that the Compliance Program has introduced a new element of anonymity into the complaint process by providing a 24-hour-a-day hotline (which is not even a University office) that complainants can call without identifying themselves. Vice President Katz replied that this new mechanism was necessary because many times people don't know which office to call at the University when they have a complaint, and he reiterated that people could always report something that's anonymous. This meets the Sentencing Guidelines requirement that employees must be able to report complaints without fear of retaliation.

Professor Simon observed that when the Senate had considered the proposed Sexual Harassment policy last year, it was rejected, partially on the basis that it permitted anonymous complaints, which violated the right of accused persons to confront their accusers. The same sort of anonymous complaint procedure had also been rejected by faculty of the Medical Center in another policy area, he said. Once again, the University wants to take the position that anonymous accusation is all right, and this, he said, is abhorrent. Professor Pelzman agreed with Professor Simon, saying that the Compliance Program is reminiscent of something from Moscow, and that, in his opinion, Stalin seems to be alive and well at GW.

Moving to the next page of his outline, Vice President Katz pointed out that quite a number of other colleges and universities have adopted compliance programs, including a "compliance line" component. Several market basket schools, he added, are among the institutions with such programs. Professor Pelzman then said he thought the fact that other institutions had these compliance programs in place did not mean that GW had to have one too.

Vice President Katz addressed this point of view by saying that GW does need to have a way to monitor compliance, educate the University community, and have good controls in
place. Some institutions of higher education, he said, had been seriously embarrassed when it became apparent they had not been proactive in this area. It is not only an area of potential embarrassment, he said, but the consequences of inadequate compliance efforts could include major fines levied upon an institution and/or the withholding of funds. Just because someone calls the Compliance Line with an anonymous complaint does not mean that someone has automatically done something wrong, he said. It simply means that the complaint has to be investigated in the normal manner.

Professor Pelzman then asked how this worked. For example, if someone were to call and complain about something Vice President Katz did or failed to do, how could that be investigated if there was no way to know if the complaint had any legitimacy whatsoever. Vice President Katz asked that the Senate bear with him for a few minutes to allow him to complete his presentation. He then turned to the complaint form utilized by the University's service provider for the Compliance Line, the Pinkerton Company. He pointed out that, in fact, persons calling the Compliance Line were first asked for their names, but that they were not required to give their names in order to file complaints.

Professor Gupta spoke in support of the Resolution, asking rhetorically what would happen if all callers reported their names as “John Doe.” He then asked why the Faculty Senate was not consulted before the Compliance Program was established. Faculty members are the largest category of university employees, he said, and the Compliance Program applies to and affects them. He added that he found it incomprehensible that the faculty had not been consulted in any manner whatsoever. Vice President Katz said that, in fact, the majority of employees at the University are not faculty. Professor Gupta then suggested that if that were the case, then perhaps the faculty could be excluded from participation in the Compliance Program, and the Program could go forward on that basis.

President Trachtenberg then asked Vice President Katz where the idea had come from that a Compliance Program was necessary. Vice President Katz replied that the Program was modeled after programs in existence at other institutions, and that establishment of such a program had been suggested by the University's auditors and outside legal counsel.

Professor Robinson asked Vice President Katz to clarify the manner in which the Federal Sentencing Guidelines applied to the University and required the University to establish a Compliance Program. University Deputy General Counsel Bill Howard rose to respond to the question. The Federal Sentencing Guidelines, he said, by their very nature are sentencing guidelines for criminal conduct, and they do not expressly require institutions to adopt a certain kind of policy. They only come into play after someone has been convicted of a crime. However, he said, they have a great deal of authority and momentum, and the organizational sentencing guidelines, which went into effect in 1991, provide the essential elements of an effective compliance program. They have been a catalyst for compliance efforts underway in the defense and health care industries, and in a lot of other private and non-profit industries as well. If an organization has an effective compliance program in place, then that organization might have fines and penalties reduced in the event it is found responsible for violations of law, and probation or sentences might be reduced. If an organization does not
have an effective compliance program, it can be held strictly liable, under vicarious liability, for the criminal activity of its employees, whether that conduct is expressly against University policies or not. The Compliance Program, he said, is an effort to promote compliance education, training, and awareness of the overall compliance program. And one of the factors under those guidelines is to have an effective and independent mechanism for reporting potential violations.

President Trachtenberg then asked if the Program was normative or robust, and if it was identical to programs established by other educational institutions listed on Vice President Katz's outline. Vice President Katz said that GW's Compliance Program was very similar, but not necessarily identical. There are more educational institutions with such programs than those listed, he added, but the ones on his list had been individually consulted about the details of their programs, and in fact, these institutions all utilize independent internal or external compliance lines. This was not something that was put into place overnight, he said, even though the Faculty Senate had not been consulted about it. Vice President Katz again apologized for his failure to consult the Senate, but reiterated that the Advisory Committee for the Compliance Program is broad-based, and could include faculty members, though as yet it did not.

