MINUTES
Boulder Faculty Assembly Executive Committee
January 25, 2016

Executive Committee Members Attending:
Melinda Piket-May, Chair
Bob Ferry, Vice Chair and Bylaws Committee Chair, Acting Diversity Committee Chair
Adam Norris, Secretary and Nominations and Elections Committee Chair
Peggy Jobe, Executive Committee At-Large Representative
Jeff Weiss, Executive Committee At-Large Representative
Kathryn Pieplow, Academic Affairs Committee Co-Chair
Paul Voakes, Administrative Services and Technology Committee Chair
Greg Carey, Administrator Appraisal Committee Chair
Horst Mewes, Bylaws Committee Co-Chair
Martin Walter, Faculty Affairs Committee Chair
Joe Jupille, Intercollegiate Athletics Committee Chair
Philip Chang, Libraries Committee Chair
Steve Vanderheiden, Student Affairs Committee Chair
David Kassoy, Retired Faculty Association President

Liaisons and Guests Attending:
Jason Katzman, Assistant Director, Academic Resource Support, CU Book Store
Robert Rupert, Arts and Sciences Council Chair
Richard Bateman, UGGS President
Melinda Markin, UGGS Executive Vice-President
Sierra Swearingen, Boulder Faculty Assembly Coordinator

The Boulder Faculty Assembly Executive Committee held a regular meeting on January 25, 2016 in UMC Room 425. Chair Melinda Piket-May presided. The meeting convened at 4:00 p.m. and adjourned at 5:30 p.m.

I. Special Report: Jason Katzman, CU Bookstore Asst. Director, Academic Resource Support

Mr. Katzman gave a report summarizing Open Educational Resources, which generally refers to free or reduced-price access to textbooks. He also reported on the Campus’ efforts to make textbooks and educational resources more accessible to disabled students.

II. Chair’s Report

a. Slides about the Be Boulder Anywhere initiative were sent to the BFA Executive Committee this morning, for review prior to the meeting on February 1st.
b. Campus climate survey results are available and will be distributed soon.
c. UCB’s tuition discount for faculty has increased to 20%.
d. The International English Center can provide English language instruction for students in main campus classes. See iec.colorado.edu/overview-programs.
e. The Deans Council has voted in favor of adding a new faculty title. The Deans did not yet choose any particular title, but seem to be in favor of the Instructor of Distinction title.

III. Committee Report: Academic Affairs
Co-Chair Kathryn Pieplow reported that the committee has reviewed the recent proposal to standardize honors on the Boulder Campus, and believes that the proposed changes are not necessary. Pieplow distributed the committee’s report. [Addendum A below.] Discussion followed.

Moved by Kathryn Pieplow on behalf of the Academic Affairs Committee that the Campus should retain its existing Honors designations.

The motion passed with one abstention.

IV. Committee Updates and Discussion

Diversity Committee – Interim Chair Bob Ferry reported that the committee would like the BFA and its Diversity Committee to have a more central role in receiving and reviewing the units’ individual Inclusive Excellence reports as they come in.

Administrative Services and Technology – Committee Chair Paul Voakes reported that ASSETT1 presented its data set from the Teaching With Technology Survey to the committee, and that OIT and ASSETT are organizing town hall meeting to report the results to the Campus on March 8th. He added that the Campus’ contract with D2L expires in Spring 2018, and that UCB may be putting out an RFP to look at alternatives.

Faculty Affairs Committee - Chair Martin Walter distributed information for a possible motion on certain language in the Regents’ anti-discrimination policies. [Addendum B below.] Piket-May requested feedback on the document within the next few weeks.

V. Adjournment

There being no further business, Piket-May adjourned the meeting at 5:30 p.m.

Respectfully submitted by Sierra Swearingen-Todd, BFA Coordinator.

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1 ASSETT - Arts & Sciences Support of Education Through Technology
OIT – Office of Information Technology
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ADDENDUM A – Academic Affairs Committee

Report on Proposed Examination of Undergraduate Honors

Boulder Faculty Assembly
Academic Affairs Committee: Shelly Lynn Miller, Valerio Ferme, Julio Baena, Matthew McQueen, David Korevaar, John Lurquin, Nicole Comer, and Kathryn Pieplow (chair)

In November, 2015, Vice Provost for Undergraduate Education Michael Grant brought a proposal to the BFA Executive Committee designed to have campus-wide consistency and easily understood honors designations. BFA President Melina Piket-May asked the Academic Affairs Committee to examine the proposal.

The committee found the following:

- All colleges grant honors based on grade point average. In all colleges except Arts and Sciences, those honors are titled “honors,” high honors or distinction, and highest honors or high distinction.
- Latin honors are awarded through the college of Arts and Sciences, and require a thesis in addition to grade point average.
  - The only exception to this structure is Leeds School of Business which awards Latin honors based only on grade point average.
  - Engineering and Journalism allow their students to participate in the College of Arts and Sciences thesis-based honors program.

In an email to Chair Kathryn Pieplow, Grant indicated that the difficulty in understanding the honors system has resulted from each college determining its own honors requirements. Grant illustrated this perceived confusion around granting honors through a chart. In reality, the confusion in the chart lies primarily in footnoting the history of the honors programs. Since most of the effective dates for the honors programs are 1995 or earlier, we find them to be not relevant to the current discussion.

