

A Closer Look at GMU's Review of Gift Agreements

Analysis by UnKoch My Campus

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1. Problems with Charles Koch Foundation Agreements Affirmed

Despite the repeated denials by George Mason University's administrators, an [internal review committee](#) that reviewed hundreds of donor agreements for evidence of donor influence released a report that affirms the longstanding concerns of students and faculty.

Despite the committee's cautious wording suggesting that nothing "egregious" was found, concerned faculty are describing the findings as "serious violations of academic freedom, including undue donor influence and undue fiscal burdens." These findings include contracts the Koch Foundation is party to.

2. Widespread Pattern of Donor Influence

The report plainly reveals a widespread pattern of donor influence that spans many programs and donors, with twenty-nine agreements being "marked" for further review.

An examination of the report and corresponding documents shows several instances where donors are granted the "sole discretion" to withdraw funding from a program. Affirming the criticisms of this common feature of Koch foundation agreements, we see examples from other donors, demonstrating that donor influence is a more rampant problem than anticipated:

The Foundation **shall not be obligated to make any Installment Payment** if the Foundation determines **in its sole discretion** that grantee is not in full compliance with the terms of this Agreement, is not in full compliance with the Budget and Milestones, or has not fully and adequately provided the requisite accounting of the use of Grant funds, including confirmation that the funds have been spent exclusively toward the Purpose ([p. 128](#)).

There are also examples of donors vetting lecturers for programming and directly influencing programming:

Grantee will **work in consultation with the Foundation to finalize the law professor workshop agenda**. . . If Grantee receives feedback in regards to the agenda from attendees after the first workshop, Grantee will also consult with the Foundation to make any modifications to the agenda in advance of the second workshop. . . **Grantee will provide the Foundation with a list of confirmed lecturers no later than sixty (60) days prior to each judicial symposium** ([p. 138](#)).

Another agreement outlines the following award goals:

The purpose of the FUND is to produce academic-quality research related to important issues **identified by the DONOR and others**, and to disseminate that research to relevant state, regional and national policymakers as well as media, teachers and the general public ([p. 15](#)).

Other agreements provided donors with influence over the selection and retention of faculty:

The **donors will be represented on the search committee**, and the broad thematic rubric under which the position will be established is 'Islam, Globalization, and World Civilization' ([p. 4](#)).

Notwithstanding any other term or language in this Agreement, **should Bob Inglis, Director of the Energy and Enterprise Initiative leave his current position** at any time during the term of this grant, the Foundation reserves the right to terminate the grant and recover any unspent funds as of the **key person's departure date**, or to renegotiate the grant prospectively for the remainder of the term. Throughout the term of this grant, the Foundation also reserves the right to make all award payments contingent upon the Foundation's approval of the new appointment if key person is replaced or if there is redistribution of staff responsibilities ([p. 71](#)).

One gift agreement also suggests the role of the GMU Foundation in assisting a donor to gain access to an advisory council:

The [George Mason University] Foundation will use its best efforts to ensure that **the Donor shall have a seat** on the Accounting Advisory Council ([p. 6](#)).

3. Explicitly Political and Ideological Objectives

Some agreements included documents that require programs and professors to carry out overtly ideological or political ends. Such language included:

The objective of the REDACTED Chair is to increase understanding **and acceptance of** economics based on the principles of free markets, private property, limited constitutional government, the rule of law, and individual freedom with responsibility and to **expand public support of these principles** ([Mercatus Chair](#)).

The Energy and Enterprise Initiative provides educational programming and resources to advance public understanding of free-enterprise approaches to solving climate change (Energy and Enterprise Initiative, [p. 123](#)).

The Grant shall be used by Grantee's Law & Economics Center for the sole purpose of hosting the following: (i) Two (2) judicial symposia on the economics and law of public pension reform; (ii) Two (2) workshops for law professors on the economics of public pensions; (iii) One (1) symposium for state attorneys general on the economics and law on public pension reform; (iv) One (1) research roundtable on solving the public pensions crisis; and (v) One (1) public policy conference on solving the public pensions crisis. This initiative is part of a broader effort to expand the accessibility of public sector retirement research (collectively, the "Purpose") ([p. 124](#)).

4. Committee Ignored Centers Like Mercatus

Despite recent documents exposing them as hubs of donor influence, private centers like the Mercatus Center and Institute for Humane Studies that are “affiliated yet independent entities” were omitted from the scope of the committee.

Despite recent documents surfacing that forced George Mason University’s President Cabrera to admit some gift agreements “fall short” of GMU’s standards of academic independence, the omission of these “affiliated yet independent entities” is yet another example of how the administration has consistently helped these entities evade scrutiny.

UnKoch My Campus is releasing the documents underlying this investigation without many of the redactions made by the Internal Review Committee, in part, to illustrate that we oppose donor influence in higher education no matter the political objectives of said donors.