Members Present:
Alexandria: Shirley Delgado, Matt Todd
Annandale: Felicia Blakeney, Celeste Dubeck-Smith, JoAnn Short, DeQuan Smith
Loudoun: Diane Mucci,
Manassas: Lynn Bowers, Susan Givens, Barbara Lash, Marcie Schreibman
MEC: Marion Devoe, Karen Gordon, Mary Moseley, Paula Smith
Woodbridge: Cynthia Alvarado, Megan Davies, Loretta Leeker, Alice Reagan,
Pres Appointments: Ellen Fancher-Ruiz
College Staff: Shannon Ingram
ELI: Christy Jensen, Kristin Shriver

Members Absent: Steve Bennett, Kyle Cervantes for Radina Mileva, Maggie Emblom-Callahan, Emily Chiles, Corey Esparza, Cherelle Faust, Milan Hayward, Chad Knights, Laurie McCullough, Scott Matthews, Radina Mileva, Bridget Pool, Roger Ramsammy, Laura Siko, Angela Terry and Michael Turner.

Alternates: David Fernandez for Maggie Emblom-Callahan, Julie Garcia for Ina Dimkova, Will Straight for Scott Matthews.

Guests: Mr. Therman Coles, Director of Legal Affairs, Police Chief Daniel Dusseau, Dr. Charlie Errico, Chair, Chancellor's Faculty Advisory Committee.

College Recorder: Norie Flowers

Welcome and Approval of February Minutes
Chair Dr. Mucci called the meeting to order and welcomed guests.

A motion was made to approve the February minutes, seconded without objection, and carried.

New Critical Issue
Dr. Mucci explained that the Patriot Center informed NOVA about the necessity of limiting the number of attendees for the May graduation as a result of concerns from the Mason fire marshals. The MEC was informed they would have a separate graduation and at a different time than the rest of the students. Deans and programs directors were told that they should contact their students to inform them.
The MEC faculty asked that this issue be raised for discussion at the Senate meeting and recommended that their students remain in the graduation with all of the other students.

Senators offered a number of suggestions such as providing an overflow room at Mason where guests could gather and watch the graduation through video stream, limiting the number of student tickets (for guests), eliminating the students in the certificate program in lieu of and to allow for all two-year graduating students to graduate together, and exploring an outside venue to better accommodate NOVA’s growing graduation population.

A motion was made that there be only one NOVA graduation that includes all two-year graduating students and that options to accommodate this could include reducing the number of tickets allowed per student, arranging for an overflow room at George Mason with video stream, or eliminating students in certificate programs to allow for all two-year graduating students to graduate together, seconded with one abstention, and carried.

Chancellor’s Faculty Advisory Committee/CFAC – Dr. Charlie Errico

As Chair of the Chancellor’s Faculty Advisory Committee, Dr. Errico reported on a number of issues accomplished to date. The CFAC includes representatives from each community college in the VCCS system and addresses system-wide issues. Dr. Errico has achieved one major change in this advisory group, going beyond just recommending policy changes and being actively engaged in system-wide policy changes that affect faculty.

Dr. Errico reported on the status of two policy changes he hopes will be in effect for the coming academic year: 1) the new reduced contract proposal for full-time faculty and 2) the new consensual relationship policy. The eligibility age for the reduced contract was dropped to 55. College presidents are in favor of this new option as a major cost saving measure as 18 colleges in the VCCS system are currently experience reductions in force.

The full language of the Reduced Contract proposal is as follows:

**PROPOSAL:**

With the approval of their college administration, full-time teaching faculty can reduce their teaching workload from 100% to 60 to 80% of a full-time load during a contract period.

**RATIONALE:**

Many senior faculty members may wish to find a middle ground between retirement and full-time teaching. Their continuation on the faculty preserves institutional memory and allows them to serve as mentors to younger faculty members in their first years of teaching. At the same time, colleges benefit financially because their teaching load is taken by adjuncts, associate instructors, or new faculty hired at a lower academic rank.
This proposal may be especially useful to college presidents experiencing reductions in their budgets over the next two years.

