MINUTES OF THE FACULTY SENATE EXECUTIVE COMMITTEE MEETING
OCTOBER 1, 2012
Mason Hall, room D1; 2:30 – 4:00 p.m.

Present: Jim Bennett, Janette Muir, Star Muir, Earle Reybold, Jim Sanford, Suzanne Scott, June Tangney

I. Approval of Minutes – August 21, 2012: An amendment to the O&O Report: Videoconferencing Faculty Senate Meetings 2013-14, to replace “Tech Support” with “Events Management” at the beginning of the second sentence so that the amended sentence begins “Events Management said they would …”. The minutes were approved as amended.

II. Announcements
President Cabrera will address the FS at Oct. 10th meeting. Given the length of the meeting agenda, he will speak for 5-7 minutes, followed by questions. Cody Edwards will serve as Faculty Senate Representative to the Student Senate. David Roe will present a brief overview about GMU Foundation at February 6, 2013 Faculty Senate Meeting. The Special FS Meeting with Senator Favola and Delegate Bulova will take place on Wednesday, October 24th, Founders Hall 466, 3:00-4:00 p.m. at the Arlington campus.

III. Progress reports, business, and agenda items from Senate Standing Committees

A. Academic Policies – Suzanne Scott, Chair
Proposed Changes to Catalog Copy: Permission to Study Elsewhere will be included on the October 10th meeting agenda, copies distributed. An additional paragraph for undergraduates was included. Some thought the necessity to apply for readmission for transfer credit strange, as readmission not guaranteed. Others noted that anyone may decide to take a course anywhere and not receive credit. The Provost Office has encountered problems where students have taken courses elsewhere without asking permission, have then come back assuming that they have finished their degree requirements, but they have not. The proposal and request for a vote will be submitted to the Senate during the October meeting.

Academic Calendar: A draft calendar and accompanying letter from the Registrar’s Office was distributed to the executive committee suggesting that in 2015 and 2016 classes begin one week earlier in the fall because of the Labor Day falls later those years. The Academic Policies Committee did not want to approve the change, but had no other suggestions for the registrar's office. The committee noted that one of the dates in the proposal for AY2015 was not accurate. Discussion: The fall semester always begins the Monday prior to Labor Day, and because it falls late in 2015, classes would not normally begin until August 31. Should reading days be cancelled/limited to one and one-half days? A Senator recalled fall term reading days eliminated when Labor Day was very late. Another Senator recommended practice should be consistent. Some faculty ignore reading days and give exams in violation of rules. The Provost Office does not support this change, as it impacts all kinds of activities, such as orientation and summer school; a lot of business takes place in August. Students support reading days. The AP Committee will discuss this further with Mary Lou Holly at the Registrar’s Office, and then discuss as a committee. (With thanks to Suzanne Scott for additional editing)

B. Budget and Resources – no report.
C. Faculty Matters – Jim Sanford, Chair

Parental Leave Motion: (Attachment A) will be included on the October 10th Meeting agenda. No funding was available when the motion was initially introduced last year. The Faculty Matters Committee decided to present the motion again upon learning that $160K has been put aside in the 2014 Budget. One change from the previous edition is that no internal service required during the leave time unless the faculty member volunteers to do so. This also goes along with the phased retirement implemented a few years ago which standardized practices across the university. Unequal practices existed in the past and some faculty unaware of opportunity.

Criminal Background Check Policy: (Attachment B): to continue discussion from previous (September 5th) Faculty Senate meeting.

Faculty Evaluation of Administrators: The 2011-12 report will be distributed fairly soon. The committee will review the questions and possibly revise some of them for the 2012-13 survey.

With thanks to Jim Sanford for additional editing

D. Nominations – Jim Bennett, Chair

Nominees to Computer Privacy Task Force: Concern expressed providing nominees without opportunity to acquaint them with the Task Force’s charge. Star Muir responded that three faculty members have expressed strong interest in serving on the task force. Consensus emerged to reverse order of reports on October 10th Senate agenda so that O&O presents its report (containing Task Force charge) prior to Nominations Committee report. Jim Bennett will confirm with the prospective nominees their willingness to serve on the Task Force for inclusion in the October 10th meeting agenda.

