

## **Boulder Faculty Assembly Meeting**

Minutes

April 7, 2005

### **Attending:**

Barbara Bintliff, Chair

Mel Branch

Pamela Diggle, At-Large Representative

Frank Beer

Greg Carey

Cathy Comstock

Kim Dickey

David Fagerstrom

Hardy Fredricksmeyer

Martha Hanna

Samuel Junod

David Kassoy

Kai Larsen

Terry Sawchuk

K T Mahanthappa

Peter Molnar

Rolf Norgaard

Rick Perdue

Tad Pfeffer

Andrew Pleszkun

Terry Sawchuk

Ted Snow

Deward Walker

R L Widmann

Jinx Cooper

Vanessa Miller, Boulder Daily Camera

Jeff Dodge, Silver and Gold Record

George Merrit, Denver Post

Pierrette Shields, Longmont Times-Call

John Ensslin, Rocky Mountain News

Evan Semon, Rocky Mountain News

Guests:

Rod Muth, Chair, Faculty Council

Ron Stump, Vice Chancellor for Student Affairs

Chancellor Phil DiStefano

**Not Attending:**

Stein Sture, Vice Chair

Deane Bowers, Secretary

Uriel Nauenberg, Former BFA Chair

Anne Bliss

Martin Bickman

Frances Charteris

Philip Graves

Leslie Irvine

Rob Guralnick

Bruce Henderson

Bob Hohlfelder

Roger King

Paul Kroll

Robert Kuchta

Rich Laver

Paul Levitt

Bill McGinley

John McIver

Chidi Nwaubani

Bob Regoli

Bob Schulzinger

Marty Walter

Gail Ramsberger

A meeting of the Boulder Faculty Assembly was held on Thursday, April 7, 2005 in the Fleming Law School, Room 102. Chair Barbara Bintliff presided. The meeting convened at 4:00 p.m. and adjourned at 5:10 p.m.

A. Approval of Minutes

MOVED and seconded that the minutes of March 3, 2005 be approved as amended.

There being no further comments, corrections or changes to the minutes, the motion to approve the minutes carried.

B. Chair's Announcements

The Chair welcomed everyone to the meeting and introduced the members of the press to the assembly. She read into the minutes the names of this year's recipients of the Faculty Excellence Awards as follows:

***Teaching***

Michael Eisenberg	Computer Science
Beth Dusinger	Classics
Elena Kostoglodova	German & Slavic Langs. And Literatures
Gary McClelland	Psychology

***Service***

David Clough	Chemical Engineering
David Kasoy	Mechanical Engineering
David Armstrong	Ecology & Evolutionary Biology

***Research, Scholarly  
and Creative Work***

Patricia Adler	Sociology
Andrzej Ehrenfeucht	Computer Science
Fred Anderson	History
Alan Weimer	Chemical & Biological Engineering

The following items of general business were covered:

- A listserv is now available for the BFA to use for discussion. Shernick will continue to keep mailing lists for official documents and correspondence.
- Hohlfelder is scheduled to present an update on the budget. It appears the university is in fairly good shape for the next year but subsequent years will depend on voters come November.
- Regent Bosley was originally scheduled to speak to the assembly but was unavailable at the last minute.

### C. Committee Business

The revised Bylaws come to the assembly brought forward by the ByLaws Committee as a Notice of Motion and does not need a second. The Chair asked that faculty read them over in the next month and submit questions and comments to Sture or to her.

The second Notice of Motion comes from the Budget and Planning Committee and deals with compensation for faculty governance service.

The third Notice of Motion is a brief statement from the Academic Affairs Committee on the definition of an undergraduate credit hour. In Fall 2004 a Question of the Month was posted concerning whether the faculty should define what a credit hour is and the statement provides us with a general guideline that does not demand strict adherence to any rule and recognizes that there has to be flexibility. The Chair asked everyone to look at the document before the last BFA meeting on May 4.

The Executive Committee agreed to bring forward a resolution of appreciation for former Chancellor Richard Byyny. He is to be recognized at the April 28 Board of Regents meeting and Bintliff wanted the Boulder campus faculty to express their appreciation to him at their time. The resolution comes to the Assembly approved from the Executive Committee and the Chair asked for a motion to suspend the Bylaws and adopt the resolution. A motion was made to suspend the rules, it carried, and the resolution of appreciation from the Executive Committee was unanimously approved.

