

**EXECUTIVE COMMITTEE OF THE BOARD OF VISITORS
GEORGE MASON UNIVERSITY**

**Meeting of
Thursday, September 28, 2023
Merten Hall, Hazel Conference Room (1201)**

MINUTES

PRESENT: Rector Horace Blackman, Vice Rector Jon Peterson, Visitors Reginald Brown and Wendy Marquez.

ABSENT: Secretary Michael Meese

ALSO, PRESENT: Visitors James Hazel, Robert Pence and Charles Stimson; Melissa Broeckelman-Post, Faculty Representative; Will Gautney, Staff Liaison; Paul Wyche, Undergraduate Student Representative; Gregory Washington, President; Ken Walsh, Executive Vice President for Strategic Initiatives and Chief of Staff; Mark Ginsberg, Provost and Executive Vice President; Deb Dickenson, Executive Vice President for Administration and Finance; Anne Gentry, University Counsel; and Sarah Hanbury, Secretary pro tem.

I. Call to Order

Rector Blackman called the meeting to order at 8:03 a.m.

II. Approval of Minutes

A. Executive Committee Meeting Minutes for July 29, 2023 (**ACTION ITEM**)

Rector Blackman **MOVED** that the committee approve the Executive Committee Meeting Minutes for July 29, 2023. The motion was **SECONDED** by Vice Rector Peterson. The **MINUTES STOOD APPROVED AS WRITTEN**.

III. Rector's Comments

Rector Blackman was pleased to relay that Foster's Grille is serving lunch today in light of the gift from the namesake of the Donald G. Costello College of Business who also owned Foster's. Rector Blackman encouraged participation in the Mason Now: Power the Possible Faculty and Staff Reception following the conclusion of the full board meeting on the Merten Hall lawn.

IV. President's Comments

Dr. Washington reserved his comments for the full board meeting.

V. Closed Session

- A. Honorary Degrees and Special Awards (Code of VA: §2.2-3711.A.11)
- B. Personnel Matter (Code of VA: §2.2-3711.A.1)
- C. Consultation with Legal Counsel pertaining to actual or probable litigation (Code of VA: §2.2-3711.A.7)
- D. Consultation with Legal Counsel regarding specific legal matters requiring the provision of legal advice (Code of VA: §2.2-3711.A.8)

Vice Rector Peterson **MOVED** that the committee go into Closed Session under the provisions of Section 2.2-3711.A.11, for Honorary Degrees and Special Awards; Section 2.2-3711.A.1 to discuss President Washington's contract and a university investigation; Section 2.2-3711.A.7, for Consultation with legal counsel pertaining to actual or probable litigation including briefings on:

Agrawal v. GMU
Amison v. GMU et al
Ganley and Surber v. GMU et al.
Jeong v. GMU et al
Kinuani v. GMU
Morrison v. GMU et al.
Ukor v. GMU

and Section 2.2-3711.A.8 for Consultation with Legal Counsel regarding specific legal matters requiring the provision of legal advice concerning the aforementioned items, a university review and admissions policies. The motion was **SECONDED** by Visitor Brown. **MOTION CARRIED UNANIMOUSLY.**

Following the closed session, Vice Rector Peterson **MOVED** that the Executive Committee go back into public session and further moved that by roll call vote the committee certify that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the committee. Any member of the committee who believes that there was a departure from the requirements as stated above, shall so state prior to the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

ALL PRESENT COMMITTEE MEMBERS RESPONDED IN THE AFFIRMATIVE BY ROLL CALL.

VI. Adjournment

Rector Blackman adjourned the meeting at 8:14 a.m.

Prepared by:

Sarah Hanbury
Secretary pro tem

**BOARD OF VISITORS
GEORGE MASON UNIVERSITY**

**Meeting of
Thursday, September 28, 2023
Merten Hall, Hazel Conference Room (1201)**

MINUTES

PRESENT: Rector Horace Blackman, Vice Rector Jon Peterson, Secretary Michael Meese, Visitors Armand Alacbay, Reginald Brown, Lindsey Burke, Anjan Chimaladinne, Dorothy Gray, James Hazel, Dolly Oberoi, Robert Pence, Nancy Prowitt and Robert Witeck.

PRESENT VIRTUALLY: Visitor Jeffrey Rosen and Erin Iacangelo, Previous Staff Liaison.

ABSENT: Visitor Marquez.

ALSO, PRESENT: Melissa Broeckelman-Post, Faculty Representative; Will Gautney, Staff Liaison; Paul Wyche, Undergraduate Student Representative, Vikas Velagapudi, Graduate Student Representative; Gregory Washington, President; Ken Walsh, Executive Vice President for Strategic Initiatives and Chief of Staff; Mark Ginsberg, Provost and Executive Vice President; Deb Dickenson, Executive Vice President for Administration and Finance; Anne Gentry, University Counsel; and Sarah Hanbury, Secretary pro tem.

I. Call to Order

Rector Blackman called the meeting to order at 2:21 p.m.

Rector Blackman relayed that in accordance with the Electronic Meeting Policy, Visitor Rosen requested to participate remotely due to a personal matter. Due to Visitor Rosen's need to be in Boston as a Fall 2023 IOP Fellow at Harvard's Kennedy School, the Rector approved his remote participation request and due to this voting would be accomplished by roll call.

