MINUTES
Executive Committee Meeting
Boulder Faculty Assembly
October 18, 2010

Attending
Joe Rosse, BFA Chair
Ahmed White, BFA Vice Chair
Carmen Grace, BFA Academic Affairs Committee Chair
Karen Ramirez, BFA Administrative Services & Technology Committee Chair
Susan Moore, BFA Diversity Committee Chair
Eckart Schutrumpf, BFA Faculty Affairs Committee Representative
Marki LeCompte, BFA Faculty Compensation and Benefits Committee Chair
Horst Mewes, Arts and Sciences Council Chair
Uriel Nauenberg, Former BFA Chair
Bill Kaempfer, Vice Provost, Associate Vice Chancellor for Budget and Planning
Andrew Poppe, President, United Government of Graduate Students (UGGS)
Sierra Swearingen, BFA Coordinator

Not Attending
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
Catherine Kunce, BFA Administrator Appraisal Committee Chair
Jerry Rudy, BFA Budget and Planning Committee Chair
Elizabeth Bradley, BFA Intercollegiate Athletics Committee Chair
Ned Friedman, BFA Libraries Committee Chair

The Boulder Faculty Assembly Executive Committee met on Monday October 18, 2010, in ATLAS 229. Chair Joe Rosse presided. The meeting convened at 4:05 and adjourned at 5:35 p.m.

I. Chair’s Report, BFA Chair Joe Rosse

Rosse’s report included the following:
   a. The Chancellor has appointed Russell Moore as Provost for a three-year term.
   b. The Provost is supportive of the Administrator Appraisal Committee’s plan for ‘verbatim’ comments; to forward them only to the Dean and only on request, and to develop a new policy for the BFA’s consideration after this year’s reviews are complete.
   c. Rosse met with the Chair of Colorado State University’s Faculty Council, Richard Eykholt, and learned the following:
      i. CSU has a full-time Faculty Council Chair, limited to three one-year terms.
      ii. CSU faculty declined a 1% salary increase this year, due to a 20% tuition increase.
      iii. CSU has a board of 9 governors rather than regents, appointed by Colorado’s Governor. No more than 5 may be from a single political party. CU has discussed a similar “Board of Visitors” to supplement the Regents.
      iv. CSU’s instructors cannot participate in governance. CSU has no ‘Sr. instructors’
but has proposed a controversial “Sr. Teaching Instructor” designation. CSU’s instructors have indefinite contracts. Termination requires a termination decision approved by CSU’s President, not merely non-reappointment as in CU’s model.

Comments included that:
- A full-time BFA Chair would have to be inactive in research.
- It is unclear who at CU has authority to fire instructors.

The Committee agreed that CSU’s model of extended instructor contracts should be studied for feasibility at CU, and referred the matter to the BFA Faculty Affairs Committee.

II. Boulder Faculty Senate Meeting November 4th

BFA Vice Chair Ahmed White reminded the Committee that the annual meeting of the Boulder Faculty Senate will coinciding with the BFA’s November 4th meeting. White asked those assembled to invite all their Boulder Campus colleagues to attend.

Comments included that at the Chancellor’s State of the Campus address only one person asked a question. The Senate Meeting may be a better venue for dialogue with faculty.

III. Discussion Item – Last May’s University Counsel Legal Memo on Instructor Status

Rosse reported that a BFA member has requested the Executive Committee discuss whether to have University Counsel John Sleeman attend a BFA meeting to explain his position.

Discussion included the following comments:
- It is unclear whether CU’s Counsel are employed by CU or by the Attorney General.
- There is widespread, continued confusion as to which body or bodies CU’s Counsel represents, whether the memo is the final word on the status of instructors, and, if the memo represents CU’s policy, which office is the rightful source of that policy.
- Another issue is whether the “at-will” term moots all other terms in instructor contracts.
- A question for the Campus to consider (not University Counsel) is whether CU would otherwise support term contracts, with “for cause” and exigency provisions.
- It may be premature to ask University Counsel to attend a meeting to explain the memo.

Rosse reported he will contact the BFA member that expressed an interest in Counsel’s attendance, to explain the Executive Committee’s perspective on how to proceed.

IV. Discussion: Proposed Revisions, APS on Research Misconduct

Rosse reported the President asked Faculty Council for input on the draft Administrative Policy Statement on Misconduct in Research. Rosse recused himself from leading the discussion, as he is one of its authors. Ahmed White led the discussion.