President Trachtenberg then summarized the Resolving Clause of Resolution 01/9 by observing that it requested suspension of the Compliance Line and related procedures, and he asked Vice President Katz to assume the Resolution would be adopted. He then suggested that Vice President Katz might proceed by suspending his actions and asking the Senate to recommend faculty members to the Compliance Advisory Committee to ensure appropriate consultation with the faculty before the Compliance Program was reinstated. Vice President Katz replied that his request was that the Senate table Resolution 01/9 and refer it to a Committee of the Faculty Senate. This proposal met with a negative reaction from numerous members of the Senate. Vice President Katz said he thought the problem was that the University had notified its employees about the Compliance Line, and it would be difficult to provide all of them with a new telephone number, seeing that a compliance line was a necessary component of the Compliance Program. Many present then urged him to cancel the Compliance Line, and Professor Gupta said this could be accomplished easily by placing a recording on the other end of the line saying that the line was not in service.

Professor Pelzman then asked what was wrong with existing compliance procedures. Vice President Katz said that the University has good compliance procedures if people know where to go. If they don't know where to go, he said, there could be major gaps in the University's compliance efforts. The University needs to be able, he added, to look at compliance on an overall basis, as characteristically, institutions get into trouble when a "gap analysis" is not done on an organizational basis. Professor Pelzman responded by saying he thought the Program was Kafkaesque overkill, and he called for a vote on Resolution 01/9.

President Trachtenberg observed that there were still Senate members waiting to speak to the Resolution, and he asked if anyone waiting to speak could add anything further to the discussion.
Professor Wilmarth then said that as he read the situation, the Federal Sentencing Guidelines apparently require a reporting mechanism for compliance violations which enables employees to report “without fear of retaliation.” This was not the same, he said, as requiring an anonymous reporting mechanism, and he agreed with Professor Pelzman’s observation that the Program represented overkill. Beyond that, he added, the anonymous component amounted to a complete denial of due process to persons accused of compliance violations. It is an unwarranted interpretation of the Sentencing Guidelines, he said, to conclude that allowing anonymous complaints is necessary, and it is certainly the most risk-averse interpretation on compliance available.

The question was called on the motion. Vice President Katz then repeated his previously stated concern about suspending the operation of the Compliance Line, and indicated his unwillingness to do so. A number of Senate members simultaneously signaled a negative reaction and it was suggested that Vice President Katz might utilize the Internet as a means of notifying individuals that the Compliance Line had been suspended. The question was then called again, and Vice President Katz reiterated that University employees had to have a place to call in their complaints. He added that the service provider (Pinkerton) could be changed if this was not a satisfactory company to operate the Compliance Line.

A vote was then taken on Resolution 01/9, and Resolution 01/9 was adopted by unanimous vote. (Resolution 01/09 is attached).

ANNUAL REPORT ON THE RECRUITMENT AND APPOINTMENT OF WOMEN AND FACULTY OF COLOR

Vice President Donald R. Lehman distributed the Report and noted that, once again, it was prepared by Ms. Peggye Cohen, Assistant Vice President for Institutional Research, and Ms. Annie Wooldridge, Assistant Vice President for Faculty Recruitment and Personnel Relations. Vice President Lehman then thanked them for their efforts in this regard.

Vice President Lehman began by saying that the University is still mounting a strong effort to recruit women faculty and faculty of color, and making progress in this area. GW is trying, he said, to maintain a diverse faculty that begins to mirror the composition of the student body in order to provide faculty role models as appropriate for a student body that is increasingly comprised of women, both at the undergraduate and graduate level.

Abbreviating his remarks somewhat due to the length of the meeting agenda, Vice President Lehman presented highlights of the Report. The percentage of full-time regular active-status women faculty at GW has increased some 7% since 1990, while the total minority population has increased nearly 6% during that same period. Within the minority population, the percentage of Asian faculty has risen some 4%, the Black population 1%, and the Hispanic population has been constant, at approximately 2% of the regular active-status faculty. In terms of new, full-time active status faculty, as compared to the composition of the faculty overall, the recruitment of women has increased approximately 12% during the period 1996-97 – 2001-02. With regard to minority faculty new hires, the recruitment of Asians and Blacks has
increased approximately 6%, and of Hispanic and “other” minorities, 3% over that same period.

Professor McAleavey said that it appeared to him that the number of tenure-track faculty had been shrinking since 1988-89, and he asked if this was so. Vice President Lehman responded that this was not the case in the non-Medical part of the University. Professor Griffith inquired as to the meaning of the designation “senior rank” in the Report. Vice President Lehman replied that full and associate professors were considered in the senior rank, and that junior rank faculty include assistant professors and some instructors.

The Vice President then described several of the Appendices to the Report listing full-time faculty by school and percent change between academic years 1988-89 and 2001-02, full-time tenured and tenure-track faculty and percent change between academic years 1988-89 and 2001-02, and full time senior rank faculty and percent change during the same period.

