The Faculty Senate will meet on Friday, February 19, 2010 at 2:10 p.m. in the State Room, 1957 E Street, N.W., 7th Floor.  (PLEASE NOTE THE CHANGE IN DATE FOR THE FEBRUARY MEETING)

AGENDA

1. Call to order

2. Approval of the minutes of the regular meeting of January 15, 2010, as distributed (minutes to be distributed)

3. A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO THE PARTICIPATION OF RESEARCH FACULTY IN THE GOVERNANCE OF THE SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (09/3) (Resolution 09/3 and the accompanying report is attached.) Committee on Professional Ethics and Academic Freedom

4 Introduction of Resolutions

5. Update on the Benchmarking and Programming Planning Process for the Proposed Science and Engineering Complex
   Senior Associate Vice President for Operations Alicia O’Neil
   Ballinger Architects:  Bill Gustafson and Craig Spangler

6. General Business
   a) Nominations for election of faculty members to Senate Standing Committees: Faculty Development, Including Academic and Administrative Support: Theodore M. Barnhill as Chair through April 30, 2010  (replacing Professor Costanza, who is on sabbatical); Physical Facilities: Maida R. Withers
   b) Report of the Executive Committee:  Lilien F. Robinson, Chair
   c) Chair's Remarks

7. Brief Statements (and Questions)

8. Adjournment

Elizabeth A. Amundson
Elizabeth A. Amundson
Secretary

Attachments
A RESOLUTION TO AMEND THE FACULTY CODE WITH RESPECT TO THE PARTICIPATION OF RESEARCH FACULTY IN THE GOVERNANCE OF THE SCHOOL OF PUBLIC HEALTH AND HEALTH SERVICES (09/3)

WHEREAS, Article I.B.1 of the Faculty Code requires that at least 75% of the regular, active-status faculty members in each school must hold either tenured or tenure-accruing appointments, except for (i) faculty in the Law School and in the College of Professional Studies, and (ii) faculty in the Medical Center who are “stationed at affiliated institutions”;

WHEREAS, Article I.B.1 of the Faculty Code requires that at least 50% of the regular, active-status faculty members in each department of a school must hold either tenured or tenure-accruing appointments, except for (i) faculty in the Law School and in the College of Professional Studies, and (ii) faculty in the Medical Center who are “stationed at affiliated institutions”;

WHEREAS, Article I.B.1. of the Faculty Code plays a vital role in supporting the University’s commitments to academic excellence and shared governance because:

(1) Article I.B.1. ensures that most regular, active-status faculty members will have an opportunity to earn tenured status and, accordingly, will have strong incentives to achieve excellence in teaching and scholarship by satisfying peer-reviewed standards of academic rigor, independence and objectivity; and

(2) Article I.B.1 also ensures that (i) faculty members who participate in governance of schools and departments will be regular, active-status faculty members who are engaged in all three major areas of faculty responsibility (namely, teaching, productive scholarship, and service to the University, professional bodies and the public) as set forth in Articles IV.A.6.b) and IV.B.1 of the Faculty Code, and (ii) the predominant group of such faculty members will have the opportunity to earn tenured status and thereby obtain appropriate independence in carrying out the shared responsibility of regular, active-status faculty in University governance pursuant to Article IX of the Faculty Code and Parts A through D of the Procedures for the Implementation of the Faculty Code (“Procedures”);

WHEREAS, the School of Public Health and Health Services (“SPHHS”) is a school that is subject, without exception, to the requirements of Article I.B.1 of the Faculty Code;

WHEREAS, as discussed in the attached report of the Faculty Senate Committee on Professional Ethics and Academic Freedom (“PEAF Report”), the composition of the regular, active-status faculty of the SPHHS has not complied with Article I.B.1 since the founding of the SPHHS in 1997;
WHEREAS, for more than seven years, the Faculty Senate and its Committees have made sustained efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, including the following:

(1) On April 14, 2002, the Faculty Senate adopted Resolution 01/11, in which the Faculty Senate called on the Dean of the SPHHS to develop a plan to bring the SPHHS into compliance with Article I.B.1 by the Fall semester of 2007, but the SPHHS failed to develop such a plan or achieve such compliance;

(2) In May 2008, the Executive Committee of the Faculty Senate sent a memorandum to the Dean of the SPHHS, in which the Executive Committee requested that the Dean of the SPHHS provide, not later than September 19, 2008, a detailed, comprehensive plan to bring the SPHHS into compliance with Article I.B.1. within a reasonable period not to exceed five years;