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1 Current policy: www.cu.edu/policies/policies/A_MisconductResearch.html. Please contact the BFA office if you would like a copy of the proposed revisions.
The Committee members raised several concepts and concerns, including:

- The draft may not define ‘confidentiality’ with enough sensitivity to rights of researchers and subjects. The word has a specific definition in the context of research.
- The draft may give the University overbroad powers to violate the confidentiality of those accused of misconduct. Its listed justifications for disclosure are prone to interpretation by the University itself, without recourse by the accused.
- The draft could include a triggering mechanism with a clearly defined substantive standard the University must meet before making disclosures.
- It could also add procedures the University must follow before disclosure, such as providing formal opportunities for those accused to respond and object.
- In general, the onus should be on the party in power (the University) to justify its breach of confidentiality, rather than on the person accused to prove their blamelessness.
- The BFA recently approved a revision to the Professional Rights and Duties of faculty members document (PRD), which included a research misconduct section. It is not known what impact the revision will have on the PRD.
- Some parts of the revision are in response to requirements of federal granting agencies.
- The concept of self-plagiarism could be included in the definition of misconduct, but the term itself is controversial. Better phrasing might use an operational definition, such as ‘failure to comply with established standards regarding submission and attribution of publications, according to prevailing norms in each discipline.’
- The National Institutes of Health (NIH) have been the most active in requiring a specific set of policies. The current APS was therefore written to conform to NIH guidelines. When other funding agencies come forward, using the APS can be therefore awkward.
- The revision is being proposed in part because CU’s new plan is to keep policies brief and general, to allow individual campuses to develop their own details and procedures.
- Federal funding agencies’ standards are similar but not well harmonized. When the Office of Contracts and Grants (OCG) is asked to certify to an agency that CU’s policies meet their standards, it would be good to have a broad enough policy to allow OCG to say “yes” to any of them. Private agencies tend to accept CU’s standards. Federal standards generally provide the minimum of what’s required; where Federal regulations are silent, such as in the area of authorship, CU’s policies fill in the gap. The revision’s goal is to broaden rather than constrain: to comply with NIH rules when necessary, but respond to other agencies’ requirements when NIH rules are not necessary.

The committee raised other concerns and questions that were not discussed in depth. Rosse reported that feedback is requested by November 10th. White asked committee members to study the draft and return to the Executive Committee on November 1st to determine which concerns have sufficient consensus to warrant forwarding them to Faculty Council.

White yielded the floor back to Rosse for the remainder of the meeting.

V. Committee Report: Faculty Affairs Committee

Committee representative Eckart Schuttrumpf reported that last spring faculty believed there would be no salary increases for anyone this year, but the Committee recently learned there
had been some increases, outside the established salary process. Schutrumpf presented a draft motion that seeks an explanation of the process and a commitment that future increases will conform to existing policies (Regents’ Policy 11. B.2).

Discussion included the following:
- The amount of the salary pool was very small ($400,000), and the campus first became aware of the pool after spring semester ended.
- The Regents required that no more than 10% of faculty (about 70 at UCB) should get an increase. If the Regents’ intention was to reward only the most meritorious, that was not the effect. Some units may have given increases based on averages, regardless of merit.
- The BFA Budget and Planning Committee has raised this issue with administration.
- Regents’ Policy 11.B. is a good policy and the Campus should use it, regardless of the size of the salary increase pool, to avoid undermining the rights the Policy grants.
- In the absence of an official explanation from the campus much confusion remains among faculty about how and why the increases occurred.

The Committee agreed to honor the motion by inviting the Provost to attend an Executive Committee meeting to investigate what can be done in similar situations in the future.

VI. New Policy on Teaching Assistant’s Workload Requirements

Andrew Poppe, President of the United Government of Graduate Students, reported that several graduate students have complained about a new Arts and Sciences policy to “Equalize TA Workload Requirements.” In some departments the new policy increases TA workload by 50% with no associated salary increase. Neither the Graduate School nor UGGS appear to have been consulted on the change.

Rosse asked Poppe to continue to investigate, and to contact Ltc John Toth, the BFA’s Student Affairs Committee Chair.

VII. Nominations for the Vice Chancellors’ Advisory Committee (VCAC)

Rosse presented a list of six nominees for two VCAC positions, provided by Associate Vice Chancellor for Faculty Affairs Jeff Cox for the BFA’s approval. The Committee approved the individual nominees but noted a lack of diversity in their academic disciplines.3

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

Respectfully submitted by Sierra Swearingen-Todd, BFA Coordinator.

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2 Available on line at www.cu.edu/regents/Policies/Policy11B.htm
3 AVC Cox reported after the meeting that the list was meant to target under-represented disciplines on VCAC.