The Boulder Faculty Assembly held a regular meeting on Thursday, May 1, 2014, in the Flatirons Room of the Center for Community. BFA Chair, Paul Chinowsky, presided. The meeting was called to order at 4:07 pm and adjourned at 5:30 pm.

### I. Chair’s Report – Paul Chinowsky

a. Changes to the Climate Survey
   - The BFA is neither endorsing or not endorsing faculty participation
   - Changes have been made to the original survey

b. Faculty Display Case in Coors Event Center
   - Project complete
   - Located in lower level of Coors next to the Hall of Fame

c. Leadership Institute Nominations
   - Send in your nominations to Paul by end of week
d. Campus Construction
   • There will be a lot of construction this summer

e. Faculty Council
   • Peggy Jobe has been elected Secretary for next year

f. Summer Session
   • We will meet periodically through the summer as needed

II. ODH Ad-Hoc Committee Report – Paul Chinowsky
   • Still in process
   • Spending time with ODH to make sure everything is considered
   • Report to be released soon

III. Adler Ad-Hoc Committee Report – Paul Chinowsky and Peggy Jobe
   • Executive Committee has voted to accept the report
     o Changes cannot be made
   • Members of the committee
     o Peggy Jobe, Chair
     o Bob Ferry, History
     o Aya Gruber, Law
     o Horst Mewes, Political Science
     o Markus Pflaum, Arts & Sciences Council
     o Mike Ritzwoller, Physics
     o Jerry Rudy, Psychology & Neuroscience
   • Review of charge
     o What are the facts surrounding the case?
     o What are the specific policies and procedures that should have been followed?
     o Did the administration and/or faculty follow the policies and procedures?
     o Did the administration and/or faculty violate academic freedom and academic responsibility?
     o What are the recommendations for avoiding this situation in the future?
   • Goal of report
     o To create a forward-looking view at the steps taken so we can avoid similar cases in the future
   • How the committee worked
     o Read all of the policies and procedures
     o Conducted interviews
     o Read newspaper stories, emails, letters from external bodies, syllabi, etc.
     o Reviewed more than 2,000 pages of information
   • This committee was a result of the emergency meeting in December that was established to address concerns regarding the Adler case
   • Investigative process, page two of report
     o Who we had an opportunity to talk to
   • Appendix
     o Available electronically
   • Professional Rights and Duties Document (PRD)
     o Existence not widely known campus-wide
     o Lays out faculty members’ responsibilities and your rights
       • If followed, the committee believes that this matter could have been resolved
   • Discussion on where we believe the violations occurred
Department chairs do have the responsibility to make course assignments and administer sanctions when they believe a faculty member has engaged in misconduct.

ODH
- Eight step process on their website
- Undocumented process called the preliminary inquiry
  - Concluded they could not bring case forward eliminating steps four through eight
- Asked permission of the department chair to visit the class
  - Permission was granted
- ODH seemed to have followed their rules

Administrative Policies and Procedures
- Professor Adler had not participated in any misconduct that justified the imposed sanction
  - She did not receive any written documentation stating the nature of the complaint

Violations of the PRD
- Administrators failed to notify Professor Adler in writing of the sanction against her
- Failed to apprise Professor Adler of her right to appeal the sanction against the reviewing authority
- The Dean is supposed to be at the appellate level
  - Reviews decisions made by department chair
  - By participating in the decision to sanction Professor Adler, he eliminated Adler’s avenue for appeal

Results from not following the procedures
- Costly to Professor Adler
- Costly to the University’s reputation
- Academic freedom called into question
  - How did this impact academic freedom?
    - Written into the laws of the Regents
    - Covers research and teaching
    - By possibly not considering academic freedom when the sanction was imposed and if the skit which is not being investigated is off the table, if this is part of the process, does that affect Professor Adler’s academic freedom?
      - We concluded that yes it did

ODH comes into the classroom
- Creates the widespread impression that they can come into the classroom and that they can weigh in on the content and presentation of course material
  - Not true, but created the impression

Recommendations
- General lack of understanding of university policies
  - All administrators should read and periodically review the PRD
    - Make sure they understand the technical definitions of sexual harassment and discrimination
  - If a faculty is to be sanctioned, administrators need to review the applicable policies carefully before proceeding
- Dean Leigh was not aware of the full basis and procedures followed by the department chair in administrating the sanction
  - Chairs must follow PRD policies which calls for a written report whenever a sanction is levied
    - Chairs must compile a written report when imposing a serious sanction
      - Justification
Procedures followed in determining the sanction
- Chairs should transmit a copy of this report to the Dean

Faculty are unaware of their professional rights and responsibilities
- If a faculty member is informed of a sanction, the relevant administrator needs to give him/her
  - Copy of PRD
  - Inform faculty member of his/her rights including the right of appeal to a higher administrative authority
  - The right to seek council

Every course needs a syllabus that explains the expectations for the course, including participation requirements

Lack of written policy governing ODH preliminary inquires
- Not documented on the ODH website

Formation of a task-force, appointed by the Chancellor
- Broad representation from every department to develop written policies to guide the various steps of the ODH investigation process, particularly the preliminary inquiry

ODH should adopt a written policy that under no circumstances will ODH visit an instructor’s class
- Since class visits could potentially infringe on academic freedom
- Needs to be added to their website

Mandatory reporting
- Serves a purpose to protect everyone on campus
- A different issue when the complaint is based on course content or pedagogical methods
- Narrow reporting requirements needed to include the exclusion of
  - Class content
  - Pedagogical methods

Have a conference on academic freedom

The administration did eventually lift the sanction and allowed Professor Adler to return to class, but it did damage her reputation
- Administration should take affirmative steps as much as possible to repair the damage to her reputation

Written response from Chancellor, Phil DiStefano, received just before this meeting
“I appreciate the Boulder Faculty Assembly committee’s work on issues of concern that emerged in the fall semester regarding using undergraduate teaching assistants in the class taught by CU Sociology Professor, Patti Adler. I agree with the report’s main recommendation that the most effective way to move the campus forward is continued and consistent collaboration between faculty, administration, and students. I will ensure that we achieve a better understanding of faculty and student rights and responsibilities of ODH processes, and of the role of administrative oversight of these same processes.”

Possible topic for the fall: How does social media and mass communication affect faculty, students, and communications? How does taping a faculty member’s class violate that faculty member’s copyright?

IV. Benefits and Compensation Committee Resolution on Tuition Benefits – John McCartney

November last year a resolution was passed to lift some of the restrictions that were placed on the benefit. There were further refinements made this year with new implementation strategies, sets priority of where
we want to go with benefits, helps the administration with planning. As a result, administration did agree to a revision on the tuition benefit for dependents. Faculty and staff still able to use all nine credits on a space-available basis but dependents can register at any time but they will only be allowed a 10% discount on tuition and not on a space-available basis.

The general assembly had passed a resolution previously requesting the greater tuition benefit.

Peggy Jobe made a motion to suspend the bylaws in order to vote on the resolution at this meeting and not the following meeting. Seconded. The motion was passed unanimously.

Jerry Peterson made a motion to accept the Tuition Benefit expanded letter and proposal to submit to Kelly Fox. Seconded. The motion was passed unanimously.

The meeting was adjourned at 5:30 pm by Paul Chinowsky.

Submitted by Carrie Olson, BFA Assistant.