

# **BOARD OF VISITORS GEORGE MASON UNIVERSITY**

## **Meeting of October 1, 2020 MINUTES**

**MEETING NOTE:** Due to safety concerns associated with the COVID-19 pandemic, and in accordance with provisions in the 2020 Commonwealth Budget Bill General Provisions: § 4-0.01.g.1, the October 1, 2020 meeting of the Board of Visitors of George Mason University was held through electronic means. Board members and university leadership met via Zoom videoconference. The session was streamed live via webcast for public viewing at <https://gmutv.gmu.edu/live-broadcast/>. An online form was posted on the Board of Visitors webpage (<https://bov.gmu.edu/>) to accept written public comments and registrations for verbal public comments. Two written comments were received and are included as an attachment to the minutes. The full video recording of the meeting may be accessed at <https://vimeo.com/gmutv/bovoct>.

**PRESENT:** Rector James Hazel, Vice Rector Horace Blackman and Secretary Simmi Bhuller; Visitors Anjan Chimaladinne, Tom Davis, Juan Carlos Iturregui, Mehmood Kazmi, Wendy Marquez, Ignacia Moreno, Carolyn Moss, Jon Peterson, Nancy Prowitt, Edward Rice, Denise Turner Roth and Robert Witeck.

**ABSENT:** Visitor Reagan

**ALSO PRESENT:** Shannon Davis, Faculty Representative; Shelby Adams and Lilianna Deveneau, Student Representatives; Gregory Washington, President; Ken Walsh, Chief of Staff; Trishana Bowden, Vice President, Advancement and Alumni Relations; Aurali Dade, Interim Vice President of Research; Carol Kissal, Senior Vice President for Administration and Finance; Dietra Trent, Interim Vice President, Compliance, Diversity, and Ethics; Mark Ginsberg, Provost; Lester Arnold, Vice President for Human Resources and Payroll; Brian Walther, University Counsel; Anne Gentry, Associate University Counsel; Matt Smith, Director of Accreditation; Lauren Reuscher, Chair, Staff Senate; Tobi Walsh, Assistant Vice President, Capital Strategy and Planning; Steve Goldin, Director of Strategic Real Estate Initiatives; Cathy Wolfe-Pinskey, Capital Program Director; Rose Pascarell, Vice President, University Life; Sarah Hanbury, Secretary pro tem.

### **I. Call to Order**

Rector Hazel called the meeting to order at 1:45 p.m.

### **II. Public Comment**

There were no verbal public comment registrations. Two written public comments were received. One comment was directed to and read in the Finance and Land Use Committee Meeting by Committee Chair, Denise Rother Turner earlier in the day. The second written comment was directed to the full board (**ATTACHMENT 1**).

### **III. Approval of the Minutes (ACTION ITEMS)**

- A. Planning Conference Minutes for July 30, 2020
- B. Annual Meeting Minutes for July 31, 2020

Rector Hazel called for any corrections to the July 30, 2020, Planning Conference Minutes and the July 31, 2020, Annual Meeting Minutes. Hearing none, he called for a motion to approve the minutes.

Visitor Rice **MOVED** to approve the minutes presented. The motion was **SECONDED** by Visitor Prowitt. **MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

Yes – 13

Absent – 3 – Visitors Kazmi, Peterson and Reagan

#### **IV. Rector's Report**

Rector Hazel began with noting he was on campus on Tuesday, September 22, 2020 with Governor Northam for his announcement of a refinancing plan for Virginia colleges and universities. The governor was taken on a tour of the campus after the announcement where he saw some of the classrooms and physical changes Mason has made to accommodate students and social distancing while inside buildings. From there he was taken to the COVID-19 testing site at the Ángel Cabrera Global Center. However, a few days following the governor's visit it was announced that he tested positive for the Coronavirus and those who were in contact with him were asked to self-quarantine. Rector Hazel noted this to be the reason he is not in the GMU-TV studio today. He has taken a COVID test, is awaiting the results and is feeling well.

Rector Hazel thanked the Board for their participation efforts which produced successful virtual committee meetings earlier in the day. He thanked Julie Zobel, Assistant Vice President, Safety, Emergency, and Enterprise Risk Management and everyone involved in the safe return to campus plan. He thanked faculty representative Shannon Davis for her efforts on developing a safe return to campus plan that involved both faculty and staff. Rector Hazel proceeded to thank student representatives Shelby Adams and Lilianna Deveneau for their efforts in gaining student involvement which has led to positive outcomes for Mason. Rector Hazel noted if there was an opportunity for him to virtually meet with the student senate that he would be more than happy to do so.

Rector Hazel recognized Staff Senate Chair, Lauren Reuscher who approached him about an idea last month which he wanted the Board to hear directly from her. Lauren proposed that the staff senate chair be added to the Board as a non-voting member. She noted that with faculty and students both having at least one representative to the board, this would be an important and symbolic way to show that the staff voice is also valued in the university conversation. Rector Hazel thanked Lauren for bringing this suggestion to his attention and offered to attend a staff senate meeting virtually. Rector Hazel spoke with legal counsel and Dr. Washington prior to this meeting and believes the best way to proceed with adding a staff senate chair to the Board is to propose a bylaw amendment at the December 3, 2020 meeting.