Additional nominations for inclusion in the October 10th agenda are:
- Linda Schwartzstein (CHSS) is nominated to fill a vacancy on the Admissions Committee
- Wayne Sigler (VP, Enrollment Services) will serve as Dean of Admissions appointee to the Admissions Committee
- Carlos Ramirez (CHSS) is nominated to fill a vacancy on the Minority and Diversity Issues Committee

We will need to find a faculty member to serve on a faculty advisory group for the Institutional Review Board (IRB) SOP; to develop clearer policies for their website. Suggestions included Anastasia Samaras (CEHD) and Carl Botan (CHHS).

E. Organization and Operations - Star Muir, Chair

Computer Privacy Task Force Charge (Attachment C – Draft): Discussion included the following suggestions:
- Should the Task Force not complete its work by April 2013, suggestion made to extend time to September 2013. Consensus emerged that duration could be changed at a later time if necessary.
- To reduce committee membership from seven to five, to reduce membership requirement for Faculty Senators from two to one.
- To delete phrase “and will be staffed by the Faculty Senate Nominations Committee”
- To replace “central administration” with the “The Provost”. Should the Provost appointee vote?
- To include a representative from the Staff Senate as issues apply to staff also. To ask Chair of the Staff Senate to recommend someone interested in topic.
- To allow FOIA access if not otherwise restricted.
- Identify implicit constraints and procedures spelled out by the VA FOIA act.
- Need for procedure should emails be released. Recent announcement emails will be archived for up to seven years.
• Not limited to email only, also need to include documents saved to computers/archives.

**Videoconferencing FS Meetings at the Mason Inn:** response pending; they are seeking estimate from external vendor, also for technical support.

**Faculty Senators 2012-2013** – Harold Morowitz elected to serve from the Krasnow Institute.

**Investigation of perks afforded ex-President Merten** (O&O voted not to send this forward): Of the five committee members, three voted no.

**New Issue:** Suggested O&O investigate annual reports of all committees to see if they are active, could any be pruned? Some inactive committees’ activities may be wrapped into other more active committees. For example the Non-Traditional, Interdisciplinary, and Adult Learning Committee (NIAL) dates back to BIS, NIS; we are way beyond it now. The committee will look at reports for the last four years or so

**IV. Other Committees/Faculty Representatives**

**Faculty Handbook Revision Committee:** 1.2.5 Faculty Participation in the Selection of Certain Members of the Central Administration (Attachment D). Need to have something in place in time for the Provost search. To change minimum elected faculty representation on Provost search committee from 50 to 60%, to take advantage of momentum from presidential search process. Some committee members support open searches. To revise second paragraph third sentence from “All reasonable effort will be made to further engage the faculty in the selection process…” to “The Board will make a concerted effort to engage…”

**Presentation by Faculty Reps to BOV Committees at October 10 FS Meeting:** David Anderson and Gerald Hanweck (Finance and Land Use), Michael Nickens and Martin Perlin (APDUC), and Ed Douthett (Audit) will make a brief presentation.

**FS Task Force to Examine Agreements Between GMU and Private Donors** will report to the FS at the November 7th meeting.

**University Standing Committee Chairs Elected:** Johannes Rojahn (Academic Appeals), Robert Johnston – Fall 2012 and Iosif Vaism (Academic Initiatives); Paul Houser (Grievance), Suzanne Slayden (Faculty Handbook Revision), Carole Rosenstein (Non-Traditional, Interdisciplinary, and Adult Learning), Stanley Zoltek (Technology Policy), Stanley Zoltek (Writing Across the Curriculum)

**University Standing Committee Chairs Election Results Pending:** Admissions, Effective Teaching, External Academic Relations, Minority and Diversity Issues, Salary Equity Study.

**V. Agenda Items for October 10, 2012 Faculty Senate Meeting**

- **Announcements:** President Cabrera to address the Senate
- **Announcements/Appointments:** Cody Edwards to serve as Faculty Senate Liaison to the Student Senate
- **Academic Policies:** Permission to Study Elsewhere
- **Faculty Matters:** Parental Leave Motion
- **Organization and Operations:** (preceding Nominations) Email and Research Privacy Task Force Charge
- **Nominations:** (1) Linda Schwartzstein (CHSS) is nominated to fill a vacancy on the Admissions Committee; (2) Wayne Sigler (VP, Enrollment Services) will serve as Dean of Admissions appointee to the Admissions Committee; (3) Carlos Ramirez (CHSS) is nominated to fill a...
vacancy on the Minority and Diversity Issues Committee, (4) Nominees to Email and Research Privacy Task Force: Priscilla Regan (CHSS), Zachary Shearer (CHSS), Stanley Zoltek (COS).

