MINUTES
Executive Committee Meeting
Boulder Faculty Assembly
March 8, 2010

Attending
Joe Rosse
Ahmed White
Bill Emery
Carmen Grace
Jerry Rudy
Susan Moore
Michael Main
Ned Friedman
John Toth
Dave Kassoy
Robert Ferry
Bill Kaempfer
Uriel Nauenberg
Tom Higginbotham

Guests: Caroline Himes

Documents:

- B & P Committee’s Resolution on Increased Flexibility for Research Salary Increases
- Explanatory memo provided by the B & P Committee regarding the Resolution on Increased Flexibility for Research Salary Increases
- Student Affairs Committee’s Motion regarding Class Conflicts and Club Sports Events
- SAC’s policy memorandum regarding Class Conflicts and Club Sports Events
- SAC’s sample Class Conflicts letter
- SAC’s sample policy statement for inclusion in syllabi

A meeting of the Boulder Faculty Assembly Executive Committee was held on Monday, March 8, 2010, in ATLAS 229. Chair Joe Rosse presided. The meeting convened at 4:05 and adjourned at 5:20 p.m.

I. Approval of the Minutes: The Minutes from February 22, 2010, were approved.

II. Chair’s Report:

a. Joe reported that he has requested an analysis from CU’s Senior Financial Officers of the assertions in the Paul Levitt, etc., editorial published on March 7 in the Daily Camera regarding CU debt and bond issuances.
b. Joe announced that it is BFA elections season again.
c. Joe announced that the Master Plan faculty forum will be held on March 10 in the law school.

III. Budget and Planning Committee report—Jerry Rudy
   a. Jerry presented the B & P Committee’s Resolution on Increased Flexibility for Research Salary Increases (appended). Jerry discussed the rational behind proposal to separate Research Faculty salary pool that supports soft money personnel from regular faculty pool in the general fund as described in the explanatory memo provided by the Budget & Planning Committee (appended). He said that the main concern that came up in the B & P Committee was whether the political will exists to give anyone on campus a raise.
   b. There was discussion about how much this would cost. Caroline Himes thought it would cost about a million dollars, some of which would be recouped from grants.
   c. There was discussion about how Research Faculty salaries compare to Instructor salaries. It was mentioned that it is demoralizing for instructors, whose product is primarily teaching rather than research, to see Research Faculty getting paid more. It was noted that many of these Research Faculty are the top people in their field and are bringing in grants. There was discussion about whether we want to have Research Faculty to have a commitment to the campus rather than just a commitment to money.
   d. It was noted that this proposal is only for soft money people who are in a “make hay while the sun shines” kind of mood. It does not include Research Professors who have a rarely-used backstop if soft money runs out.
   e. There was discussion about whether the third “whereas” in the proposal is disingenuous in that it states that research program funding at CU is unrelated to state funding, tuition and other general funding. Bill stated that 15% or so of the indirect costs of research are subsidized by the general campus budget in terms of facilities and administrative costs. Direct costs are not subsidized for the most part.
   f. There was discussion about what other peer institutions are doing in this area. Jerry stated that some are separating the salary pools.
   g. The motion passed with one opposed. It will be forwarded on to the BFA.

IV. Student Affairs Committee report—John Toth
   a. John reported that the SAC motion (appended) and accompanying memorandum (appended) regarding a policy on class conflicts with club sport athletic events is designed to clarify the relationship between a club sport athlete and an instructor when class conflicts with club sport events arise. He explained that the SAC proposal was modeled on the Intercollegiate Athletics Committee’s proposal from last year dealing with class conflicts and intercollegiate athletic events. The SAC proposes that the motion and the accompanying memorandum be emailed to faculty at
the beginning of each semester, that the faculty be asked to include a policy statement (appended) in their syllabi, that club sports athletes be brief four times a year on the policy, and that the policy be included in the team sports guide.

b. There was discussion about the desire for raising the required GPA for Club Sports participation to 3.0.

c. John said that the memorandum notes that the Club Sports program is not about to engage in the same level of student-athlete academic oversight as the CU Athletic Department due to lack of funding. There was objection to the inclusion of that statement in the report (“Currently, the Collegiate Sport Clubs office at CU-Boulder does not have the resources necessary to monitor the progress and status of student-athletes in class.”) There was discussion about whether the Club Sports Program should come up with the resources to oversee its athletes properly. It was determined that the memorandum should simply state the oversight facts—the Club Sports overseer/student-athlete ratio.

d. There was discussion about who pays for these Club Sports overseers. The Recreation Center pays them. The program is student-supported.

e. The motion passed with one opposed.