Rector Hazel then recognized Visitor Marquez to provide an update on the fundraising efforts to support George Mason's Deferred Action for Childhood Arrivals (DACA) students in honor of Former Interim President, Anne Holton. Visitor Marquez thanked the Board of Visitors for their generosity and support. David Long, the Associate Vice President, Office of University Advancement and Alumni Relations at George Mason, mentioned that this is the best fundraising effort from the Board ever. They have raised \$170,000 so far, and the goal is \$250,000. Visitor Marquez announced that she and her husband decided to match every dollar donated from the Board of Visitors in the month of October, up to \$30,000. The plan is to have a discussion with Russ Pascarella, to determine the best timeline and approach with providing these funds to students. Since the students, like most people in this country and in the world, have been greatly impacted during the COVID-19 pandemic, the goal is to make these plans accessible as soon as possible. Also, Visitor Marquez noted the DACA students will be holding their 10th Annual Immigration Monologues on October 10, 2020 at 6:00 p.m. and she will be sending information via email to the Board if there is interest in joining electronically. Lastly, Visitor Marquez thanked Visitor Moreno and David Long for their support.

#### **V. President's Report**

President Washington provided an update to the three major crises currently experienced by George Mason University. He remarked that the campus has had a great start to the academic year despite COVID-19, racial inequities, and budget challenges. In the past 90 days Mason has made tremendous progress in multiple areas. Mason has the best safe return to campus management of any large institution in Virginia. The institution has successfully managed the financial challenges associated with COVID-19 and starting off with a \$124 billion deficit. Plans have been developed to mitigate the deficit and there have been minimal faculty and staff reductions. President Washington expressed his appreciation for the continued support received for the Anti-racism Task Force initiative which has successfully launched. An enrollment decrease was expected for the fall term and Dr. Washington proudly reported that there was an enrollment increase of 2.5% while universities across the country are currently shrinking. Mason has also significantly increased in the national public university rankings: highest ranked US institution under 50 years old, top 10 public university in diversity (#8 and best in Virginia) and top 20 in innovation (#13 and best in Virginia).

Dr. Washington referred to the goals he outlined in July, stating that he will not go into detail but that he does like to grade himself. His plan is to highlight the progress of each goal every meeting. Dr. Washington presented a stoplight chart to depict the progress of his goals. If the status box was green then that goal is on track; if the status box is green/yellow, the goal is well on its way; if the status box is yellow, the goal is in progress; and if the status box is red, it has not yet commenced.

Dr. Washington outlined the short-term plan relative to life after the pandemic. In the short term there will be continued management of the safe return to campus plan, possible return of more faculty and staff to campus over the next few months and cultural changes associated with the "new normal". There will probably be a slight

increase in the number of students retuning in the spring. Currently, Mason is probably operating in the neighborhood of 25% to 30% in terms of the number of individuals engaged in the campus from a faculty and staff perspective, meaning they are physically on campus on a continual basis. The plan is to start to gradually increase that number up to about 50%. Dr. Washington does not think Mason will get beyond that number this academic year. As physical involvement on campus increases, the cultural changes will consist of: the anti-racism initiative, continued management of the constrained budget, changes in leadership structure (complete active searches), and the post-pandemic university structure.

Dr. Washington highlighted the post-pandemic university structure, stating, “We are going to have to prepare and position our students and our graduates for career success in the post-pandemic economy.” He noted this is the worst unemployment environment in at least the last 50 years. The unemployment rate of college graduates is currently 7.9%, which is higher than during the Great Recession, that never went above 5.5%. When the unemployment statistics are broken down by race it is even worse for students of color. Additionally, the mental and emotional health of students will need to be considered.

Engagement and support will be needed for the state from Mason in the post-pandemic economy. Dr. Washington notes that affordable internet access is currently a problem, and that only one in five people in the state have access to high speed internet. Dr. Washington would like for Mason to assist the community and state in developing ways to increase the access to high speed internet. Additionally, there is a state item called the Virginia Plan, which calls for 70% post-secondary degree or certificate attainment. Virginia cannot reach this goal without the engagement of Mason which is the largest and most diverse institution. Mason has been asked to grow over the next 10 years to at least 50,000 students which is a growth of about 12,000 students beyond where the university currently stands. In order to accomplish this, faculty growth will need to increase between 300-500 and staff by about 150. Discussions with faculty and students over the proceeding months will be had to formulate plans and programs on how to accomplish these goals.