- **Faculty Handbook Revision Committee:** Greater Faculty Participation in Selection of President and Provost (Other Committees/Faculty Representatives)
- **BOV Faculty Representatives’ Brief Presentation (Other Committees/Faculty Representatives)**
- **Request for Exception to Emeritus Status for Professor Steve Klein (CHSS)** (Other New Business)
- **Criminal Background Check Policy (Unfinished Business/Faculty Matters)**

VI. **New Business, Updates, and Discussion**

**Contractual and Non-Contractual Parts of Faculty Handbook:** Not sure how to proceed. To ask SOL for input? How can you operate without rules? Is a court case necessary? Would the BOV consider it binding? The Handbook Preface states everything in the Handbook is binding on all parties. What part of it cannot be legal? How much more binding can it be? Do we want to draw a line? Or to flip the issue by developing a resolution on the contractual nature of the Faculty Handbook? Star Muir will draft a resolution for consideration by the Executive Committee.

**Report from the Campus Police-Community Relations Advisory Council:** June Tangney attended a meeting. They will do a fall survey of the entire community.

**Request for Exception to Emeritus Status for Professor Steve Klein** (retirement end of Fall 2012) (Attachment E – Draft): to include on October 10th meeting agenda.

**Civility towards IT Staff (and staff in general):** IT staff person complained about faculty not always being civil. **Course Release for Spring 2013 will go to Earle Reybold. Janette Muir will inform the Provost Office.**

**Faculty Senate Liaison to the Staff Senate:** Jim Bennett will try to find someone for this role.

**Parking and Transportation Update:** To have update on parking and transportation at a future meeting from Josh Cantor (Director, Parking and Transportation Office)? After some discussion, it was decided June Tangney would suggest he send an email to faculty rather than brief the Senate in person.

Respectfully submitted,

Meg Caniano
Faculty Senate clerk.
ATTACHMENT A

Parental Leave Motion

Full time tenured, tenure track, and contract faculty who have been employed at Mason for at least one academic year (both men and women who become parents through either birth or adoption) are granted a half time teaching reduction. The reduction can be taken by teaching no courses during the semester of the birth or arrival of the child or during the semester following this event, or it can be taken by teaching half time for two consecutive semesters (selected depending on circumstances/timing from the semester of the birth or arrival and the following two semesters). The faculty member continues to receive full pay and benefits during the semester(s) of reduced teaching. Parental leave is automatic provided that the faculty member notifies in writing the department chair or the dean/director of the college, school or institute in which the faculty member serves. Faculty members must take leave that is legally permitted under the Family Medical Leave Act (FMLA) simultaneous with parental leave as defined in this motion, i.e., leave granted under FMLA cannot be added to Mason’s parental leave. Service is not required unless agreed to by the faculty member. Research requirements are not affected, but they have been addressed previously by the stoppage of the tenure clock for a new parent (see Section 2.7.3.1 of the Faculty Handbook).

Rationale

At present, the only leave guaranteed new parents is prescribed by the federal Family Medical Leave Act. According to this act, an employee is allowed twelve weeks of job protection. However, it is unpaid. This is often a non-option for faculty, given the low salaries of most young faculty, the high cost of living in the area, and the escalating costs of beginning a family.

Employees may use their accumulated sick leave to receive pay for a portion of their absence. However, new parenthood is not an illness, and use of sick leave should not be required if faculty want or need to be paid for parental leave. Furthermore, requiring faculty to use sick leave for this event reduces sick leave balance and could cause difficulty if later illness or injury prevents the individual from working.

Under the Family Medical Leave Act, instructional faculty who become new parents during a semester will usually require their colleagues or adjunct faculty members to cover their classes during part, but not all, of a semester. This creates a burden for both their students, who are presented uneven instruction, as instructors are changed at least once, and department chairs/program directors, who must fill the positions temporarily.

