

MINUTES

Boulder Faculty Assembly December 9, 2010

Attendance

BFA Members Attending

Jennifer Bair	Frank Eparvier	Dave Kassoy	Michael Preston
Frank Beer	Phil Graves	Buzz King	Fernando Riosmena
Elizabeth Bradley	Antonia Green	Catherine Kunce	Joe Rosse
Andrew Calabrese	Andy Hoenger	Page Moreau	Eckart Schutrumpf
Greg Carey	Carmen Grace	Carrie Muir	Elizabeth Skewes
Eric Chwang	Tom Hollweck	Robert Naumann	Mark Squillace
Andrew Cooperstock	Suzanne Hudson	Uriel Nauenberg	Steve Vanderheiden
Bill Emery	Peggy Jobe	Robert Parson	Ahmed White

BFA Members Not Attending

Ernesto Acevedo-Muñoz	Lynn Harvey	Shelly Miller	Ted Snow
Kwasi Ampene	Robert Hermanson	Jeff Mitton	Ted Stark
Sedat Biringen	Lori Hunter	Melinda Piket-May	John Toth
Gregory Camilli	Arthur Joyce	Karen Ramirez	Deward Walker
John Cumalat	Patrick Kociolek	Isaac Reed	Martin Walter
Kim Dickey	Daria Kotys-Schwartz	Antje Richter	Paul Weimer
Douglas Duncan	Graziana Lazzarino	Joe Ryan	Jeff Weiss
Maw Der Foo	Congming Li	Bob Schulzinger	Wendy Young

Liaisons & Observers

Bill Kaempfer, Vice Provost and AVC for Budget & Planning
Bradley Albus, Staff Council Liaison
Don Eron

Special Guests

Dan Wilkerson, Senior University Counsel
Jill Pollack, Senior Associate Vice President and Chief Human Resources Officer
Russell Moore, Provost

The Boulder Faculty Assembly held its regular meeting on December 9, 2010 in Wolf Law room 307. Chair Joe Rosse presided. The meeting convened at 4:00 p.m. and adjourned at 5:35 p.m.

I. Chair's Report:

BFA Chair Joe Rosse

- a. BFA Winter Reception –The BFA held its Annual Winter Reception last Monday. The annual reception is a good opportunity for BFA members to meet and discuss matters away from the more structured environment of BFA meetings. Those who could not attend this year are encouraged to do so next year.

- b. BFA Faculty Affairs Committee Leadership – Due to a variety of factors the chairmanship of the BFA Faculty Affairs Committee is vacant. The Executive Committee will appoint an appropriate Chair in the coming weeks.
- c. Football Coach Search Committee – Rosse thanked Elizabeth Bradley, Chair of the BFA’s Intercollegiate Athletics Committee, for her work on the search committee, and asked for a brief report. Bradley commended the BFA’s resolution on the subject.¹ She added the committee consisted of herself, C.F.O. Ric Porreca, David Clough, Interim V.C. for Diversity & Equity Bob Boswell, and three community members. She reported that Jon Embree was chosen in part due to his commitment to academic as well as athletic performance.
- d. Faculty Council Ad-Hoc Communications Committee – Faculty Council voted last week to create an ad-hoc communications committee to develop recommendations for improved communication both internally and externally.
- e. Board of Regents Relationship With Faculty Governance – Regent Hybl heard feedback from Faculty Council at a recent meeting that the relationship between the Regents and Faculty Governance has become too adversarial. For example, in the last election Regents campaigned on ‘increased efficiency’ even though faculty are already stretched too thin. The adversarial relationship is itself inefficient, requiring faculty to pit issues against one another rather than participating with the Regents in productive, shared decision-making.

Discussion followed. Rosse reported that Regent Neguse will meet with the BFA this spring. Professor Kassoy commented that the Regents are in tune not with CU, but with their constituency, which has an adversarial relationship with CU. Kassoy stated that campuses, chancellors, and the President must develop an outreach program to reach influential members of the public, including political, industrial, and business leaders, to help the Regents understand that the University is not the public’s enemy.

- f. ISIS – Some issues have been fixed but serious challenges remain. Asst. Dean Joanne Zelasko has been charged with finding solutions, especially for graduate admissions.

Discussion followed, including reports of problems with degree audits and FCQs.

II. New Business

Professor Beer raised again CU’s need to develop an outreach program to advocate for CU, echoing Professor Kassoy’s comments from earlier in the meeting.
Moved by Frank Beer and seconded by David Kassoy that the BFA establish an ad-hoc committee to explore development of an outreach system to advocate for CU.