Rector Blackman stated that the board is accepting public comments at this session and that registration for making oral comments was open until 9:30 a.m. on Monday, September 25 through the form on the Board of Visitors website. No registrations for oral comments were received. Two written comments were received, they were provided to the Board and will be made a part of the public record of this meeting. In addition, written comments will be accepted on the same form until the full board meeting adjourns this afternoon.

II. Recognition

A. Appreciation Plaque Presentation to Outgoing Staff Liaison

Rector Blackman recognized Erin Iacangelo who served as the staff liaison to the board from 2021-2023. Ms. Iacangelo thanked the Board for the recognition and apologized that she could not attend in person. Ms. Iacangelo expressed that serving as the Staff Senate Chair was a pleasure and an incredible opportunity. Ms. Iacangelo stated that at times staff can feel invisible, especially at a large university, and being seen and heard by the Board means so much. Ms. Iacangelo learned a lot about the inner workings of Mason and the crucial role this Board serves. Ms. Iacangelo thanked the Board for their work and the time they have put in for the betterment of Mason. Ms. Iacangelo is pleased to have Will Gautney as her successor. Ms. Iacangelo concluded by thanking the Board Members, Rector Blackman and President Washington.

Rector Blackman presented Ms. Iacangelo with a plaque of appreciation for her contributions to the Board.

III. Approval of Minutes

- A. Planning Conference Minutes for July 27, 2023 (ACTION ITEM)**
- B. Annual Meeting Minutes for July 28, 2023 (ACTION ITEM)**

Rector Blackman called for any corrections to the minutes for the Planning Conference on July 27, 2023 and the Annual Meeting on July 28, 2023, that were provided for review in the board meeting materials. Hearing no corrections, Rector Blackman **MOVED** to approve the minutes. The motion was **SECONDED** by Secretary Meese. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

Yes – 15

Absent – 1 – Visitor Marquez

IV. Rector's Report

Rector Blackman reported the following items:

- The 2023 SCHEV BOV Orientation is scheduled for Tuesday and Wednesday, November 14-15, 2023 at the Lewis Ginter Botanical Garden in Richmond. He noted that attendance fulfills the requirements for new board members along with the continuing education obligation for board members with two or more years of service.
- Each Board member is required to file an annual financial disclosure through the Virginia Conflict of Interest and Ethics Advisory Council portal. The filing period to submit the financial disclosure through the portal is January 1 through February 1, 2024, covering the reporting cycle of January 1 through December 31, 2023.
- Upon entering a new academic and board year, it would be helpful when Board members have requests of the Mason leadership to provide those directly to the Rector, Vice Rector or Secretary and they will follow through with coordination. This approach is an attempt to streamline the request process and will hopefully assist with avoiding duplication.
- Encouraged participation in the Mason Now: Power the Possible Reception following this meeting on the Merten lawn.
- The Board of Visitors, Board of Trustees and Alumni Association Board Recognition Reception is Wednesday, October 18 at the Mathy House beginning at 6:30 p.m.
- Winter Commencement is Thursday, December 14, 2023, at EagleBank Arena and the ceremony begins at 9:30 a.m.
- Recognized Visitor Rosen for an announcement confirming the nature of his service to the Board as required by the policies of his law firm, Cravath, Swaine & Moore LLP (**ATTACHMENT 1**).
- Visitor Burke was invited to address the Board. She relayed that as director of the Center for Education Policy at the Heritage Foundation, she oversees research on early childhood, elementary, secondary and higher education. When Dr. Jay Green approached her about conducting research on the diversity, equity and inclusion (DEI) infrastructure in Virginia, as an extension of his existing research on the topic across the country, she immediately recused herself from the process of reviewing or editing the paper. A different vice president at Heritage reviewed and edited the report. She played no role in the development or publication of the report. The authors are eager to discuss the research with Mason's leadership.

This concluded the Rector's Report.

V. President's Report

- A. FY 2024 Goals Discussion (ACTION ITEM)**

Dr. Washington provided the following highlights:

- Who we are:
 - Graduated and enrolled the largest and most diverse classes ever. Mason is bringing in and graduating high-level students with a large percentage of them getting jobs upon graduation.