According to colleagues in Human Resources and Payroll (HRP), the practice in recent years has been to work with any faculty member who is about to become a new parent and who contacts the office. HRP attempts to develop an arrangement that benefits the faculty member. Faculty members have also been encouraged to work with their department chairs or program directors. The unofficial practice, although not policy, has been to release faculty from their work commitments during the current semester or the semester following the qualifying event. However, an informal poll of tenure line faculty has found that some of them are reluctant to use the available leave when it is not a stated policy to grant it. These faculty report feeling that their motivation and professional dedication may be questioned, threatening their likelihood of achieving tenure. Therefore, the motion makes parental leave automatic if requested in writing. The wording in this part of the motion parallels that of the Faculty Handbook in the sections that guarantee extension of the tenure clock for new parents, serious illness, and military service.
We applaud and appreciate the work of HRP in facilitating parental leave. We also thank the members of HRP who suggested modifications to the motion and to the rationale for it.

If approved, the parental leave proposal will formalize and slightly extend the current informal practice at George Mason of releasing faculty from their work commitments for the semester in which they become new parents or the semester following that event. Costs to the university will be minor, as some of the expenditures for wages required from hiring extra adjunct faculty will be counterbalanced by the likelihood that tenure track faculty who become new parents will defer their tenure decisions (and resulting increase in salary) for a year. This policy should also increase morale among young faculty and increase Mason’s ability to attract the best and brightest scholars.

ATTACHMENT B

Criminal Background Check

George Mason University is modifying University Policy Number 2221 (Criminal Background Investigations). The new policy will require all new employees and all current employees who change positions to undergo criminal background checks. The old policy specified the employment categories and offices that require such checks. They included all staff and most administrative faculty positions. Due to outside certification requirements, faculty teaching in the College of Health and Human Services and the College of Science were also subject to background checks. The new policy will extend the check to all new faculty, staff, and admin faculty for whom a check has not been completed in the last three years, including those who leave the university and then are rehired. Employees who are simply promoted in their present positions will not be required to have a background check completed. Also, anyone who signed a contract with the university prior to June 25 is exempt from a check unless it was already part of their hiring process.

According to Linda Harber, Associate Vice President and CHRO of Human Resources and Payroll, all major universities in Virginia except Old Dominion University either presently have a policy like the new one being implemented or are in the process of implementing one. The change in policy at Mason and some other institutions is, in part, the result of the recent incidents at Penn State.

The policy change was developed by Linda Harber and senior administrative staff. The first major planning meeting occurred on April 5, 2012. With the unfolding revelation of child molestation at Penn State, there was some urgency to complete the process quickly. Faculty and staff were not invited to participate in the planning process. Any concerns or feedback with the policy can be shared with Jessica Cain (jcain4@gmu.edu) in Employee Relations.

The background check process occurs as follows. As part of hiring or position-changing, the employee must agree to a criminal background check. That action is a condition of employment or job change. The university then uses the services of an online company named HireRight. This company completes (a) a Social Security Trace which reveals the names and addresses associated with the social security number, (b) a search of the Sex Offenders Registry and Prohibited Parties (terror watch) List, and (c) a criminal search that reveals felony and misdemeanor convictions (not arrests or accusations) within the last seven years. Minor traffic violations are exempted. Once the check is complete, results are kept in a locked file in HR, apart from the individual’s personnel file, and never shared with a third party under any circumstances. Jessica Cain and Christine Harchick in HR Employee Relations are responsible for initiating the checks.
The cost to the university varies between about $42 and $70 per check, averaging about $50, and this is paid centrally, not from the budget of the hiring unit. The total annual cost for completing this process is difficult to estimate. According to Jessica Cain, the university had about 500 new hires last year, meaning the cost for this category of employee is about $25,000. However, this number does not include present employees who changed positions and staff/volunteers associated with camps.

If the search results in the finding of a criminal conviction or other issue, the individual will have a confidential one-on-one meeting with a member of Employee Relations. This meeting allows the employee the opportunity to verify the results and inform Employee Relations of any ongoing appeals. Concerns can potentially be discussed with the position’s supervisor and, if deemed necessary by the department, with individuals higher on the employment chain and the university’s General Counsel’s Office. A negative finding would not normally result in non-hiring or non-promotion. Usually, unless the conviction occurred in an area that might compromise the ability to complete the individual’s assigned duties, the person would be hired or the job change would go through.

