MINUTES
Executive Committee
Boulder Faculty Assembly
October 4, 2010

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
Karen Ramirez, BFA Administrative Services & Technology Committee Chair
Marki LeCompte, BFA Faculty Compensation and Benefits Committee Chair
Susan Moore, BFA Diversity Committee Chair
Eckart Schutrumpf, BFA Faculty Affairs Committee Representative
Uriel Nauenberg, Former BFA Chair
Horst Mewes, Arts and Sciences Council Chair
Bill Kaempfer, Vice Provost, Associate Vice Chancellor for Budget and Planning
Jeff Schiel, Planning, Budget, and Analysis, AAP Committee Administration Liaison
Interim Associate Vice Chancellor for Research Patricia Rankin
Sierra Swearingen, BFA Coordinator

The BFA Executive Committee met on Monday, October 4, 2010, in ATLAS room 229. Chair Joe Rosse presided. The meeting convened at 4:00 and adjourned at 5:30 p.m.

I. Chair’s Report, BFA Chair Joe Rosse

A. New Executive Committee Members - Karen Ramirez is the new Chair of the BFA’s Administrative Services & Technology Committee. Former Chair. Catherine Kunce is the new Chair of the Administrator Appraisal Committee.

B. BFA Administrator Appraisal Program process: “Verbatim Comments”

Rosse introduced Jeff Schiel, of Planning, Budget, and Analysis, a long-time liaison to the BFA Administrator Appraisal Committee, in attendance at today’s meeting.

Rosse reported the AAP Committee has asked for guidance on problems with a BFA motion last fall, which altered the AAP process. The original motion required verbatim comments to be given only to members of the AAP committee for them to summarize, removing what might personally identify raters: “Instructions to raters clearly state that all comments will be given verbatim (with no editing, including no removal of self-identifiers) to the members of the AAP Committee but will not be seen by anyone else.” An amendment added “Raters shall be provided a reasonable means to elect whether their comments shall be reported verbatim,” a

1 http://www.colorado.edu/FacultyGovernance/committees/MOTRES/BFA-X-M-083109.pdf
seeming contradiction, and an ambiguity about to whom the comments would be given. Time constraints require that the AAP must begin this year’s process soon.

Discussion followed, including options to deal with the apparent ambiguities:

- Treating the amendment as invalid, because it conflicts with the original motion.
- Forwarding verbatim comments only to the Dean under review.
- Forwarding verbatim comments only to the Dean and the Provost.
- Accommodate the request to allow forwarding of verbatim comments by adding a tic box on raters’ evaluation forms, accompanied by adequate warnings.

Other comments included the following:

- Treating the amendment as invalid would mean ignoring the BFA’s vote.
- Even if the wording of the amendment is not clear, the BFA’s intent was clear.
- The amended language is not necessarily contradictory, as the committee may interpret what the amendment’s “reasonable means” could be.
- The AAP committee has traditionally served as a buffer between raters and Deans: it has always processed comments in some way to ensure that unrepresentative comments do not have an undue amount of influence. Allowing raters to choose would remove the committee’s discretion with regard to how comments are treated in each report.
- Allowing raters to choose also creates a danger of malicious, false self-identification. On the other hand, allowing the committee to have discretion creates a danger that some rater’s comments, while valid, will not be included in the report.
- Reports have not always fairly reflected what raters expressed in their comments.

Rosse reported he will ask the AAP Committee to interpret “reasonable means” for now, perhaps using the tic box method described above, and ask the Committee to return to the Assembly in May with a formal motion after observing how the new process works.

C. Campus Budget - UCB plans to cover reductions using tuition increases, if reductions are not larger than anticipated, and if the State grants CU’s request to do so.

D. Commencement Breakfast - Due in part to a construction project at the Events Center, the Chancellor’s traditional post-commencement breakfast this December will be a continental breakfast prior to the event, and may continue on that model in future years. Discussion followed. The Committee agreed that the post-commencement breakfast is an important community event and should be continued.

E. Professional Rights and Duties Document (PRD) - The Council of Deans has endorsed the new ‘enabling’ policy, which incorporates the PRD into campus policy by reference.

F. School of Journalism Program Discontinuance Process - The BFA has appointed Professor Sanjai Bhagat of the Business School as its representative on the Journalism Schools’ discontinuance committee (PPRC). The Committee’s report is due November 1st.

G. Faculty Council response to BFA motions on Program Discontinuance, Instructor Tenure
Faculty Council is reviewing the BFA’s motion to increase severance pay for tenured faculty from one year to two years, based on years of service.\(^2\) Faculty Council’s concerns with the motion include:

- Whether any severance packages beyond one year are allowed, given University Counsel’s Postemployment Compensation Act legal memo of last May.
- CU reduced severance packages a few years ago because, in the poor economic climate at the time, it was more expensive to discontinue ailing programs than to leave them in place. Further, in Faculty Council’s recollection, CU created new programs as a result to ease faculty members’ transition away from the university (such as counseling and placement services) and those programs have been quite successful.

Discussion followed, including questions about the timing of the ‘placement and counseling services’ for outgoing faculty, which may have existed before CU’s shift to the flat-rate severance model, and unrelated to it.