Again abbreviating his remarks due to the length of the meeting, Vice President Lehman commended the Report to the Senate, as it contains a great deal of information on this topic which is very important to the University. In conclusion, he said that he thought that two issues which stood out were the usefulness of GW’s mentoring program, which is now headed by Professor Miriam Galston of the Law School, and the need for the University to improve its retention efforts, particularly with regard to women faculty. This will enable the University to capitalize upon its progressively successful efforts in recruiting women faculty and faculty of color. (The Report is attached.)

REPORT ON FACULTY SALARY TABLES

On behalf of the Appointment, Salary, and Promotion Policies Committee, Professor Emmet Kennedy, Chair, briefed the Senate about his Committee’s observations on the Faculty Salary Tables from 1997-2001, which had been distributed with the meeting agenda.

Professor Kennedy said that three schools consistently fell below the AAUP 60th percentile during the academic years, 1997-2001, those Schools being Columbian College of Arts and Sciences, the Graduate School of Education and Human Development, and the School of Public Health and Health Services. Occasionally, the Elliott School of International Affairs slipped below this percentile as well. The note on page 5 of the Faculty Salary Tables noted that $1,061,212 was needed to bring all schools up to the 60th percentile in the academic year 2000-2001, of which $848,418 would have been necessary to bring Columbian College up to that level. Given recent enrollments, it seemed highly appropriate to the Committee that all Schools, which have not already been brought up to the 60th percentile, be raised to that level, especially Columbian College. If not, the Committee concluded that competitiveness in hiring talented new faculty and retaining appointed faculty risks being compromised. In addition, there is the simple question of fairness.
Secondly, Professor Kennedy observed that administrative salaries, set forth on page 7 of the Tables are not only far higher than top faculty salaries (excluding the Medical School), but are increasing at a much faster rate.

Finally, Professor Kennedy noted that in comparison to GW’s market basket schools, GW faculty salaries in 1998-99 and 2000-01 were significantly below those of the other schools.

Vice President Lehman said that he thought an important thing to remember is the very strong effort that he and President Trachtenberg have made to ensure every year that GW’s faculty salaries stay at or above the AAUP 80th percentile. At the same time, the University has been making steady progress on raising faculty salary floor to the AAUP 60th percentile. One of the things reported recently to the ASPP Committee is that the University has provided sufficient money to the Elliott School to eliminate anyone being below the 60th percentile. A similar effort is underway at the Graduate School of Education and Human Development. Progress is also being made in adjusting salaries at the Assistant Professor rank in Columbian College.

It is also important, he said, to look at where GW stands with regard to other educational institutions in the Washington metropolitan area. The Assistant Professor level is the only area where one of the other area universities is ahead of us, and that is the University of Maryland.

Vice President Lehman also noted that, at the full professor level, at this time, with the Law School aggregated in, salaries at Georgetown University appear to be something like $8-9000 ahead of GW. However, as in previous years, because Georgetown has nearly 50% more law faculty, if salary data from their law school is disaggregated from the overall salary data, the difference in salaries at the full professor level is only about $1,000. Thus, he said, GW is certainly at the top of the range with regard to faculty salaries, and if GW can maintain the momentum it currently has, its relative position should improve in future years.

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. NOMINATION FOR ELECTION OF THE NOMINATING COMMITTEE FOR THE NEW EXECUTIVE COMMITTEE FOR THE 2002-03 SESSION

Professor Robinson moved the nominations of the following faculty members for election to the Nominating Committee: Professor Gerald P. Johnston, (GWLS) Convener, and Professors Linda L. Gallo (SMHS), Paul B. Duff (CSAS), Mary J. Granger (SBPM), Walter K. Kahn (SEAS), Michael S. Castleberry (GSEHD), and Michael J. Sodaro (ESIA). The slate of nominees was approved.
II. REPORT OF THE EXECUTIVE COMMITTEE

Professor Robinson presented the Report of the Executive Committee, which is enclosed. Professor Robinson’s Report of February 7th to the Academic Affairs Committee of the Board of Trustees was distributed at the meeting, and is also enclosed.

III. INTERIM REPORTS OF SENATE STANDING COMMITTEES

On behalf of the Admissions Policy, Student Financial Aid, and Enrollment Management Committee, Professor Murli Gupta, Chair, read an Interim Report concerning a Hatchet article of February 25th, which attributed to Vice President Chervak the statement that “GW often rejects high school seniors with SAT scores above 1400 because they will not attend GW.” Professor Gupta said that he had spoken to Kathryn Napper, Director of Undergraduate Admissions, who assured him that the Hatchet article was mistaken. Professor Gupta also said he had been invited to the Admissions Office to observe the deliberations of an admissions committee, and had seen firsthand that it was not the case that applicants with 1400 SAT scores or above were summarily rejected. Professor Gupta concluded his Report by inviting comments from faculty on any issues regarding the undergraduate or graduate admissions process. (The Report is attached.)