V. Discussion regarding BFA feedback on Instructor Status Committee recommendations.

a. Joe reported that the Ad Hoc Committee on the Status of Instructors has changed is Report a bit after receiving BFA feedback.

b. Joe reported that the Committee has changed Recommendation 2D as follows to bring it in line with the Program Discontinuance motions passed by the BFA on March 4:

(OLD) 2D: In the event of program discontinuance, the campus should make every effort to relocate instructors and senior instructors to other units; should program discontinuance require the termination of senior instructors, the campus must provide those senior instructors who have been identified in any plan for termination with one year of notice before termination.

(NEW) 2D: In the event of program discontinuance, the campus should make every effort to relocate instructors and senior instructors to other units; should program discontinuance require the termination of senior instructors, the campus must provide those senior instructors and those instructors who have served seven or more years of full-time service or its equivalent to the University who have been identified in any plan for termination with one year of notice before termination.

c. A motion was made and seconded to amend the Executive Committee’s motion to endorse the recommendations of the committee to bring Recommendation 2D as stated in the motion in line with the Instructor Status Committee’s change. The motion passed unanimously.

d. Joe stated that the Executive Committee has been charged by the BFA with considering whether or not to seek an outside opinion on whether
C.R.S. 24-19-101, et. seq., (so-called “at-will” statute) applies to CU instructors. The University Counsel has not provided the opinion he had promised and has not indicated when he will. Some BFA members had indicated possible legal experts who might be willing to provide an outside opinion pro bono. The Executive Committee determined that such an opinion should be pursued.

VI. There was discussion about whether to invite Regent Steve Bosley to an Executive Committee meeting. The Committee generally agreed to extend the invitation.

VII. There was discussion about whether to invite Sanjai Bhagat, the faculty representative to UBAB, to discuss with the Executive Committee the possibility that the University might move to a self-funded insurance program. The Committee agreed to extend the invitation. Come?

There being no further business, the meeting was adjourned at 5:30.
Resolution on Increased Flexibility for Research Salary Increases
BFA Budget and Planning Committee

Whereas the University receives funding from a variety of sources, and

Whereas there are a variety of personnel categories within the University of Colorado system, funded from different sources, where the terms of appointment, benefits and risks to an employee vary based upon the personnel category and source of funding, and

Whereas sponsored research program funding at CU Boulder is unrelated to funding provided to the University by the State of Colorado, tuition, or general fund sources, and

Whereas sponsored research programs are selected in a competitive process which includes an evaluation of the competency of the personnel and an assessment of the work to be performed relative to the proposed budget, and

Whereas research associates and professional research assistants in certain campus units are hired with the intention of long term, i.e. “career”, appointments where they provide intellectual leadership and/or unique skills for sponsored research programs, and

Whereas the unit directors understand the need to balance sponsored research budgets with requirements for the retention of “career” research personnel to best support the entrepreneurial research of the unit,

Therefore, the BFA supports flexibility and authority for unit directors to work with the Vice Chancellor for Research in providing appropriate salary increases to “career track” research associates, senior research associates, professional research assistants, and senior professional research assistants who are funded on soft money essentially de-coupling these salary increases from the salary increase pools established for tenure track faculty.
Flagship 2030 stipulates that a major goal of the University of Colorado is to grow and maintain its already outstanding position as a world-class research institution (Flagship 2030). The intent of this BFA-initiated proposal is to provide the university with financial flexibility that will enhance this goal by supporting our entrepreneurial research programs. The core proposal is that the unit directors, working with the Vice Chancellor for Research, be given broad flexibility in determining salary increases for certain soft-money supported Research Faculty (specifically “career track” research associates, senior research associates, professional research assistants, and senior professional research assistants), separate from the salary increase pool for tenure track faculty. This proposal recognizes that the salaries for tenure-track faculty and research faculty come from different sources. Tenured track faculty salaries come from the General Fund and this money is a continuing line in the budget; the sources of revenue for the General Fund are tuition, state dollars and indirect-cost recovery from grants. In contrast, all Research Faculty salaries are from temporary funds that come directly from extramural sources (grants and contracts) and the indirect-cost recovery derived from those grants. This BFA proposal will help the administration address a number of inequities and difficulties faced by some, but not all, of our departments and institutes. Three examples are noteworthy. This proposal would allow:

• Raises for certain research faculty, in units which have concerns regarding retention of these career research personnel, particularly in years when there is little or no raise pool for faculty supported by the general fund.
• The university to remain competitive with industries in hiring new researchers.
• The university to benefit from an increase in revenue from indirect cost recovery.

To support this proposal a description of the Research Faculty influenced by this motion, a synopsis of major issues facing our research programs, and a summary of relevant financial issues are presented below.

**Background**

For the past several years, the salary increase pool for research faculty has been tied directly to the increase pool available to tenure track faculty, despite differences in the positions and the funding source. As the raise pool diminished, some research units have been unable to remain competitive in the salaries provided to soft-money funded career researchers. In two of the largest research institutes, this problem has reached a critical level.

**Research Faculty Description**

The research faculty classification of employees is a broad group, a subset of which is addressed in this motion. Some of the unique characteristics of these positions are important in understanding this issue.

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• The formal definition of Research Faculty includes Research Professors, Research Associates, Senior Research Associates, Professional Research Assistants and Senior Professional Research Assistants. This resolution is intended to apply only to the subset of Research Associates, Senior Research Associates, Professional Research Assistants, and Senior Professional Research Assistants who are considered to be career appointments. This “career” definition excludes post docs and personnel hired for short term or temporary projects.

• The positions in this subset are funded solely by sponsored research contracts and grants either directly or through the indirect cost recovery generated by those contracts and grants. No general fund money is used.

• Positions in this subset are “employee at will”. If research funds are not available, the position is eliminated. If there are issues with employee performance, the position may be eliminated without notice. In practice, the University strives to provide appropriate communication with the employee regarding funding uncertainties or performance concerns. However, no notice is required to end appointment.

• Research Professors, who are not in this subset, do have some job protection using general fund resources, which is part of the reason for excluding them from this resolution.

• No severance pay or notice period applies in event of termination.

• The positions in this subset of research faculty at CU Boulder are highly skilled professionals who may remain in these positions for their entire career. Research Associates have PhDs and PRAs have a minimum of a bachelor’s degree. They often function as PIs or Co-I’s on proposals and grants or contracts. They hire and mentor students to work on their research programs and play a key role in connecting academic studies with hands-on research programs. They are often available to teach classes. A significant amount of the campus research revenue is generated from programs with Research Associates as the Principle Investigator.

Research Program Issues
Sponsored research programs begin with a competitive proposal and selection process. Proposals are evaluated by the funding agency based in part upon the quality of personnel who will perform the work, the overall budget, and, in some cases, the ability to meet scheduled completion dates. Managing the operation of some of these programs, some in the $50M plus price range, is similar to managing a start-up business with very different requirements from the management of an academic unit.

• Conducting a successful research program requires hiring and maintaining qualified employees. Competition for research employees is often from local companies who offer commercial market salaries and benefits, often including bonuses. Employees who receive competing offers must often accept/reject such offer in a short period of time, not allowing time for generation of a competitive offer through the University system.

• LASP and CIRES are two of the largest research institutes at the University of Colorado at Boulder. Combined, they account for 35% of the research awards on campus. These two units have career track research personnel who are critical to the success of the units. In recent years, salaries for these career research personnel have not kept pace with the market. These institutes have great concerns regarding retention of these employees as
detailed below. It is noted that other departments and units may not face these same issues, as they do not necessarily use research personnel in the same career track mode.

