MINUTES
Executive Committee Meeting
Boulder Faculty Assembly
January 11, 2010

Attending
Joe Rosse
Ahmed White
Sheila Scanlon
Carmen Grace
Jerry Rudy
Susan Moore
Michael Main
Liz Bradley
Ned Friedman
Dave Kassoy
Robert Ferry
Bill Kaempfer
Andrew Poppe
Thomas Higginbotham

Invited Guests: John Sleeman, Managing Senior Counsel, University Counsel

Observers: Greg Carey

A meeting of the Boulder Faculty Assembly Executive Committee was held on Monday, January 11, 2010, in UMC 425. Chair Joe Rosse presided. The meeting convened at 4:05 and adjourned at 5:30 p.m.

I. Approval of the Minutes: The Minutes from November 30, 2009 were approved.

II. Chair’s Report:

a. Joe reported that the faculty were not consulted in the planning of the Dependent Eligibility Audit slated to begin on February 1. This audit will could have major ramifications especially for those on sabbatical because dependents will be dropped on March 31 if verification documentation eligibility isn’t submitted by then.

b. Joe reported that a Ph.D. student in Communication would like to attend the January 25 Executive Committee at which IT-CIO Larry Levine will discuss faculty involvement in the IT strategic planning process. None of the members objected to this attendance.

III. John Sleeman, Managing Senior Counsel, University Counsel: Status of Non-Tenure Track Faculty:
a. John Sleeman described his legal background. He then described how he viewed his position as a member of University Counsel—all university constituents are his clients.

b. Sleeman reported his progress on interpreting Colorado’s Postemployment Compensation Act, which the university has previously interpreted as requiring that all university employees other than classified, tenured or tenure-track be employed at-will. He has asked a paralegal at the Attorney General’s Office to research the legislative history of the Act. The BFA has asked Sleeman to determine whether the Act prevents the university from offering instructors enforceable multi-year contracts and what limitations the university may have in terminating instructors.

   i. There was discussion about what criteria might or should be used to determine which at-will instructors would be terminated in cases where the budget requires the university to trim the numbers of instructors it employees. For example, should it be based on merit or seniority? Sleeman responded that this is a policy rather than legal question.

   ii. There was discussion about whether the University Counsel could really be the entity that makes the official interpretation of the statute if interests of the Faculty and the Administration might be in conflict depending on the interpretation. Sleeman responded that he would not be interpreting the statute as an advocate for either the administration or the faculty and that he has had to deliver many opinions on issues where the interests of multiple governmental entities were in conflict.

c. Sleeman reported that he expected to have his analysis completed by the February 4 BFA meeting.

IV. UGGS Student Fee Survey—Andrew Poppe:

a. Andrew reported that the UGGS Student Fee Survey revealed that only a small minority of graduate students partake in most of the services such as cost centers, varsity sports, and club sports for which undergraduates and graduate students pay the same amount in fees. The only exceptions were the Wardenburg Health Center, the Rec Center and the Bookstore. Although identifying undergraduate usage was not a part of the survey, anecdotal evidence suggested that undergraduate usage far outweighed graduate student usage in all of these areas. UGGS would like to begin a discussion about whether the amount of fees assessed should be targeted more carefully depending on graduate versus undergraduate use. Andrew reported that many peer schools charge different amounts depending on whether a student is an undergraduate or a graduate.

   i. There was discussion about the fact that, while graduate students subsidize undergraduate usage in some areas, there are other areas in which undergraduates subsidize graduate usage.
V. Development of agenda items for Benson meeting:
   a. What System policies are in place to involve faculty in the decision-making process?
   b. Does the president have sufficient staff around him that understand the academic world, especially since he has eliminated the VPAAR position (the individual that would probably have the closest connection to faculty)?
   c. How does the president relate to academic issues that are of importance to the faculty?
   d. What is the president doing now to deal with the budget issue and does he understand the effect that budget reductions are having on the institution.

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