MINUTES
Executive Committee Meeting
Boulder Faculty Assembly
March 14, 2011

Attending
Joe Rosse, BFA Chair
Ahmed White, BFA Vice Chair
John Toth, BFA Secretary, BFA Student Affairs Committee Chair
Bill Emery, BFA At-Large Executive Committee Member
Melinda Piket-May, BFA At-Large Executive Committee Member
Carmen Grace, BFA Academic Affairs Committee Chair
Jerry Rudy, BFA Budget and Planning Committee Chair
Martha Hanna, BFA Libraries Committee Chair
David Kassoy, Retired Faculty Association Representative
Horst Mewes, Arts and Sciences Council Chair
Bill Kaempfer, Vice Provost, Associate Vice Chancellor for Budget and Planning
Sierra Swearingen, BFA Coordinator

Special Guests
Jill Pollock, Senior Associate Vice President and Chief Human Resources Officer

Not Attending
Karen Ramirez, BFA Administrative Services & Technology Committee Chair
Catherine Kunce, BFA Administrator Appraisal Committee Representative
Susan Moore, BFA Diversity Committee Chair
Paul Chinowsky, BFA Faculty Affairs Committee Chair
Marki LeCompte, BFA Faculty Compensation and Benefits Committee Chair
Elizabeth Bradley, BFA Intercollegiate Athletics Committee Chair
Uriel Nauenberg, Former BFA Chair
Anthony De La Rosa, CU Student Union Liaison (CUSG)
Andrew Poppe, President, United Government of Graduate Students (UGGS)

The Boulder Faculty Assembly Executive Committee held its regular meeting on Monday, March 14, 2011, in ATLAS room 229. Chair Joe Rosse presided. The meeting convened at 4:00 and adjourned at 5:35 p.m.

1. BFA Election Report

Ltc. John Toth, Chair of the BFA’s Nominating and Elections Committee, gave a brief report on the results of the balloting in the BFA’s election of new At-Large BFA members:
• Newly elected BFA At-Large representatives are:
  o Jerry Rudy, Psychology, BFA Arts & Sciences At-Large,
  o Adam Norris, Applied Math, BFA Arts & Sciences At-Large,
  o Shivakant Mishra, Computer Science, BFA Non-Arts & Sciences At-Large, and
  o Bryan Taylor, Communication, BFA Faculty At-Large.
• The next phase of the BFA election is for BFA members to make nominations from among the continuing and newly-elected BFA members for Chair, Vice Chair, Secretary, and two at-large representatives on the BFA Executive Committee.
• Time is reserved in the next BFA Agenda, April 7th, for candidates for these positions to make speeches.

Rosse asked those assembled to please remind fellow BFA members to make nominations.

II. Bylaws Committee Notice of Motion

Ahmed White, BFA Bylaws Committee Chair, presented the following notice of motion.

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BFA Bylaws Committee Motion
Motion to Amend the BFA Standing Rules to Reinstitute Standing Committee Composition Rules
[ DRAFT March 4, 2011 ]

Whereas: rules for BFA standing committee composition were inadvertently dropped from the current version of the BFA’s Bylaws and Standing Rules;
Resolved: that the BFA approves the following amendments to the BFA Standing Rules:
that the existing Article V Section 1 of the Standing Rules be re-titled Section 2,
and that the existing Sections 2 and 3 that follow the existing Section 1 also be advanced seriatim to make room for a new Section 1;
and that a new Section 1 be inserted, to read as follows:
a) Faculty representation on standing committees shall be substantially proportional with respect to the various Colleges and Schools.
b) Student representation on standing committees shall include one undergraduate student selected by CUSG for a one-year term, and one graduate student selected by UGGS for a one-year term.
c) Except as otherwise provided by these Standing Rules, faculty representation on standing committees shall include two members of the Assembly to be elected by the Assembly at large for staggered, two-year terms not to exceed their tenure in the Assembly, and shall also include six Faculty Senate members to be elected by the Faculty Senate at-large for staggered, three-year terms.

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White reported that a related question from the Bylaws Committee involves whether BFA committee sizes are appropriate, given the differences in their workloads and duties.

Discussion followed. White clarified that the new language is not intended to provide the basis for an appeal as to a committee’s membership, but rather to provide guidance on how to constitute the committee, a meaningful term length, and a rule on which to base the expectation that continuing members be periodically re-elected.

The Executive Committee agreed to forward the Notice of Motion to the BFA.

III. Special Report: Benefit Plan Design Changes

Jill Pollock, Senior Associate Vice President and Chief Human Resources Officer gave an update on the progress of the Colorado Health and Welfare Trust (“the Trust”):
• The Trust is still waiting for the State to make a decision on the amount of employers’
contributions to Classified Staff benefits. In recent years CU has provided the same contribution to both Classified and non-Classified employees, in the interest of fairness.

- Anthem, which provides administrative support for CU’s health benefits (such as printing insurance cards and processing claims) will hold its rates steady next year.
- The Trust will not know the costs of its programs until April. In part, changes will be driven by three aspects of the Federal Patient Protection and Affordable Care Act: (1) lifetime benefit limits are eliminated, (2) certain prevention tests are now paid 100% by employers, and (3) children up to 27 years old can be dependents.
- The Trust is considering quarterly (or more frequent) individual prescription consultations on the campuses, perhaps as a project of the School of Pharmacy.
- Later this year the Trust will offer new on-line health assessments, confidential to the users, the aggregate results of which can be used to help design benefits plans.
- The Trust is creating a health plan design panel, with at least one UCB faculty member.
- No major changes in CU’s health plans are anticipated this year. If Anthem is replaced next year the names of the plans may change but the offerings will be very similar.
- The Trust will hold a quarterly meeting on March 17th at 3 p.m., at 1800 Grant Street. All of the Trust’s reports are available on a public website, at www.cusys.edu/trust.

