GEORGE MASON UNIVERSITY
MINUTES OF THE FACULTY SENATE EXECUTIVE COMMITTEE MEETING
Monday, September 19, 2016, 8:30 –10:00 a.m., SUB I room 3A

Present: Alan Abramson*, Mark Addleson, Lisa Billingham, Charlene Douglas, Tim Leslie, Keith Renshaw, Suzanne Slayden, Provost David Wu, Senior Vice President J.J.Davis*, Dr. Kumar Raghuraman (Associate Provost for Institutional Research and Assessment), Dr. Aurali Dade (Assistant Vice President for Research Compliance).
*by conference phone

I. Approval of Minutes of August 24, 2016: The minutes were approved.

II. Announcements
Reminder: Rector Davis to speak at October 5, 2016 FS Meeting
Reminder: Reception for Faculty Senators at Mathy House October 5, 2016 – 5:30-7:30 p.m.

Provost Wu’s goals for October meeting similar to last year; key items already summarized in beginning of semester letter.

Provost Wu was in Korea attending the opening of our new building there (one third larger than Merten Hall, very impressive). Faculty there want to have some direct contact, representation with faculty here. A small number of Fairfax faculty who want to teach there. We are on track with enrollment projection for the fall with about 300 students, plus 100 students on leave of absence, total 400 students (all males required to participate in military service – customary to take sophomore/junior year and then return before graduation; is the norm). Spring enrollment is often larger there. Steven Lee (President, Mason Korea) will make a presentation at the next APDUC meeting of the Board of Visitors (Wednesday, October 13). He encouraged those interested in Mason Korea to attend.

Provost Wu has initiated a number of communication initiatives – direct interaction is important to him. Last year he began hosting casual faculty breakfast meetings (over 20 so far) to spend some time to talk with faculty about faculty environment, research, teaching, etc. Also meets at least once a semester with department chairs, who have formulated an executive committee – not a decision-making committee, but to gather information from chairs for discussion with Provost Wu – talk about what they want to talk about. So far has been working well – helpful for Provost Wu to become aware of a lot of reporting issues at department level. At the beginning of the semester, Provost Wu sent a message about priorities, items, and needs, faculty engagement. He will follow up on communication through the year/updates – to get as much engagement as possible.

Very quick update on budget outlook:
You have all heard state has $1.5B budget shortfall; Virginia over-projection of revenue growth. As written in the budget bill, state employee raise tied to revenue projection. So merit raise goes away. We are working hard to figure out without state piece – what can we do in the institution? A little bit of complicated question to answer. Also exchanging ideas with other institutions; which tier of institution we are in Virginia matters: we are in
tier 2 – under more state control especially with respect to budget matters. Virginia Tech, William and Mary, and UVA are in Tier 3, with maximum autonomy in financial decisions. Even though 1.5% of budgeted raises were from the Mason budget, we are technically unauthorized to do that by state (due to Tier 2 status). We are still trying to find ways for increases to salary that go beyond bonuses, though. Small piece of good news – we don’t expect across-the-board budget cut for FY 2017 – state goes to reserve funds as $1.5B hits threshold for using reserve funds. State is asking other non-education state agencies to make cuts. In FY 18 the state has to replace money taken from the reserve. We are already making preparations for that.

Discussion:
Faculty react very badly to small raises tied to merit. Provost Wu noted the state code prohibits us from doing merit raises. Linda Harber is gathering proposals on this – such as bonus, which goes away, a non-raise raise. Difficult to have conversation with state administration as they are not getting any raises. People do not understand what is possible or not possible to do – what the parameters are – need to let faculty know – important to have right framing in communicating what we can do and cannot do. Fair to say there is a lot of uncertainty, we have to be cautious and not create false hope. Sr. VP Davis suggested we minimize communication until we know what the answer is from the state. Whatever we feel we can reasonably achieve with the state, we will take it to the BOV in October. Let faculty know we are working hard.

Senator: What is your sense of how enrollment targets in Mason Korea programs going in terms of prospective student interest?

Provost Wu: We started with five programs – Business Management and Global Affairs most popular. Finance and accounting programs were approved by the Ministry of Education and are assigned a quota – 1,200 students. In some individual programs we are getting close. Enrollment is not the main reason we want to be there. Starting to happen that some students decide to come to Mason to study because of the campus; also recruiting students from other parts of southeast Asia and China. Now we have physical capacity to increase number of Mason students to go there and study abroad – to make a meaningful experience for students to explore – spending some time in Korea and some time in China. Some of our faculty are working with an organization in Beijing for language study in China – maybe 200-300 students and faculty to go there. Other opportunities include faculty interested in doing research/scholarship in East Asia, capacity to host workshops and conferences, especially in policy, economic areas; building up research demand. We just hired an academic dean.

III. Progress reports, business, and agenda items from Senate Standing Committees
A. Academic Policies – Suzanne Slayden – report same as last time.
B. Budget and Resources – Tim Leslie
   Budget Model: We met with JJ, and will meet as a group; there is collective interest in budget model. Tim will serve as faculty representative to the Provost Budget Planning Team.
C. Faculty Matters – Alan Abramson – nothing right now.

D. Nominations – Mark Addleson
Replacements for Effective Teaching Committee (Senator), Admissions, and Salary Equity Study. He wants to get the committee involved in replacements.