The change in the policy is not the result of any significant problems at Mason. No faculty and only a small number of staff have been released or not hired as a result of criminal background checks. The reason for most of those is that the individuals did not disclose their convictions. Disclosure is required by both the old and new policies. In addition, there have been no cases to date in which a successful candidate has refused to approve a check and therefore not been hired.

ATTACHMENT C

E-Mail and Research Privacy Task Force

Motion for the creation of a Task Force to investigate policies concerning faculty and staff e-mail privacy and the protections afforded to faculty research data.

A. Unless otherwise indicated by the Faculty Senate, this Task Force will operate for the 2012-2013 academic year, and will issue a report for the consideration of the Faculty Senate by the first week of April, 2013.

B. The ERP Task Force will consist of five to seven members, of which at least two are Faculty Senators, and will be staffed by the Faculty Senate Nominations Committee drawing from University faculty and elected members of the Faculty Senate. Central Administration will be asked to appoint an additional ex-officio non-voting member to ensure clear communication on relevant issues.

C. The Task Force has the following direct charge:

1. Clarify George Mason University’s policies and current practice regarding access to and use of faculty and staff e-mail, and access to and use of faculty research data.

2. Investigate relevant policies from institutions of higher education within the Commonwealth of Virginia, within George Mason University’s set of peer institutions, and perhaps others that have taken the lead on this issue.
3. Gather information relevant to these issues from involved organizations such as the American Association of University Professors.

4. Provide specific recommendations for amending existing policies or creating new policies that offer substantive protection of faculty and staff e-mails and faculty research data, including but not limited to situations, criteria and processes for justifying and informing faculty and staff about internal administrative or supervisor access, law enforcement access, and access by external agencies or individuals.

ATTACHMENT D

Report from the Faculty Handbook Revision Committee

The BOV has requested an earlier-than-usual revision to the Faculty Handbook so that they can be removed from the P&T appeals process. It is anticipated that they will vote on this at their Dec. meeting after approval by the Faculty Senate at its Nov. 7th meeting. At the same meeting, the FHRC proposes that the Senate also consider changes to Section 1.2.5 regarding faculty participation in selection of the Provost and President. In order to give senators and the general faculty ample time to consider and comment on the changes, the FHRC will present the proposed revisions in a report at the Oct. 10 meeting.

Proposed Revision to 1.2.5 Faculty Participation in the Selection of Certain Members of the Central Administration - Faculty Handbook Revision Committee

(see following page)

The committee discussed the proposed revision to Section 1.2.5 Faculty Participation.... There were a few comments. First, the words "all reasonable effort will be made" (appearing twice) might not serve the purpose as it is so vague. Second, in the parentheses there is use of both "e.g." and "etc."; perhaps one or the other but not both? Finally, although "contract extension" was not used in connection with the Provost, it was felt that it should be added there, as in the paragraph regarding the President, just in case it should arise. Also, the rationale now reads simply [Rationale: there should be greater faculty involvement in selection/reappointment of the President and Provost.] Please let me know of any text/rationale changes you wish to make.
1.2.5 Faculty Participation in the Selection of Certain Members of the Central Administration

The faculty plays a vital role in the appointment and reappointment of senior academic administrators and other leadership positions related to the academic mission of the university.