In the discussion that followed Pollock added additional points:

- Faculty Council’s Personnel Committee has been requesting the Trust add one faculty member. Pollock is in favor of that idea but the Trust must first wait for a ruling from the Federal Government as to the Trust’s designation as a governmental entity.
- There are currently five trustees, chosen by CEOs of the employers involved in the Trust: two from CU (Pollock, and CFO. Kelly Fox), the Chief Human Resources Officer and CFO at University Hospital, and the health plan development director from University Physicians.
- Pollock concluded by reporting that the Trust will call a special public meeting on rates by the last day of April, and Open Enrollment will begin on May 2nd.

Rosse thanked Pollock for her report.

IV. Chair’s Report: Discussion

Rosse introduced discussion of Faculty Council’s procedures for internal communication and its relationship to the Assemblies. He reported that some faculty have expressed concern that Faculty Council has been acting without sufficient input from faculty. He added that the current Faculty Council Chair’s position seems to be that Faculty Council in and of itself is adequate representation for CU’s more than 5,000 faculty across all campuses.

Discussion followed, including these perspectives:

- For Faculty Council to operate without the knowledge or input of the Assemblies introduces the possibility of political machinations. For example, a Faculty Council chair may not want to hear from faculty on a given issue if he or she thinks it is more effective to negotiate and ‘make a deal.’ Faculty Council’s powers to act without input are broadened in urgent situations, but that urgency can be artificially created by secrecy about the very existence of an issue leading up to its urgent consideration.
Rosse would like to propose that, absent real and compelling deadlines, Faculty Council make every effort to give the Assemblies sufficient time to provide a response on important matters, perhaps not as an official vote, but at least as comments.

Rosse would like to propose that expectations of confidentiality around meetings be clarified, so that Faculty Council members have a shared understanding of what is confidential and what is not. Private negotiations, if necessary, should occur with the knowledge and approval of Faculty Council, generally.

One member commented that private conversations between members are acceptable, but the results should not be private: they should be open to discussion prior to a vote.

Another commented that there may be legitimate needs for secrecy in negotiations, such as when certain kinds of people, for example politicians, do not want to go on record.

The Executive Committee supported Rosse’s bringing the proposals he described to the Faculty Council at its next meeting.

V. Discussion: Grading Procedures and Cheating

Rosse introduced the topic of grading procedures and cheating and asked Academic Affairs Committee Chair Carmen Grace to frame the discussion.

Grace reported that the Committee has been approached by an instructor who has a grievance: the allegation is that a failing grade due to cheating was overturned either by an Associate Dean or by the Dean of Students even though the Honor Council either had not yet ruled or had found the student guilty, and that the records of that process have been destroyed. Grace added that some of the facts alleged suggest inappropriate response to outside pressure from a parent.

Discussion followed, including these points:

- In any given situation, if a formal appeal process to overturn a grade is not followed, and there is a compelling reason to change the grade, that decision ought to be recorded.
- It was suggested that if the faculty’s grade decisions have become easier to overturn as a result of the Honor Code, the BFA could re-open for consideration its approval of it.
- In this particular case the Associate Dean has requested a BFA ruling on the matter.
- Rosse reported that the A.V.C. for Undergraduate Education told him that there is no campus policy on administrators changing faculty-assigned grades, but provided a list of past situations where it has occurred:
  - retroactive withdrawal due to, for example, undiagnosed illness (most common);
  - a faculty member is no longer at CU and an error was found;
  - a faculty member unfairly or inappropriately treated the student;
  - the grading was proven to be capricious and arbitrary;
  - a faculty member failed to turn in grades; or
  - a faculty member ejected a student from class without due process.
- If the alleged events in this case are shown to be true, the BFA should proceed with some form of process to resolve the ambiguities the events introduce as to the faculty’s prerogative to assign grades consistent with academic freedom.
- The BFA could call for a written campus policy describing the specific circumstances under which Deans can overturn a faculty member’s grade.
Rosse proposed constituting the BFA Grievance Advisory Committee as those members of the Executive Committee in attendance, to advise the instructor as to how to proceed with a grievance. Discussion followed. The Committee agreed to refer the instructor to John Frazee, Boulder’s Director of Faculty Relations, or Lee Potts and Larry Singell, the Faculty Ombuds.

VI. Committee Update: Academic Affairs Committee

Committee Chair Carmen Grace reported on the revised Program Review process for the Humanities and the Arts:

- Program Review has been revamped. It is now called Academic Review and Planning to acknowledge an increase in ‘forward-looking’ aspects in the review process.
- 2008 would have been the 5th cycle of the program (which started in 1980 to review departments and units every 7 years). Changes were made in the fifth cycle and the BFA Academic Affairs Committee feels the process is working better now than it ever has. The changes include:
  - a longer cycle (18 instead of 12 months),
  - units are now invited to answer very specific questions,
  - units are no longer selected at random, but now go through the review process as a cluster, in step with similar units (for example languages), and
  - recommendations are mandatorily linked to the budget process.
- The Committee is currently reviewing 21 reports on Humanities and Arts units and has raised some questions for the next cycle:
  - Should some of the requests for information be more forceful? For example, should some units be instructed they must provide a mission statement, because of the difficulty of evaluating success when goals are not concrete?
  - Should there be a broad question on the role of Arts and Humanities, generally?

Grace commented that the reports, while public record, are nevertheless difficult to access. Rosse volunteered to ask the Provost’s office whether the reports can be made more accessible.

VII. Adjournment. There being no further business the meeting was adjourned at 5:35.

Respectfully submitted by Sierra Swearingen-Todd, BFA Coordinator.