E. Organization and Operations – Lisa Billingham
Aurali Dade (9:30 am) COI Task Force  
Attachments A & B
Aurali Dade, Assistant Vice President for Research Compliance discussed the origins of the Conflict of Interest (COI) Task Force (from Senator Dave Kuebrich)
To put together institutional rather than individual COI because individual COI is so complicated in Virginia, and also federal rules. So institutional COI rules are separate. Have been working for over 2 years to merge 2 individual policies into one. We presented them to the then Faculty Advisory Board, President’s Council, Legal, and some other offices. Before we finalize, we need faculty input; as this impacts both faculty and staff. To bring together three regulating bodies -1-federal, -2-commonwealth of Virginia, -3-conflict of commitment from Human Resources for those who are not instructional or research faculty, consistent with what our sister institutions in Virginia do.

The original focus on institutional COI from Senator Kuebrich’s perspective was with respect to gifts and ownership in IP. Other medical schools have institutional COI policies, citing example of individual died in 1996 during clinical trial. Faculty ownership of drug company stock, etc. – issue in medical and non-medical environment. A complicated landscape with all different rules. It’s not a requirement to have an institutional COI, but is happening. Federal agencies demonstration project – to hear what federal agencies say.

Discussion: In terms of Dave Kuebrich’s original resolution to deal with gifts, believes an institutional COI is going to address a lot of it. The issue of what will be in the institutional COI remains, but this motion is simply to ask somebody to figure this out – a committee. O&O and the FS Executive Committee should not be writing institutional COI, so how do we present motion? It should be as follows: To establish a committee – simply write a charge and send them on their way. O&O responsible for establishing the committee and suggests forming it as Dave asks; need to put forth in the correct framing. Then, let the new committee bring to us what they can – this motion for the establishment of a committee is not to vote on a policy. It’s to get feedback from and involvement of faculty who work with these issues.

Dr. Dade noted goal of complementary policy is revamp of disclosure system, to capture a wider range of situations, right now just captures for federal funding, not for private organizations. In response to question, would this require recertifying yet another relationship, such as Export Compliance Training – in other words, to add another hour of my time that gets sucked up? Dr. Dade responded information to read, not a stand-up training; we have reviewed it for the third time. Valuable to have faculty input when new policies such as
copyright and other intellectual property policies development. Comments about Duke University policy (Attachment B) included lacking discussion about reputation of institution.

Provost Wu agrees to send out the newly drafted individual COI policy before this meeting. Chair Renshaw also willing for the Faculty Senate to distribute to receive more input. Dr. Dade asks for your comments, please send them. Suggestions for committee members include representatives from Research, someone from CAPMM, faculty who have worked on these things or on policies. Whether to include legal? Whether or not to include stakeholders?

Updates: The O&O Committee had its first meeting online – best way to deal with draft is to put it up and see. Re: Research Committee & Multilingual Council motions – to table multilingual council motion for now, we have research to do, to talk with Provost Wu about what is realistic in terms of resources. For the Research Committee motion Attachment C: to have more time to talk with people, to look into purpose of the committee. Chair Renshaw will connect the committee in conversations with VP for Research Deborah Crawford.

IV. Other Committees/Faculty Representatives
Chair Renshaw will work to connect committees (e.g., UPTRAC, Grievance) with administrative offices. There is a need for publicized procedures for both committees, to work with the Provost Office to establish full procedures for UPTRAC and Grievance in particular: written, vetted, and reviewed.

Provost Wu asked when was the last time they were reviewed? Faculty Handbook Committee chair Suzanne Slayden responded the Faculty Handbook language never really had written procedures; need for Provost Office personnel also involved in the process to help them codify procedures, not about Faculty Handbook per se.

Provost Wu: Also need to get legal office involvement; some of issue involves clarity/scope – procedural boundaries need to be clear, “binding”. Response: Not for legal office involvement but for faculty to write down what they do. Also must be careful not to be too binding, you cannot do that.

V. New Business, Updates, and Discussion
1. Kumar Raghuraman (Assoc Provost, IRA) – online teaching evaluations
Chair Renshaw opened conversation to talk through what goal of coming to FS will be – what types of information useful?

Dr. Kumar overview of transition to online evaluations will help to improve process, quality of data collection. Faculty will get results quickly, biggest positive aspect to moving online – can receive results in two days, quality of data better than paper. Small marks in evaluation scanner sheet errors can change answers on line – some benefits.

Institution slowing transitioning to online. Biggest concern is response rate. Based on his research, anywhere from 15-25% drop in evaluations; takes at least three years to get
closer to paper based system, anticipates at least 10% drop in response rates. Referenced a list of twenty different techniques to increase student response rate to online evaluation. Suggestions include withholding grades until evaluation completed; faculty sending individual email reminders as necessary; publish the benefits of evaluations – e.g. 20% of faculty evaluation based on response rates; takes 1-3 years to get closer to paper based rates.

Our data shows roughly 10% courses evaluated online, most are online courses. No significant difference between 2010-11 and 2015 data. Mean values same in both cases, no statistical difference. About a half million papers saving cost – we print more because based on initial enrollment 100%, may be 80% by time for evaluation occurs. (drops). In paper based system a larger number of errors.

Questions and Discussion:

What about written responses?

Kumar: Similar to other response, assume that only faculty can see them. Sentiment analysis based on responses by dept, university-level, just like other feedback. Online software builds in analysis program.

Correlation for 14 questions, but no correlation for questions 15 and 16. You will run into roadblocks for incentives. Faculty received complaints that students who are bad actors intentionally give bad ratings – that’s a problem if you tell them that 20% of faculty evaluation rests on teaching evaluations. In larger classes with 200 students – required courses, some students do not attend, and you ask them to evaluate anyway. Coercive approach can deal a bad hand to faculty from those who do not attend class. Inflation on merit for faculty evaluation, would not be an incentive. To ask students how many times they missed class?