## **VI. Board Self Evaluation**

Rector Hazel recognized Dr. Matt Smith, Director of Accreditation at Mason and thanked Visitors Roth and Reagan who have been working with Dr. Smith on developing a Board self-evaluation process. Dr. Smith noted that the proposed self-evaluation tool/survey, was presented to and approved for use by the Executive Committee that morning. Dr. Smith referenced a timeline slide that outlined where the board self-evaluation process began, the steps that have been completed and those necessary to move forward as part of the new requirements from the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). He concluded by stating that the Board can expect to learn more about the remaining steps in the coming months.

Rector Hazel inquired if there are any deadlines or calendar events that the Board needed to be aware of. Dr. Smith noted that the self-evaluation should be completed, discussed and recorded in the board minutes prior to the end of this academic year.

Dr. Smith added that input would be needed from the Rector and Executive Committee on how to proceed with processing the survey results. Dr. Smith inquired whether it would be preferred to be done at the board level or if involvement from Mason staff would be acceptable. Rector Hazel asked Dr. Smith to send him an email as a reminder for this inquiry.

## **VII. Board of Visitors Continuing Education**

Rector Hazel called upon the Chief of Staff, Dr. Kenneth Walsh to provide his continuing education presentation under the provisions of §23.1-1306. Dr. Walsh's presentation was on the topic of higher education funding. Dr. Walsh reported that Mason is the engine of growth for undergraduate enrollment in the state of Virginia but is consistently being underfunded year after year. Each year this underfunding is increasing exponentially. The underfunding can be seen if you take the \$1,600 gap per student from 2019 and apply it across Mason's 2020 enrollment, which would amount to about a \$40 million level of underfunding below the state average. Mason is being funded below its peers and below the state average. Dr. Washington noted that Mason is not looking to be treated differently than other institutions but to be treated the same and brought up to the state average.

## **VIII. Committee Reports**

### **A. Development Committee**

Visitor Peterson delivered the Development Committee report which did not have any action items. He reported that the Foundation welcomed the addition of seven (7) new trustees this year. The Investment Committee reviewed the fiscal year result noting that Mason moved up from the \$100 million to the \$250 million peer group. The endowment closed the fiscal year with a return of .73%. The endowment at year end totaled \$154 million. The endowment paid out \$3.6 million in support of university's student and faculty programs. The Development Committee is trying to concentrate on endowment fund raising as an annual return that is funneled back into the University. The second phase of the Loudoun County sale is expected to happen in December which will provide the university with a second match at \$10.5 million which will support the Tech Talent Initiative. The finance committee foundation will fund the \$500,000 in additional reserves they have to ensure technology and capital needs are planned for and funded. The audit committee will meet in the middle of this coming month to review the fiscal year audit and financial statements. The nominating and governance committee is working on recruitment for next year to continue working towards recruiting more members that focus on diversity skill sets needed on the foundation and including some alumni members. In 2020, \$118 million was raised. The most popular area for the giving was research, representing 50% of the total, followed by student support such as scholarships, nearly 24%. Also, worth reporting was a jump in the faculty

and staff giving, with 948 individuals contributing a total of \$6.8 million, up from the previous year of 827, for total of \$1.8 million in 2019. With the onset of COVID, student emergency assistance became an urgent priority with 2,710 donors contributing over \$515 million to directly help students in need. Combined with other University funds, Mason provided over \$2.5 million in emergency support to nearly 2,400 students from March through June. In June, Mason was selected to receive a 2020 educational fundraising award for overall performance from CASE, the leading national organization recognizing excellence in university-based fundraising programs.

**B. Academic Programs, Diversity and University Community Committee**

Visitor Witeck reported that this fall, Mason offered nearly 9,900 course selections, with 60% of the students enrolled in virtual courses and 32% enrolled in at least one on-campus course this term. A very detailed report on the university's COVID-19 response and planning was given. On the diversity front Mason's student headcount is up 2.2%, but in the in the overall credit hours are up 1.6% and diversity has increased this year with the incoming freshman class by 58%. The diversity of faculty and staff is still a need that is going to be addressed. This committee reviewed organizational changes with the establishment of a new college, the redesign of an exciting school and the addition of a new school which are outlined below.

It was **MOVED** by Visitor Witeck and **SECONDED** by Visitor Moreno to approve, en bloc, all the action items below as outlined in the board meeting materials:

**1. Organizational Changes (ACTION ITEMS)**

- a. Establishment of the College of Engineering and Computing with two subunits: The School of Computing and the Volgenau School of Engineering (**ATTACHMENT 2**)
- b. "School of Art" to "School of Art and Design"

**2. Program Actions (ACTION ITEMS)**

- a. Program Name Change
  - i. "MS, Telecommunications" to "MS, Network Engineering" (VSE)
- b. Program Closures
  - i. MA, Graphic Design (CVPA)
  - ii. MA, Computer Game Design (CVPA)

**3. Faculty Actions (ACTION ITEMS)**

- a. Conferral of Emeritus/Emerita Status
- b. Elections of New Tenured Faculty

There was no discussion.