Following Professor Gupta’s Interim Report, Vice President Lehman said that Cheryl Beil, Director of Academic Planning and Assessment, had made a recent presentation to the Academic Excellence Committee for Strategic Planning on student SAT scores and the distribution of other parameters describing the student body. He added that he thought it might be valuable for the Admissions Policy Committee to invite Ms. Beil to make a similar presentation at a future meeting. Professor Gupta replied that Ms. Beil was a member of his Committee. In that case, Vice President Lehman said, it might be helpful to have Ms. Beil share information with the Committee similar to that presented to the Academic Excellence Committee, as it would help to provide a framework for information the Committee would be gathering on the admissions process.

On behalf of the Committee on Professional Ethics and Academic Freedom, Professor Arthur E. Wilmarth, Jr., Chair, reported that his Committee would bring forward a Resolution to the Executive Committee before the April meeting of the Senate. This Resolution concerns bringing the School of Public Health and Health Services into compliance with Article I (b) of the Faculty Code, which sets forth the minimum required percentage of tenured faculty in Schools. He added that he was pleased to hear Dean Southby mention that as a concern during his presentation. In addition, another resolution is expected from the PEAF Committee regarding amendments to the Faculty Code which are required to accommodate the College of Professional Studies.

On behalf of the Fiscal Planning and Budgeting Committee, Professor William B. Griffith, Chair, announced that his Committee has finished its report on the Fiscal Year 2002 Five-Year Operating and Capital Budgets. Professor Griffith then made an advance copy of the report available to those interested, as this matter will be discussed at a future meeting.
On behalf of the Faculty Development and Support Committee, Professor Ginger Smith, Acting Chair, read an Interim Report. Professor Smith began by saying that, although it had been a challenge to organize the Committee, there was now a core group of several people significantly interested in the mission of the Committee. She added that Professor Miriam Galston of the Law School had attended a recent meeting and with her guidance, the Committee reviewed GW activities in the areas of recruitment and retention of women and faculty of color, and the Committee had determined that these important issues, as suggested by Vice President Don Lehman, were already well-addressed by existing and long-standing committees at the University.

The focus of the Faculty Development and Support Committee will now turn to examining the issues of incentives for faculty research, and funding to cover organizational membership fees and conference attendance to enable faculty to present research products leading towards publication. The Committee plans to investigate this question on a departmental level, and Professor Smith asked Senate members to advise their colleagues that this inquiry was underway. Professor Smith then invited Senate members to contact her if they were aware of resources or suggestions to aid the Committee in this effort. (The Report is attached.)

IV. BRIEF STATEMENTS (AND QUESTIONS)

There were no brief statements or questions.

ADJOURNMENT

There being no further business before the Senate, and upon motion made and seconded, Vice President Lehman, (who assumed the Chair upon the President’s departure at 4:30 p.m.) adjourned the meeting at 4:50 p.m.

Dennis L. Geyer
Secretary
A RESOLUTION TO AMEND THE CODE OF ACADEMIC INTEGRITY

WHEREAS, the Joint Committee of Faculty and Students and the Associate Vice President for Academic Planning and Special Projects, expected to review the Code of Academic Integrity at least every five years (see Article IV.2.c), have now done so (since 2000-2001 marks the fifth year of the operation of the Code); and

WHEREAS, while the primary conclusion of the five-year review is that the Code of Academic Integrity is functioning reasonably smoothly and does not need a major overhaul, nonetheless small changes are needed to improve the efficacy of the Code; NOW, THEREFORE,

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

That the Faculty Senate adopt the following amendments to the Code of Academic Integrity recommended by the Joint Committee of Faculty and Students:

Article III, 3(b)1: replace the phrase "full-time students" with "students registered for at least three credit hours."

Article III, 5(e): insert "(i.e., transcript)" in the first sentence, following the phrase, "permanent record"; replace the word "record" with "transcript" in the second and third sentence; replace "permanent record" with "transcript" in the fourth sentence; and modify the final sentence by adding at the end, following "standards," the following: " the University may retain, for appropriate administrative purposes, records of all proceedings regarding violations of the Code of Academic Integrity."

AND BE IT FURTHER RESOLVED

That the administration be reminded of its responsibility, as stated in Article IV, 2(a), to make annual reports to a number of committees, including the Joint Committee of Faculty and Students, the Board of Trustees Academic Affairs Committee, and the Faculty Senate Educational Policy Committee, regarding the work of the Academic Integrity Council.

Originally adopted, as part of a larger resolution, by the Joint Committee of Faculty and Students, March 30, 2001; that resolution tabled by the Faculty Senate September 15, 2001; this resolution approved by the JCFS February 8, 2002.

Adopted March 8, 2002
RATIONALES

These changes would:

1) allow part-time degree candidates to be eligible for inclusion on the Academic Integrity Council. The revised criterion statement would read: "must be students registered for at least three credit hours in a degree-granting program of the School which they are representing." The Joint Committee and the University's Academic Integrity Officer have not found a convincing justification for continuing to keep part-time students from participating, if they wish to. Some part-time graduate students have sought to become members of the Academic Integrity Council, and their service would have been welcomed, had they been eligible. On the other hand, students on leave of absence or Continuous Registration status, whose participation in the life of the University is temporarily on hold, would be ineligible to serve.

