Boulder Faculty Assembly
General Meeting
September 4, 2014

Attendance

BFA Members Attending
Robin Bernstein
Philip Chang
Paul Chinowsky
Mike Dunn
Bob Ferry
Carmen Grace
Phil Graves
Vicki Grove
Aya Gruber
Ruth Heisler
Seth Hornstein
Peggy Jobe
Daniel Kellogg
Penny Kelsey
Keller Kimbrough
Shivant Mishra
Roseanna Neupauer
Rolf Norgaard
Adam Norris
Jerry Peterson
Melinda Piket-May
Hillary Potter
Karen Ramirez
Aaron Roof
Jerry Rudy
Bryan Taylor
Marty Walter
Jeff Weiss
Deborah Whitehead

BFA Members Not Attending
Greg Carey
Mel Cundiff
Bridget Dalton
Beth Dusinberre
Maw Der Foo
Asuncion Horno-Delgado
Matt Jelacic
Joe Jupille
Dave Kassoy
Hun Shik Kim
Roger King
Mike Kylmowsky
Se-Hee Lee
Jeanne Liotta
Jim Meiss
Horst Mewes
Robert Nauman
Steve Nerem
Susan Nevelow Mart
Tad Pfeffer
Cortlandt Pierpont
Mike Ritzwoller
Ted Stark
Alex Sweetman
Steve Vanderheiden
Paul Voakes
Ping Xu
Wendy Young

Liaisons Attending
Bill Kaempfer, Associate Vice Chancellor

Guests and Observers Attending
Bronson Hilliard, Assistant Vice Chancellor for Strategic Media Relations
Paul Levitt, Department of English
Sarah Kuta, Daily Camera
Linda Shoemaker, Regent Candidate, District Two
Jennifer Chan, Libraries
Carrie Olson, BFA Assistant

The Boulder Faculty Assembly held a regular meeting on Thursday, September 4th, in the Flatirons Room of the Center for Community. BFA Chair, Paul Chinowsky, presided. The meeting was called to order at 4:02 pm and adjourned at 5:34 pm.

I. Chair’s Report – Paul Chinowsky

a. Introduction of Members
   • Marty Walter, Math, Point of Order and Point of Information
     o Article VI, Section I, Part L in Bylaws
       ▪ Approve minutes during this time
       ▪ Submitted to you [Chair, Paul Chinowsky], late, a Notice of Motion which according to Article VI, Section II, Part A in which it should have been submitted ten (10) days early, not eight (8)
       ▪ Part B says that a new motion would be introduced. I don’t want to debate it, just hand it out, no debate, no discussion, just for information purposes so that the members know what the Faculty Affairs committee is up to
         • Permission granted to hand out
b. Communications
- How to communicate among BFA representatives
- How to communicate directly to departments
- Committees will give reports on a more regular basis

c. Committee Reorganization
- Per our bylaws, every few years we are to look at committees to see if they are still viable
- Officers met over the summer to talk about ideas

d. Roster Updates
- Updating the rosters with the information sent in by committee members

e. Climate Symposia – An annual event
- Three this semester
  - Organized by the Faculty Affairs Office, September 16th, 12 – 1 pm in Old Main, Classroom and Academic Freedom
  - Organized by the BFA, October 7th, Campus Respect (working idea)
- Organized by Student Government
- Format
  - Panel with representation by
    - Students
    - Faculty
    - Administration
  - Short statements about the topic
  - Followed by open discussion

f. Faculty Council Updates
- New leadership
  - Laura Borgelt, Anschutz, Faculty Council Chair
  - Peggy Jobe, Boulder, Secretary
- Committees have openings
  - Good opportunity to see what’s going on at the system level
  - Boulder campus is under represented on most of the committees

II. Open Access – Philip Chang, Andrew Johnson and Jennifer Chan
- Library faculty adopted Open Access in October 2013 and now come with a proposal to make Open Access campus-wide
  - Reviewed and vetted by legal counsel to make sure it complied with copyright and other related laws and did what we wanted it to do in terms of giving our faculty the right to make their work open access
  - Open forums were held across campus in April 2014
    - Received positive feedback from people wanting to participate in the program
  - BFA General Assembly discussed in Spring (March) 2014
  - BFA ExCom endorsed in August 2014
  - The Provost has indicated that he will support the policy
  - Repository now in place for submissions – CU Scholar Institutional Repository (www.scholar.colorado.edu)
    - Only applies to journal articles that have been accepted for publication
      - Automatic pre-existing granting of a nonexclusive license to the scholarly articles that faculty produce
• Does not affect books or other works that generate royalties
• Authors always have the choice to opt out by means of a waiver
  ▪ Preserves academic freedom
  ▪ Can opt out in perpetuity or for a single publication
• Does not force faculty to change where they publish

• Benefits of Open Access
  o Having a campus-wide Open Access policy for all faculty eases negotiations with publishers, several of whom already have compatible procedures in place for open access
    ▪ Publishers have realized that there is public and academic pressure to provide Open Access to research and scholarship
  o Does not require any additional cost outside of what the library is already providing
  o Does not impact faculty relationships with publishers or societies
  o Does not have any effect on journal quality, peer review, etc.
  o Many of our AAU peers have already adopted Open Access policies
    ▪ Some early adopters
      • Harvard
      • MIT
      • Kansas
  o Meets major research funding requirements in the U. S. and Internationally
  o With a campus-wide policy, it clarifies the faculty’s rights as a campus when it comes to all the rights, negotiations for licensing, and contracts when you’re ready to publish
  o Increases exposure to journal articles which increases the potential for citation and opportunities to work and collaborate with others
  o A campus-wide mandate allows us to negotiate for licensing rights and publication rights with major publishers
    ▪ If we don’t have one, faculty can individually negotiate which puts the onus on the individual author
  o Scholars at institutions worldwide have benefited as recipients and consumers of Open Access scholarship and publication
    ▪ A CU faculty member’s work may be used by a faculty member at some other institution that would not have access to it because their institution does not subscribe to any journal that might have your work
  o Policymakers, professionals, and the general public would be able to gain access to that knowledge which normally is locked behind pay walls
• A vote will take place at the October 2014 meeting