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

**C. Audit, Risk & Compliance Committee**

Visitor Rice delivered the Audit, Risk & Compliance Committee report. The committee approved past minutes by recorded vote. No verbal nor written comments were received. The committee was briefed on Mason's public health status and corresponding campus operations by Julia Zobel, Assistant Vice President, Safety, Emergency, and Enterprise Risk Management. Various actions were taken to prepare the University for the safe return of students for the fall semester, including limiting in-person classes; limiting the on-campus student population; encouraging employee telework; modifying classrooms, residential spaces, and workspaces for physical distancing; requiring face coverings in all buildings; encouraging good hygiene practices; requiring the use of the health screening process for those returning to campus; and many other activities. All residential students were required to have a negative test prior to move-in, and there was random testing conducted again after the Labor Day weekend. Management worked closely with local health departments to share information and track conditions in the surrounding community. The committee discussed the ongoing actions after students returned to campus including the testing, supplies for critical materials and equipment, the monitoring of conditions on campus, and those in the surrounding community. They reviewed trends and test results and usage of Mason's capacity to quarantine students. The Ángel Cabrera Global Center population is only 11% of its capacity so there is lots of spare capacity should it be needed. The committee completed the review and approval of the charter on the Audit, Risk and Compliance office. Each charter was approved by a recorded vote of the committee. The committee charter continues to align with the bylaws. The annual confirmation of the organizational independence of the office of Audit, Risk & Compliance was received from Edward Dittmeier, University Auditor and reviewed by the committee. The Audit, Risk & Compliance Committee concurred with the conclusion that the Audit, Risk & Compliance office was independent. The committee reviewed the audit status report including the materials on BoardEffect. Due to the extenuating circumstances affecting the university because of the pandemic, the University Auditor was directed on April 1, 2020 to create audit employee capacity to provide temporary support to the university by limiting audit activity to those determined to be of the highest priority, deferring other audit activities and to redeploy temporarily certain audit employees in areas to leverage skills necessary to support management. The chair and vice chair regularly discuss every two weeks the work of the auditors and their support management. To date the redeployment has supported information services, student financial aid, and the Provost office. Visitor Rice stated that this is a feather in the cap to the audit function at the University for making room in their activities to support other parts of the University and that they should be credited with that. There were no action items to come before the full board.

**D. Research Committee**

Vice Rector Blackman delivered the Research Committee report, which did not have any action items. Three presentations came before the committee:

1. Update on Research Enterprise, Dr. Aurali Dade

The amount of current research proposals is higher than recent years; 100 million from federal sources and below 100 million from other sources. Additionally, in terms of award dollars for research activity, that number is increasing and for fiscal year 2020 it is above \$180 million. Lastly, updates on the Institute for Biohealth Innovation, Institute for Sustainable Health and the Institute for Digital InnovAtion (IDIA) were provided.

2. Institution for Digital InnovAtion Presentation, Dr. Kamaljeet Sanghera

An overview of IDIA was provided, featuring three main themes around technology systems in society. Dr. Aurali Dade discussed the recent events with students such as the Hackathon, the location update in terms of where IDIA is going to live in Arlington and the engagement across the broader Washington metropolitan area.

3. COVID-19 Research Presentation, Dr. Aarthi Narayanan

This was noted as the biggest and most impactful presentation of the day for the Research Committee. An update was provided on the research activity Dr. Aarthi Narayanan has done relative to COVID-19 along with some of the internal and external collaborations that she has undertaken to include other universities, private companies, and a global outreach effort. She is focused on trying to understand, treat, and develop drug discovery mechanisms to address some of the challenges associated with COVID-19. She is looking at antibodies, helping with vaccine discovery and an overview of the specific projects around repurposing some of the work using antiviral peptides. Impactful research is underway at Mason.

**E. Finance and Land Use**

Visitor Roth noted that the Finance and Land Use Committee was briefed on the fiscal year 2021 amended budget, the fiscal year 2021 financial outlook and the status of the master plan. They had four action items that required full Board approval. This is a provision to the fiscal year 2021 budget that the board approved in May 2020. The amended budget represents a decrease of approximately \$9.8 million from the preliminary fiscal year 2020 actuals which were down from \$1.152 billion to \$1.142 billion. This decline is driven by fiscal year 2021 enrollment plans, auxiliary losses and increased expenses associated with Mason's safe return to campus plan. This is consistent with the budget impact experienced by other higher education institutions. The committee voted for board approval of the tier three management agreement resolution, the annual report on span of control and the university's land use certification. The land use certification requires a land-use plan be submitted annually to the Department of General Services, showing uses of



each property owned. The change since last year's report is the addition of one easement on the main campus in Fairfax.