Faculty Council is also reviewing the BFA’s motion on instructor status.\(^3\) Faculty Council’s concerns with the motion include a perception that the motion is solely a Boulder Campus issue, and that while ‘instructor tenure’ is a good idea, this is not the right time to pursue it.

Discussion followed, including:

- Instructors on other campuses are too intimidated to express their concerns.
- Faculty Council believes that University Counsel’s ‘Post-Employment Compensation Act’ memo of last May bars ‘instructor tenure’ unless the Regents change their laws.
- Faculty Council and its committees may have the impression that the BFA’s motion requests only ‘extended employment contracts,’ which are also thought to be barred.
- There is lack of clarity in some circles about what is meant by ‘tenure’ with regard to instructors, perhaps due to the fact that many have not seen the full report of the BFA’s Ad Hoc Committee on Instructor Status, which underlies the motion.\(^4\)
- The BFA’s motion in fact addresses several different issues affecting instructors, and as to ‘instructor tenure’ it requests only the initiation of a discussion.

**II. University Counsel’s ‘Postemployment Compensation Act’ Memo on Instructor Status**

Rosse reported that the CU Law School has recruited alternative legal counsel to look into a similar question as that addressed in the memo, because the Law School’s accreditation requires contracts that seem to violate the law as interpreted by the memo.

Discussion followed. Comments included the following:

- The memo is not an accurate interpretation of ‘the law.’ Under the plain meaning of the statute the memo purports to interpret, the statute does not apply to instructors. The statute applies to ‘managers,’ which is defined in law in a particular way, and which

\(^2\) [http://www.colorado.edu/FacultyGovernance/committees/MOTRES/BFA-X--M-101209.pdf](http://www.colorado.edu/FacultyGovernance/committees/MOTRES/BFA-X--M-101209.pdf)  
\(^3\) [http://www.colorado.edu/FacultyGovernance/committees/MOTRES/BFA-X-M-022210.pdf](http://www.colorado.edu/FacultyGovernance/committees/MOTRES/BFA-X-M-022210.pdf)  
\(^4\) [http://www.colorado.edu/FacultyGovernance/resources/BFAinstr_FinalReport_031210.pdf](http://www.colorado.edu/FacultyGovernance/resources/BFAinstr_FinalReport_031210.pdf)
obviously does not include instructors. It would require a lawsuit to determine how a court might interpret the statute.

- It is important when discussing these matters to distinguish between policy and law. The memo may reflect policy, but it is not in itself dispositive with regard to the law.
- In light of the statute at issue in the memo, any severance packages that CU creates as part of the Journalism School’s program discontinuance process may be void.

Rosse reported that, at least for now and except for this year, CU will continue to use multi-year contracts to employ instructors, in spite of what the memo says.

III. An Addition to FRPA, to Recognize Diversity Goals

Rosse welcomed Patricia Rankin, Interim Associate Vice Chancellor for Research, and referred to a handout that includes a new question in the teaching section of the FRPA:

“Please describe any activities this year that have helped the Campus address its goals of supporting a more diverse student body. Examples of activities that should be reported include, but are not restricted to the following: i) participation in campus, college or department-based activities to recruit students from underrepresented groups; and ii) significant, sustained efforts to mentor and retain students from underrepresented groups, especially if the work goes beyond your area of academic expertise.”

Rankin reported that the new question is the result of repeated comments from a variety of diversity-related committees and other groups, that CU does not do a good job of supporting faculty efforts to recruit and retain students from under-represented groups. The question is open ended to allow faculty to report anything they do that supports a diverse campus. A more diverse student body is a major component of CU’s Flagship 2030 goals. Including a question on diverse faculty has been part of the discussion, but departments are already working to create the largest possible recruitment pool, to get the most excellent faculty.

Several Executive Committee members expressed enthusiastic support for the new question. Other comments included the following:

- Diversity-related items should be more developed. For example, the question should not be solely under ‘comments,’ because some department heads don’t read comments.
- Departments should be involved in the process, so they are aware of the change and are prepared to use the responses. Rankin could attend a Chair’s Breakfast, to alert them and reinforce their responsibility to use the responses.
- The Diversity Summit is coming up on November 2nd in the UMC.

Rankin reported that, while FRPAs in future years could include more items on diversity, due to timing constraints the campus must act now to get the question included this year.

The Committee thanked Rankin for her report and for seeking the BFA’s input.

IV. BFA Election Procedure
Rosse requested discussion on recent changes to the BFA election procedure, that allow unit and department heads to directly appoint faculty representatives to the BFA.

Discussion followed, including whether the current process is democratic, the costs and benefits of various procedural approaches that have been tried in the past, and the danger of more substantive harms to the BFA’s legitimacy as a governance group when the election process is perceived in a negative light. The Committee asked the BFA’s Nominating and Elections Committee to study the election process and make a recommendation.

V. Coalition on Intercollegiate Athletics (COIA)

Rosse reported that COIA has asked for a donation of $100 to help it pay for legal assistance in applying for 501(c)(3) status.

Discussion followed. The Committee agreed to use BFA funds to make the $100 donation.

VI. Adjournment. There being no further business, the meeting was adjourned at 5:30.

Respectfully submitted by Sierra Swearingen-Todd, BFA Coordinator.