

## **MINUTES**

### **Boulder Faculty Assembly**

**May 4, 2006**

#### **Attending:**

Jerry Hauser, Chair

R L Widmann, Vice Chair

David Kassoy, Secretary

Barbara Bintliff, Former BFA Chair

Deward Walker, At-Large Representative

Joe Rosse, At-Large Representative

Wayne Angevine

Sedat Biringen

Deane Bowers

Barbara Battenfield

Greg Carey

Frances Charteris

Don Eron

Hardy Fredricksmeier

Martin Goldman (for Peterson)

Lori Hunter

Eric Juenke

Samuel Junod

Daniel Kim

Roger King

Hon-yim Ko

E. Christian Kopff

Richard Laver

Rolf Norgaard

Adam Norris

Tad Pfeffer

Melinda Piket-May

Kathryn Pieplow

Joe Rosse

Terry Sawchuk

Petger Schaberg

Ravinder Singh

Eric Small

Alexey Wolfson

David Hill, Retired Faculty

Media:

Jeff Dodge, Silver & Gold Record

**Guests:**

Provost Mark Heckler

General Howell Estes III

Claudia Cardozo

**Not attending:**

Cathy Comstock

David Fagerstrom

Robert Ferry

Robert Kuchta

Bill McGinley

Andrew Pleszkun

Bob Regoli

Ted Snow

Simon Sparks

A regular meeting of the Boulder Faculty Assembly was held on May 4, 2006 in the Fleming Law Building, Room 104. Chair Jerry Hauser presided. The meeting convened at 4:00p.m. and adjourned at 5:30p.m.

A. Approval of Minutes

Minutes from March 2 and April 6 were distributed, the chair asked for additions or corrections, hearing none, the motion to approve the minutes carried without dissent.

B. Chair's Announcements

- The Chancellor's Search Committee delivered its report to the President who has indicated he wishes to move rapidly; campus visits should occur during finals week with a finalist announced end of May;
- There are three new building projects scheduled to take place on campus: a biotech center will be constructed on the East Campus and will attract exceptional researchers; with private funds a practice bubble will be built for athletic teams; a 5-phase project for renovation of the library will begin in three years pending meeting of cost needs;

At this last meeting of the year, Hauser thanked the members who rotate off the assembly as of July 1:

Frances Charteris

Robert Kuchta

Rolf Norgaard

Martin Goldman

Andrew Pleszkun

Hauser then welcomed the newly elected members of the assembly, also effective July 1:

Shu-ling Berggreen

Barbara Buttenfield

Martha Hanna

Hon-yim Ko

Shelly Miller

Adam Norris

Melinda Piket-May

The Chair then announced that Administrator Shernick would be leaving the BFA as of May 12. He read a resolution of appreciation which he then presented to Shernick.

#### C. Elections

Hauser turned the election process over to Bintliff who referred to the distributed ballots which listed all current vacancies. There were no contested seats, the call for nominations went out in due course and no nominations were received by closing of the process at 5:00 o'clock p.m. on May 3. Bintliff offered to call for additional nominations and, hearing none, suggested that the Standing Rules be suspended and that the assembly vote every office and every position all at once. She requested nominations for positions from the floor. Hearing none, she closed the nominations. Bintliff then called for a motion to suspend the Bylaws for the purpose of voting for the entire slate. It was so moved and seconded. Bintliff called for discussion; hearing none, she asked for a vote of approval to suspend the Bylaws and the vote was unanimously in favor of suspension. Bintliff then asked for a motion to approve the slate of offices as they appear and it was so moved and seconded. As it was an election no discussion was needed. She called for

a vote and the ballot was unanimously approved. The Executive Committee will work over the summer to fill the remaining committee positions.