It was **MOVED** by Visitor Roth and **SECONDED** by Visitor Davis to approve, en block, all the action items below as outlined in the board meeting materials:

1. Financial Matters (**ACTION ITEMS**)
  - a. Approval of Revised FY2021 Budget
  - b. Approval of Tier 3 Management Agreement
2. Operational Matters (**ACTION ITEM**)
  - a. Joint Legislative Audit and Review Commission Span of Control
3. Capital Plan (**ACTION ITEM**)
  - a. Land Use Certification

Rector Hazel opened the floor to discussion and commented that the master plan was discussed in the faculty senate meeting the day prior. A comment was made about the academic space during the faculty senate meeting. Visitor Peterson commented that the Tier 3 Management Agreement is one of the biggest changes for the benefit of Mason and asked Carol Kissal to describe and provide examples of what this does. Carol Kissal noted that Mason can have cash and debt management. As Mason goes through public-private partnerships, the university has more flexibility on how to handle these partnerships. In regards to capital, more autonomy is allowed for Mason to do their own building inspections. Right now Mason relies on the Commonwealth for this and often Mason must go within their legislative cycles. The other benefits are in procurement, having more autonomy for the Board of Visitors to have policies that are nimbler and more flexible. Finally, Mason can create what is called university employees. Currently those employed at Mason are state employees. In higher education it is critical to have some type of capability in recruiting talent, retaining talent, creating benefits and packages outside of the state rules. Those are some of the tier 3 benefits.

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

#### **IX. Closed Session**

Vice Rector Blackman **MOVED** that the Board go into Closed Session under the provisions of Section 2.2-3711.A.29 to discuss a public contract relating to the Institute for Digital InnovAtion; Section 2.2-3711.A.3 to discuss acquisition or disposition of a real property in connection with the Master Plan; Section 2.2-3711.A.7, for consultation with legal counsel pertaining to actual or probable litigation including briefings on:

BH Fund, Inc. v. GMU and the GMU Foundation  
Kashdan v. GMU  
Radfar v. GMU  
Moore v. GMU  
Langert v. GMU et al.

and 2.2-3711.A.8 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice concerning the aforementioned items. The motion was **SECONDED** by Visitor Rice. Rector Hazel opened the floor to discussion. Visitor Roth noted that she was going to recuse herself from one item in closed session.  
**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

Following closed session, Vice Rector Blackman **MOVED** that the Board go back into public session and further moved that by roll call vote the Board 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 Board. Any member of the Board 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 MEMBERS RESPONDED IN THE AFFIRMATIVE BY ROLL CALL.**

Prior to adjournment Visitors Peterson and Rice donated \$2,500 each to support the initiative spearheaded by Visitor Marquez supporting Mason's DACA students.

#### **X. Adjournment**

Rector Hazel called for any additional business to come before the board. Hearing none, he adjourned the meeting at 3:56 p.m.

Prepared by:



Sarah Hanbury  
Secretary pro tem

Attachment 1: Public Comments (1 page)

Attachment 2: Resolution: Creation of the College of Engineering and Computing (1 page)

Attachment 3: Resolution: Tier 3 Management Agreement (1 page)

Board of Visitors Electronic Committee Meetings and Full Board Meeting  
October 1, 2020