(3) On September 24, 2008, Interim Dean Josef J. Reum of the SPHHS sent the Executive Committee a preliminary draft of a plan to bring the SPHHS into compliance with Article I.B.1 within the requested five-year period, and the Executive Committee referred Interim Dean Reum’s draft compliance plan to a Special Joint Subcommittee on Compliance by the SPHHS with the Faculty Code (“Joint Subcommittee”),

(4) After consultation with the Joint Subcommittee, Interim Dean Reum submitted a revised compliance plan on February 2, 2009, and the Joint Subcommittee advised the Faculty Senate, at its meeting on March 13, 2009, that the revised compliance plan appeared to be feasible and appeared to provide a reasonable basis for bringing the SPHHS into compliance with Article I.B.1 by 2013;

(5) As shown on Figure 1 attached to the PEAF Report, based on information provided by the Office of Medical Center Faculty Affairs and Program Development (“OMCFAPD”), the number of regular, active-status faculty with tenured or tenure-accruing appointments in the SPHHS increased from 17 in 2007 to 29 in 2009, while the number of regular, active-status faculty with non-tenure-accruing (“NTA”) appointments increased from 20 to 30; and

(6) The Joint Subcommittee submitted a report to the Faculty Senate Executive Committee on October 26, 2009 (“Joint Subcommittee Report”), which expressed “reservations on the validity of the [the SPHHS compliance] plan as well as the guidelines being used to implement the proposed plan,” and the Report further explained that “our reservations center around the lack of specific Faculty Code compliance criteria and processes needed for legitimate search establishment and operations and [faculty appointment, promotion and tenure committee] selection and tenure issues.” The Joint Subcommittee Report specifically noted a “lack of formal process and criteria for faculty (and indeed Dean) selection, promotion and tenure” decisions at the SPHHS; and
WHEREAS, during its repeated efforts to persuade the SPHHS to come into compliance with Article I.B.1. of the Faculty Code, the Faculty Senate and its Committees have become aware of the very significant (and potentially decisive) role played by research faculty in the governance of the SPHHS, as follows:

(1) In the fall semester of 2008, the Faculty Senate Executive Committee began to discuss with the University Administration the launching of a search for a new Dean of the SPHHS that would comply with the Faculty Code;

(2) During the course of those discussions, the Executive Committee learned that the SPHHS has a large number of research faculty who do not hold regular, active-status appointments but who actively participate in the governance of the SPHHS pursuant to an asterisked footnote to Part A of the Procedures, on page 18, which provides: “In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate wherever the term ‘regular’ faculty appears in this document”;

(3) As explained in the PEAF Report, the footnote on page 18 of the Procedures was added to the Faculty Code in the mid-1970s, long before the founding of the SPHHS in 1997, and was intended to provide governance rights in the University’s Medical Center to clinical medical faculty and research medical faculty who worked in the four existing units of the Medical Center, all of which provided medical education and medical care services at that time (namely, the School of Medicine and Health Sciences, the University’s Hospital, the University’s Health Plan, and the University’s Medical Faculty Associates). Neither the Faculty Senate nor the University’s Board of Trustees specifically discussed the desirability of applying the footnote on page 18 of the Procedures to governance matters arising within the SPHHS when the SPHHS was established as a new school within the Medical Center in 1997;

(4) As discussed in the PEAF Report, the number of research faculty in the SPHHS has grown rapidly in recent years, during the same period of time that the Faculty Senate has repeatedly called upon the SPHHS to come into compliance with Article I.B.1 of the Faculty Code. According to information provided by OMCFAPD and shown on Figure 1 attached to the PEAF Report, the number of research faculty in the SPHHS has increased from 11 in 2002 to 26 in 2007 and 45 in 2009; and

(5) As further indicated in the PEAF Report, research faculty in the SPHHS have joined with NTA faculty to dominate the governance of the SPHHS since the school’s founding, as indicated by (i) service by research faculty as voting members of committees that determine the appointment, promotion and tenure of regular, active-status faculty members within the SPHHS, and (ii) most recently, the refusal by research faculty and NTA faculty in the SPHHS to agree to a...
Dean’s search process that would conform to Part C.2. of the Procedures by establishing a core search committee consisting solely of tenured faculty members. Instead, despite the intervention of the Executive Vice President for Academic Affairs, the core search committee established for the current Dean’s search in the SPHHS includes five tenured faculty members, two faculty members who hold NTA appointments and two research faculty; and

WHEREAS, members of the research and NTA faculty in the SPHHS are frequently appointed on short-term contracts, may be subject to substantial influence from the administration of the SPHHS and therefore lack the scholarly independence that a tenured faculty position confers and requires; and