2) indicate clearly both the location of the notation of "Academic Dishonesty" – on the student's transcript or permanent record – and the intention of the University to maintain administrative records of its actions. Such records are not considered part of the student's permanent record; any access to them will be governed by all laws and restrictions pertinent to the privacy of educational records. The revised paragraph will read:

(e) All sanctions except failure of the assignment in question shall be marked on the respondent's permanent record (i.e., transcript) with the phrase "Academic Dishonesty." In the case of failure of the course, the notation shall remain on the record transcript of the respondent for a minimum of two years. In the case of suspension or expulsion, the notation shall remain on the record transcript of the respondent for a minimum of three years. After the minimum time has elapsed, the respondent may petition to the Vice President for Academic Affairs for the removal of the sanction notation from the permanent record transcript. This provision shall not, however, prohibit any program, department, college or school of the University from retaining records of violations and reporting violations as required by their professional standards; the University may retain, for appropriate administrative purposes, records of all proceedings regarding violations of the Code of Academic Integrity.

3) allow the Joint Committee, the Student Association, and the Faculty Senate to use the annual occasion of these reports to release information about violations of the Code of Academic Integrity to such campus media as By George! and The GW Hatchet, in the belief that informing the faculty and the student body about the nature and number of infractions, and the sanctions applied, would heighten awareness of the usefulness of the Code as a way of strengthening our collective integrity.
A RESOLUTION TO AMEND THE FACULTY CODE OF THE GEORGE WASHINGTON UNIVERSITY TO PROVIDE A REQUESTED STATEMENT OF REASONS TO LONG-TERM CONTRACT FACULTY UPON NONRENEWAL OF THEIR APPOINTMENTS (01/7)

WHEREAS, Article II of the Faculty Code provides a guarantee of academic freedom to all members of the faculty, including those members who do not have tenured or tenure-accruing appointments (“contract faculty”); and

WHEREAS, Article V.A. of the Faculty Code provides that each appointment of a contract faculty member for a definite period of service expires (subject to certain qualifications) upon completion of the stated term of the appointment; and

WHEREAS, granting a contract faculty member with five or more years of full-time service the right to request a statement of reasons for the nonrenewal of his or her appointment will encourage decision-making based on sound reasons, while preserving appropriate flexibility in terminating faculty members without tenure; and

WHEREAS, it is fair and reasonable to inform a long-term, full-time member of the contract faculty of the reasons for a nonrenewal decision, upon request;

NOW, THEREFORE, BE IT RECOMMENDED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT THE FACULTY CODE BE AMENDED AS FOLLOWS:

1. That Article V.B. of the Faculty Code be amended by adding a new paragraph 2, to read as follows:

   2. Providing Information as to the Basis for the Nonrenewal of Certain Appointments.

   If a decision is made not to renew a regular, active-status faculty member who has served in a full-time, non-tenure-accruing status for five or more years, that faculty member is entitled, upon request, to obtain an oral or a written statement of the reasons for the decision.

2. That existing paragraphs 2 and 3 of Article V.B. of the Faculty Code be redesignated as paragraphs 3 and 4 thereof.

Committee on Professional Ethics and Academic Freedom
February 21, 2002

Amended and recommitted to the PEAF Committee
3/8/02
RESOLUTION TO ESTABLISH A GW FILM FESTIVAL

WHEREAS, the University and Urban Affairs Committee of the Faculty Senate exists to strengthen both intrauniversity and external ties; and

WHEREAS, a subcommittee of the University and Urban Affairs Committee has conducted an extensive feasibility study for an annual university-wide Film Festival; and

WHEREAS, the subcommittee determined that GW could indeed offer a significant contribution to town-gown relationships by offering the GW Film Festival; and

WHEREAS, it was determined that, in the beginning stages, the Film Festival should partner with an existing entity before establishing a separate identity; and

WHEREAS, after careful consideration, the subcommittee approached the DC Film Festival for a potential partnership and was warmly received; and

WHEREAS, such a partnership is of mutual benefit to both entities;

WHEREAS, GW is in a position to enhance the academic component of the DC Film Festival; and

WHEREAS, the DC Film Festival is in a position to enhance GW’s presence in the international film arena; and

WHEREAS, several offices on GW’s campus have worked together to ensure the success of the GW Film Festival; NOW, THEREFORE

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

(1) That the annual GW Film Festival be established as a sidebar to the DC Film Festival until such time it is determined that GW is willing to host a separate Film Festival; and

(2) That the GW Film Festival maintain a working relationship with a minimum of the following on-campus offices that helped to shape the Film Festival: CCAS Film Program, Office of Special Events, Office of Government Relations, select members of the School of Media and Public Affairs;

(3) That the GW Film Festival cultivate an academic component independent of the larger DC Film Festival.