Public Comment Registrations

Time Stamp	First Name	Last Name	Meeting	Registration Type	Mason Affiliation	Email	Comment
9/30/2020 21:17	Daniel	Menasce	Finance and Land Use Committee Meeting		Faculty		<p>Regarding the Master Plan being prepared. The consulting company has put together 4 preliminary scenarios, which break existing academic units apart. The data collected by the consulting company shows that 70% of the assignable square footage of Mason (all campuses) is used by Finance &amp; Administration (41%), University Life (23%), Academic Administration (6%). So, I suggest that we leave academic units where they are and give them growth space and move portions (if not all) of finances &amp; administration to Arlington or SciTech.</p> <p>The interaction between academic units and F&amp;A can be mostly carried out virtually (for example, I never had to walk to OSP to submit a proposal in my 29 years at Mason). On the other hand, academic units need to be close to each other to forge research and curriculum development collaborations.</p>
10/1/2020 13:44	Bethany	Letiecq	Full Board Meeting		Faculty		<p>I would like to share my concerns about the George Mason University contract with Kallaco LLC. I am concerned about possible fraud. GMU entered into a no-bid sole source contract with Kallaco, LLC on July 28, 2020 to provide software provisioning. The contract with Kallaco also included an option for the company to provide test coordination services for up to 4500 SARS-CoV-2 tests for pre-arrival residential students. The agreement with Kallaco required that they contract with a CLIA-certified laboratory for the provision of such testing and diagnostic services. Kallaco stated in the contract that all specimen collection kits and testing services *would be authorized* by the U.S. Food and Drug administration (FDA) for the SARS-CoV-2 virus:</p> <p>"The Company (Kallaco, LLC) represents and warrants that all specimen collection kits and testing services shall be authorized by the U.S. Food and Drug Administration (FDA) for the virus described in the Testing Services section of the Order."</p> <p>The home collection oropharyngeal (throat) swab specimen kit that Kallaco sent to our students was for use with the ThermoFisher TaqPath COVID-19 Combo Kit. This test is NOT FDA-authorized for home specimen collection. Kallaco used Opteo Laboratory for all GMU testing.</p> <p>As has been confirmed by the FDA and extensively documented by GMU-AAUP, neither the specimen collection kits provided by Kallaco nor the testing protocol used by Opteo Laboratory were authorized by the FDA under Emergency Use Authorization (EUA). In fact, the FDA has not authorized any self-administered throat swab test and CDC guidelines explicitly say that throat swab tests must be administered by trained healthcare providers in order to be valid.</p> <p>We also have concerns about the specimen transportation protocol used by Kallaco. The Instructions for Use (IFU) document found on the FDA website for the Thermo Fisher TaqPath™ COVID-19 Combo Kit states: "Samples must be collected, transported, and stored using appropriate procedures and conditions. Improper collection, transport, or storage of specimens may hinder the ability of the assay to detect the target sequences."</p> <p>We have confirmed that neither the specimen collection procedures nor the shipping of the specimens to the laboratory conformed to either the EUA or the IFU approved by the FDA for this test. The IFU for this test states clearly that false negative results may arise from "improper sample collection" and "degradation of the SARS-CoV-2 RNA during shipping and storage."</p> <p>It is also salient to note that the GMU contract with Kallaco, LLC states: "THE COMPANY [KALLACO] DISCLAIMS ANY LIABILITY REGARDING THE ACCURACY OF THIRD-PARTY DIAGNOSTIC SERVICES TO THE MAXIMUM EXTENT PERMITTED BY LAW" (emphasis original). Despite this highly unusual indemnification by Mason of Kallaco, we do not believe that the company has the right to knowingly provide tests to our students that are inherently invalid.</p> <p>GMU-AAUP has since learned that Kallaco, LLC (CEO John Spivey) and Opteo Laboratory are connected entities. The email address on Opteo's website is broken. The bounce-back message originates from the server for "Spiveyco.com" (John Spivey's main company). The "director" for Opteo is listed by the Louisiana Secretary of State as Summit Health Strategies, a Delaware registered corporation formed in early 2019. John Spivey is listed as a "director" of Summit Health Strategies, a firm that is currently listed in Louisiana as "not in good standing." Both companies (Opteo and Summit Health Strategies) share the same street address on the same floor in New Orleans. Of note, Opteo Laboratory had not been surveyed for a CLIA "certification of compliance" by the Louisiana Dept of Health at the time of the pre-arrival testing, and only had a "Certificate of Registration" under CLIA.</p> <p>GMU and other VA universities who contracted with Kallaco LLC through no-bid sole source contracts worth over \$4 million may be victims of fraud.</p>

RESOLUTION OF THE BOARD OF VISITORS OF GEORGE MASON UNIVERSITY  
REGARDING CREATION OF THE COLLEGE OF ENGINEERING AND COMPUTING\

WHEREAS, in November 2018, George Mason University convened a School of Computing Working Group to develop recommendations regarding the establishment of a School of Computing; and

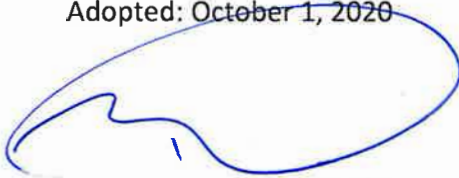
WHEREAS, Mason's interdisciplinary and cross-disciplinary computing programs have grown significantly in recent years; and

WHEREAS, these programs are expected to continue to expand under commitments made to the Commonwealth as part of Virginia's Tech Talent Investment Program (TTIP) and the creation of the Institute for Digital Innovation (IDIA);

NOW, THEREFORE, be it resolved that:

1. The College of Engineering and Computing is hereby established.
2. Within the College of Engineering and Computing, the School of Computing is hereby established.
3. The Volgenau School of Engineering, along with its existing academic programming and departmental and organizational structures, is hereby placed within the College of Engineering and Computing.

Adopted: October 1, 2020



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Horace L. Blackman  
Vice Rector  
Board of Visitors  
George Mason University

**WHEREAS**, the 2005 General Assembly passed, and the Governor approved, HB 2866 and SB 1327 (Acts of Assembly Chapters 933 and 945) known as the Restructured Higher Education Financial and Administrative Operations Act (the "Act"); and

**WHEREAS**, the Act includes Article 4 (Virginia Code §23.1-1004 et seq.) entitled "Restructured Financial and Administrative Authority; Covered Institutions; Management Agreements" which sets out the requirements for a public institution of higher education of the Commonwealth to gain the greatest degree of authority over financial and administrative operations, subject to certain accountability, audit and reporting measures specified by the General Assembly of Virginia; and

**WHEREAS**, the Board of Visitors has by resolution committed the University to the state goals set forth in former Virginia Code § 23-38.88.B (now recodified as § 23.1-1002(A)), and by resolution determined that the University is qualified to be, and should be, governed by the authorizations and requirements set forth in Article 4 of the Act and as may otherwise be prescribed by applicable law; and, furthermore, attested to the ability of the University to successfully manage its administrative and financial operations in accordance with the requirements of Article 4; and