**Election Results:**

**CHAIR**

Jerry Hauser

**VICE CHAIR**

David Kassoy

**SECRETARY**

Tad Pfeffer

**AT-LARGE BOARD MEMBER**

Joe Rosse

Deward Walker

**BFA SEATS ON STANDING COMMITTEES**

**Administrative Services and Technology**

Adam Norris, APPM

**Intercollegiate Athletics – 2 seats**

Bill McGinley, EDUC

**Budget & Planning**

Melinda Picket-May, ENGR

Shu-Ling Berggreen, JOUR

**Academic Affairs**

Shelly Miller, ENGR

**Diversity Committee**

Eric Juenke, PSCI

## **Faculty Affairs**

Martha Hanna, HIST

## **Bylaws Committee**

No nominees

## **Nomination Committee**

No nominees

## **D. Committee Reports**

Widmann as Chair of Bylaws Committee reviewed the Motion on Rewording the Bylaws. Hauser moved the changes be considered in serial, and began with the first one.

For Article II: Elections, the proposed language change referred to the Rules of the Faculty Senate which defines membership. Hauser explained that this provision attempts to clarify who should be on the roster as a member of the Faculty Senate. Bintliff said the proposed language does not accomplish what was described. She proposed the following language: *“Membership for voting purposes is defined by the Rules of the Faculty Senate.”* This should not replace Section II but rather be an addition.

Widmann accepted the friendly amendment on behalf of the Bylaws Committee. The question was called, a vote was taken and the change passed.

Article V. Standing and Ad Hoc Committees was up for consideration and Widmann outlined the proposal for limiting committee chair terms as none currently exists. Levitt asked if the reasoning behind this was the chair wears out or whether the chair wears out his/her welcome. Bintliff said she and Nauenberg thought that the provision was already a part of the Bylaws and supported this codification of the term limits. Hauser asked for further discussion, called the question, and a vote was taken. The motion passed.

Article V. B4h proposed that the Faculty Compensation Committee be folded into Budget and Planning. Bintliff said Compensation was listed as a subcommittee of the B&P in the old Bylaws which are still on the website and explained the rationale behind separating the two and giving a separate charge to Faculty Compensation. She recommended the faculty let the Bylaws work for a few years and vote against this revision. Widmann suggested the duties of the committee be revised so that it does not try to work on faculty benefits which are in reality controlled by the system. Bintliff recommended that the faculty scholarship fund coming from the vending machines be part of Faculty Compensation's charge. Anevine said he sat on the committee and that its charge was not very clear and it could be more effective if it knew what it was doing. Eron echoed that sentiment. Bintliff asked if the Bylaws Committee was willing to withdraw the item, and Widmann said the committee was glad to. Bintliff suggested the Executive Committee be the body to clarify the charge for Faculty Compensation. Hauser said the

motion item was withdrawn from the floor. The Bylaws Committee accepted the withdrawal and as Chair he will bring the charge to the Executive Committee and if there are problems he will refer them to the Bylaws Committee with instructions for clarification.

The last proposed change, Article VI section 3: recommends a deletion of “*other than elections*” so that email votes can be taken on any matter. Widmann did not wish to withdraw this motion. Hauser asked for discussion, there being none he called the question, called for a vote and it passed without dissent.

Hauser read the next motion regarding the Faculty Staff Dependent Scholarship Fund. He invited Levitt to speak on the motion, who described the fund as it existed and that somehow the funds were lost over time. Hauser clarified that there are about three or four funds that apply to faculty or faculty and staff as benefits and he took the spirit of this motion to be that this or any future fund should have faculty oversight over it. Hauser asked for discussion. Hunter said it was sad that we are scrounging vending machine money for scholarships. Hauser said there are funds available and there is a second issue that has to do with the system. On the Boulder campus we have come to rely on vending machine money or donors. At the system level there are other opportunities that may come to light. Kassoy did not understand the operational benefit from the BFA overseeing the funds and Hauser replied that it would be transparency. If the motion passes he will urge the formation of a committee to include a member of the BFA. The concern on behalf of the movers of the motion is that we don't know what is going on. There is no ready information as to what happened to some of the funds from Tabolt's office when asked. Hauser asked for further discussion, called the vote, and the motion passed.

