Boulder Faculty Assembly

Executive Committee Meeting

January 7, 2014

Attending:
Paul Chinowsky, Chair
Bill Kaempfer, Associate Vice Chancellor
Mike Klymkowsky, Vice Chair
Peggy Jobe, Libraries
Horst Mewes, Political Science
Greg Carey, Psychology and Neurology
Catherine Labio, Arts & Science Chair
Jennifer Knievel, Libraries
David Kassoy, Retired Faculty
Jerry Rudy, Psychology and Neurology
Jerry Peterson, Physics
Joey Hubbard, UGGS President
Bob Ferry, History
Laura Michaelson, UGGS Executive Vice President
Carrie Olson, BFA Assistant

Meeting was called to order at 11:09 am by Paul Chinowsky.

Meeting Purpose (Paul Chinowsky)
The intent of this meeting is threefold:

I. Discuss the resolution brought on behalf of the BFA by Jerry Peterson
II. Address the issue of a faculty-led committee to discuss the issue of the Patti Adler case
   o How the BFA wants to address the issue
   o Do we want to set up a committee, per Dean Steve Leigh’s suggestion, to address the process that was followed
   o Answer faculty questions regarding the Department of Discrimination and Harassment (ODH)
III. Talk about what the BFA would like to accomplish during the spring semester

I. BFA Proposed Resolution (Jerry Peterson)

During our special meeting on December 18, 2013, Paul Chinowsky, BFA Chair, requested that he and only he would communicate the contents of the meeting to the public and the press. As there were no complaints regarding the request, there was an assumption that everyone agreed. However, after the meeting a person or persons released a non-sanctioned recording of the meeting to the press. This action has caused a gross betrayal of faculty-to-faculty trust, and, what’s probably worse, faculty-to-administration trust.

Motion: I ask for the Executive Committee to accept this resolution and once accepted, it be brought to the BFA General meeting to be voted on by all members of the BFA.

BFA Resolution

Whereas trust among fellow members of the Boulder Faculty Assembly is a vital component of faculty governance, and
Whereas free and open discussions on important matters are the most important tool of that governance, and
Whereas frank discussions between faculty and campus administration are vital for shared governance, and
Whereas BFA Chair Chinowsky requested that he alone be the one to communicate with the press and the public after our December 18, 2013 meeting, without demurral from the attendees, and
Whereas we read as the lead story in the *Daily Camera* of December 19, 2013 that our discussions had been secretly taped and the tape shared with the press,
The Boulder Faculty Assembly does censure the unknown person or persons who surreptitiously taped our discussion on an important issue, therefore,
The Boulder Faculty Assembly does strongly censure the person or persons who betrayed faculty colleagues by releasing this tape of our discussions among ourselves and campus administrative leadership to the press.

Comments on the proposed resolution:
- In the last paragraph, “betrayed” is kind of a strong word.
- Seems to assume that a faculty member is the one who taped the session and released it to the media. It could have been a non-faculty person who was in attendance.
  - Suggested to change faculty colleagues to faculty trust

After conversation and comments, the motion, with the suggested changes, was seconded by Greg Carey. The vote to send the resolution to present the resolution at the next general BFA meeting for a vote by the full membership was:
- In favor: 8
- Opposed: 0
- Abstained: 0

Motion passed.

II. Discussion on the BFA’s Response to the Patti Adler Case and Related Issues
Steve Leigh and Paul Chinowsky have discussed the possibility of a faculty-led committee to look at what happened during the Patti Adler case and the role of ODH. What follows are the main points from that discussion.