• LASP’s large research programs involve designing, manufacturing, and testing of space flight hardware. The manufacturing environment is somewhat unique on the campus where the design and delivery of specified items, receives close programmatic oversight regarding quality, schedule and budget.

  o LASP is at risk for being able to meet its existing commitments due to the threat of loss of personnel. CU/LASP’s reputation for ability to perform on schedule can be affected. For example, the MAVEN mission to Mars has a 3-week launch window; failure to meet that deadline would cost an estimated $100M and the program would face cancellation. Finding and training new employees costs a program money and loses valuable time.

  o Ball Aerospace recently recruited a former employee, working at OCG, and offered more than double his salary. Many LASP employees took significant pay cuts when they joined CU. Receiving no salary increase for a year or more at CU will make it difficult to retain these employees if they receive a significantly higher offer.

  o There is no limitation on the initial salary offered except in terms of internal equity and comparison with other similar positions. However, raises are limited by the pool amount making it difficult to maintain competitive entry salaries along with internal equity.

  o Due to the significantly increased volume of work and increased attention to schedule performance on LASP programs, many LASP research personnel are working significant overtime hours. In industry and at NASA, their counterparts are receiving overtime pay or bonuses in recognition of these accomplishments. Base salary becomes more important as we do not have the ability to pay overtime and bonuses.

  o This is not a new issue for LASP although it has become more critical due to the shrinking or non-existent salary raise pool. The External Review Committee, reporting in the most recent LASP PRP (2007), noted:

“"The University of Colorado has enacted policies concerning salaries that negatively impact LASP. In particular, tying salaries of engineers and other support staff paid for from grants and contracts, and restricting raises to match those awarded by the State Legislature to tenure-track faculty, is a recipe for disaster. Private companies with strong presence in the local area like Lockheed-Martin and Ball Aerospace are being awarded major, long-term contracts. Such private companies can always pay higher salaries than universities, but the differential must be low enough to make the attractive university environment worth the lower salary; the university reward system should be such as to ensure employee loyalty. Current university policy will erode LASP’s competitiveness and ensure its decline. Because LASP accounts for a significant fraction of research expenditures of the University of Colorado, it follows logically that the University of Colorado will slip in national rankings of research universities if it loses its competitive edge. It is imperative that LASP be freed from the current constraints on employee salaries.”

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The engineering and mission operations staff is highly qualified and essential to the effective operation of LASP. While these employees are proud of their contributions to the nation’s space program, most are under considerable stress due to overwork and underpay. As noted elsewhere, to remain competitive the University should empower the LASP director to set salaries at the level required to remain competitive.

Salaries will not be increased without limit if this change is made. Sponsored research programs in LASP have budget constraints and the Principal Investigator and Program Manager must explain any budget variances to the funding agency managers. These same personnel understand the impact of losing key personnel on meeting the programmatic goals. The Vice Chancellor for Research will provide an additional level of approval.

- CIRES also has significant, yet somewhat different, concerns. CIRES researchers work side-by-side with NOAA-funded researchers who have received increases. The chart below shows the difference in pay increases for CU CIRES employees compared to NOAA counterparts who work side by side since 2001. These are significant differences that have continued to compound, creating today’s substantial differences.

- JILA and many other departments, on the other hand, utilize the RA and PRA levels nearly entirely for post-doc and temporary research employees, and do not face the same
concerns on retention. In fact, program budgets are a great concern and any increases in salary need to be done within the constraints of those budgets.

Financial
This motion does not require any general fund resources. Funding is entirely from the sponsored research programs. In fact, the additional overhead that will be generated on the salary increases will enhance campus revenue and contribute to solving the present budget crisis.

- Salary increases are built into proposal budgets for sponsored contracts and grants. The funding for these increases does not come from campus general funds.
- Research funds have overhead of approximately 50% applied to all salary and benefit costs. The overhead generated from salary increases results in increases to revenue available to CU to support research. The campus retains a portion of the overhead, which becomes part of the general fund resources, and the unit receives a portion through DA-ICR.
- The research faculty salary pool at CU Boulder is approximately $100M per year. LASP and CIRES account for about 35% of that pool. A 5% salary increase for those personnel could generate up to an additional $1M in ICR per year. (Some research programs are capped in total dollars so that those salary increases would not generate additional ICR.)

Differentiation in employee classification and salary action
Differentiating the salary actions based upon the employee classification has occurred at CU Boulder as well as other universities, so this proposal does not represent a fundamental change in how we do business.