**WHEREAS**, the Management Agreement has been approved by the University's President and Senior Vice President for Administration and Finance, and approvals by the Cabinet Secretary or Secretaries designated by the Governor of Virginia are anticipated;

**NOW, THEREFORE, BE IT RESOLVED BY THE RECTOR AND VISITORS OF GEORGE MASON UNIVERSITY**, that the Board of Visitors hereby adopts the approved Management Agreement including its appended policies in the operational areas of capital projects, leases, information technology, procurement, human resources, and finance and accounting; and

**BE IT FURTHER RESOLVED**, that the President and Senior Vice President for Administration and Finance are authorized to execute the foregoing on behalf of the University and its Board of Visitors. In the event of subsequent changes or amendments as may be desired by the Governor or the General Assembly, the President and Senior Vice President, with the concurrence of the Rector, are empowered to approve any subsequent changes or amendments which they determine to be in the best interests of the University and that are desired or required by the Governor or the General Assembly between the date of this Resolution and the effective date of the aforesaid Management Agreement and Policies.

Adopted: October 1, 2020



Horace L. Blackmon  
Vice Rector  
Board of Visitors  
George Mason University

# EXECUTIVE COMMITTEE OF THE BOARD OF VISITORS GEORGE MASON UNIVERSITY

## Meeting of October 1, 2020 MINUTES

**MEETING NOTE:** Due to safety concerns associated with the COVID-19 pandemic, and in accordance with provisions in the 2020 Commonwealth Budget Bill General Provisions: § 4-0.01.g.1, the October 1, 2020 meeting of the Executive Committee of the Board of Visitors of George Mason University was held through electronic means. Committee members and university leadership met via Zoom videoconference. The session was streamed live via webcast for public viewing at <https://gmutv.gmu.edu/live-broadcast/>. An online form was posted on the Board of Visitors webpage (<https://bov.gmu.edu/>) to accept written public comments and registrations for verbal public comments. No submissions were received through the form. The full video recording of the Executive Committee Meeting may be accessed at <https://vimeo.com/gmutv/bovecm>.

**PRESENT:** Rector James Hazel, Vice Rector Horace Blackman, Secretary Simmi Bhuller, Visitor Ignacia Moreno and Visitor Denise Turner Roth.

**ALSO, PRESENT:** Visitor Edward Rice, Shannon Davis, Faculty Representative; Lilianna Deveneau, Student Representative; Gregory Washington, President; Ken Walsh, Chief of Staff; Carol Kissal, Senior Vice President for Administration and Finance; Brian Walther, University Counsel; Matt Smith, Director of Accreditation, Sarah Hanbury, Secretary pro tem.

### **I. Call to Order**

Rector Hazel called the meeting to order at 7:48 a.m.

### **II. Public Comment**

There were no public comments submitted.

### **III. President's Comments**

President Washington noted that great things have happened on campus and he is looking forward to discussing them in his report during the full board meeting that afternoon.

### **IV. Board Self-Evaluation**

Dr. Matt Smith, Director of Accreditation at Mason provided an updated timeline that outlined where the board self-evaluation process began, the steps that have been completed and the steps moving forward (**ATTACHMENT 1**) as part of the new requirements from the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). At the last meeting of the full board on July 31, 2020, Rector Hazel appointed Visitor Moss and Visitor Reagan to work with Dr. Smith to develop a proposal for a self-evaluation tool which they completed for this meeting in accordance with the provided timeline. Dr. Smith then presented a survey to propose for use as the Board's self-evaluation tool (**ATTACHMENT 2**). Vice Rector Blackman **MOVED**

that the Executive Committee approve the use of the George Mason University Board of Visitors self-evaluation survey. The motion was **SECONDED** by Secretary Bhuller. Rector Hazel opened the floor for discussion. There was none.

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

#### **V. Closed Session**

Vice Rector Blackman **MOVED** that the Executive Committee go into closed session under the provisions of Section 2.2-3711.A.29 to discuss a public contract relating to the Institute for Digital InnovAtion; Section 2.2-3711.A.3 to discuss acquisition or disposition of a real property in connection with the master plan; Section 2.2-3711.A.7, for consultation with legal counsel pertaining to actual or probable litigation including briefings on:

BH Fund, Inc. v. GMU and the GMU Foundation  
Kashdan v. GMU  
Radfar v. GMU  
Moore v. GMU  
Langert v. GMU et al.

and 2.2-3711.A.8 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice concerning the aforementioned items. The motion was **SECONDED** by Visitor Moreno. Rector Hazel opened the floor to discussion. Visitor Roth noted that she was going to recuse herself from the first item in closed session.