Dr. Kumar: A lot of evidence for both sides of question. Not his opinion, was a faculty member at one time. In greater goal – direction we are going – for those who do not come to class or not – for this to determine – not his decision. Leaves decision to faculty.

The Effective Teaching Committee is charged to work on the survey questions themselves. Then the Effective Teaching Committee brings them to the Faculty Senate for approval. We’ve already told you not to read confidential student responses. Dr. Kumar promises the student responses will not be read by anyone unless hacked; may access for faculty as needed. A decision left to faculty; at most institutions only faculty can see password protected (comments).

A larger concern involves measurement of student satisfaction. We measure it, what other ways to evaluate instrument? Literature says it’s not good for minority response. Provost Wu noted teaching evaluation is important, complex issue; ETC needs to look at issue more broadly. You need to decide how you want it done.

Chair Renshaw asked the committee for suggestions of how to impart this information to the Faculty Senate? To have bullet points ready in the agenda and stick to them?
The process holds faculty accountable, also to hold students accountable – to ask time of preparation for departments, is thing going on in other institutions and how much other institutions have done? Dr. Kumar: We can do more analysis re data once we have it and can look at what other institutions do.

Kumar: Example of institution went from paper to online – mean values largely remain the same with change to paper – faculty who are good – 4.75 mean doesn’t tell you anything. For new faculty, tenure, tenure track – that only faculty will get the feedback. Let Kumar/KR know if you have more thoughts re how to present this to FS.

2. **Executive Committee Course buyout** - Policy update basically 1 per semester, Provost Wu says 1 per year – prior documentation shows 1 per semester. Renshaw to clarify with Provost’s Office. The buyout rotates around – who needs it in spring – to ask Lisa Billingham and Mark Addleson – Provost Office needs to know. Tim Leslie and Suzanne Slayden both had course releases in the same (last) year.

3. **Advance call for nominees to new committee (e.g., COI TF, Research)**? Bylaws say you set up a committee and then send out a call (for nominees) not to do at the same meeting, only fair. No one objected to suggestion to ask volunteers to say why they want to be on committee?

4. Faculty Senate Forum with Administrators – 34 responses
   - Need to determine order and format of topics (budget model, online, term/adjunct)
   - **NOT DISCUSSED**

5. Continuing topics of discussion from EXC meeting 4-14-16
   a. Consideration of faculty input on Student Experience Study
   b. **NOT DISCUSSED**

6. Resolution on Diversity, Inclusiveness, and Slavery – J. Bennett  
   Chair Renshaw met with Jim Bennett; we actually have a task force working on this, a statewide effort including Senator Elavie Ndura, and Julian Williams, VP for Compliance, Diversity and Ethics, as well as a number of students. Should we announce this is there or whether we should put this forward and elect someone, to formalize Elavie’s role as a Faculty Senator, there are 5-6 faculty involved in this.

7. Administrator Reports requested in connection with FEA – should we distribute/share, and if so, how? - DBD email asks for these, whether we ask for information – to integrate into the survey? Basically we do, but to percolate on this.

8. New room for FS meetings
   a. **NOT DISCUSSED**

9. Website space management – agendas, minutes
   a. **NOT DISCUSSED**

10. Not to ask JJ to make presentation - - not on October 5th agenda, statement to be taken up by the BOV at its next meeting (October 13).

Final discussion points
   - To have discussion about learning outcomes and updating outcomes. APR required to do, PAR or not , # of student learning outcomes – for next agenda
Degree assessment - metricized as part of SACs thing, task for at least five learning outcomes – undergraduate, graduate, certificate level. We have three different online systems to deal with. KUM will bring some staff members re question.

**VI. Agenda Items for October 5, 2016 FS Meeting**
- Draft FS Minutes September 7, 2016
- Announcements
  - Rector Davis
  - Provost Wu: Goals for AY 16-17
- Committee Reports
  - To include COI TF and maybe Research Committee from O&O
  - Online Course Evaluations (Kumar Raghuraman &???)

**VII. Adjournment:** The meeting adjourned at 10:05 a.m.

Respectfully submitted,
Meg Caniano
Faculty Senate clerk
Attachment A

Draft Policy 4001: Conflict of Interests

Responsible Office:

Research; Fiscal Services; Human Resources; Compliance, Diversity, and Ethics

Procedures:

[Procedure for waivers, Procedure for management plans, Appendix: Additional PHS requirements]

Related Law & Policy:

University Policy 2227: Outside Employment
State and Local Government Conflict of Interests Act, Virginia Code section 2.2-3100
Virginia Public Procurement Act, Article 6, Ethics in Public Contracting, Code of Virginia Section 2.2-4367
Federal law and policy applying to research funded by a Federal agency

I. Scope

This policy applies to all officers and employees of the University, including part-time employees, non-student wage employees, all faculty including adjunct faculty, and students on the University payroll. Commonwealth of Virginia ethics and conflict of interest laws apply to all employees. Federal law and policy imposes additional requirements on employees who receive funding from the federal government.

II. Policy Statement

State and federal law require that all employees fully disclose personal interests that present a potential conflict of interest with one’s university responsibilities. Involvement with external
activities, such as consulting or outside employment, or financial relationships with external entities that may be involved with Mason now or in the future must be approved in advance. In addition, all employees (or their immediate family members) who have a private company (or ownership interest meeting or exceeding state limitations) that wishes to do business with Mason must disclose that financial interest and have it evaluated for potential conflicts of interest. When a conflict of interest management plan is required by the circumstances, full and immediate compliance is essential to assure the integrity of university-sponsored research, teaching, outreach, and administrative activities.