WHEREAS, in schools within the University outside the Medical Center, research faculty do not participate in the governance of schools and departments because they do not hold regular, active-status appointments under Article I.B.1 of the Faculty Code and, instead, hold research staff appointments under Article I.B.4 of the Faculty Code. Consequently research faculty in schools outside the Medical Center are not counted for purposes of applying the 75% and 50% requirements set forth in Article I.B.1; and

WHEREAS, research faculty do not enjoy comparable rights of participation in the governance of the schools of public health at The Johns Hopkins University and Columbia University, which are schools with nationally-recognized standards of academic excellence that the SPHHS aspires to emulate and surpass; and

WHEREAS, even if the SPHHS achieved compliance with the 75% and 50% requirements set forth in Article I.B.1 of the Faculty Code, the continued participation of research faculty in the governance of the SPHHS pursuant to the asterisked footnote on page 18 of the Procedures would defeat the purposes of Article I.B.1. Under those circumstances, the combined numbers of research and NTA faculty could still prevent tenure-accruing faculty from exercising their Code-guaranteed rights to develop academic standards of excellence in the SPHHS with respect to (i) the appointment, promotion and tenure of faculty, (ii) the appointment of academic administrative officers, and (iii) the development of curriculum and academic programs; and

WHEREAS, the Faculty Senate therefore believes that the SPHHS will not achieve true compliance with Article I.B.1 of the Faculty Code and Parts A through D of the Procedures, and will not fulfill the University’s aspirations for academic excellence, unless the asterisked footnote on page 18 is amended to remove the SPHHS from the scope of that footnote;

NOW, THEREFORE, BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY

1. That the asterisked footnote to Part A of The Procedures for the Implementation of the Faculty Code (“Procedures”), on page 18, be amended to read as follows:
In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term “regular” faculty appears in this document.

2. That, upon adoption of the foregoing amendment by the University’s Board of Trustees, the Dean of the School of Public Health and Health Services (“SPHHS”) shall take immediate steps to develop governance procedures for the SPHHS that shall bring the SPHHS into full compliance with Parts A through D of the Procedures not later than December 31, 2010.

3. That the Dean of the SPHHS shall submit a report to the Faculty Senate Executive Committee not later than January 31, 2011, describing the steps taken by the SPHHS to achieve full compliance with Parts A through D of the Procedures.

4. That the report by the Dean of the SPHHS referred to in Paragraph 3, above, shall also (i) describe the progress made by the SPHHS in moving toward full compliance with Article I.B.1 of the Faculty Code and (ii) provide an estimated date for achieving full compliance with that provision.

Committee on Professional Ethics and Academic Freedom of the Faculty Senate December 18, 2009
Report by the Faculty Senate Committee on Professional Ethics and Academic Freedom on Participation by Non-Tenure-Track Faculty and Research Faculty in the Governance of the School of Public Health and Health Services

December 18, 2009

Background

In the mid-1970s, an asterisked footnote was added to the GWU Faculty Code. That footnote, found on page 18 of the Faculty Code, states: "In the governance of the Medical Center, all faculty eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term 'regular' faculty appears in the document." In the mid-1970s the Medical Center was comprised of four University-owned and controlled entities, all of which were engaged in providing medical education and medical care services: the GWU Medical School, the GWU Medical Faculty Associates, the GWU Hospital, and the GWU Health Plan. Establishment of the School of Public Health and Health Services (SPHHS) did not occur until 1997—two decades later.

Current Situation

The Medical Center Faculty Organization Plan states in Article II. The Medical Center Faculty Assembly, Section 1. Membership, that:

The voting membership of the Faculty Assembly shall consist of all faculty members in the following grades of academic service:

1. Professor, Associate Professor, Assistant Professor, Instructor.
2. Clinical Professor, Professorial Lecturer, Associate Clinical Professor, Associate Professorial Lecturer, Assistant Clinical Professor, Clinical Instructor, Lecturer, Special Lecturer, Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, Adjunct Instructor.
3. Research Professor, Associate Research Professor, Assistant Research Professor, Research Instructor

In addition, such members of the Administrative Board as might not otherwise be qualified for membership shall be members of the Faculty Assembly.
The foregoing list includes the full range of faculty ranks included in the Medical Center Faculty Assembly. No distinction is made as to whether voting members of the Medical Center Faculty Assembly are tenured or nontenured faculty, or whether voting members hold regular, active-status appointments or research appointments. The footnote on page 18 of the Faculty Code has been interpreted to mandate that all like-designated faculty members in the SPHHS are eligible to vote, in the same manner as regular active-status faculty, on all matters pertaining to governance of the SPHHS.