**PROVISIONS:**

- Faculty members must have a minimum of ten years of full-time service in the VCCS to apply for the reduced teaching workload and their college administration will decide whether to approve the request.
- To be eligible for consideration of a reduced workload, faculty members must have received a Meets Expectations rating on their most recent evaluation.
- Faculty who wish to apply for a reduced workload must make the request to their deans prior to the end of the fall semester.
- The reduced teaching workload extends no longer than three one-year contracts and must be approved in each of the two years after the initial award.
- The contract is for 60 to 80% of the salary of the final year of full 100% employment and is not increased as a result of subsequent pay raises.
- Faculty members on a reduced workload are not eligible to return to a 100% contract.
- Faculty members on a reduced workload earn adjunct rates if they chose to teach in the summer.
- Academic deans will determine how the reduced workload will be distributed between the fall and spring semesters.
- Only faculty members who are 55 years or older are eligible. The college pays all benefits on a pro-rated basis with the faculty member buying back other premiums.
- Office hours and non-teaching duties (advising, committee work) are determined on a pro-rated basis equivalent to the percentage of the contract.
- Faculty members on a reduced contract will be evaluated based on the same criteria that apply to full-time faculty.

Dr. Errico explained that one negative aspect to this new contract would be that if deans and provosts were to take a narrow view of this option, it could result in faculty being denied this contract option, but he hopes they will take an altruistic view of this good opportunity.

The consensual and familial relations policy is divided into two parts: 1) the prohibition of an instructor to have a romantic relationship with a student; and, 2) familial relationships - it is not prohibited to have a son or daughter in the class and the instructor would only be under an obligation to let the dean or supervisor become aware of the situation. This was decided not to be prohibited because in many of the community colleges in the system there may be only one instructor teaching a given course of interest to their son or daughter.

The full language of the **Consensual and Familial Relations** policy is outlined below:
Purpose: The purpose of this policy is to provide clear direction about the professional risks associated with consensual amorous and/or sexual relationships and familial relationships where a definite power differential between the parties exists.

Policy: The VCCS prohibits consensual amorous and/or sexual relationships between employees and students for whom the employee has direct professional responsibility. Familial relationships where a faculty member or supervisor will have a power differential over one’s immediate or extended family are generally prohibited in instruction, advising, counseling or supervising work activities.

Coverage: This policy applies to all employees.

Definitions:

Power Differential: Unequal positions such as instructor to student or supervisor to employee.

Faculty: For purposes of this policy, “faculty” shall include all full- or part-time college personnel who teach and administrators/professionals with faculty rank or who are appointed pursuant to the VCCS Policy Manual.

Direct Professional Responsibility _ all college-sponsored academic, co-curricular and extra-curricular activities, both within and outside of the classroom, including, but not limited to: teaching, academic advising, counseling, coaching (athletics, drama, etc.), service on evaluation committees (awards, prizes, scholarships, etc.), club or organization sponsorship, etc. In employment activities such as hiring, salary determinations, evaluations, or similar activities that have a financial impact on an individual.

Immediate Family: Spouse (including a divorced or separated spouse), parent or step-parent, parent-in-law, siblings (by blood relationship or step siblings) children (natural born or step-children) adopted children, foster children, or other person for whom the employee holds as a dependent, and/or any individual who resides in the household.

Extended families: Aunts, uncles, cousins, grandparents, step-grand-parents, relatives related by marriage or previous marriages or any close and personal friends with whom the relationship is such that a credible conflicts of interest claim could be filed.

Relationships that endanger the development of learning and work environments characterized by professional and ethical behavior

1. Amorous and or Sexual Relationships:

a. Amorous and/or sexual relationships where one holds a distinct power differential over someone else risks creating conflicts of interest and perceptions of undue advantage.
b. These relationships have the potential for other adverse consequences including filing of charges or complaints of sexual harassment, sexual misconduct, sexual assault and/or retaliation, favoritism, unequal treatment or preferential treatment.