- CU Boulder already recognizes a difference between research personnel and general fund personnel in that the salary increases are effective in October instead of July. In addition, the benefits and salary increase pools provided to classified staff are different from those provided to tenure track faculty.
- Other universities also recognize the difference between soft-money research faculty and tenure track faculty. At Oklahoma State University, the university employees who work with the local NOAA lab are given salary increases in line with the federal COLA and merit increases rather than in line with the tenured faculty at OSU. Also, during recent furloughs in California and Maryland, personnel funded entirely on research funds were exempted from the furlough requirement in order to meet the program requirements.
MOVED that the BFA affirm the following campus policies and practices regarding conflicts between classes and University of Colorado collegiate sport club events:

- It is the student’s responsibility to notify each instructor—in the first week of the semester and in writing—about any known conflicts between academic requirements and sport club events.

- For conflicts that arise during the regular term, instructors have full authority to decide whether and/or how to accommodate those conflicts.

- While an instructor has the right to refuse to allow make-ups or other accommodations, he or she is permitted to provide such accommodations.

Further MOVED that:

- The BFA consider a general statement of policy in the case of accommodation of conflicts that arise when students are representing CU-Boulder.

- The attached report be reviewed on an annual basis by the SAC, and be sent out to all teaching faculty at CUB by the BFA before classes start every year.

From BFA Student Affairs Committee: date TBD
Approved as amended by the BFA Executive Committee: date TBD
Notice of motion to the BFA: date TBD
Approved as amended by the BFA: date TBD
To: All faculty, instructors, and sport club advisors

From: The Boulder Faculty Assembly

Subject: The interaction between Collegiate Sport Clubs and Academics at CU Boulder

The purpose of this document is to circulate a summary of campus policies and practices regarding situations where conflicts arise between collegiate sport club events and classes. Our goal is to help clarify the rights and responsibilities of student-sport club athletes, coaches, coordinators, faculty, and instructors, and to anticipate and help solve problems. This information may be especially useful for new or junior faculty, and in any case it may help guide decisions about how to deal with conflicts when they arise.

This document was prepared by the BFA Committee on Student Affairs, with the cooperation of the BFA Committee on Intercollegiate Athletics, and pertains only to collegiate sport clubs that are coordinated through the Student Recreation Center. Thus, it does not address conflicts related to other forms of athletic participation by students, such as intercollegiate varsity athletics, intramurals, or the band and cheer squads.
I. Overview.

It is campus policy, and our belief as well, that participation in Collegiate Sport Clubs is a valuable part of the college experience for students, and that student-athletes represent the university in a positive way. Hence athletic participation should be accommodated insofar as the academic context permits. On the other hand, it is also campus policy that academics has priority at all times, that student-athletes must satisfy all class requirements, and that instructors have final authority in deciding how to handle conflicts.

It is the recommendation of our committee that conflicts between Collegiate Sport Club participation and academics be accommodated as constructively as possible. It is the student-athlete's responsibility to notify instructors during the first week of enrollment in class about schedule conflicts with athletic events and to seek accommodation.

II. Policies and practices regarding conflicts.

Sometimes travel to games or tournaments may require Collegiate Sport Club participants to miss classes. In general, the authority over how to resolve such conflicts rests entirely with the instructor. The only relevant documentation about this is the general attendance policy that is printed in the University Catalog for each college, in which it is specified that students must work with their instructors if they miss class for "good cause." Thus an instructor has the right to refuse to allow make-ups or provide other accommodations -- but also, in our view, the instructor has a mandate to try to resolve such conflicts in a manner that does not unduly penalize or advantage the student-
athlete.

Normally, sport club team schedules are known well in advance, so student-athletes are able to communicate with their instructors at the beginning of the term. In addition, the Collegiate Sport Clubs coordinators provide written notification of conflicts, also far in advance when possible. However, situations can arise where a student-athlete may make the travel roster and/or qualify for a game or tournament at the last minute. In that event, the student-athlete may not be able to provide much advance notice of an upcoming absence.

