

Executive Committee Meeting
Boulder Faculty Assembly
January 29, 2007

Chair Jerry Hauser called the meeting to order at 3:30.

- A. The minutes of December 4, 2006 were accepted as distributed.
- B. Chairs Report
 - 1 The Associate Vice Chancellor for Diversity position is being redefined as a Vice Chancellor for Equity position. The Provost and Hauser decided on Committee composition today. All the names forwarded by Hauser from the faculty were accepted.
 - 2 AVC Jeff Cox is appointing members to a previously established but moribund committee on salary equity. A list of names has been drawn and Cox and Hauser will meet to decide who should be on the committee.
 - 3 AVC Bill Kaempfer is appointing an oversight task force to monitor faculty/staff tuition assistance and faculty scholarship funds. The Committee's charge:
 - a. Identify all sources of funds currently committed to supporting faculty/staff dependent scholarships and make sure all sources are being used toward their intended purpose.
 - b. Identify possible sources of additional support.
 - c. Examine the consequences of Amendment 41 on these activities.
 - 4 John Frazee has been appointed Director of Faculty Relations. This person is to provide counsel to faculty members or chairs who are encountering unprofessional behavior in their units; to go beyond the ombuds office in terms of mediation, for recalcitrant cases, that could lead drawing contracts that the individuals would be expected to abide by. The question is do we want to meet with him, or don't feel the need. Kassoy suggested it would be good to find out how he imagines his responsibilities and what skills he brings to the table.
 - 5 The Admissions Office reports that applications and admissions are well ahead of last year at this time. At the last meeting the Assembly discussed the Regent proposal for Western Civilization departments at the three University locations. The proposal has been withdrawn and now a small group is working on how to address the concerns that were raised and initiate a faculty discussion. The A&S council is developing a proposal for a certificate in Western Civilization and that is due out to Chairs in February for approval. Christian Koppf stated the certificate is in the Foundations of Western Civilization and includes most courses that are currently taught; it may or not be a capstone; and it may be useful to have an introductory course. Some of the funding for it will come from the Center for Western

Civilization in the College of Arts and Sciences.

- 6 Regent's Western Civilization Proposal update--letter to Pres. Brown. At the last Assembly meeting members asked the chair to write a letter to the President expressing concerns about the proposal. Hauser and Widmann both spoke separately with the President by phone; she felt concerns were addressed. Hauser felt the purpose of the letter had been achieved and didn't see any point in going further.
- 7 The Council of Deans meeting discussed endowed chairs currently at the university, and the effort to increase the number. There are 13 endowed chairs currently funded. And there are 13 that are not fully funded. The question to the deans is do we want to continue searching for named chairs which has a minimum of \$1.5 million for an endowment or do the deans want to think in terms of endowed professorships which only require \$.5 million to endow. These would apply to A&S or Education, everybody but Law, Bus and Engineering where the endowment would have to be significantly greater. The general question is professorships versus endowed chairs. Hauser asked if the Committee wants to create a statement the assembly might endorse at some point or want to leave it at level of views he interjected at CEC. Hauser suggested that at next opportunity to meet with the Chancellor we could raise the issue for further discussion.
- 8 Barbara Bintliff's project for a faculty hall of fame is moving forward. The Provost is taking it to the Chancellor, if the Chancellor approves it will move forward. Bintliff noted that the initial hall of fame goes up to the early 1980s; from that period on we're in the modern era.
- 9 The Alcohol White Paper committee has completed it's report. It has been submitted to Chancellor and he will formally receive the report and have a discussion at his next executive meeting. Our executive officers and two at-large representatives are invited to attend.
- 10 The University is moving forward with the Grandview project. The idea is to build a multi-purpose facility that would reach symbolically into the hill area, which is currently going through plans for aggressive renovation. This would also connect to the city itself and provide a variety of uses for the facilities. It is now at the point where the deans have requested Ric Porreca to issue a call for proposals. Hauser suggested they have discussion for what they have in mind for uses in this proposal, since proposers tend to deliver their conceptions of what things should do. Hauser asked Porreca for faculty representation on this as faculty will look at design factors in ways that those concerned more with business might bring to the table. Hauser stated it will serve as a modest conference center. It would also assist the city, in this regard. It would be multipurpose, possible providing for conferences and meetings. There is talk about building an executive business education center dedicated space, and multi uses for campus gatherings. For the town there would be similar multi uses for meetings, banquet room for weddings, bar mitzvahs, etc. Hauser noted

that funding was to come from the city, it is still in the exploratory stage. Members requested to meet with Porecca for further discussion.