**Boulder Faculty Assembly  
Executive Committee  
Motion to Change Wording of Bylaws  
BFA-X-M-130306**

The BFA Bylaws Committee presents the following changes for adoption by the Boulder Faculty Assembly:

**ARTICLE II: Elections**

Section 2. Nomination and election procedures shall be governed by the Standing Rules of the Boulder Faculty Assembly, except as provided by these Bylaws.

**PROPOSED LANGUAGE:** *Section 2. Membership for voting purposes is defined by the Rules of the Faculty Senate*

**ARTICLE V. Standing and Ad Hoc Committees**

**A. Committees**

**B. Standing Committees**

**ADD SECTION SIX - PROPOSED LANGUAGE:** Section 6. *Chairs of committees will have term limits. Chairs may serve for two consecutive terms of 2 years each. Then a member may not serve as chair again until 2 years have elapsed.*

#### **ARTICLE VI. Meetings of the Assembly**

Section 3. When approved by the Assembly in advance, or upon recommendation from the Executive Committee, an e-mail vote may be taken on any matter other than elections. The procedures for e-mail voting shall be as provided in the Standing Rules of the Boulder Faculty Assembly.

**PROPOSED CHANGE - Section 3,** *delete "other than elections" so that an email vote may be taken on any matter.*

From the BFA Executive Committee: Bylaws Committee  
Approved by the BFA Executive Committee: March 13, 2006  
Recommendation presented to the BFA: April 6, 2006  
Approved by the BFA: May 4, 2006

**Boulder Faculty Assembly  
Executive Committee  
Motion: Faculty-Staff Dependent Scholarship Fund  
BFA-X-M-130306B**

The Faculty Affairs Committee presents the following statement for adoption by the Boulder Faculty Assembly:

Whereas modest scholarship funds have historically been available to dependents of CU faculty and staff; and

Whereas these funds have come from vending machine proceeds and gifts to the Faculty/Staff Dependent Scholarship Fund; and

Whereas the faculty and staff have an important interest in these funds;

Therefore, it is moved that the BFA participate in the regular oversight of these funds.

From the BFA Executive Committee: Faculty Affairs Committee  
Approved by the BFA Executive Committee: March 13, 2006  
Recommendation presented to the BFA: April 6, 2006  
Approved by the BFA: May 4, 2006

Hauser then referred to the CU 101 status sheet which had been distributed and announced a meeting that will take place Friday, May 5 so faculty can discuss this matter with Michael Grant. Battenfield has invited Grant to the first ASC meeting of the fall. Hauser understands that requirements are the purview of colleges, schools and departments. Widmann learned that another campus is setting up a committee to approve courses that do not fall within subject disciplines, and in her view that is what the BFA Academic Affairs Committee would do, approve courses that are not assigned an academic discipline. Hauser recommended that the faculty distribute the information on CU 101 to colleagues and encourage feedback.

## E. Special Reports

Provost Heckler and General Howell Estes III were introduced to the assembly and began their presentation on Tenure-Related Processes (Advisory Committee on Tenure Review Processes). Heckler described how the report is structured with thirty-nine recommendations coming out of the work of the advisory committee. The questions are whether the recommendations require a change in policy or practice, how this shall be accomplished, and what the cost of the recommendations will be in terms of dollars and time commitment. Heckler thanked the assembly for the opportunity to obtain faculty feedback in meetings such as these which is critical to the process. He then introduced General Howell Estes III. Estes expressed concern that faculty have had an opportunity to read the report and then described the process by which he was selected to chair this effort. The faculty asked for this review, the Regents directed it, and he was asked by Shockley of UCCS to chair this effort. The facts were gathered to answer the questions posed to the two distinct groups charged with the same questions. In April the body of data was reviewed and an interesting discussion ensued as both groups had come up with similar data. Estes took five persons from the internal committee and another five members from the external group of reviewers from Price-Waterhouse and the resulting combined group had good discussion and the recommendations proposed dovetailed perfectly without conflict. The report was independently devised and comprehensive.