A. General Employee Responsibilities

1. Employees shall disclose any actual or potential conflict of interests. This includes Significant Financial Interests (SFIs) related to institutional responsibilities when applying for federal funding. Employees shall not initiate any contract or transaction in which a potential conflict exists until written approval is received from the Appropriate Institutional Official.

2. No employee shall serve as the immediate supervisor or exercise sole authority to supervise, evaluate or make personnel decisions regarding a person related to them by Family or Marriage or an individual sharing the same household. Related by Family or Marriage means a person who is, by blood or marriage, an employee's spouse, parent, child (including step-children), sibling, grandparent, grandchild, aunt, uncle, niece, nephew, or individual for whom an employee has been assigned legal responsibility or guardian. The University also discourages immediate supervision of in-laws.

3. Employees shall not use confidential information not available to the public and acquired through a University position for their own or another's economic, social, or personal benefit.

4. Instructional and research faculty must comply with the requirements of the faculty handbook related to outside employment. Classified staff and administrative faculty may not engage in outside employment which the supervisor has determined, in his or her sole discretion:
   - Interferes with the employee’s regular responsibilities and duties; or
   - Results in any actual conflict or appearance of conflict with his or her University Employment responsibilities; or
   - Results in a situation of unfair competition for the University (see policy 2227).

B. Procurement

1. No employee having “official responsibility” for a procurement transaction (ability to somehow affect the purchase or lease of goods or services) shall participate in the procurement when the employee knows that:
   - He or she is also employed by the bidder, offeror, or contractor.
b. The employee, the employee's partner, spouse, children, parents, brothers and sisters, or any other person living in the same household as the employee:
   i. Holds a position with the bidder, offeror, or contractor; OR
   ii. Is employed by the bidder, offeror, or contractor in a capacity involving substantial participation in the procurement transaction; OR
   iii. Owns or controls an interest exceeding three percent (3%) of the business of the bidder, offeror, or contractor; OR
   iv. Has a pecuniary interest (total compensation to include any and all direct compensation and/or benefits) with a value of over $5,000 per year in the bidder, offeror, or contractor; OR
   v. Is negotiating, or has an arrangement concerning prospective employment with the bidder, offeror, or contractor.

c. In addition, as an employee’s pecuniary interest or ownership stake can change during the contract term, personal interests of any value or type should be disclosed in advance.

2. No employee or former employee having official responsibility for procurement transactions shall accept employment with any bidder, offeror or contractor with whom he/she has dealt in an official capacity concerning procurement transactions for a period of one year after termination of the employee’s University employment.

   Exception: An exception is allowed if the employee or former employee notifies the Senior Vice President for Administration and Finance, the Vice President for Human Resources, and the Director of Purchasing in writing before starting the new position.

3. The University shall not purchase building materials, supplies or equipment for a University building or structure from any independent contractor who is providing architectural or engineering (non-construction) services to the University, or from any partnership, association or corporation in which the architect or engineer has a personal interest, except in cases of emergency.

C. Contracts

1. No employee shall have a Personal Interest in a contract with the University other than one's own contract of employment.¹

2. No employee shall have a Personal Interest in a contract with any other State Agency, unless the contract is awarded through a competitive process as defined by the Virginia Public Procurement Act.

D. Transactions

1. A Transaction is any matter considered by the University or one of its subdivisions on which official action is taken or contemplated.

¹ See Procedures for exceptions.
2. A Personal Interest in a Transaction is a Personal Interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a Personal Interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (a) is the subject of the transaction or (b) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

3. Each employee shall disqualify him or herself from representing the University in a "Transaction" and disclose this fact when:
   a. He or she has a "Personal Interest in the Transaction", and the "Transaction" has "specific application" to the employee.

4. In this situation, the employee will not vote or represent the University in the "Transaction," and the University will record the disqualification in writing. For non-purchasing-related activities, even after disqualifying oneself, the employee may still represent himself, spouse, or any relative in the "Transaction." The employee must not be compensated for this representation.

5. If an employee's disqualification leaves less than the required number of persons needed to act on the "Transaction," the remaining members will have authority to act by majority vote or unanimous vote of the remaining members, as required. If action is taken when these above conditions are not met, the University may rescind the action.

E. Gifts

1. Employees of the University shall not solicit or accept money or anything of value:
   a. For performing official duties (salary and remuneration for actual expenses excepted),
   b. That might reasonably tend to influence the discharge of official duties, or
   c. For obtaining employment, an appointment, a promotion, a privilege, or a contract with the University.

2. An employee of the University shall not accept:
   a. A business or professional opportunity for financial benefit, if the employee knows or should know that the opportunity is offered to influence the performance of official duties, or
   b. A business or personal trip paid for by a vendor, for any reason whatsoever, without first obtaining written approval from the Senior Vice President for Administration and Finance. See Procedures for more details on this process and exceptions.

3. An employee with authority to conduct or influence the buying of goods or services for the University must not solicit or accept any gift, payment, loan or anything else, other than miscellaneous items bearing advertising, (such as rulers, note pads, etc.) from a bidder, offeror, contractor, or subcontractor. This rule does not prohibit employees from buying goods or services, or obtaining loans, for their personal use where they pay equal consideration for them; nor does it prohibit employees from accepting meals or beverages
from vendors when offered to a large group of people at a trade show, exhibit or other professional meeting.