The long-term impact of the footnote on page 18 has resulted in undue influence over the governance of the SPHHS by non-tenure-track (NTT) regular, active-status faculty and by research faculty, who total 75 in 2009. In contrast, only 28% (29 of 104) of the faculty members in the SPHHS in 2009 are regular, active-status faculty members with tenured or tenure-track appointments (please see Figure 1, attached). As also shown on Figure 1, the composition of the regular, active-status faculty in the SPHHS has not complied at any time since the school’s founding in 1997 with Article I.B.1. of the Faculty Code. Article I.B.1. requires that at least 75% of the regular, active-status faculty in the SPHHS, and at least 50% of the regular, active-status faculty in each department, must hold tenured or tenure-accruing appointments.

A plurality of the NTT and research faculty in the SPHHS is located in the Department of Health Policy. Figure 1 shows the very significant growth of NTT and research faculty in the SPHHS, especially since 2003. The number of NTT faculty has grown from 11 to 30 between 2003 and 2009, while the number of research faculty has increased from 12 to 45 during the same time period. The information on Figure 1 was provided by the Office of Medical Center Faculty Affairs and Program Development.

As indicated above, the footnote on page 18 of the Faculty Code makes no distinction between tenured and untenured faculty, or between regular, active-status faculty and research faculty. NTT and
research faculty are ineligible for tenure. Unprotected by tenure, NTT and research faculty members are at significant risk of control and undue influence by administrators in the units in which they are appointed.

Consequences of the Footnote on Page 18

In violation of Part B.2. of the Procedures for the Implementation of the Faculty Code, research faculty have served on appointment, promotion and tenure (APT) committees within departments of the SPHHS. Also in violation of Part B.2., research and NTT faculty serving on APT committees have voted on recommendations for faculty appointments with tenure.

A recent example of the undue influence of NTT and research faculty can be found in AY 2008-2009, when tenured faculty in the SPHHS sought to develop a Code-compliant dean search process. The tenured faculty’s efforts to establish a Code-compliant search process were thwarted repeatedly during a year-long effort because the footnote on page 18 of the Faculty Code allowed NTT and research faculty to participate fully. This problem could not have occurred in any school of the University outside the Medical Center. Despite numerous meetings with, and mediation by, the Executive Vice President for Academic Affairs (EVPAA), the efforts to establish a Code-compliant process were deadlocked. Finally, in July 2009, the EVPAA acted to establish a dean search committee that is a hybrid of tenured (5 members) and NTT and research (4 members) faculty. This dean search committee (and, therefore, the dean search process) does not comply with Part C.2. of the Code Procedures. It has been characterized, however, as a one-time exception to the requirements of the Faculty Code that recognizes (and remedies) the impasse that the presence of the footnote on page 18 had caused within the SPHHS, in order to initiate the long-delayed start of the SPHHS dean search.

A review of the Columbia University Faculty Handbook and the policies and procedures issued by the office of the dean of The Johns Hopkins University Bloomberg School of Public Health reveals no comparable provisions that grant research faculty the level of participation in governance that they have in
the SPHHS. Research faculty members at these two prominent schools of public health are recognized in various ways, but they are not given full and equal participation in governance.

The unintended consequences of the footnote on page 18 of the *Faculty Code*, which clearly undermine Code-compliant faculty governance in the SPHHS, must be remedied if similar problems are to be avoided in the future.

Faculty Senate Committee on Professional Ethics and Academic Freedom
December 18, 2009
<table>
<thead>
<tr>
<th>Year</th>
<th>Non Tenure Track</th>
<th>Research</th>
<th>Tenure/Tenure Track</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>7</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>1998</td>
<td>10</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>1999</td>
<td>11</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>2000</td>
<td>9</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>2001</td>
<td>9</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>2002</td>
<td>10</td>
<td>11</td>
<td>13</td>
</tr>
<tr>
<td>2003</td>
<td>11</td>
<td>12</td>
<td>16</td>
</tr>
<tr>
<td>2004</td>
<td>18</td>
<td>13</td>
<td>15</td>
</tr>
<tr>
<td>2005</td>
<td>22</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td>2006</td>
<td>20</td>
<td>18</td>
<td>17</td>
</tr>
<tr>
<td>2007</td>
<td>24</td>
<td>26</td>
<td>21</td>
</tr>
<tr>
<td>2008</td>
<td>30</td>
<td>32</td>
<td>29</td>
</tr>
<tr>
<td>2009</td>
<td></td>
<td>45</td>
<td></td>
</tr>
</tbody>
</table>

**Figure 1**

School of Public Health and Health Services
Non Tenure, Research and Tenure/Tenure Track Faculty 1997-2009

**Prior to 2004 - no tenure track**