- About 30% of Mason's students come from an impoverished background which is changing Virginian families' lives.
- From a cost perspective, Mason is operating more efficiently than any other four-year institution in Virginia.
- Mason managed 27 small business development centers in Virginia and last year these centers had a \$3.36 billion economic impact on the state.
- A Great Year, So Far:
 - In FY 24 Mason has the highest enrollment of all time with the smartest and most diverse student body which typically doesn't coincide.
 - Mason had the best ranking performance in the history of this campus. Next to going to the final four, the increase in rankings is going to have the biggest impact on enrollment.
 - FY 23 had the best research award growth and was the best fundraising year.
 - Launched Mason's first billion-dollar campaign.
 - FY 23 had the best athletics performance with Mason winning three A10 Conference championships.
- Unprecedented Rankings Performance:
 - US News Rankings:
 1. Mason 105 against all universities which is a 32-spot increase from where Mason was. Mason jumped 32 institutions in one year.
 2. Mason is now ranked 51 against public universities which is a 13-spot increase.
 - Wall Street Journal Rankings:
 1. Mason is up 84 spots among all institutions and up 62 spots among public universities.
 - Forbes Rankings:
 1. In alignment with the rankings of the US News and Wall Street Journal.
 - Washington Monthly Rankings:
 1. Mason has the smallest ranking movement here.
 - FIRE Rankings:
 1. Their rankings are focused on how institutions manage free speech. Mason moved up seven spots to break the top 10.
 2. Mason was ranked number one in Virginia but is now number two, behind the University of Virginia (UVA).
 - Social Mobility:
 1. Many ranking entities now include social mobility which centers around how well institutions are helping people move from one economic stratification to another.
 2. All ranking organizations rank Mason first in Virginia.
- Our Plan for Success – FY 2024:
 - Engage Everyone:
 1. Mason Virginia Promise, which is the ADVANCE program, will extend to more institutions across the state. About 18% percent of students who graduate from a community college receive a four-year degree. At Mason, 86% of the students who enter through the ADVANCE program leave with a four-year degree within six years.
 2. Engaging Spanish language students.
 3. Currently launching the Direct Entry program. Within the next five years, it is believed that every university will utilize direct entry to engage students.
 - Manage Cost Uncertainty:
 1. Implemented a plan to improve Mason's budget situation by \$10 million this year, with \$7 million reductions made to date.
 - Partner or Perish:
 1. Moving forward will be talking about two external partnerships.
 2. Will continue to invest in Mason's faculty and staff.
 - FY 2024 Goal Additions:
 1. \$10 million in cost reductions.

2. Maintenance of FIRE and LGBTQ rankings.
- Project Overview – West Campus Expansion
 - Mason’s athletic facilities need an update and state support is not expected; the goal is to partner with private industry to expand West Campus.
 - Why Expand West Campus?
 - The current facilities are obsolete.
 1. The field house was built in 1982 which is obsolete structurally as are the facilities within it.
 2. The baseball field doesn’t have lights.
 3. The track needs work.
 4. Lacking soccer and training facilities.
 - There are 192 acres of undeveloped land, which is the largest undeveloped plot of land closest to Washington D.C. Because of this there are private industries interested in partnering with Mason.
 - Market Opportunity Study:
 - Brailsford & Dunlavy was brought in to take a look and talk to developers across the region to determine what type of markets make sense. All of the following markets were strong except for office:
 1. Rental Housing
 2. For-Sale Housing
 3. Retail
 4. Venues
 5. Hotel and Conference
 6. Office
 - Optimal Partnership Structure:
 - Traditional Development:
 1. Money, people and time are necessary to follow the traditional development route. This framework wouldn’t work for Mason as it has challenges in all three categories.
 - Concessionaire Development and Equity Development:
 1. Either concessionaire development or equity development makes the most sense for Mason.
 2. Concession development is university owned, privately operated and developer financed.
 3. Equity development is developer owned, privately operated and financed through a ground lease.
 4. These development structures do not require much money from the academic institution but do require Mason to share the facilities with external entities.
 - Baseball/Major League Cricket Stadium:
 - Entered into a memorandum of understanding (MOU) with entrepreneur Sanjay Govil to start investigating if a stadium is feasible.
 - Cricket is the second most popular sport in the world and in India it is the most popular sport. 45% of Mason’s international graduate students are from India.
 - If adding cricket is successful, Mason will have the best baseball stadium in the Atlantic 10 Conference.
 - Process of Evaluation:
 - Mission – Is the project in alignment with our basic values and ideals? Does it ultimately support our students, faculty and staff?
 - Leverage – Given that the campus is resource constrained, does the project have the proper fiscal support to not burden the university?
 - Resource Generation – Can this be a source of revenue generation? Have a number of potential partners lined up that President Washington would like to begin introducing to the Board for their input.
 - The Heritage Foundation Controversy:
 - Last week the Heritage Foundation issued a report accusing Virginia and in particular Mason, of “dangerous DEI bloat.”
 - There are three challenges with the report:
 1. Indexing DEI staff to tenured/tenure-track faculty instead of students. The DEI staff serves the students and they should be indexed and not tenure track faculty.

2. Classification of the number of DEI staff at Mason. The Heritage Foundation sent Mason a list of all the individuals who are listed as DEI staff on Mason's website. Upon checking the list, more than half of those entities are students. Mason has work study and federally funded programs that are work study programs and student interns that are going through experiential learning in on-campus, part-time jobs. These students were considered full-time DEI staff, which they are not, and accounted for more than half of the list.
 3. Focus on Power 5 athletic conference schools and Mason. Mason was the only non-Power 5 school in the cohort that was examined.
 - Advocated to create a university committee to review these results and would like to provide names to Rector Blackman for consideration.
- Dr. Washington presented a table that outlines the data/numbers from the Heritage Foundation. Please refer to the meeting materials and video for specifics: <https://vimeo.com/showcase/8557205/video/870393383>.