¹ On line at www.colorado.edu/FacultyGovernance/committees/MOTRES/BFA-X-R-111510.pdf

Discussion followed. Those assembled voted to suspend the rules for the purpose of waiving any notice of motion requirements, and of proceeding with a final vote.

Boulder Faculty Assembly Resolution
BFA Ad-Hoc Committee on University Outreach
BFA-R-120910

Resolved: that the BFA establish an ad-hoc committee to explore the development of an outreach program to advocate for CU.

Notice of Motion Requirement Waived by the Boulder Faculty Assembly: December 9, 2010

Approved by the Boulder Faculty Assembly: December 9, 2010

Beer reported the new committee should contact various constituencies, including administration and faculty council, to discuss how to proceed.

The main motion passed by a majority vote.

III. Special Report: Grading Cautions

Vice Provost and Associate Vice Chancellor for Budget and Planning Bill Kaempfer

Kaempfer gave the following advice about grading in the new I.S.I.S. system:

- start entering grades early in case the system does not work the first time;
- keep records of the grades you have given;
- input only the Student ID number and the grade: do not include comments;
- if there are problems please contact the Registrar's grading hotline: 492-3015; and
- be careful to distinguish between students who attended but failed (QF), and those who never attended or completed any course assignments (XF).

Discussion followed. It was suggested that faculty save work frequently while entering data, in case the new system goes down.

Rosse thanked Kaempfer.

IV. Special Report: University Counsel's Position on Recent BFA Resolutions

Senior University Counsel Daniel Wilkerson

Rosse reported that Wilkerson has been asked to discuss the BFA's two program discontinuance motions, one on severance pay and another on notice rights.² Rosse added that Wilkerson has also been asked to explain Associate Counsel John Sleeman's legal memo which states that instructors are 'at will' employees.

² Faculty rights: www.colorado.edu/FacultyGovernance/committees/MOTRES/BFA-X--M-101209.pdf
Sr. Inst. rights: www.colorado.edu/FacultyGovernance/committees/MOTRES/BFA-X--M-113009.1.pdf

Wilkerson's comments included the following:

- CU's Office of Legal Counsel is not challenging what the BFA seeks to accomplish. Rather, to pursue the BFA's goals requires the correct procedural stance: as written the resolutions seek to amend Administrative Policy Statements but their subject matter is not governed at that level. The resolutions should instead have sought to amend either Regent Laws (in the case of severance pay), or Colorado statutes (in the case of notice rights).
- The Colorado Postemployment Compensation Act³ is a broad state statute designed to eliminate all employees' contractual rights, including notice requirements. Tenure and tenure-track faculty are specifically exempted from the statute, but instructors are not.

A discussion period followed, including the following perspectives:

- Counsel's office's reading of the import of the Post-Employment Compensation Act remains in question. Further, the applicability of the statute to instructors has never been tested in a court of law.
- The BFA, if it truly is a client of CU's Legal Counsel, has the right to raise questions, should be consulted as to its goals with regard to the issue it raised, and should have an opportunity to discuss other interpretations of the statute.
- Regent laws deny instructors access to tenure, but state statutes do not.
- Aside from procedural issues, the fact remains that the BFA has spoken and has requested that severance pay in discontinuance be restored to the more generous package of two years ago. It is particularly important in bad times that faculty benefits are protected from erosion.
- It remains unclear whether the more generous two-year severance was reduced at the request of Faculty Council, or at the request of administration.
- Counsel's presenting its interpretation of the law as incontestable has been seen as a statement of policy rather than the truest interpretation of the law.

Wilkerson agreed to meet with an ad-hoc committee of BFA members to discuss the matter further. Wilkerson offered to include Associate Counsel John Sleeman.

Rosse thanked Wilkerson for his participation.

V. Special Report: New CU Plan for Self-Funded Health Insurance⁴

Jill Pollock, Senior Associate Vice President and Chief Human Resources Officer

As a preliminary matter Pollock reported that, while most of the Payroll & Benefits operation will move to Denver next fall, International Support Services has always been planned to remain in Boulder, where most of work conducted by that office is generated.

On the subject of self-funded health insurance Pollock's report included the following:

- The cities in which CU's campuses are located are on Gallup's list of the top

³ Colorado's Postemployment Compensation Act is at Section 24-19-101, Colorado Revised Statutes.