F. Federally Funded Research

1. This Section applies to any person responsible for the design, conduct, or reporting of any research funded by a Federal agency. Public Health Service (PHS)-funded research is subject to additional requirements (See PHS Procedures). The division of Research is responsible for the overall administration of this Section including appointing the Committee, receiving and reviewing disclosures, and maintaining records. The Provost is responsible for review of appeals and disciplinary actions under this Section. The Vice President for Research is the Designated Official for George Mason University.

2. Investigator Disclosure Requirements
   a. Investigators who apply for any federally funded research must disclose his or her known SFIs (and those of his or her spouse and/or dependents) related to the investigator’s institutional responsibilities.
   b. As a part of the university’s application for federal funds, each investigator must certify (1) that he or she has no such interests or (2) that he or she has such interests and has disclosed them through the institution’s disclosure process. The Office of Sponsored Programs and the Office of Research Integrity and Assurance maintains custody of the investigator’s disclosure and/or certification.
   c. Certifications and any required disclosures must be provided prior to the university’s submission of an application for federal funds. If the application results in the university’s receipt of federal funds, each investigator who participates in the funded research must update his or her certification and any required disclosure annually or within 30 days if a new reportable significant financial interest is obtained. During this disclosure, investigators must update the value of previously disclosed SFIs.
   d. Investigators are not required to disclose the following:
      i. Salary, royalties, or other remuneration paid by the institution to the investigator if the investigator is currently employed or otherwise appointed by the institution, including intellectual property rights assigned to the Institution and agreements to share in royalties related to such rights;
      ii. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles;
      iii. Income from seminars, lectures, or teaching engagements sponsored by a federal, state, or local government agency, an Institution of higher education as defined at 20 U.S.C. 1001(a); an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education; or
      iv. Income from service on advisory committees or review panels for the federal, state, or local government agency, or Institution of higher education as defined at 20 U.S.C. 1001(a), an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

3. Disclosure Review process
a. Disclosures of SFIs related to institutional obligations are reviewed by the Office of Research Integrity and Assurance then referred to the Conflict of Interest Committee (Committee) as appropriate. The Committee is appointed by the Vice President for Research from among administrators, faculty, and Deans and Directors. In addition the Senior Vice President for Administration and Finance designates one member for appointment to the Committee.

b. The Committee reviews the disclosure and advises the Vice President for Research as to whether a financial conflict of interest related to federally funded research exists. If the Committee believes such a conflict exists, it also may work directly with the investigator(s) to develop appropriate management plan(s). The Office of Research Integrity & Assurance notifies the Office of Sponsored Programs and the investigator’s Dean or Institute Director of this determination.

4. Managing Conflicts of Interest
   a. If a conflict of interest related to federally funded research exists, the Committee, in cooperation with the investigator, develops a management plan to ensure that the conflict is managed, reduced or eliminated and provides the recommended plan to the Vice President for Research. A management plan generally provides for compliance reviews at reasonable intervals. The Vice President and the investigator must agree to the management plan prior to the institution’s expenditure of any funds under the award. If the investigator objects to a plan proposed by the Vice President, he or she may appeal the terms of the plan to the Provost, whose decision is final. If the investigator does not agree with the Provost’s decision the university will not accept the award. The Office of Research Integrity and Assurance will maintain custody of the agreed-upon management plan and provides a copy of the plan to the investigator’s Dean or Institute Director or that individual’s designee.
   b. At a minimum, the management plan will describe the role and principal duties of the conflicted investigator in the research project; conditions of the management plan; how the management plan is designed to safeguard objectivity in the research project; confirmation of the investigator’s agreement to the management plan through signature; how the management plan will be monitored to ensure investigator compliance and other information as needed.
   c. The investigator’s Dean or Institute Director or that individual’s designee is responsible for monitoring the investigator’s compliance with the terms of the agreed-upon management plan. If the plan provides for periodic compliance reviews, the Dean, Institute Director or designee prepares a report of the review and sends a copy of the report to the Office of Research Integrity & Assurance.
   d. An investigator may agree to reduce or eliminate a financial conflict of interest prior to initiating federally funded research. If this occurs, the Committee may determine that a financial conflict of interest no longer exists and therefore does not require further management.

5. The following definitions apply only to this Section of the policy:
   a. “Financial Conflict of interest” (FCOI) means a significant financial interest (SFI) directly and significantly affecting the design, conduct, or reporting of the federally funded research.
b. “Institutional Responsibilities” means an investigator’s professional responsibilities on behalf of the Institution, and as defined by the Institution, including but not limited to, activities such as research, research consultation, teaching, professional practice, institutional committee memberships, and service on panels such as Institutional Review Boards and Safety Monitoring Boards and other responsibilities as defined by the institution.

c. “Investigator” means the Project Director/Principal Investigator (PD/PI) and any other person, regardless of title or position, who is independently responsible for the design, conduct or reporting of federally funded research. The Lead PD/PI on each project will identify all investigators.

d. “Manage” means to take action to address a FCOI, which can include reducing or eliminating the FCOI, to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.

e. “Senior/Key Personnel” means the PD/PI and any other person identified as Senior/Key Personnel by the Institution in the grant application, progress report, or any other report submitted to the funding agency by the institution.

f. “Significant financial interest” means a financial interest consisting of one or more of the following interests of the investigator (and/or those of the investigator’s spouse and dependent children) that reasonably appears to be related to the investigator’s institutional responsibilities:

i. With regard to any publicly traded entity, a SFI exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure certification and the value of any equity interest in the entity as of the date of disclosure certification, when aggregated, exceeds $5,000. For purposes of this definition, remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;

ii. With regard to any non-publicly traded entity, a SFI exists if the value of any remuneration received from the entity in the twelve months preceding the disclosure, when aggregated, exceeds $5,000, or when the investigator (and/or the investigator’s spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or

iii. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

III. Definitions

A. "Official Responsibility" - Administrative or operating authority, whether intermediate or final, to initiate, approve, disapprove, or affect a procurement transaction or any resulting claim.