This concluded Dr. Washington's first report of the 2023-2024 academic year. Rector Blackman requested that Visitor Burke participate on the university committee which will perform an analysis of Mason's DEI staff, provided there were no objections from the Board, which there were not. Visitor Witeck and Dr. Melissa Broeckelman-Post volunteered to serve on the committee. Paul Wyche spoke to DEI and the West Campus expansion. Significant discussion ensued, please refer to the video for specifics: <https://vimeo.com/showcase/8557205/video/870393383>.

Rector Blackman **MOVED** to approve Dr. Washington's updated FY 2024 Goals. The motion was **SECONDED** by Visitor Chimaladinne. There was no discussion. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

Yes – 15

Absent – 1 – Visitor Marquez

VI. Faculty Action Process

Rector Blackman invited Provost Ginsberg to provide a review of the tenure process due to the significant discussion regarding the faculty action process at the Annual Meeting. Rector Blackman relayed that this process was also reviewed at the Academic Programs, Diversity and University Community Committee meeting earlier that day. Provost Ginsberg began by noting the tenure review process is comprehensive, clear, and transparent and continued with the following overview:

- Tenure Faculty Promotion:
 - There are three ranks for tenure-line professors:
 1. Assistant or Associate Professor (Pre-Tenure)
 - Hired on qualification, achievement and potential for growth on an initial three-year contract.
 - They are evaluated toward the middle part of their second year about the possibility of returning for a second three-year contract.
 - Most are awarded a second contract but some individuals leave the university after the initial three-year contract.
 2. Associate Professor (Without Term):
 - Towards the middle of the fifth year of their second contract, faculty members have the opportunity to prepare a dossier for tenure which can take several forms:
 - Assistant or associate professors in the pre-tenure period who stand for tenure.
 - An associate professor who is an associate professor without term. They have the opportunity to stand for promotion to full professor. This is usually six or seven years after being awarded tenure but is not a requirement.

- There is no explicit requirement for an associate professor to stand for promotion to full professor. Most do, but there are some who remain at the associate level.
 - In order to be promoted to associate professor, they must demonstrate genuine excellence in teaching or in research/scholarship and evidence of university service.
 - Provide evidence that their contributions have an impact that goes beyond the boundaries of this university.
- 3. Full Professor (Without Term):
 - Demonstrate genuine excellence in teaching or research/scholarship and evidence of university service.
 - Provide evidence of significant impact beyond the boundaries of the university must be much more substantial than in cases involving tenure or promotion to the rank of associate professor without term.
- Promotion and Tenure Portfolio, Required Materials:
 - Provide a comprehensive statement about teaching/mentoring and research, including future plans.
 - Employment chronology, particularly at Mason and before.
 - Current curriculum vita, to include clear evidence about research and scholarship.
 - Evidence for research and scholarly achievement, as well as teaching effectiveness, student evaluations and external letters of review.
 - Mason seeks a minimum of five external letters and other materials including an evaluation of teaching that speaks to the impact of the candidate's research, scholarship, and/or creative work. These letters are sent to Mason on a confidential basis, not to be provided by nor reviewed by the candidate. These external letters are reviewed internally by the university.
- Promotion and Tenure, Process:
 - Is minimally a year-long review process with seven steps:
 1. Departmental review by the LAU first-level promotion and tenure committee.
 2. All materials are reviewed by the LAU Chair of the candidate's college/school.
 3. Review conducted by second-tier college/school-level review committee.
 4. All materials are reviewed by the dean of the candidate's college/school.
 5. The complete dossier is reviewed by the provost who recommends actions to the President.
 6. After review of the dossier, the president makes a recommendation to BOV.
 7. The BOV confers promotion/tenure or promotion of tenured faculty to the rank of professor.

Dr. Provost Ginsburg concluded that this process is undertaken with great care. Following Provost Ginsberg's presentation brief conversation ensued, please refer to the video for specifics:

<https://vimeo.com/showcase/8557205/video/870393383>.

Given that this is Provost Ginsberg's last report before transitioning to the presidency of Towson University, Rector Blackman thanked him for his service, commitment and dedication to Mason. Provost Ginsberg thanked Rector Blackman and replied that it has been the greatest honor of his professional life to serve as Provost and a great honor to serve with a great colleague and a dear friend in President Gregory Washington. Applause ensued.

VII. Committee Reports

A. Development Committee

Visitor Chimaladinne briefed the board on the topics presented and discussed during the Development Committee meeting, which included:

- Board of Trustees (BOT) – Michael E. Stievater, Foundation Chair

- The foundation was happy to report that the endowment returned a positive 15%, and the market value on June 30 was \$179 million. The endowment paid out \$5 million in support for university students, faculty, and programs.
- Advancement and Alumni Relations – Ms. Trishana Bowden, Vice President, Advancement and Alumni Relations/President
 - In FY 2023, Mason had a historic fundraising year, amassing \$139.3M by the end of June. This fiscal year, we have already raised over \$18.4 million, and two of the colleges, the College of Engineering and Computing and the College of Public Health are over 50 percent of the way towards their FY 2024 goal.
 - In conjunction with the Office of the President, invitations were extended to each BOV member to the following events.
 1. ARTS by George!, will be held on Saturday, September 30. This signature College of Visual and Performing Arts event benefits student scholarships and our community arts programs.
 2. On November 30, Mason will mark a meaningful transformation for the School of Business with the official renaming celebration of the Donald G. Costello College of Business.
 3. The kick-off of the Mason Now campaign for faculty and staff engagement occurs after this meeting. BOV members were encouraged to attend.
- Foundation Overview – Ms. Beth Cantrell, Chief Financial Officer of the Mason Foundation, Inc.
 - Shared an overview of the George Mason University Foundation, Inc. with the committee, covering its mission, history, structure, function, and financial highlights from the 2023 fiscal year.
- Campaign Priorities – Dean Ken Randall, Antonin Scalia Law School
 - Presented the law school's Mason Now campaign priorities. The dean discussed the school's progress, rankings, graduate enrollment, development income, and campaign support for the school's next era of growth.

There were no action items from the committee to bring before the full board.

B. Audit, Risk, and Compliance Committee

Visitor Oberoi briefed the board on the topics presented and discussed during the Audit, Risk and Compliance Committee meeting, which included:

- The Committee was briefed by Senior Vice President Jackie Ferree and Vice President Frank Strike on Mason's program to assess the condition of facilities and determine action priorities and plans:
 - The Facilities Condition Assessment program maintains a comprehensive inventory of Mason's facilities. The condition of facility components, such as exterior closure, roofing, plumbing, HVAC, fire protection, and many more, are inspected at least once every three years. Based on these inspections, and assessments, component conditions are managed based on risk to the facility function. Condition thresholds are in place to inform 'repair or replace' actions. Annual action plans, in conjunction with three, five, and ten-year roadmaps, are developed and prioritized in consideration of health and safety; support for mission; student experience; sustainability and resiliency; and continuity of operations. They discussed the application of the program for three recent projects: Horizon Hall, Harris Theatre, and the Aquatic and Fitness Center.
- The Committee completed its annual review and approval of the Committee's Charter and the Office of Audit and Compliance Charter.
 - Minor revisions to the Committee charter were made to reflect the Committee's May 2023 action to adjust the Office of Audit and Compliance charter to reflect the resumption of the enterprise risk management program as an integral component of the Finance and Administration organization reporting to the Executive Vice President. The Committee Charter continues to align with the Board's bylaws.
 - Received the annual confirmation of the organizational independence of the Office of Audit and Compliance. The Committee concurred with this conclusion.

- The Committee reviewed the reports covering audit, audit planning, compliance, and management’s program to strengthen the IT control infrastructure included in the materials on BoardEffect:
 - The audit team continues to make satisfactory use of co-sourced professionals to accomplish audit work while continuing their searches to fill open Senior Auditor positions. The Committee will continue to monitor audit resourcing carefully.

There were no action items from the committee to bring before the full board.

C. Academic Programs, Diversity and University Community Committee

Visitor Burke briefed the board on the topics presented and discussed during the Academic Programs, Diversity and University Community Committee meeting, which included:

- Provost Mark Ginsberg provided an update for the fall 2023 semester and a retrospective of his time as provost as he departs Mason this fall to become president of Towson University. He gave an overview of the provost’s office and its efforts to enhance access to excellence and opportunity for Mason students. In Fall 2023, Mason enrolled over 40,000 students and welcomed new students during move-in and convocation. Provost Ginsberg gave a review of the modality of instruction, detailed that Mason's rankings have seen an upward trajectory, and highlighted faculty honors. He discussed faculty promotion and tenure policies and then reflected on accomplishments during his tenure as provost across many critical domains, including students, faculty, and administrative leadership.
- David Burge, Vice President for Enrollment Management, and Alan Byrd, Dean of Admissions, reported on Admissions and Enrollment for the Fall 2023 semester. At the time of their report, Mason’s overall enrollment reached over 40,000 students. They also provided a brief overview of Mason’s admissions processes. Those processes are race-neutral and efforts are made to find reasons to include someone in the Mason community, welcoming everyone who is academically prepared for the rigors of study. When students apply to Mason, they are evaluated on their high school academic performance, extracurricular and community activities, and personal essays. Mason reports an admission rate of approximately 90 percent for undergraduates.
- Before making a motion to approve the action items, Visitor Burke gave the floor to Dr. Washington to say a few words about Provost Ginsberg. Dr. Washington stated that there is a reason why Provost Ginsburg is going to be the next president of Towson University, when looking across Virginia and the region he has no peer. Dr. Washington concluded by congratulating Provost Ginsburg. Applause ensued.