Faculty Affairs, at the request of Faculty Council, asked the assembly to consider a series of recommendations on faculty with disabilities. Levitt took this to the Faculty Affairs Committee and they recommend adoption of the memorandum. Within the text are brackets which delineate comments made by Student Disability Services Director Cindy Donahue; the assembly is not passing on her comments but rather on the recommendations of Faculty Council. This Notice of Motion was noticed at the last meeting and it is on the floor for discussion. Widmann suggested that “qualified” be inserted on the first page under “Guiding Principles” at number 4 after “recruit.” Faculty Council Chair Muth accepted this change as a friendly amendment. Comstock recommended the comma after “recruit” in the same line be omitted, and Carey asked if the provisions of disability in the memo include psychiatric disability and Widmann replied affirmatively. Cooper said that the insertion of the word “qualified” was inserted and said the document is one we can both live with and encourage. The Chair brought the motion to a vote, and the assembly voted unanimously in favor of approving the guiding principles.

### D. Special Reports

Bintliff introduced Vice Chancellor for Student Affairs Ron Stump who handed out a “Summary of Strategies” which outlines the initiatives currently in place as a result of racial incidents that took place on campus this spring. Stump was concerned that energy behind these strategies needs to be maintained over time to not only address these

incidents but respond to and begin to respond to and change the campus culture. The document asks the Chancellor's Advisory Committee on Minority Affairs to look at what is being done in terms of strategies, evaluate them, and provide ongoing oversight for these strategies as they develop. It has been suggested that the university bring in outside people to evaluate the campus climate, policies and programs currently in place and our benchmarks, and the Chancellor agreed to do this next year. Like the Sexual Harassment 101 document, a University 101 course has been proposed which would address what it means to be a CU student. Stump acknowledged feedback from the BFA Academic Affairs Committee as to faculty involvement with this course and whether it should have academic credit and how it will be implemented. The class will probably be phased in for Fall 2006.

Comstock stated that people report such courses have a positive impact on students and Hanna asked whether the recent incidents are a continuum of what minority students have been experiencing all along or whether these incidents are new to campus. Stump replied that we've probably seen a spike in these incidents but other details are different from what we have seen before; namely, there currently exists a culture of disrespect at CU. Cooper asked to be given an idea as to the content of a "CU 101" course, and Stump replied that the courses could focus on critical thinking, how to go about making good decisions, or a students' relationship to alcohol, or how you work with faculty and ideas for developing a career path. Everyone seems to have a different idea as to what such a course could look like. Carey asked who would be expected to teach this course, and Stump replied that that detail has yet to be worked out. Norgaard asked if credit hours would attach, and Stump replied the course would be worth one credit hour. Widmann pointed out that racial incidents actually occurred while the Big 12 conference was taking place on campus and a number of our guests had racial epithets hurled at them. Stump added that there were two incidents in local restaurants and that part of the problem has been getting a complete picture of these incidents as students are often reluctant to step forward to provide a complete picture of what transpired. To that end he has turned to the human rights specialists in Boulder for help. He concluded that people look to the administration to make the appropriate changes and remedy the problem which is difficult if you don't know who took part.

Bintliff stated that these kinds of incidents have come up before and this time there is major effort behind doing something about them. She encouraged faculty to send feedback to Stump and said the BFA Academic Affairs Committee was at his disposal. She thanked Stump for his time and for speaking with the faculty.

The Chair then introduced Chancellor DiStefano to the assembly, who began by outlining the Ward Churchill preliminary review decision made on March 24 which consisted of ruling that the content and rhetoric of Churchill's 9/11 essay was protected, and that the allegations related to misconduct warranted a referral to the campus research misconduct committee. That committee's work is confidential and the findings will be reported to the Vice Chancellor for Academic Affairs who will then report to him, and DiStefano added that he hoped the faculty would agree that the matter was in the proper hands at this point in time.

The Chancellor told the faculty that we have been under intense scrutiny but we haven't lost sight that our faculty, staff and students continue to excel, and he thanked the faculty for their continued excellence in all areas. He then asked for questions.

Beer said that the composition of the committee seemed to weigh towards the natural sciences and that there might be different standards for fact checking and citations in different disciplines which could affect the outcome of the investigation. DiStefano replied that we have a standing research misconduct committee which has a subcommittee that will handle the first phase of the investigation and that committee makes a recommendation as to whether the allegations against Churchill have merit and warrant further investigation. The misconduct committee can also go outside of itself to ask for faculty help or go off campus for external assistance. To answer Beer's question Bintliff stated that the research misconduct committee consists of one representative from each school and college, and includes a BFA, student and staff representative. The current BFA representative, Uriel Nauenberg, along with the representative from Engineering could be considered from the "hard sciences." Beer thought that the critical question was whether irregularities arise in Churchill's research and to what level, and added that people closest to the discipline involved might be better able to make an assessment of Churchill's research. Bintliff replied that his concerns are appreciated and that the committee's membership was already in place before the Churchill incident, and DiStefano described the membership of the committee in detail: two faculty from A&S, one from the other schools and colleges, a BFA representative, a member from Staff Council, and a graduate student representing UGGS, and a designee from the Associate Vice Chancellor for Research office.