2. Familial Relationships

a. Familial Relationships where one holds a distinct power differential over someone else risks creating conflicts of interest and perceptions of undue advantage.

b. If other options/alternatives exist, the family member will not be enrolled in the faculty member’s class (es).

c. The following exception applies; a class taught by the faculty member is the only option/alternative available to the family member.

   ▪ In such cases, the faculty member must notify the Program Head or Dean that a potential conflict of interests exists.

   ▪ The evaluation of the family member’s academic work may be deferred to the Program Head, Dean, or other qualified professional through agreement with the faculty member. In these situations, the faculty member will deliver the instruction and the Program Head or Dean shall determine the academic progress of the family member so as to not compromise the direct professional responsibility of the faculty member over the class.

d. The President, upon request of the respective Dean and Vice-President, may grant an exception to this policy. If an exception is granted by the President, it shall be in writing and will become part of the student and faculty member records with the college.

e. It is the faculty member’s responsibility to notify the program head or dean before the start of the class of any potential conflict of interest.

f. Nepotism is addressed in Policy 3.3.3 Conflict of Interest in Employment.

The VCCS Code of Ethic Defines the Ethical and Professional Relationships of Faculty to Their Students.
1. The following language from the VCCS Code of Ethics sets forth the appropriate relationships between faculty and the students/employees they supervise.

- We are committed to learning environments that foster academic integrity.

- We encourage and expect all members of the community to act in good faith and bring to the attention of the appropriate official any violation or potential violation of these principles.

2. To adhere to these principles faculty members must:

- support the unfettered pursuit of learning in their students.
- adhere to their proper professional roles as instructors, advisors and counselors.
- ensure that their evaluations of students fairly reflect each student's true meritorious performance in their academic and other college related work.
- be aware that even when they have no direct professional responsibility for students, consensual amorous and/or sexual relationships may still be asymmetrical and/or disruptive to the community.

Adverse Consequences of Power Differential Relationships:

1. Power differential relationships may undermine the trust inherent in the employee-student relationship and also have the potential for other adverse consequences, including the filing of charges or complaints of sexual harassment, sexual misconduct, sexual assault and/or retaliation.

2. Complaints and charges may occur when one party to the relationship wishes to terminate the relationship to the other party's objections. In these situations, the apparent consensual nature of the relationship is inherently suspect due to the fundamental asymmetry of power in the relationship and it may be difficult to establish consent as a defense to such charges.

3. Even when both parties consented at the outset to an amorous involvement, this past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment, sexual misconduct or sexual assault based upon subsequent unwelcome conduct.

Complaints:

1. Even when both parties have consented to the development of a relationship, it is the faculty member or supervisor who, by virtue of his or her special responsibility, may be held accountable for unprofessional behavior. Complaints alleging discrimination/harassment may be filed by
either party to the consensual relationship or by an aggrieved party outside the relationship using existing VCCS policy.

2. Members of the VCCS community who believe that violations of this policy have occurred may initiate a complaint with the appropriate college official, or the college Human Resource Office.

Sanctions:

1. Violations of this policy will be considered misconduct on the part of a faculty member and will be subject to the Faculty Sanctions Policy #3.12, VCCS Policy Manual, including dismissal. Treatment of the allegations and imposition of sanctions will be governed by procedures specified in the Sexual Misconduct Policy #3.14.4, VCCS Policy Manual and in accord with the DHRM Policy 1.60, Standards of Conduct.

2. The VCCS Code of Ethics and any supplemental policies, programs and procedures shall also be applied in assessing allegations.

3. In cases where both parties consented at the outset to an amorous involvement, past consent does not remove grounds for or preclude a charge or subsequent finding of sexual harassment, sexual misconduct or sexual assault based unwelcome conduct.

4. The individual in the relationship with greater power will bear the burden of accountability.

Dr. Errico also reported on the status of the problems connected with the new faculty evaluation. He explained that the new evaluation was mandated by the VCCS and NOVA put together a committee of representatives of all six campuses to modify and tailor the evaluation to NOVA. Two issues were exposed and need to be resolved through a best practices statement: 1) the relationship between the faculty member and the dean and 2) streamlining the documentation to respond to the annual performance objectives (APPDO). He stated that a faculty member should be assumed to have met expectations unless there is documented proof to the contrary.