Instructor responses to schedule conflicts have varied widely. Some instructors attempt to work with the student-athletes to resolve schedule conflicts, usually by allowing assignments to be turned in late; scheduling early or make-up tests; or simply excusing the absence (in classes where attendance is taken). Some instructors have taken a harder line, offering no make-up opportunities, in which case the student-athlete either misses a game or tournament or loses credit for class time and work missed.

In cases where it is known in advance that many schedule conflicts will arise (as, for example, when a required weekly lab conflicts with sport club team practice), it is advisable for the student not to take that particular course during the term in question. This possibility should be considered at the beginning of the semester, when student-athletes inform their instructors of known conflicts using the Student Excuse Letter provided by the Collegiate Sport Club office. The Student Excuse Letter, a sample of which is included at the conclusion of this report, details the expected dates of missed class as well as the contact information for the Collegiate Sport Club coordinators.
Student-athletes are informed by the Collegiate Sport Club coordinators in the Recreation Center of their duty to inform their instructors of known conflicts at the beginning of the semester.

**III. Communications between collegiate sport clubs and instructors.**

In order to avoid any appearance of pressure by the Collegiate Sport Clubs coaches on instructors, Collegiate Sport Clubs coaches are forbidden from contacting instructors directly regarding grades, schedule conflicts, or academic progress of specific student-athletes. Rather, coaches are encouraged to bring their concerns to the Collegiate Sport Clubs coordinators who will subsequently carry the issue to the instructor for discussion if necessary. Any instructor who feels that inappropriate contact has been made should contact the Collegiate Sport Clubs coordinators or any member of the BFA Student Affairs Committee. Names and contact information appear at the end of this report.

There is no rule that forbids an instructor from contacting the Collegiate Sport Clubs office. In fact, the Collegiate Sport Clubs staff in the Recreation Center would very much like to hear from instructors should there be a concern with poor attendance, poor academic performance, disruptive classroom behavior, etc. or if a student-athlete is performing particularly well in a class.

*Currently, the Collegiate Sport Clubs office at CU-Boulder does not have the resources necessary to monitor the progress and status of student-athletes in class.* In the case of National Championship competitions, our sport club student-athletes are required to carry a 2.0 GPA with verification from the Bursar’s Office. These student-athletes must be
enrolled at CU Boulder for a minimum of 9 credit hours in order to compete for CU’s Collegiate Sport Clubs program in a National Championship competition. Some national governing bodies require that each student-athlete carry 12 hours in order to compete at the National Championship level.

Contact information for the BFA Student Affairs Committee members:

(Current BFA roster to be inserted here.)
April 27, 2010

Dear Professor J. Doe,

John Smit, XXX-XXX-XXX, a student-athlete in your class, ENGR XXXX, is also a member of the University of Colorado Collegiate Sport Clubs, Mens Ultimate team. Over the course of this semester John may miss class while traveling with the team for away competitions.

John understands his academic responsibilities and should make arrangements to complete all work either prior to the absence or as soon as possible upon her return. If it appears that John cannot fulfill the class obligations due to the athletic commitment, please let us know as soon as possible. We would like to help John succeed both in the classroom and in the Collegiate Sport Clubs program.

It is the responsibility of the student-athlete to attend class if they are not on the travel squad for any of the competitions. Student-athletes who are not scheduled to travel should not be excused from class.

The dates of potential missed classes:
October 2nd
October 16th
November 6th

We appreciate our Boulder faculty. Your partnership with Collegiate Sport Clubs in support of our student-athletes while they represent the University of Colorado is vital.

If you have academic concerns regarding this student-athlete, please feel free to contact Patty McConnell at 303-492-7206 or Kris Schoech at 303-492-5133.

Very Sincerely,

Kristopher Schoech
Coordinator of Collegiate Sport Clubs

Patty McConnell
Coordinator of Collegiate Sport Clubs
Syllabus statement:

Students formally affiliated with University of Colorado Collegiate Sport Clubs are required to communicate with the instructor involved about any potential conflicts within the first week of their enrollment in a class. Instructors are not obliged to accommodate any potential conflicts, but may, at their own discretion, allow reasonable accommodations for these absences. Instructors should also be made aware of the potential for upcoming competitions that are not yet scheduled as of the first week of class (often due to qualifying for Regional or National Championships).