Estes heard from many people who argued tenure has outlived its usefulness, as well as from others with the opposite view. Looking at tenure he asked whether it was needed at all, and it became clear quickly that the processes used to determine tenure across the country are pretty standard, with CU's processes the same as those used nation-wide. When Estes saw that the processes are in good shape and make sense, it was clear to him that no major changes would be necessary, and tenure shouldn't be abolished. In sum, the tenure processes look good, but their implementation because of lack of oversight is not as effective as it could be. Specifically, post tenure processes are in place but they do not have the visibility or the implementation they could have.

Estes opened the floor to questions and comments. Nauenberg asked what changes were proposed for post tenure review. Estes said the committee recommended more rigor be inserted into the post tenure review process and that it include reporting of the individuals' strengths and weaknesses. Hunter asked for examples of oversight. Estes explained that the committee was not given access to personnel files and said that a first example would be an audit of faculty files performed once every five years. If you have problems with the faculty member they can then be identified through the audit and then corrected. The second oversight example involved primary unit criteria, which should be looked and reviewed at least once every seven years to ensure they are in line with the goals of the university. Thirdly, the processes themselves should be reviewed and evaluated at least once every ten years.

Angevine asked what fraction of people are granted tenure using deviations from policy I comparison with other institutions. Estes said they found 4 issues out of 95 cases reviewed, and it appears there is not a lot of data on people before they leave the system,

so it is unclear if the processes were followed or not followed. There can be good reasons for granting tenure outside the usual procedures in less than the 7 years you must identify how you are going to do this and with what processes in order to avoid difficulty down the road.

Kopff asked if the General had any sense of whether the tenure system should be retained as a job security system and Estes said a balance between the instructors who are not on the tenure track and the tenured faculty adds to the strength of an institution.

Schaberg asked about the publicity surrounding the tenure issue and Estes said his report is based on fact as are his recommendations and it is unfortunate that there are those with agendas who haven't read the report and these persons will have opposing views and will feel it necessary to pick apart the facts. The public wants to grasp a headline and their perception is that all faculty get tenure whereas the reality is there are 1,000 applicants for every 1 faculty position, and this application process is the only the beginning for these scholars.

Kassoy said he read the Executive Summary and that implicit in the process is that a large number of economic resources are utilized in the hiring of faculty and he congratulated Estes and the committee for their efforts. Estes said surprisingly, some groups think the report is worthless. He encourages people to do the research and look at the implications of that research. Estes believes he looked rigorously at the tenure processes and found them to be sound.

Walker said pockets of problems were clearly found in reviewing the 95 cases and asked if Estes will ask the university to undertake a review of the 4 found to be problematic.

Estes said there is an implicit recommendation to do something, and to ensure that is done, there will need to be a system implementation to execute that recommendation, and that is where Heckler's committee figures in the equation.

Walker asked what Estes' request for departmental bylaws turned up and Estes said each department was different. Heckler said there are different criteria that exist between the three distinct campuses with different student populations that hire at different levels, and compete with different peers, but there should be consistency or at least comparable standards across the campuses. Nauenberg said he hoped the word "mission" was included and Heckler said it is defined differently on the three campuses. He reviewed how faculty could file email comments to be read by the entire committee and make contributions. He also invited the faculty to come file email comments and come address the committee directly every Wednesday at 5:30p.m. and these public meetings will continue to June. Committee minutes and agendas are publicly posted. A discussion is planned for June 28 with the Board, after which the details on policy will be worked on by executive committees, Faculty Council, and representatives from the Boulder Faculty Assembly to work on details revolving around policy matters and shared governance through the summer. The goal is to effectively balance the need for governance and the need for consultation with the pressure coming from the public and from the Board to ensure effective action well before the election.

Hauser thanked Heckler and Estes for their presentation.

Hauser acknowledged the Boulder Faculty Assembly officers serving last year who have been helpful to him and all the committee chairs and members of the assembly for their “invisible labor” which is so critical to the university. He also thanked past chairs Nauenberg, Bintliff and Beer for their help and support.

There being no further business, the meeting was adjourned.