Visitor Burke **MOVED** to approve the following two (2) action items, en bloc, as provided in the meeting materials:

1. Resolution to appoint Mike Meese as the Board of Trustee Member for the Online Virginia Network Authority for George Mason University (**ATTACHMENT 2**) and;
2. Faculty Actions
 - a. Conferral of Emeritus/Emerita Status (**ACTION ITEM**)

The motion was **SECONDED** by Visitor Hazel. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

Yes – 15

Absent – 1 – Visitor Marquez

D. Finance and Land Use Committee

Visitor Pence briefed the board on the topics presented and discussed during the Finance and Land Use Committee meeting, which included three (3) action item that require full Board approval:

- The Committee voted to approve the Amended FY 2024 Budget, which amends the baseline budget scenario that was approved in May to reflect the following changes:
 - The final FY24 State budget granted additional General Fund allocations for affordable access and operations, financial assistance, and an increase in the cost-share for the 2% salary increase.
 - Mason also projects higher Fall 2023 enrollment growth, improved interest income, and a net positive financial impact from anticipated real estate acquisitions.
 - The net result of these changes is a \$23 million improvement in Mason’s All Funds Operating Budget shortfall, reducing it to \$9 million, and an improvement of \$6.3 million in the projected E&G Operating Budget shortfall to \$35.1 million.
 - The FY24 amended budget will not result in a deficit, as the amended budget shortfalls will be mitigated with cost containment, operating efficiencies, and other strategies.
 - Per the committee's direction the Antonin Scalia Law School will be exempted from budget reduction in the FY24 budget with the offset coming from Mason’s Reserves.
 - The FY24 Capital Budget amendment would increase the planned drawdown of fund balances to \$129 million, from the approved \$22 million, in preparation of the acquisition of Vernon Smith Hall. The final FY24 State budget also allocated an additional \$1.2 million in capital appropriations for Maintenance Reserves.
- The Committee voted to approve a new Incentive Retirement Plan to encourage the voluntary retirement of eligible tenured faculty as a standing policy for this and future retirement incentive offerings.
 - The FY24-FY25 plan has been enhanced from previous offerings to encourage participation while providing budget relief and flexibility for colleges and schools.
 - For FY24-FY25, a threshold exception will be requested of up to seven percent of the General Fund appropriation for faculty salaries and associated benefits.
 - The plan must be approved by the Attorney General and Governor before taking effect.
- The Committee also voted to approve the required annual Land Use Certification submission to the Department of General Services showing present and planned uses of each property owned. The significant changes since last year’s report are the acquisition of additional property across Fairfax Drive from the Mason Square Campus and the addition of the Masonvale improvements as Commonwealth assets.

Visitor Pence **MOVED** to approve the following three (3) action items, en bloc, as they are provided for review in the meeting materials:

1. Financial Matters
 - a. Amended FY 2024 Budget (**ACTION ITEM**)
2. Operational Matters
 - a. Incentive Retirement Plan (**ACTION ITEM**) (**ATTACHMENT 3**)
3. Capital Matters
 - a. Land Use Certification (**ACTION ITEM**)

The motion was **SECONDED** by Visitor Prowitt. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

Yes – 14

Absent – 2 – Visitors Marquez & Chimaladinne

E. Research Committee

Visitor Prowitt briefed the board on the topics presented and discussed during the Research Committee meeting, which included:

- Vice President for Research, Innovation, and Economic Impact, Andre Marshall, reported continued strong advancement in Mason’s research enterprise with 55% YoY growth in research awards followed by early

indicators of increased research activity reflected in the 34% YoY increase in July through August research expenditures. A dashboard was also provided aligned with the framework for describing research in terms of scholarship, partnership, and translational research activities; and infrastructure, services, and research culture support.

- Dr. Parag Chitnis, Associate Professor in the College of Engineering and Computing and PhD Student Erica King provided an overview of their work on Wearable Ultrasound Systems for Assessment of Musculoskeletal Injury and Recovery. A multidisciplinary team of Mason researchers led by Dr. Parag Chitnis, is developing novel wearable-ultrasound technologies for achieving these objectives. This presentation provided an overview of these efforts and perspectives of Bioengineering Doctoral student, Ms. Erica King, who is spearheading validation of these ultrasound-based methods against conventional clinical and biomechanical approaches.

There were no action items from the committee to bring before the full board.

VIII. Closed Session

- A. Honorary Degrees and Special Awards (Code of VA: §2.2-3711.A.11)
- B. Personnel Matter (Code of VA: §2.2-3711.A.1)
- C. Consultation with Legal Counsel pertaining to actual or probable litigation (Code of VA: §2.2-3711.A.7)
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Vice Rector Peterson **MOVED** that the Board go into Closed Session under the provisions of Section 2.2-3711.A.11, for Honorary Degrees and Special Awards; Section 2.2-3711.A.1 to discuss President Washington's contract and a university investigation; Section 2.2-3711.A.7, for Consultation with legal counsel pertaining to actual or probable litigation including briefings on:

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Ganley and Surber v. GMU et al.
Jeong v. GMU et al
Kinuani v. GMU
Morrison v. GMU et al.
Ukor v. GMU

and Section 2.2-3711.A.8 for Consultation with Legal Counsel regarding specific legal matters requiring the provision of legal advice concerning the aforementioned items, a university review and admissions policies and the personnel exemption to discuss the performance of the school. The motion was **SECONDED** by Secretary Meese. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