B. "Exercising control over the employment or employment activities" - This concept includes, but is not limited to, making decisions regarding initial appointment, retention, promotion, tenure, salary, leave of absence, and evaluation. This concept does not include academic or scientific conduct of instruction or research. The instructor or principal investigator of a
research project is responsible for the academic or scientific work and for technical leadership.

C. "Contract" - Any agreement to which the University is a party, or any agreement between or on behalf of the University or any subdivision and a third party for payment from any University fund. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

D. "Personal Interest in a Contract" - Being a party to a contract or having a "Personal Interest" in the firm, corporation, partnership, or other business entity which is a party to the contract.

E. "Personal Interest" - A financial benefit or liability of an employee, or Immediate Family member, if such benefit or liability is included in one of the categories outlined below:
   a. Ownership interest in a business which exceeds three percent (3%) of the equity of the business;
   b. Annual income that exceeds, or may reasonably be anticipated to exceed, $5,000 from ownership in property or in a business;
   c. Salary or benefits paid by a business or governmental agency which exceeds, or may reasonably be anticipated to exceed, $5,000 annually;
   d. Ownership of real or personal property which exceeds $5,000;
   e. Liability incurred or assumed on behalf of a business, which exceeds three percent (3%) of the asset value of the business; OR
   f. An option for ownership of a business or real or personal property if the ownership interest will consist of clause (a) or (d) above.

F. "Immediate Family" - An employee's spouse, and any other person living in the same household as the employee, who is a dependent of the employee.

IV. Compliance

A. Penalties and Remedies- Code of Virginia

Mason expects its employees to comply fully and promptly with the policy. Breaches of the disclosure process, including (a) failures to comply with such process, whether by virtue of an employee’s refusal to respond or by his or her responding with incomplete or knowingly inaccurate information, (b) failures to remedy conflicts, and (c) failures to comply with a prescribed management plan, will be forwarded to the appropriate university unit for investigation and appropriate action as follows:

1. Any employee who knowingly violates the provisions of the mentioned Acts is guilty of a misdemeanor, and may be fined up to $1,000 and sentenced up to a year in jail. Any employee may NOT be prosecuted if PRECEDING the potential conflict action:
   a. The employee made full disclosure of the facts, AND
   b. The employee relied on a written opinion by the Attorney General or the Virginia Conflict of Interest and Ethics Advisory Council stating his or her actions did not violate the State and Local Government Conflict of Interests Act.
2. If convicted for this violation, the employee shall, in addition to any other fine or penalty provided by law, forfeit his or her employment. In addition, any employee who violates the requirements of this policy may otherwise be disciplined by the University.

B. Penalties and Remedies- Federally Funded Research (Section II.F)

Failure to comply with Section II.F will result in the following consequences and may result in the imposition of other sanctions under established university procedures:

1. If an investigator fails to provide a financial conflict of interest certification or fails to disclose a significant financial interest, the university does not submit the relevant application for federal funding or withdraws the application, as appropriate.

2. If an investigator does not agree to an acceptable plan to manage, reduce, or eliminate a financial conflict of interest that is found to exist, the university will not expend funds under the relevant award.

3. If an investigator fails to disclose a reportable significant financial interest that creates a conflict requiring a management plan, the investigator may be barred from participating in federally funded research for a period determined by the Vice President for Research and Economic Development, subject to the review of the Provost.

4. If an investigator fails to comply with a material term of an approved management plan, the university may take any action relating to the award that is permitted by its terms and may pursue sanctions against the investigator. In pursuing sanctions, the university applies the procedures comparable to an “investigation” and administrative actions in University Policy Number 4007 – Misconduct in Research and Scholarship.

V. Training

a. All employees will be provided training on this policy upon hire. Additionally, individuals required to file a Statement of Economic Interest must complete Commonwealth of Virginia mandatory training every two years and individuals proposing PHS funding must complete training on the PHS COI requirements every four years.

VI. Tracking

a. Compliance, Diversity and Ethics shall be responsible for tracking and storage of all approved waivers.

b. Compliance, Diversity and Ethics shall be responsible for sending out a master list to all relevant stakeholders, at the start of each fiscal year, that details active waivers and their expiration date, if applicable.
c. The Office of Research Integrity and Assurance shall be responsible for reporting conflict of interest information to federal agencies as applicable.

VII. Forms

1. Management Plan Template
2. Waiver Request Form
3. Request for Outside Employment Form

VIII. Dates:

A. Effective Date:

This policy will become effective upon the date of approval by the Senior Vice President for Administration and Finance and Provost.

B. Date of Most Recent Review:

N/A.

IX. Timetable for Review

This policy, and any related procedures, shall be reviewed every three years or more frequently as needed.

X. Signatures

Approved:

_________________________________________  _________________________
Senior Vice President for Administration and Finance  Date

Approved:

_________________________________________  _________________________
Provost and Executive Vice President  Date
1. Introduction

An institutional conflict of interest ("Institutional COI") describes a situation in which the financial interests of an institution or an institutional official, acting within his or her authority on behalf of the institution, may affect or appear to affect the research, education, clinical care, business transactions, or other activities of the institution. Institutional COIs are of significant concern when financial interests create the potential for inappropriate influence over the institution's activities. This policy is intended to protect against exposure from risks related to Institutional COIs as they may affect research performed at or under the auspices of the University.