University and Urban Affairs Committee
March 8, 2002

Adopted March 8, 2002
A RESOLUTION REGARDING THE ADMINISTRATION'S
ESTABLISHMENT OF A "COMPLIANCE LINE" 01/9

WHEREAS, the University's system of shared governance requires consultation with faculty pertaining to policies and procedures affecting the discharge of their responsibilities, and

WHEREAS, any policies or directives which compromise the academic freedom of the faculty are in violation of the controlling governance document, the Faculty Code, and

WHEREAS, encouraging fairness, collegiality, trust, and respect is important to the successful functioning of the University, and

WHEREAS, on February 8, 2002, the Vice President and Treasurer, without consultation or even 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 feel might be "unethical," illegal, or violative of any policies or regulations by calling a toll-free "Compliance Line", now, therefore

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

That the Faculty Senate requests 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.

Executive Committee of the Faculty Senate
March 8, 2002

Adopted March 8, 2002
Organizing to Manage Institutional Risks

March 8, 2002
University Compliance Program

Table of contents

- Purpose of the program
- Federal Sentencing Guidelines Model for an Effective Compliance Program
- Other Universities with Compliance Program
- University Compliance Committ
- The Compliance Line
Purpose of the Program

- A enterprise wide program to coordinate, manage and monitor internal and external risks

- Compliance with external laws and regulations requires us to conduct our activities with the highest standards of conduct in mind
  - To become familiar with relevant University policies
  - Obey laws, regulations, and associated policies
  - Be honest, fair and trustworthy in our activities
  - Foster an atmosphere in which equal opportunity is extended to every member of our diverse community
  - Avoid conflicts of interest between our work and personal affairs
  - Sustain a culture in which ethical conduct is recognized, respected and promoted
Federal Sentencing Guidelines-Model for an Effective Program

- The compliance program needs to include the following components to be considered an effective program under the Federal Sentencing Guidelines
- Components include:
  - Compliance Officer
    - Advisory Committees/Councils
  - Written codes of ethics or business conduct
    - Tied to policies and procedures
  - Independent reporting mechanism
    - "Compliance Line"
    - Monitoring and reporting of critical (regulated) processes
  - Strategic risk assessment to identify areas needing improvement
    - Opportunity to compare with best practices
  - Education and communication
    - Compliance training, regulatory training-Many regulations now require documented training-EPA, OSHA, DHHS
    - Policies and procedures known and used
  - Corrective action planning and implementation
Other Universities With Compliance Programs

- Columbia University*
- Duke University-Medical*
- Emory School of Medicine*
- Georgia Tech Research Institute
- Harvard University
- Johns Hopkins University*
- New York University*
- New York University-Medical
- Stanford University-Medical
- University of California-Irvine
- University of California-SF
- University of Chicago -Medical*

- University of Kentucky
- University of Medicine & Dentistry of New Jersey
- University of Missouri-Medical
- University of Pennsylvania*
- University of Rochester-Medical*
- University of Southern California*
- University of Texas
- Vanderbilt University*
- Washington University-Medical*

3/8/02

* Market Basket Universities
To set up the Compliance Program we established and worked with a Compliance Committee who provided guidance and input:

- The members are from areas of high risk and regulated operations:
  - Academic Affairs: Annie Wooldridge
  - Athletics: Roby Schmidt
  - Comptroller's Office: Tim Russell
  - Employee Relations: Deborah McDonald
  - Equal Employment: Cynthia Richardson-Crooks
  - Facilities Management: Walter Gray
  - General Counsels Office: William Howard/Charles Barber
  - Grants and Contracts: Deborah Harker
  - Human Resources: Susan Kaplan
  - Information Security: Krisi Trivisani
  - Internal Audit: Kim Maronski
  - Research Compliance: Astra Bain-Dowell
  - Risk Management & Safety: Barry Dempsey/Joseph Yohe
  - Student Financial Aid: Dan Small
Compliance Line Requirements

- The Compliance Line is one element required under the model outlined in the Federal Sentencing Guidelines. It states that "an organization must have taken reasonable steps to achieve compliance by utilizing monitoring and auditing systems reasonably designed to detect criminal conduct by its employees and other agents and by having in place and publicizing a reporting system whereby employees and other agents could report criminal conduct by others within the organization without fear of retribution."

- Anonymity meets the requirement of "without fear of retribution"

- Our "Compliance Line" provider, Pinkerton Services, provides the same service to approximately 900 organizations, including 25 Universities/Colleges
  - All of their programs offer anonymity

- Of the Universities shown on page 5, all have a Compliance Line (the names of the lines vary such as: Hotline, Integrity Hotline, Compliance Hotline, Employee Hotline, Helpline, etc.)
WORKPLACE ALERT INITIAL REPORT

<table>
<thead>
<tr>
<th>Allegation</th>
<th>Class</th>
<th>Priority</th>
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</thead>
</table>

Location Details

Foggy Bottom Campus

Party Type

Caller

Subject

Subject

Other Involved

Other Involved

Call Report Summary
The caller has not reported these issues elsewhere.
The caller was thanked for calling and was issued a report identification number.