III. Committee Reorganization – Paul Chinowsky
• Some committees have specific tasks and perform those on a regular basis with close relationships to an administrative office
• Some committees have historically been relax in terms of what the topics are that they address with or without a close relationship with a specific administration office
• Do we need to adjust to how we operate to be able to respond to issues faster as they come up?
• The bylaws are specific in terms of membership on committees but not all committees maintain the required number of members
  o How many do we need on a committee to be representative of the voice of the faculty?
• Currently we have 13 standing committees and each committee is supposed to have ten (10) members – eight (8) faculty and two (2) student government members
  o No committee is fully staffed the way it is supposed to be done
    ▪ Violating our bylaws
  o Committees are not sending their required representative to Faculty Council meetings
Problem: If a committee is not fully populated and we bring something forward from a committee to the administration, there is questions about whether or not it is representative of the faculty voice.

Question: Should we retain 13 committees or should we reduce that number and have more individuals in each committee?

Our committees fall into three broad categories
  - Faculty-related issues – tied to Jeff Cox
    - Faculty Affairs
    - Diversity
    - Grievance (exists when it is asked to exist)
    - Instructors
  - Academic-related issues – tied to Mike Grant and Deb Coffin
    - Student Affairs
    - Athletics
    - Libraries
    - Academic Affairs
  - Administrative-related issues – tied to Kelly Fox and Bill Kaempfer
    - Budget
    - AST
    - Administrative Review
  - Communication, internal and external – tied to Frances Draper

If we consolidate down, it would put approximately 15 to 20 people in each of the committees instead of 8 which would give them a greater cross-section of the faculty that they represent.

Greater number of representatives would mean a greater number that could respond to the issues that come up and be taken seriously as a voice of the faculty.

Look at the other campuses and system to see what committees they have to build a consensus among the different campuses where possible.

Deadline: End of the academic year when we have to announce if we’re going to keep our structure the way it is or change it.

Need to address the problem of the shortage of numbers on the committees either way.

IV. BFA ODH Ad-Hoc Committee – Paul Chinowsky

The charge for the Adler ad-hoc committee was to review the processes that had been followed in the Adler situation. The second ad-hoc committee was the ODH Education committee which was charged with looking at how ODH operates on campus but, specifically, how to educate the faculty on how ODH works and to make any recommendations on how those processes could be better conveyed to the faculty or if we thought anything needed some improvement that would not interfere with the Federal laws that ODH must follow.

- Met every other week through the end of June
- Produced a draft report that the committee revised over the summer
- Report presented to the Executive Committee last month
  - After discussion, the report was approved 12 to 1
- Report forwarded to ODH and the Provost’s office for any specific comments
  - Returned a list of comments/concerns in terms of legal issues
- Paul Chinowsky and Adam Norris, both officers of the BFA and representatives of the ODH committee, met with the Provost and Valerie Simons, the Institutional Equity and Compliance and Title IX Coordinator, and Katherine Erwin, the head of ODH, to have a discussion about the report

The context of this committee was not charged with an investigation of ODH but rather to find a way to educate the faculty and look at the processes. Faculty concerns about ODH centered on not understanding the process. The committee had the following recommendations:

- There needs to be clarification of steps in their process
Concern is not an actual term used by ODH

Appendix A is the flowchart from ODH and Appendix B is our recommendation to clear up some of the steps

Clarification of timing of and reasons for classroom visits
- Adler ad-hoc committee determined that there should not be classroom visits
- ODH ad-hoc committee determined that “there is a need to elucidate the timing of and reasons for a potential classroom visit during an . . . inquiry.”

Neutral oversight body for ODH at the university level
- ODH has no official disciplinary authority, discipline is handled
  - In the hands of department chairs
  - Then in the hands of deans
  - Every department runs differently on the CU-Boulder campus
- How can we take ODH’s findings, policies, issues, and make sure there is uniformity across campus in how it is acted upon at the department level
  - How do we make sure that department chairs are adequately trained in this area so that we, as faculty, can trust those decisions? ODH needs to be taken out of department politics.
- How do we self-govern at the department level?
- This is the touchiest in terms of Federal law

How do you handle the grievance process with ODH and the Ombuds Office?
- 90% of ODH cases end with the result of no basis to proceed or no finding
- In the case of the 10%, what grievance process does faculty have?
  - Currently not a defined grievance process

Enhancement of training for department chairs and executive committee leaders in the department
- Anyone in these positions need sufficient training

Annual university-issued report on ODH cases and disciplinary actions
- Faculty want to know if some action is taking place

Monitor the implementation of recommendations
- Is there uniformity across campus and is it being followed?
- How do we make sure that uniformity is happening?

Items that were agreed to by ODH and/or the administration:
- On-site ODH training is going to return
- Transparency
- Annual reports is an ongoing conversation to determine what data might be useful
- Oversight turned down because of Federal law issues
  - Agreed that there will be an active, continuing discussion to find a resolution that is both legal and meets the needs of the faculty

The meeting was adjourned at 5:34 pm by Paul Chinowsky.

Submitted by Carrie Olson, BFA Assistant.