Comstock asked what the in-state and out-of-state admissions numbers looked like after months of intense scrutiny. DiStefano replied that the Long Bill is currently being debated in the Colorado Senate and that we have asked for specific spending authority. If the authority to spend at 12 percent it will help us with the mandated costs we currently have. This change does not take into account the decline in enrollment, but we won't know the exact enrollment figures until after census date in September. The Chancellor did describe a recent upswing in student enrollment confirmations.

Larsen said that plagiarism and self-plagiarism are a problem and asked if we have good rules in place at CU to deal with this practice. DiStefano replied that if there are allegations of self plagiarism we should take a look but also rely on the faculty to get policies in place. He suggested that Academic Affairs could also look at this concern.

Chair Bintliff thanked the Chancellor for his remarks and introduced Rod Muth, Faculty Council Chair to the group. Muth began by reading a passage out of the Tenure Review Board resolution which was passed on March 17 outlining the plan to engage in thorough review of the present practices of tenure consistent with the laws of the Regents and the faculty. The resolution was jointly crafted by President Hoffman, Faculty Council and members of the Board, and states that the review shall be conducted under the direction of a distinguished individual from outside academia with the assistance of a working group with experience in higher education and that the review shall be guided by an advisory

group consisting of three board members and a community member named by those board members, four faculty appointed by Faculty Council, and one administrator appointed by the President. A student member has also been added to the committee. The advisory group will have the responsibility to provide the final report and for any recommendations or proposed changes to Faculty Council and the President and the Board of Regents.

Muth interprets the board's charge to be about our criteria and procedures and whether they compare favorably to those of peer institutions rather than about whether or not tenure is appropriate or about academic freedom. No tenure case can be opened at any time during the review. Hanna asked how long the process would take, and Muth answered that the procurement process necessary to get persons to review processes which could take up to two months. The committee is having difficulty getting together and University Counsel Charlie Sweet must also attend. Committees need to be placed on each campus to facilitate and guide the process of tenure, and we have four faculty on the committee who are very concerned this review of tenure be done accurately and thoroughly.

Cooper asked if Muth was describing two sets of procedures, one for obtaining tenure in the first place and other procedures to address abuse of tenure, and if so, would both sets be looked at? Muth answered affirmatively. Walker asked if the committee wouldn't want to look into prior cases of impropriety, and Muth said such cases are confidential records. Bintliff added that that would not be feasible and that various administrators in charge of processes, e.g., Susan Kent, would be contacted and interviewed as a possibility. Most likely chairs of departmental and college-level committees will be contacted, but as CU Boulder is so large it could result in a random selection. The hope was to have hold many conversations about what is written policy and what is the actual practice. Muth added that the committee's goal will be to make it all wrap up by the end of December, 2005 and that one challenge will be to take and use a sampling or distribution in order to dispel and notion of "targeting."

Beer returned to Larsen's statement on self-plagiarism and said that the findings in the Churchill matter could have implications for what is generally defined as "research misconduct." Different professional associations have different codes of ethics in these matters and though it could be useful to find some way to set up an intercampus committee on the issue of research misconduct past, present and future. Widmann asked if Beer was recommending an ad hoc committee, and Beer replied that he was proposing that a committee get out ahead of this issue. Carey said that the issue is why not look at tenure *per se* and that it is good for an institution to examine its basic premises and look at the procedures for making it better. Muth stated that there is a fragility under current conditions and due to the "tenor of the times" it could prove problematic. Kassoy said that the campus has had a long list of dealing with misconduct involving a number of cases and that it would be helpful if people knew the number of cases brought to light and the outcomes of those cases. Muth agreed and added that this process could have an educating effect and that the investigating committee could ask about the kind of data

about how often tenure is granted and then move to the consequences of post-tenure review.

Perdue said that given the committee will not be looking at individual cases but rather at processes and that there is no evidence to suggest that increasing the size of the portfolio will have any effect on type 1 and type 2 errors. Unless we are willing to look at cases where good and bad decisions were made to try to understand what caused the bad ones it remains merely a political exercise. Muth invited him to find a way to describe what he proposed without violating all kinds of conventions and rules and then he would be willing to entertain it.

Cooper said that most of the bad decisions were not made by faculty and suggested the committee look at the way decisions were overturned by higher ups in the system. The procedures in place for many years were good until usurped by presidents for purely political reasons. Muth agreed that the procedures themselves are rigorous and it remains to be seen how bad decisions were made.

The Chair thanked Muth for his presentation.

E. New Business

There was no new business.

F. Next Meeting

The next regular meeting of the Boulder Faculty Assembly Senate Meeting will be on Thursday, May 5, 2005 from 4:00 to 5:30 p.m. in the Fleming Law Building, room 102.

The Chair thanked everyone for attending and the meeting was adjourned.