Yes – 13

Absent – 3 – Visitors Marquez, Oberoi & Witeck

Following closed session, Vice Rector Peterson **MOVED** that the board go back into public session and further moved that by roll call vote the board affirm that only public business matters lawfully exempted from the open meeting requirements under the Freedom of Information Act were heard, discussed or considered in the closed meeting, and that only such business matters that were identified in the motion to go into a closed meeting were heard, discussed or considered in the closed meeting. Any member of the board who believes that there was a departure from the requirements as stated, shall so state prior to taking the roll call, indicating the substance of the departure that, in his or her judgment, has taken place. The **MOTION** was seconded by Secretary Meese. **ALL PRESENT BOARD MEMBERS RESPONDED IN THE AFFIRMATIVE BY ROLL CALL.**

Yes – 10

Absent – 6 – Visitors Burke, Chimaladinne, Marquez, Oberoi, Pence & Rosen

Rector Blackman confirmed that Visitor Rosen was no longer present virtually. Rector Blackman then **MOVED** to approve the following two (2) items en bloc:

- The awarding of Honorary degrees at a future date to the individuals discussed in closed session for that purpose and;
- The written resolution of the Board of Visitors of George Mason University authorizing an increase in base salary for President Washington (**ATTACHMENT 4**).

The motion was **SECONDED** by Secretary Meese. There was no discussion. **MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.**

IX. Public Comments

No registrations for oral comment were submitted and two written public comments were received (**ATTACHMENT 5**).

X. Adjournment

Rector Blackman called for any additional business to come before the board. Visitor Brown wanted the record to state that the written comment that was received regarding diversity, equity and inclusion does not reflect what happened. Rector Blackman relayed that he supports Visitor Burke and that it's important for the Board to stand shoulder-to-shoulder in that regard. Rector Blackman adjourned the meeting at 5:12 p.m.

Prepared by:

Sarah Hanbury
Secretary pro tem

- Attachment 1: Letter from Visitor Rosen to Rector Blackman (1 page)
Attachment 2: Resolution: Online Virginia Network Authority (1 page)
Attachment 3: Resolution: Incentive Retirement Plan (1 page)
Attachment 4: Resolution: Increase in Base Salary for President Washington (1 page)
Attachment 5: Public Comment Registrations (2 pages)

CRAVATH

Jeffrey A. Rosen
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Washington, D.C.

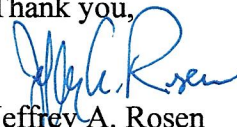
September 11, 2023

Dear Rector Blackman:

I have been pleased to serve on the George Mason University Board of Visitors (the "Board"). I am writing in accordance with the internal policies of Cravath, Swaine & Moore LLP ("Cravath"), to confirm the following regarding my service on the Board:

1. I will not request nor accept payment for my Board service.
2. I will not perform legal work or provide legal advice to the Board or George Mason University.
3. In serving on the Board, I will act in my individual capacity and not as an attorney or other representative of Cravath.

Thank you,



Jeffrey A. Rosen

Rector Horace Blackman
Board of Visitors, George Mason University
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CRAVATH, SWAINE & MOORE LLP

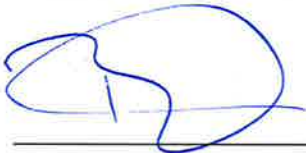
**RESOLUTION
OF THE
BOARD OF VISITORS OF GEORGE MASON UNIVERSITY**

WHEREAS, pursuant to Code of Virginia §23.1-3136 the Board of Visitors must appoint a non-legislative citizen member to the Board of Trustees of the Online Virginia Network Authority, for a term of four (4) years;

NOW, THEREFORE BE IT RESOLVED:

The Board of Visitors hereby appoints Michael Meese to be a member of the Board of Trustees of the Online Virginia Network Authority, for a term of four (4) years.

Adopted: September 28, 2023



Horace Blackman, Rector,
Board of Visitors
George Mason University

RESOLUTION OF
THE BOARD OF VISITORS OF
GEORGE MASON UNIVERSITY
TO APPROVE A FACULTY INCENTIVE RETIREMENT PLAN

WHEREAS, Code of Virginia §23.1-1302 permits the Board of Visitors of George Mason University (the "Board") to establish a compensation plan designed to provide incentives for voluntary early retirement of teaching and research staff employed in non-classified, faculty positions; and

WHEREAS, the proposed Faculty Incentive Retirement Plan ("IRP") meets the requirements of Code of Virginia §23.1-1302; and

WHEREAS, Code of Virginia §23.1-1302 provides that any such voluntary early retirement compensation plan must be approved by the Governor, and reviewed for legal sufficiency by the Office of the Attorney General; and

WHEREAS, the 2023 Appropriation Act, §4-6.01, paragraph m.1, provides that the total cost in any fiscal year for a voluntary early retirement incentive plan shall be set forth by the governing body in the compensation plan, for approval by the Governor and review for legal sufficiency by the Office of the Attorney General;

NOW, THEREFORE BE IT RESOLVED:

1. Subject to and following the approval of the Governor, and review for legal sufficiency by the Office of the Attorney General, the Board hereby authorizes the University to establish a Faculty Incentive Retirement Plan (IRP), consistent with the terms presented to the Board, and specifically authorizes the President or the Provost to execute IRP agreements with tenured faculty; and
2. The Board hereby approves the total cost for such IRP as provided in the terms of such plan presented to the Board; and
3. This resolution shall take effect immediately upon its approval by the Board.