Dr. Errico reiterated that this new evaluation was supposed to be easier, not more difficult, and he hopes to have the best practices document ready for the next evaluation cycle. He reported that there would be a session on the process and changes at New Horizons.

Some Senators expressed concern over the difference between the previous category of “excellent performance” versus the new “expectations met” and suggested that a caveat be added to the beginning of the evaluation to explain that the previous ranking of “excellent” is no longer part of the new evaluation.

In connection with the Reward and Recognition program, some Senators suggested that faculty should feel comfortable about nominating themselves. Others suggested that the program could potentially create tension among faculty.
**Body Cameras – Chief Dan Dusseau**

Chief Dusseau explained that while body cameras seem to be a good solution, the jury is still out on this and he led a discussion on the need versus the perceived need for the installation of these devices, as well as the added expense to implement body cameras on all six campuses for all police officers.

Chief Dusseau stated that when officers go on calls they are required to write up official reports that are maintained in a database. At the end of every day, Chief Dusseau receives these reports. All police activities are documented. If there is a use of force by a police officer, the officers are required to make notification to their supervisors and a written memo done within 24 hours. Officers are also held highly accountable. When there are misconduct accusations, they are brought to Legal Affairs and HR. He explained that officers receive a lot of training, but they are also human beings with frailties like other human beings.

He explained that there are no cameras in the classrooms for the benefit of freedom of speech for the students.

Chief Dusseau added that they are researching what other community colleges are doing and that this is a work in progress at this stage.

Mr. Coles highlighted the current drawbacks of implementing body cameras: there is currently no specific guidance on how long to retain the data from the cameras; no policies exist for best practices at community colleges; and, there are concerns over privacy issues with those interacting with police. He indicated the need to see if body cameras would be appropriate for the NOVA culture even though it is now the “wave of the future.”

Senators offered the following comments: if there were an incident, it would be far worse for the college than the issues connected with implementing body cameras; the college should be proactive in the “Nova way;” we all have cell phone cameras so there is no real privacy anymore anywhere; body cameras are protection for the officers; and, it is a “win/win” for both sides, supporting the officer as well as the rights of the student. Others suggested there would be issues with some cultures who do not want to be “on camera.” Still others suggested that the money would be better spent by putting cameras on the campuses, not the officers.

**Directives for Future Chairs of Senate, ISSC, PSC & Other College Committees**

Dr. Mucci stated that topics to be considered for next year for future Chairs should include:

- The issue of no directives for the chair responsibilities.
- Stressing the minutes need to be taken and uploaded each month as a SACS requirement.
• College Committees need to be examined to be sure every new college position is included in the appropriate committee.

**Campus Council Elections – Update and information**

Dr. Mucci Diane distributed instructions for the google applications for Campus Council voting as the college Web Services and Digital Media (WSDM) department has declined to assist this year. Elections need to be completed by March 31.

Dr. Mucci distributed a list of all of the college committees electronically and in hard copy with descriptions of each committee and asked that the Senators distribute the list widely to their campuses.

**Committee on Committee Chair Selection**

Dr. Mucci called for nominees for the Chair of the Committee on Committees and also stressed the importance of soliciting strong leaders from each campus for the committee makeup.

Administrative support has been offered this year and coordination with this volunteer will take place when the committee is formed.

**Faculty Handbook Updates**

Dr. Mucci asked Senators to disregard the review of the roles of the Deans until and when the Provosts have reviewed them but to review all other handbook updates. In the next several weeks she will send out an electronic ballot to ask that Senators vote on the changes.

A motion was made, seconded without objection, and carried to adjourn the meeting at 3:05 p.m. The next meeting is scheduled for Thursday, April 16, in the Seminar Rooms of the Ernst Cultural Center on the Annandale campus. Lunch will be available at 12:30.