The committee finds that, pursuant to the Laws of the Regents, the faculty can take the lead in dealing with academic matters. As members of the faculty we believe, therefore, that the honors’ structure can be portrayed by way of a simplified chart

\[ G = \text{grade based honors}; \ T = \text{thesis-based honors}; \ G^* = \text{grade based, Latin honors} \]

<table>
<thead>
<tr>
<th>College</th>
<th>Level 1</th>
<th>Level 2</th>
<th>Level 3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cum laude</td>
<td>Honors</td>
<td>Magna cum laude</td>
</tr>
<tr>
<td>Architecture &amp; Planning</td>
<td>G</td>
<td>G</td>
<td>G</td>
</tr>
<tr>
<td>Arts &amp; Sciences</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Engineering</td>
<td>G</td>
<td>G</td>
<td>G</td>
</tr>
<tr>
<td>Journalism</td>
<td>G</td>
<td>G</td>
<td>G</td>
</tr>
<tr>
<td>Music</td>
<td>G</td>
<td>G</td>
<td>G</td>
</tr>
<tr>
<td>Business</td>
<td>G*</td>
<td>G*</td>
<td>G*</td>
</tr>
</tbody>
</table>

The committee concluded that the honors system is not unduly complicated. If the BFA wishes, it might encourage colleges to review and update their honors designations if necessary.
ADDENDUM B – Faculty Affairs Committee

The BFA would like a ruling by the regents regarding the two passages from the rules of the regents discussed below.

Question A: Do the regents agree with the wording and supporting case law in both instances?

Question B: Do the regents support adding the language proposed by the BFA to the laws of the regents?

1) Regarding the new protected classes of “political affiliation, or political philosophy,” cf., http://www.cu.edu/regents/laws-and-policies/regent-laws/article-10-nondiscrimination, the BFA proposes the following additional language:

“Discussion and debate in the classroom and in scholarship that critique political groups and/or philosophies, even if they produce discomfort, do not constitute discrimination under this provision.”

2) Regarding Regent Law 5.D.2 : faculty members “should be careful not to introduce into teaching controversial matter that has no relation to the subject.” - the BFA proposes the following additional language: “Academics have freedom to decide how to approach their subject and may introduce any discussion that is germane to the topic in the classroom. Administrators shall give great deference to the professional judgment of teachers in how best to perform pedagogy in their courses.”

Case Law in support of the BFA language is as follows:

Wieman v. Updegraff, 344 U.S. 183 (1952) (”Teachers must . . . be exemplars of open-mindedness and free inquiry. They cannot carry out their noble task if the conditions for the practice of a responsible and critical mind are denied to them. They must have the freedom of responsible inquiry, by thought and action, into the meaning of social and economic ideas, into the checkered history of social and economic dogma.”)

Sweezy v. New Hampshire, 354 U.S. 234 (1957) (academic freedom gives teachers the right to determine “what may be taught [and] how it shall be taught”).

Keyishian v. Bd. of Regents, 385 U.S. 589 (1967) (“Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.”)

Linnemeir v. Board of Trustees, Indiana University–Purdue University, Fort Wayne, 260 F.3d 757 (7th Cir. 2001) (Taxpayers sued over assignment of play, Corpus Christi, which they said attacked
Christianity). Court is worth quoting extensively here:
The contention that the First Amendment forbids a state university to provide a venue for the expression of views antagonistic to conventional Christian beliefs is absurd. It would imply that teachers in state universities could not teach important works by Voltaire, Hobbes, Hume, Darwin, Mill, Marx, Nietzsche, Freud, Yeats, Heidegger, Sartre, Camus, John Dewey, and countless other staples of Western culture. . . . It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine.. . . The government’s interest in providing a stimulating, well-rounded education would be crippled by attempting to accommodate every parent’s hostility to books inconsistent with their religious beliefs. . . . see also McCollum v. Board of Education, 333 U.S. 203, 235, 68 S.Ct. 461, 92 L.Ed. 649 (1948) (Jackson, J., concurring). “If an Establishment Clause violation arose each time a student believed that a school practice either advanced or disapproved of a religion, school curricula would be reduced to the lowest common denominator, permitting each student to become a ‘curriculum review committee’ unto himself.” . . . Academic freedom and states’ rights, alike demand deference to educational judgments that are not invidious . . .

Yacovelli v. Moeser, Case No. 02–CV–596 (M. D. N.C., Aug. 15, 2002), aff’d,Case No. 02–1889 (4th Cir. Aug. 19, 2002) (new students were assigned a reading and discussion on the book “Approaching the Qur’an” – court ruled “There is obviously a secular purpose with regard to developing critical thinking, [and] enhancing the intellectual atmosphere of a school for incoming students.” It also stated that academic courses are not subject to a legal mandate for “equal time” to explore the “other side” of an issue.).

Hardy v. Jefferson Community College, 260 F.3d 671 (6th Cir. 2001), cert. denied, 535 U.S. 970 (2002) (protecting a communications course that included discussion of terms, “bitch,” “nigger,” and “faggot” – (“[Classroom] speech, when it is germane to the classroom subject matter and advances an academic message, is protected by the First Amendment.”).

Silva v. University of New Hampshire, 888 F. Supp. 293 (D.N.H. 1988) (declining to apply institutional sexual harassment policies to punish professor who used “legitimate pedagogical reasons,” which included provocative language, to illustrate points in class and to sustain his students’ interest in the subject matter of the course).

Axson–Flynn v. Johnson, 356 F.3d 1277 (10th Cir. 2004) . (Mormon student sued for being compelled to complete an assignment (perform in a play) that took “god’s name in vain,” court ruled that teacher may compel speech “long as doing so was “reasonably related to pedagogical concerns.” The court reasoned that if the program requirements constituted a First Amendment violation, ”then a believer in ‘creationism’ could not be required to discuss and master the theory of evolution in a science class; a neo-Nazi could refuse to discuss, write or consider the Holocaust in a critical manner in a history class.”