An institution like Duke University ("Duke"), including its officials, must balance many competing pressures. It engages in relationships with a variety of sponsors that may lead to financial benefit for the institution in many forms, including gifts, business ventures, royalty payments and equity from licensing intellectual property, as well as sponsored educational and research agreements. In addition, university-industry relationships are essential for advancing scientific frontiers and enabling the commercial development of academic discoveries to the benefit of the public. Nonetheless, while generally part of legitimate educational, research, and business activities, relationships with external entities or individuals cannot be allowed to compromise, or appear to compromise, the integrity of the Duke’s primary missions, including the safety and integrity of its research, education, and clinical care.

2. Definitions

**Institutional Conflict of Interest in Research:** An Institutional COI in Research may occur whenever the financial interests of the institution, or of an institutional official who has authority to act on behalf of the institution, might affect—or reasonably appear to affect—institutional processes for the design, conduct, reporting, review, or oversight of research.

**Covered Officials:** This Institutional COI in Research Policy applies to the Board of Trustees, President, Chancellor for Health Affairs and Vice Chancellors, the Provost and vice-provosts, other senior officers, Deans and vice-deans, associate deans and other institutional administrators, particularly insofar as the individuals have oversight of research, with special attention to human subjects research, at the University. This policy will also require review of conflicts of interest involving department chairs, division chiefs, institute and center directors, Institutional Review Board chairs, the COI and Institutional COI committee chairs, the chair of the Institutional Biosafety Committee, the chair of the Stem Cell Review Committee, and chairs of other similar committees that might be created in the future.

**Officials with Oversight of Research:** Covered officials with responsibility for the supervision of faculty and staff participating in research conducted at or under the auspices of the institution. Of particular importance in defining an “official with oversight of research” are supervisory roles like evaluation and management of promotion, pay raises, and the assignment of job responsibilities.
Significant Financial Interest (individual): For covered officials, “significant financial interest” is defined as being consistent with Duke University’s faculty conflict of interest policy and procedures. Areas of consideration include: payments, honoraria, royalties (even through the institution), equity, options and warrants, board of directors and management positions, and gifts.

Significant Financial Interest (institutional):

A. Royalties: Institutional COI may be present when the institution has agreements to receive milestone payments and/or royalties from the sales of an investigational product that is the subject of the research;

B. Non-publicly traded equity: When, through its technology licensing activities or investments related to such activities, the institution has obtained an equity interest or an entitlement to equity of any value (including options or warrants) in a non-publicly traded company that is: i) the sponsor of research at the institution, or ii) the manufacturer of a product to be studied or tested at or under the auspices of the institution;

C. Publicly traded equity: When, through technology licensing activities or investments related to such activities, the institution has obtained an ownership interest or an entitlement to equity (including options or warrants) exceeding $100,000 in value (when valued in reference to current public prices, or, where applicable, using accepted valuation methods), in a publicly-traded company that is i) the sponsor of research at the institution, or ii) the manufacturer of a product to be studied or tested at or under the auspices of the institution.

D. Gifts from sponsors: When the institution has received substantial gifts (including gifts in kind) from a potential commercial sponsor of research or a company that owns or controls products being studied or tested, or an individual affiliated with these companies. The following circumstances should be evaluated:
   1. Whether a gift is of sufficient magnitude that even when held in the general endowment for the benefit of the entire institution, it might affect, or reasonably appear to affect, oversight of research at the institution;
   2. Whether a gift is held for the express benefit of the college, school, department, institute or other unit where the research is to be conducted; or
   3. Whether any institutional official who has the authority, by virtue of his or her position, to affect or appear to affect the conduct, review or oversight of the proposed research has been involved in solicitation of the gift.

3. Identification of Potential Institutional Conflicts of Interest
The following significant financial and fiduciary interests of the institution warrant formal review for potential Institutional COI with respect to research:

   Significant financial interests for the institution.
   Significant financial interests on the part of covered officials responsible for the oversight of research.
   Situations when an investigator, research administrator, or Duke institutional official with research oversight authority participates materially in a procurement or purchasing decision involving major institutional purchases from, or non-routine supply
contracts with, a company that sponsors research at the institution, or whose product is being studied or tested in human subjects research at the institution.

In addition to those circumstances indicated above, other financial relationships with research sponsors may warrant formal scrutiny, depending on the circumstances. In general, the institution should assess the potential for conflict of interest and weigh the magnitude of any risk to the research's integrity.

Although the listed circumstances are potential areas of concern, the goal of this policy is not to preclude Duke from accepting philanthropy from companies that sponsor research, or that own or control products that are being studied or tested. Rather, the policy is intended to require the institution to develop means of identifying and examining such circumstances, and of managing, through disclosure, separation of responsibilities, and as otherwise appropriate, mitigate any actual or apparent conflicts of interest that may result. All gifts should be accepted in conformance with these policies and accepted by the development office for record-keeping purposes. All faculty and staff members are accountable for adhering to the institutional gift policy.

4. Establishment of an Institutional Conflict of Interest Committee
In order to review and manage Institutional COIs, a committee will be established that includes members who are not employed by Duke as well as senior Duke employees. A member of the General Counsel's Office will be a non-voting participant. The Committee will be advisory to the University Board of Trustees, which holds final authority regarding questions of Institutional COIs.