**MOTION CARRIED UNANIMOUSLY BY ROLL CALL VOTE.**

Following closed session, Vice Rector Blackman **MOVED** that the Executive Committee go back into public session and further moved that by roll call vote the Board 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 Board. Any member of the Board 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 COMMITTEE MEMBERS RESPONDED IN THE AFFIRMATIVE BY ROLL CALL.**

**VI. Adjournment**

Rector Hazel called for any additional business to come before the Executive Committee. Hearing none, he adjourned the meeting at 8:07 a.m.

Prepared by:

A handwritten signature in black ink, appearing to read "Sarah Hanbury", enclosed within a thin black rectangular border.

Sarah Hanbury  
Secretary pro tem

Attachment 1: Board Self-Evaluation: Update and Timeline

Attachment 2: George Mason University Board of Visitors Self-Evaluation Survey



## BOARD SELF-EVALUATION: UPDATE AND TIMELINE

### ***May 2020 Meeting***

- Board Bylaws revised to include self-evaluation, helping to ensure compliance with new accreditation standard

### ***July 2020 Annual Meeting***

- Rector Hazel appoints two members of the Board to work with Matt Smith (Director of Accreditation) to develop a board self-evaluation tool proposal

### ***August 2020***

- Visitor Moss, Visitor Reagan, and Matt Smith develop a proposed self-evaluation survey

### ***October 2020 Meeting***

- Board to consider, revise as necessary, and adopt the evaluation tool.

### ***November 2020***

- Process for implementing the self-evaluation to be finalized
- Board input needed as to whether they would like assistance of Mason personnel in analyzing survey results

### ***December 2020 Meeting***

- Rector to advise the Board that the evaluation will be conducted in January 2021

### ***January 2021***

- Self-evaluation survey to be distributed to the full board; proposed window for completion is three weeks

### ***Late January/Early February 2021***

- Survey Data results to analyzed.

### ***February 2021 Meeting***

- Full board to discuss survey results in open session



# **George Mason University Board of Visitors Self-Evaluation Survey**

**2020-2021**

★ 1. Individual Board Member Role

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable or Do Not Have Experience
I have a clear sense of my responsibilities as a Board of Visitors (BOV) member	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The orientation I received provided the right level of information and helped me understand the BOV's processes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I ensure appropriate time is spent preparing for each BOV meeting, including reviewing BOV materials in advance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I actively participate at BOV meetings and feel there are appropriate opportunities to express my views	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I believe that the tools used for accessing materials for board meetings are user-friendly, efficient, and appropriate.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I participate in fundraising activities, including personally contributing and supporting soliciting activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Additional Comments

## \* 2. Board of Visitors Meetings

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable or Do Not Have Experience
In general, the Board's time is well spent in meetings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Our time is appropriately spent on governance and not management.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The Board gets the information it needs to make decisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Board meetings have the appropriate balance of information-sharing, discussion, and decision making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The BOV is appropriately involved in strategic planning and decision-making.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adequate time is given to understanding the "downside" and impact of issues and decisions.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable or Do Not Have Experience
Every BOV member is given the opportunity to participate, and their voice is heard.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Board meetings are appropriately conducted in accordance with the requirements of the Freedom of Information Act (relating to discussion in closed session).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Board meetings include adequate opportunity to visit the campus and to view ongoing projects.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A climate of mutual trust exists between the Board and the University President.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The annual goal setting for the University President is effective, timely, and demonstrates appropriate collaboration.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Additional Comments

### \* 3. Board Standing Committees

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Not Applicable or Do Not Have Experience
The current committee structure of the Board is appropriate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The amount of time spent in Committee meetings is adequate to the issues considered	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Presentations by staff are appropriate, timely, and succinct	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adequate time is given for discussion and Q&A	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

I serve on the following standing committees: (select all that apply)

- ☐ Academic Programs, Diversity & University Community Committee (APDUC)
- ☐ Finance and Land Use Committee
- ☐ Audit, Risk, and Compliance Committee
- ☐ Development Committee
- ☐ Research Committee

[For each committee selected, the following questions will appear:]

I believe the following aspects of this committee and its work function well:

I believe the following aspects of this committee and its work are in need of improvement.

\* 4. What do you believe are the top 2-3 strategic issues that warrant the Board of Visitors' attention over the next 12 months?

- ☐ New Academic Offerings
- ☐ Athletics
- ☐ Physical Plant Development (new buildings) Ensuring
- ☐ the Success of the New President Financial
- ☐ Sustainability
- ☐ Student Affairs
- ☐ Business Efficiency
- ☐ Faculty Productivity
- ☐ Long-Range Planning
- ☐ Campus Emergency Preparedness
- ☐ Anti-Racism, Diversity, and Inclusive Excellence

Other (please specify)

5. How might the effectiveness of the Board be enhanced?

6. What issues or areas of discussion should be eliminated?

7. What issues or areas of discussion should be added?

**8. On what issues or areas do you require more information?**

**9. Is there anything we can do as a Board to make our work more effective?**

**10. Any additional comments or suggestions?**

DRAFT