- 11 Kathy Trower will be appearing next Thursday 12:30—2:00. He urged everyone to attend. She has done research on the profile on new faculty members. It will be a good dialogue to help people working towards tenure.
- 12 Hauser stated there is no pending business for assembly, suggested canceling meeting for February 1, 2007. Members concurred.

C. Diversity Committee Report

Change in Definition of position of AVC to VC

Diversity Chair Keasley reported there are two points of major concern.

1) The job description does not require the person to come from higher education. The concern is that it is not appropriate because of various ways things are done on a university campus which might not be the case for industry. The second concern is that the person does not have to have potential to be tenured. Many are concerned that given the nature of diversity on campus and in the state, if the person in this position does not have the wherewithal to speak forthrightly about issues, that that would be problematic. Keasley also noted that part of the discussion is how to make sure campuses are in compliance with the Michigan Rule; that is, what is allowed under the diversity banner.

D. Special Report: Amendment 41

Chair Hauser introduced Jeremy Heuth of the CU System Legal Office. Heuth distributed copies of Summary of constitutional Amendment 41 and Guidelines on Gifts to University Employees.

Heuth provided interpretation of issues resulting from Amendment 41 and the effort in the legislature to clarify those issues. Heuth noted that the document he distributed is on the website

www.cusys.edu/news/amendment41 , and then gave a brief read through the summary. Heuth related the Amendment went into effect in January 2007 and there are a number of provisions including a revolving door provision which prohibits elected officials from serving as lobbyist, strict restriction on lobbyists, and restrictions on receipt of gifts by government employees which include university employees, including contractors. The prohibition on individuals states that public employees should not receive any money without lawful consideration of greater or equal value and that no government employee shall receive directly or indirectly through spouses or dependents any gift or thing of value having an aggregate fair market cost greater than \$50, including the promise of future employment, favors, services, honoraria, travel, entertainment or special discounts. The exceptions are campaign contributions, unsolicited items of less than \$50, tokens and awards of appreciation, unsolicited information materials, admission to or the cost of meal where someone

speaks, expenses paid by a non-profit organization if it receives less than 5% of funding from a for profit organization, item given by a relative or friend on a special occasion. He noted that a lingering question is the inheritance of a deceased relatives' estate. He continued that the intent of the voters is found in the amendment, but not in the language of the gift ban, which was to limit people from receiving private gain through the use of their public office. He stated the University Counsel has urged the attorney general to interpret the gift ban as including that intent but he has declined so far and is taking a conservative approach. Heuth related points of legal analyses. Anything employees get from the university is exempt. Governmental entities, including the university, are not a person for purposes of the ban, one is prohibited from receiving a gift from a person that doesn't include anything from the government. The exception is supposed to carve out situations that arise in an individuals private lives rather than in their public office, but it's not just limited to social or familial relationship it also includes special occasion which isn't defined. It's a question that we don't have resolved. Heuth encouraged people with questions to ask legal counsel. Heuth advised if you feel you can make an argument, that there is enough equal value, the chances of anyone complaining against you and prevailing are so minimal that it's worth taking a risk. Heuth said the amendment provides for penalty and a commission. The Regents are not subject to the ban. They are exempted by fiat. Regarding consulting, Heuth stated that there is a question as to whether or not a service provided for money is given in exchange of greater or equal value. Heuth said there are penalties worth noting. If a person who received the gift and a person who gave the gift are liable for double the amount. If some one complains, the legislature has the ability to create additional penalties.

Heuth stated some of the toughest question relate to what arises in private lives. The President asked the attorney general to address them. He created some momentum to fix, but Republicans would rather let the democates address it. He will e-mail website that tells what people can do. Heuth noted that the amendment is no called Constitutional Amendment 29. Hueth encouraged everyone to e-mail Christy Arguello of the University Counsel if anyone has questions.

There being no further business, the meeting was adjourned.