5. Management of Potential Institutional Conflicts of Interest
The reasons to manage Institutional COIs include: 1) To maintain the highest possible standards in research; 2) To adhere to all applicable federal and state regulations; 3) To maintain the primacy of the university’s educational mission; 4) To protect the reputation and credibility of the University, its faculty and staff. Based on those needs, the following basic principles will be applied in the management of potential Institutional COI:

A. When Duke itself has a significant financial interest:
   a. Human Subjects Research: There is a “rebuttable presumption” that human subjects research should not be carried out at Duke when the institution has a significant financial COI. In those situations where Duke faculty have unique capabilities, or where there are unique resources at the institution, the research may be performed at Duke after the establishment of a formal institutional management plan. This plan will include establishment of an oversight board for the project made up of non-Duke individuals. Other management steps may be required (e.g. use of a non-Duke IRB, external monitoring, etc).

   b. Non-Human Subjects Research: Because research subject safety is not an issue in the case of non-human subjects research, the primary reasons to manage Institutional COI focus on protection of the integrity of the University’s research and educational missions. If a decision is made by the Institutional
Conflict of Interest Committee that the potential value of a line of research exceeds the potential risks related to Institutional COI, management will usually include some form of oversight external provided from outside Duke. The level of oversight should be proportional to the risk to the institution’s reputation and/or educational mission.

B. When an individual in a supervisory administrative role has a conflict of interest:
   a. Human Subjects Research: In this situation, there is not the same “rebuttable presumption” made that the work cannot be performed, since in most cases alternative supervision can be arranged. The Institutional Conflict of Interest Committee should review the administrator’s role in relation to the research and to the researchers, the nature of the administrator’s conflict of interest, and should then formulate a plan so that an appropriately objective administrator can oversee the research for the institution.
   b. Non-Human Subjects Research: In most cases for this circumstance, an alternative administrator should be identified, and the conflicted administrator should voluntarily recuse themselves. The situation should be reviewed by the Institutional Conflict of Interest Committee to be certain no bias will introduced that could affect the research, the researchers, or any students working on the research project. If there is potential for bias or pressures, particularly in the case of a student, alternative supervision should be arranged by the Committee.
Attachment C

DRAFT MOTION TO CREATE THE “RESEARCH ADVISORY COMMITTEE” AS A NEW UNIVERSITY STANDING COMMITTEE

Background

George Mason University is Virginia’s largest public research university. Research is a key focus of its strategic plan and associated 10-year goals. In the last year, George Mason was also moved into the “Highest Research Activity” classifications, becoming one 115 universities in that top ranking.

Despite the clear and increasing importance of research at George Mason, there is currently no group of faculty devoted to considering and providing input on issues related to research at George Mason. The new VP of Research, Deborah Crawford, has indicated a desire for greater and more systematic faculty input on issues related to research. Given that research is anticipated to be a major focus of the University in the foreseeable future, there is a need for an established, continuing committee to fulfill this purpose.

Therefore, it is moved that:

Motion

1) The Faculty Senate create a new University Standing Committee entitled “Research Advisory Committee.”

2) The composition of the committee will include five tenure-line faculty members (at least one of whom is a Faculty Senator) elected by the Faculty Senate. These faculty members should represent a minimum of three different colleges/schools, with at least two faculty members at the level of Professor and at least two faculty members at the level of Associate Professor. These five elected members will serve staggered 3-year terms. Finally, the committee will include one ex-officio member, who is one of the two faculty representatives to the BOV Research committee.

3) The charge of the committee will be: “To work in concert with the Office of Research and its subsidiary offices (e.g., Office of Research Integrity and Assurance, Office of Sponsored Programs), as well as the Associate Vice President for Entrepreneurship and Innovation, in shaping the research initiatives and policies of the university. The committee will serve in an advisory capacity to the Vice President of Research, the Associate Vice President for Entrepreneurship and Innovation, and associated offices. In this role, the committee will meet at least twice per semester with the Vice President of Research, at least once per semester with the Associate Vice President for Entrepreneurship and Innovation, and as needed with other individuals and offices. The committee will provide a report on its activities to the Faculty Senate at least annually.”
Attachment D

Faculty Senate Resolution on Diversity, Inclusiveness, and Slavery

WHEREAS diversity and inclusiveness are core values of George Mason University, as evidenced by its recognition as one of the most diverse universities in the nation, by the Office of Diversity headed by a Vice-President, and by numerous references on Mason’s website; and

WHEREAS in Senate meetings during the Spring Semester of 2016, an intense debate occurred about how even the name of one local academic unit could stigmatize the entire institution and negatively affect both diversity and inclusiveness; clearly, many believe that names convey symbolic meanings and messages that are highly significant and are imbued with connotations; and

WHEREAS Mason’s namesake was a major slave owner who, although he opposed slavery in his speech and writings, nevertheless benefited from the institution of slavery throughout his life and did not free any of the thirty-six slaves listed by name in his will at his death so that his stance on slavery issues was, at best, equivocal and, at worst, hypocritical; and

WHEREAS other universities locally, statewide, and nationally (among them Georgetown, University of Virginia, William & Mary, Harvard, Yale -- see AGeorgetown joins other colleges in trying to atone for past ties to slavery, @ Washington Post, September 6, 2016, p. B4) are publicly acknowledging past ties to slavery and seeking atonement, but Mason has done little or nothing in this regard;

THEREFORE BE IT RESOLVED by the Faculty Senate that a Task Force be formed to report to the Senate how concerns about the vestiges of the university’s links to an unsavory past might be appropriately addressed and how to further diversity and inclusiveness in this context. The Task Force on Diversity, Inclusiveness, and Slavery shall consist of at least five tenured Faculty members and the the Vice-President for Diversity who will be invited to serve ex officio. The Task Force will formulate its own charge and procedures and will report to the Senate no later than April 2017.