**Communications Specialist's Comments**

<table>
<thead>
<tr>
<th>Special Information Requested Of Caller</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you reported this issue to your supervisor or their supervisor?</td>
<td>No</td>
</tr>
<tr>
<td>If this has been reported before, to whom, how when and what happened?</td>
<td>N/A</td>
</tr>
<tr>
<td>Have you used the existing University reporting structures and departments to report this issue?</td>
<td>N/A</td>
</tr>
<tr>
<td>Who did you contact and when?</td>
<td>N/A</td>
</tr>
<tr>
<td>What is the department name involved in the reportable issue?</td>
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</tr>
<tr>
<td>What is the department's organization code (Oracle/Banner)?</td>
<td>don't know</td>
</tr>
<tr>
<td>Where are the issues occurring: what campus, what building, what room number?</td>
<td></td>
</tr>
<tr>
<td>Does the University have an existing policy concerning this issue?</td>
<td>Does Not</td>
</tr>
<tr>
<td>What is the name or general description of the policy?</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Survey Questions**

<table>
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<tr>
<th>Survey Questions</th>
<th>Responses</th>
</tr>
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</table>

**Report Number:** [Redacted]  
**Client agrees and understands that Pinkerton neither warrants, warrants, nor authorizes the reliability of the allegations provided in this report. Client agrees that it shall have the sole responsibility for investigating or otherwise evaluating these allegations and other information provided and to comply with all local, state, and federal laws pertaining to the investigation and protection of such information as well as the protection of allegations of any person persons accused of any wrongdoing.**
The George Washington University
Faculty Senate Committee on
Admissions Policy, Student Financial Aid, and Enrollment Management

Brief Statement

This concerns the Hatchet article of February 25 which attributed to V.P. Chernak the statement that “GW often rejects high school seniors with SAT scores above 1400 because they will not attend GW.”

I do not speak for V.P. Chernak though I have been in touch with Kathy Napper, Director of Undergraduate Admissions, who assures me that the Hatchet has got the story wrong.

This week, I spent some time in the admissions office and watched an admissions committee do their deliberations. I saw a 1400 SAT applicant being rejected. I reviewed this student’s folder in detail and concurred with the committee’s decision. I also saw a couple of other 1400’s being accepted—I recall hearing that these two students would probably not come to GW.

I have been provided the following statistics: GW’s institutional profile is primarily in the 1250-1350 SAT range (85th percentile) and approximately 30% of the offers of admission are accepted in this range. Higher we go, the lower the acceptance rate becomes. In the “Elite” range of 1450 and above SAT (95th percentile), we only get about 13% acceptance rate. Put another way, 87% of our offers of admission are turned down in this range.

I plan to hold a meeting of my committee in early April to review the undergraduate admissions process. At that meeting we would examine the admissions criteria as well as financial aid decision making process. All admissions letters would have gone out at that time and we would be able to examine the profile of the admitted freshmen class of Fall 2002.

I invite comments from members of faculty on any issues regarding the undergraduate or graduate admissions.

Murli M. Gupta, Chair
Faculty Senate Committee on Admissions Policy,
Student Financial Aid, and Enrollment Management

March 8, 2002
Email: mmg@gwu.edu
Tel: 202-994-4857
The Committee on Faculty Development and Support met on January 28, 2002, with Prabhir Bachi, and Ginger Smith, and Angelica King attending. Miriam Galston attended as the Committee’s invited guest. With Miriam Galston’s guidance, the Committee reviewed GW activities in the areas of recruitment and retention of women and faculty of color and determined that these important issues, as suggested by Vice President Don Lehman, were already well-addressed by existing and long-standing committees at the University.

The Committee, therefore, determined that its objectives fell in two primary areas – incentives for faculty research and funding to cover organizational membership fees and conference attendance to present research products leading towards publication. A Committee plan is being put in place, first, to understand and, second, to pursue these objectives as they exist in University departments and programs.

Submitted by:
Ginger Smith, Ph.D.
Associate Dean
College of Professional Studies

Committee members:
Ginger Smith, Acting Chair, College of Professional Studies
Prabhir Bagchi, Business Administration, SBPM
Natalie Frank, Psychology
Amy Mazur, Education, DTPSE
Angelica King, MTA Candidate, SBPM
I. UPCOMING MATTERS

1. The Executive Committee has received two resolutions for the April meeting. One, from the Joint Committee of Faculty and Students, addresses the development of a revised student course evaluation system. The other, from the Committee on Professional Ethics and Academic Freedom, seeks Faculty Code compliance by the School of Public Health and Health Service with the required percentage of tenured and tenure-accruing positions.

2. The election of the Chair and the members of the new Executive Committee for the 2002-2003 session, beginning with the May meeting, will take place at the April meeting.

3. At its April meeting the Executive Committee will prepare its list of nominees for election to the Dispute Resolution Committee, including the Chair, and make recommendations for appointment by the President to various Administrative Committees.

II. ACTIONS OF THE EXECUTIVE COMMITTEE

1. Because of expressions of concern by faculty colleagues with respect to an article in the Hatchet on the admissions process, the Executive Committee has requested that the Committee on Admissions Policy, Student Financial Aid and Enrollment Management review our admissions criteria and procedures.