Adopted: September 28, 2023



Secretary
Board of Visitors
George Mason University

RESOLUTION OF THE BOARD OF VISITORS OF GEORGE MASON UNIVERSITY
AUTHORIZING INCREASE IN BASE SALARY FOR PRESIDENT WASHINGTON

WHEREAS, President Dr. Gregory Washington entered into an employment agreement with George Mason University ("University") first dated March 3, 2020, as amended ("Employment Agreement"), and has served as University president since July 1, 2020;

WHEREAS, in accordance with Section D.1. of the Employment Agreement, any increase in Base Salary requires approval by the Board of Visitors; and

WHEREAS, at its July 28, 2023, meeting, the Board of Visitors approved an increase of 2.5% to President Washington's annualized Base Salary, to \$753,375, to be paid from state funds and Other Funds as specified in Section D.1 of the Employment Agreement, in conformance with the University's across-the-board salary increases for faculty. This increase did not include consideration of a 2.5% performance-based merit increase to his Base Salary which was an oversight;

NOW, THEREFORE, BE IT RESOLVED:

Effective June 10, 2023, the Board of Visitors approves a performance-based merit increase of 2.5% to President Washington's annualized Base Salary to \$772,209.38, to be paid from State and Other Funds as specified in Section D.1 of the Employment Agreement.

Approved by the Board of Visitors on September 28, 2023.



Signature

Mike Meese

Secretary of the Board of Visitors

Public Comments
George Mason University
Board of Visitors Meeting
September 28, 2023

1. Name: James H. Finkelstein (Written Comment Only) **Mason Affiliation:** Professor

Comment: I am submitting this public comment to ask that the BOV publicly rebuke one of its members, Dr. Lindsey Burke. As the Director of the Center for Education Policy at the Heritage Foundation, she sponsored a report released on September 21, 2023—"The Dangerous DEI Bloat at Virginia's Public Universities." This report directly aims at Mason, stating, "George Mason University, which has a reputation as a right-of-center institution, has 7.4 DEI personnel per 100 tenure-track faculty, which is the highest of any public university in the country analyzed in this Backgrounder."

This report is fatally flawed in several ways, not the least of which is that Mason was not included in the original sample to which it is being compared; that is, it is not a "like institution" to the others. Second, the data for Mason appears to have been collected at a different point in time, at least two years later than the rest of the sample to which it is being compared. In addition, the authors assume that Mason is a "right-of-center institution" but provide no evidence for making this claim. They use this claim as a "straw man" to suggest that promoting diversity undermines the university's reputation.

Most importantly, nowhere in this report do the authors or the Heritage Foundation disclose Dr. Burke's membership on the BOV and that she chairs the Academic Programs, Diversity & University Community Committee. Nor is it disclosed that she is a frequent coauthor with the report's first author, Dr. Jay Greene. I urge the BOV to request that the State Inspector General investigate Dr. Burke's role in producing this report, including what information or direction she gave to Dr. Greene.

Over three decades ago, Ed Meese, Ed Fulner, Bill Kristol, Rich Fink, and Jim Miller were members of the BOV. These were all nationally known conservatives. In late 1999 and early 2000, I worked closely with Mr. Meese and Dr. Miller in creating the School of Public Policy despite our significant political differences. Dr. Fulner was the founder of Heritage. Mr. Meese was the Ronald Reagan distinguished Fellow at Heritage. To the best of my knowledge, neither ever commissioned a study by Heritage staff to criticize Mason. Mr. Kristol did not use the Weekly Standard to do so, nor did Dr. Miller have Citizens for a Sound Economy attack the university.

The BOV should ask Ms. Burke to step down as chair of the committee and issue an apology to the Mason community. Further, the BOV should request that the Heritage Foundation retract the report.

2. Name: Sophie Wagner (Written Comment Only) **Mason Affiliation:** Student

Comment: Democracy onAir is coordinating a Meet Your Candidates night. This event will occur in Dewberry Hall and Lobby at the GMU Fairfax campus this October 24. See this link <https://vagov.onair.cc/meet-your-candidates-fairfax/> for more information on the event including the 6 Republican and 6 Democratic candidates participating in town halls.

Public Comments
George Mason University
Board of Visitors Meeting
September 28, 2023

The Fairfax County Republican and Democratic Committee and the College Republicans at Mason are supporting this event (I am in discussion with the Democrats at Mason). We have invited Senator Kaine to lead a town hall for the Democratic candidates at 7:00. We have invited Governor Youngkin to lead a similar town hall with the Republican candidates at 7:30.

We are livestreaming and recording the event. We will be reaching out to local and national networks once we finalize the Republican and Democratic leaders for the 7 and 7:30 town halls.

We will be launching the Virginia Government Hub at this event as well as promoting the early next year launch of the US Government Network.

We have also reserved Dewberry Hall and Lobby on October 22, 2024 to have a similar event at Mason prior to the November elections with a focus on the NoVA congressional races.

We would appreciate your assistance in promoting the event in Mason News and Mason Spirit. Thank you for supporting the Mason alumni and students who are leading Democracy onAir's efforts to engage voters in their democracy.!