The Board of Visitors provides for participation by faculty on presidential search, reappointment, and contract extension committees by faculty who are elected by the General Faculty. A minimum of 25% of the committee must be composed of faculty elected by the General Faculty, with representation from the colleges, schools, and institutes approximately proportionate to their size. The search and selection process must include opportunities for the General Faculty to meet with candidates who are finalists for the presidency. The Board of Visitors also provides for participation in the process of presidential reappointments or contract extensions by faculty who are elected by the General Faculty. This process includes an opportunity for the General Faculty to meet with the President to discuss his or her achievements and future plans for the university. All reasonable effort will be made to further engage the faculty in the selection process (e.g., conducting a survey of faculty regarding desirable characteristics, providing an opportunity for General Faculty or representatives of the General Faculty to meet with finalists, etc.). In the case of reappointment or contract extension, this process includes an opportunity for the General Faculty to meet with the President to discuss his or her achievements and future plans for the university.
The President provides for faculty participation on search and reappointment committees for the Provost by faculty who are elected by the General Faculty. A minimum of 50% of the committee must be composed of faculty elected by the General Faculty, with representation from the colleges, schools, and institutes approximately proportionate to their size. The search and selection process must include opportunities for the General Faculty to meet with the Provost or with candidates who are finalists for the Provost position. All reasonable effort will be made to further engage the faculty in the selection process (e.g., conducting a survey of faculty regarding desirable characteristics, providing an opportunity for General Faculty or representatives of the General Faculty to meet with finalists, etc.). In the case of reappointment, this process includes an opportunity for the General Faculty to meet with the Provost to discuss his or her achievements and future academic plans for the university.

The Provost provides for participation on search and reappointment committees for college, school, or institute deans and directors by faculty who are elected from and by the faculty of the college, school, or institute in which the appointment will occur. The search and selection process must include opportunities for the college, school, or institute faculty to meet with the dean/director or with candidates who are finalists for the position.

The Faculty Senate will assist in conducting elections by the General Faculty.

[Rationale: there should be greater faculty involvement in selection/reappointment of the President and Provost.]
ATTACHMENT E

Request to Provide Steve Klein with Emeritus Status

----- Original Message -----  
From: Gary Kreps <gkreps@gmu.edu>  
Date: Sunday, August 19, 2012 12:11 pm  
Subject: Request to Provide Steve Klein with Emeritus Status  

Dear Jack,

As we discussed earlier I am formally requesting that Steve Klein be recommended for Emeritus status after his retirement from Mason at the end of the Fall, 2012 semester in recognition of his long and distinguished service to the University. Steve has served on the faculty of the Department of Communication for 14 years, and has been instrumental in building a vibrant, innovative, and well-respected journalism program at Mason (with very limited resources). He has championed a major focus on electronic journalism at Mason back when most journalism programs were still focusing solely on print journalism. Steve currently serves as a Term Instructor and Coordinator of our Journalism Program. He also serves as Director of minor degree programs in Electronic Journalism and Sport Communication (in collaboration with the College of Education and Human Development). I am requesting an appointment for him as an Emeritus Instructor upon his retirement.

Steve is a most passionate and involved educator who has promoted a very high level of professionalism among our journalism students, and has fostered enhanced media literacy for all of our students, not just the journalism majors. He encourages our students to fully participate in democratic society through active examination of the news from multiple sources. He has recruited outstanding journalism professionals from leading media outlets to work with us and teach for our journalism program (including from the Washington Post, the Voice of America, USA Today, NBC News Channel 4, United Press International, the Gannet Corporation, the Knight Foundation, and many other news organizations). Steve is an outstanding and motivating instructor, who has placed many of his students in professional positions at major media outlets across the nation. He came to Mason after a distinguished career as a reporter and editor, including serving as the online Sports Editor for USA today. He has maintained strong relations with members of the fourth estate (journalism community) and established an innovative educational partnership with C-SPAN, where Mason hosted a televised public events course that enabled our students to interact with world leaders and media luminaries. He has also strongly supported active media internship opportunities for our students. In addition, Steve has been an active member of Faculty Senate Committees on Technology and Athletics for many years.

I encourage you to support my recommendation for Emeritus status for Steve Klein.

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Wishing you the very best,

Gary
ENDORSEMENT BY DEAN CENSER:
From: Jack Censer [mailto:jcenser@gmu.edu]
Sent: Sunday, August 19, 2012 1:27 PM
To: Gary Kreps
Cc: June Tangney
Subject: Re: Request to Provide Steve Klein with Emeritus Status

Dear Gary,

I wholeheartedly support your request. Because my intellectual interests overlap with Steve’s, I know him quite well. His commitment is extraordinary. I can endorse everything in your letter.

As you know from our correspondence some months ago, this will require a variance from the faculty senate. So, June, please let us know what, if anything, we need to do to go forward.

Regards,
Jack

Jack R. Censer, Dean
College of Humanities and Social Sciences George Mason University Fairfax, Virginia 22030
703.993.8720