⁴ Please contact the BFA office if you would like a copy of Vice President Pollock's slide presentation.

ten fittest in the U.S.A. Self insurance will allow CU to offer plans that acknowledges CU's commitment to healthy lifestyle choices.

- History of self-funding:
 - CU's health plans were self-funded from 1989 to 2000. The self-funded model lost CU money because the plan was badly managed.
 - In 2000 CU became 'fully insured:' it began buying off-the-shelf products from insurance companies. This shifts the financial risks to the companies but also allows them to reap all profits and removes opportunities to manage costs.
 - Between Fiscal Year 2006 and Fiscal Year 2010 CU saw a 50% rise in health care costs. Public institutions of CU's size have generally seen a 38% rise over the same period.
 - In Fiscal Year 2008 President Brown formed a group to explore self-funding. The group included representatives from CU, University Physicians (UPI), the CU Hospital (UCH), and Mercer Consulting.
 - In 2009 CU decided to pursue self-funding.
- The new model is a joint undertaking between CU, UPI, and UCH.
- The plans themselves have not changed very much. Anthem has been retained as CU's administrative services organization.
- The group decided on a Voluntary Employee's Beneficiary Association to fund the project, which is a trust that cannot be spent except to benefit employees. CU is the designated plan administrator: it provides legal assistance and tax and related reporting. UPI will do medical management for the UA Net plan. UCH will handle the mail order drug program.
- One benefit of self-funding is customization, such as a greater focus on prevention and inclusion of campus projects such as research programs.
- The trust has quarterly trust meetings to look at financial performance and use. This is public information and will be made available on line.
- This time CU will use additional controls, such as internal and external audits.

In a question and answer period that followed, Pollock added the following points:

- Plans offered this year under the self-insurance are UA Net, Luminos, HMO Colorado, and a Medicare supplement plan. Kaiser will continue to be offered apart from the new model because it does not work well with self-funding.
- It is not yet known what the role of UBAB⁵ will be in managing the trust.
- The plans will change over time in response to legal requirements (such as the new Patient Protection and Affordable Care Act), and medical evidence.

Rosse thanked Pollock for her presentation.

VI. Special Report: Provost's Update *Provost Russell Moore*

Moore's report included the following:

⁵ University Benefits Advisory Board

- Campus Budget – CU is looking at several funding models for next year but it is not yet known how much the State will contribute. CU assumes the State will have a \$550 million⁶ Higher Ed budget, to be divided among all institutions. CU is arguing that it took deep cuts in the last two years and therefore deserves a greater proportion of that budget.
- Merit Salary Pools – Increases remain a possibility. CU’s performance in National Research Council ratings is excellent: in terms of research citation impact, UCB ranks #8 nationally, and #3 among U.S. public Universities. That translates directly into economic benefit to the State. It is important to defend the quality that the State has invested in at CU.
- The Research Diamond – The Colorado School of Mines, CSU, and two of CU’s campuses have met to propose opening a dialogue on whether research universities can form a meaningful consortium to play on the unique strengths of each institution and use economies of scale to be more efficient, such as creating a common procurement system and/or health care system.

A question and answer period followed, which raised the issue of “CU Guaranteed:”

- CU Guaranteed is a new CU program that allows any Colorado Community College student with 30 hours of core classes and at least 2.7 GPA to matriculate automatically at CU. Moore reported that CU already admits those students, but “CU Guaranteed” makes the program more visible.
- Many expressed concern that students who transfer from community colleges are not prepared for Boulder’s level of academic challenge. Others speculated that PBA statistics show that average GPA falls at first but recovers in one or two years as students learn they have to work harder to succeed.
- It was expressed that CU Guaranteed should have been initiated by the faculty rather than administration, and faculty were not appropriately consulted.
- It was suggested that CU Guaranteed may need to be tailored to each campus.
- Moore reported that students who transfer under these criteria graduate at rates and GPAs similar to our general student body.
- Moore reported he had data suggesting that first generation students and students of color at CU Boulder have graduation and retention rates comparable to or exceeding those of any other institution in the state. He added that CU Boulder and comparable research institutions offer those students the best chance for success and, therefore, they should be presented as viable options for those students rather than just the traditional community college option.

VII. Adjournment

The meeting was adjourned at 5:35 p.m.

Respectfully submitted by Sierra Swearingen-Todd, BFA Coordinator.

⁶ Editor’s note: \$550 million is equal to this year’s budget, but is a reduction because the current year included \$89 million from the American Recovery & Reinvestment Act, which is not available next year.