2. At the request of Vice President Lehman, the Executive Committee will be appointing the faculty members to a joint task force, established by the Administration, to consider the matter of student retention.

III. OTHER MATTERS

1. Since the February Senate meeting the matters considered by the Committee on Selective Academic Excellence have included criteria for evaluating Doctoral programs and strategic approaches to assuring that undergraduate students are academically challenged. My understanding is that any recommendations this committee may make will be
transmitted to the appropriate faculty groups.

2. As you will note copies of the Senate's February report to the Academic Affairs Committee of the Board of Trustees have been distributed today. Future reports to the Board will also be presented to the Senate. The Chair of the Executive Committee attends these meetings as the Faculty Senate representative.

IV. ANNOUNCEMENTS

1. The next meeting of the Executive Committee is scheduled for March 29th. Reports and Resolutions for the April Senate meeting should be delivered to the Executive Committee prior to that date.

2. I am very pleased to have the opportunity to introduce to you our new Assistant to the Faculty Senate Coordinator, Nina Posidelow. I know that you will enjoy working with her.
FACULTY SENATE REPORT

February 7, 2002

The Faculty Senate has met three times since the October meeting of the Board of Trustees, on November 9, 2001, December 14, 2001, and January 18, 2002.

The actions taken by the Senate, reports received, and matters under consideration are as follows.

ACTION ITEMS:

The Senate passed two resolutions at the December meeting.

Resolution on Retirement Benefits

Presented by the Committee on Appointments, Salary, Promotion and Benefits, the resolution is intended to facilitate the retirement of full-time active-status faculty and encourage the continuation of their scholarly activity subsequent to retirement from the University. It recommends the maintenance of a voice mail tenant account for the year following retirement at University expense; retention of a GW e-mail address at the individual's expense; University assistance with relocation from campus offices; and, when also possible, providing of shared office space in the individual academic units. (Resolution enclosed)

Resolution on the Faculty Statement Concerning Strategic Planning for Academic Excellence

Presented by the Committee on Educational Policy, this resolution addresses the procedure employed in the establishment of the Academic Planning Committee, the need for the clarification of the criteria for proposals to the Committee, the need for broader faculty participation in each school in formulating strategic planning goals, and the extension of the deadline for submission of faculty proposals.

While the Faculty Senate fully supported strategic planning, it was concerned with the procedure followed by the Administration and the level of faculty participation and consultation in the process. The resolution directs attention to and reaffirms the Faculty Code which mandates that the faculty "participates in the formulation of policy and planning decisions affecting the quality of education and life at the University." (Faculty Code, Sect. IX). (Resolution enclosed)
REPORTS TO THE FACULTY SENATE:

Deans' Reports-

The Executive Committee of the Faculty Senate added a new item to the regular meeting agenda, presentations by the Academic Deans on the goals, planning, activities, and accomplishments of their Schools.

Today, Dean Futrell (Graduate School of Education and Human Development), Dean Folkerts (Columbian College), Dean Phillips (School of Business and Public Management) and Dean Williams (Medical School and Health Sciences) have addressed the Senate. These highly informative presentations have been extremely well received by the Faculty Senate and colleagues throughout the University via the Minutes of the Senate meetings.

Other Reports-

The Faculty Senate invited and received the following reports:

- Status report on research by Associate Vice President Sigelman
- Update on University Health Plan offerings by Associate Vice President Kaplan
- Update on the University's preparation for institutional response in the event of another emergency by Vice President Freedman
- Update on the University Club by Associate Vice President Gargano

STATUS OF PERSONNEL MATTERS BEFORE THE FACULTY SENATE

Two grievance cases, originating in the previous academic year, are in the formal grievance stage. Both are cases in the Medical Center.

MATTERS UNDER CONSIDERATION BY FACULTY SENATE STANDING COMMITTEES

The members of the standing committees are nominated by the Executive Committee from a list of volunteers from throughout the University, while the committee chairs are members of the Faculty Senate nominated by the Executive Committee. Both groups are elected by the Faculty Senate.

The matters before these committees are: assignments from the Executive Committee, issues suggested by the Faculty Senate, matters originating within the committee, and items brought forward by faculty colleagues and members of the Administration.
Some of the items under current consideration are:

- Consideration of the role of part-time faculty (Committees on Appointment, Salary, Promotion and Professional Ethics and Academic Freedom)
- Consideration of appointment, promotion, service policies with respect to non-tenure accruing faculty (Committees on Appointment, Salary, Promotion and Professional Ethics and Academic Freedom)
- Graduate Teaching Assistantship Funding (Committee on Admissions Policy, Student Financial Aid, Enrollment Management)
- Survey of Departmental tenure and promotion criteria and procedures (Committee on Educational Policies)
- Review of strategic plan for research development (Committee on Research)
- Review of College of Professional Studies with respect to compliance with the Faculty Code (Committee on Professional Ethics and Academic Freedom)
- Review and modification of Senate Committee structure (Executive Committee)

Respectfully submitted,

Lilien F. Robinson
Chair, Executive Committee
Faculty Senate