- **ODH**
  - There is a general fear or concern amongst faculty about the role of ODH
  - Who does ODH report to?
    - ODH and HR report to the Vice Chancellor for Administration
  - Don’t single out ODH but put their role into context with the situation and see if they played the right role
• Should the BFA appear that they are investigating ODH or should we frame it as a fact finding mission
  • If we say it’s an investigation, it appears that ODH did something wrong
• What is the due process that’s in place through ODH
  • How do the processes and procedures work
• Does ODH have the right to come into the classroom to investigate a faculty member when that faculty member doesn’t know they’re being investigated
• Does ODH get complaints on content or is the bulk of their complaints regarding personal harassment
• We need to avoid discussing the internal politics in sociology
• We should not have two committees determining the processes ODH follows
  • No parallel committee appointed by Steve Leigh or anyone else
  • Do we need a committee at all or can we use one that already exists within the BFA
  • Wait to start any committee until the Patti Adler case has made its way through to a conclusion and the matter is closed
  • Have someone from P & T (Clayton Lewis maybe) as an advisor to our committee
• Prepare a pamphlet for faculty that outlines, in detail, how ODH works
  • What are the steps faculty should follow if they have a complaint against them
  • Who faculty can go to for advice and counseling
    • Ombudsman office?
  • What is the role of the department in assisting their faculty through the process of addressing such a complaint with ODH
• Once a complaint goes to ODH, what happens to the information presented to the administration
  • Do we need to fear ODH or fear what the administrators do with the information
  • Was this an over-reaction of the administration
• We should use the Patti Adler case as an example of how an ODH investigation can get blown out of proportion
  • ODH did their job
  • Got blown up because it was taken straight to students and the media
• Have ODH attend a BFA meeting and explain to the faculty how it operates
• Have somebody from the General Counsel’s office attend a BFA meeting
• Make sure that we don’t send a message to the students that makes them think the BFA is out to simply protect one of their own
• Must have a clear sense of the “why” in which we’re undertaking our investigation
• Opportunity for the BFA to work with ODH to make a better process
• Faculty advising
  • Does ODH or HR have a faculty advisory committee
    • Would that be a role of BFA’s Administrative Services
    • BFA advisor could be seen as an attempt to sway ODH
• Have to remember that faculty is not the only group on campus so advising on certain things might appear to be protecting one group and no others
• Someone should volunteer or be assigned the task of drafting the charge to our committee
• Course content vs pedagogical methods
  • Clarify the difference
  • What can be investigated and what cannot
  • Academic freedom vs how you treat people who work for you

The meeting was adjourned at 12:40 pm

Submitted by Carrie Olson, BFA Assistant

Addendum
As Paul Chinowsky requested that faculty send, via email, their one or two points that they would like to see addressed, following are those submissions.

From Mike Klymkowsky
1) After presentations by, and talks with ODH staff and others involved in various aspects of the investigatory and reporting processes, the committee will prepare a short guide for faculty on how ODH works, what your options are if you find yourself investigated, and who you can talk with if you need informal advice.

2) A consideration of exactly how these procedures were or were not followed in the Adler case (as far as can be discerned), and how the Administration, the Sociology department, and Prof. Adler behaved (correctly, incorrectly, wisely or unwisely). This could be seen as a lesson on how the process should or should not play out.

3) A clear distinction as to the difference between course content and how a class is run or students are treated; what makes for an actionable offence (from ODH’s perspective).

From Greg Carey
I suggest two committees. The executive committee should determine whether the charges are to be given to standing committees or to newly defined ad hoc committees.

The charges of the first committee are to:
• Identify the procedures used by the Office of Discrimination and Harassment (ODH) to log, investigate, and adjudicate a complaint;
• Prepare a mechanism of disseminating these procedures to the faculty with a list of resources that faulty can use should a complaint be lodged against them.

The charges of the second committee are to:
• Report on the sequence of events leading to the decision to relieve Professor Patty Adler of teaching duties from [course number and title] in the Spring semester of 2014;
• Clarify the options given to Professor Adler or proposed by her in lieu of having her not teach the course in the Spring;
- Provide recommendations on improving the procedures for resolving complaints against faculty.

*From David Kassoy*

Problem: Were established University policies and procedures followed in addressing concerns about a tenured faculty member's instructional responsibilities?

a. What are the specific policies and procedures (P&P's) that should have been followed?
b. What responsibilities do administrators have for applying the P&P’s?
c. Do the P&P’s provide transparency to the faculty, CU advocates and the general public?
d. Are there clear definitions of faculty responsibility for course content and pedagogical approaches?

This approach provides the BFA with an opportunity to determine if due process was provided to the faculty member, to recommend how appropriate due process would be provided in the future and to articulate the latitude of faculty members in dealing with course content and pedagogy.

*Tools:*
The BFA appoints a committee of senior, well respected faculty members (gravitas) from across the disciplines, including the BFA chair and some respected faculty-administrators to address the questions above (and perhaps articulate others as needed).

The committee is given a time-line and is expected to report to the BFA in a timely way. Progress reports to the BFA Exec. Comm would be useful. The Committee should recommend P&P's that will help to avoid a repeat of the issues raised by the Adler case.

*Solutions:*

a. Answer the posed questions
b. The BFA considers the Committee's recommendations and conclusions and votes to accept or reject.
c. Assure the UCB faculty that appropriate P&P's are in place to facilitate transparent due process in the future.