

**Boulder Faculty Assembly
Grievance Advisory Committee
2024-25 Annual Report**

Committee members:

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Matters handled

In 2024–25, the GAC advised five people who contacted us about their rights and protections as faculty members.

- * One matter was a continuing case that went to review by the Faculty Senate Grievance Committee.
- * Two matters involved faculty members who had already been sanctioned and wished to appeal the sanctions to their dean or the provost.
- * Two matters involved faculty members who had concerns of been treated unprofessionally by their supervising administrators and were considering filing PRR complaints to that effect.

Any materials relevant to cases will be kept confidentially and destroyed after the case is finished.

Publicity tour

The GAC also initiated a publicity tour to try to make faculty more aware of the help we can provide and gather information about how the PRR process is working.

The committee is tracking the publicity tour with these records (1) the text of an email that was sent to chairs and directors, from the provost's office, asking them to consider inviting us to a faculty meeting, (2) a spreadsheet of responses and visits that have been made, and (3) a power point presentation for use in those visits.

Need to revise the PRR

The committee has continued to discuss problems with the PRR and with how it is being implemented by the administration. We are including here a full outline of defects we have identified

over the last few years, to pass on to next year's committee. The GAC also has a document with some edits to the PRR suggested by Jennifer Hendricks.

I. Investigation process

- a. Conflation of poor job performance with professional misconduct. Clarify that the scope of the administration's disciplinary authority is *not* co-extensive with the full scope of faculty member's professional obligations and that faculty, individually and collectively, retain full control over matters of curriculum, grading standards, and pedagogy. If the provost persists in claiming that the PRR gives administrators unilateral authority to impose discipline over matters of pedagogy, the BFA should withdraw its support for the PRR.
- b. Secret investigations: Faculty members are entitled to notice when they are being investigated. For example, administrators should not conduct full-blown, months-long investigations while keeping them secret from the targeted faculty members. It is not acceptable when effectively everyone else in a department (including graduate students and including people long departed from CU) knows that a person is being investigated without their knowledge.
- c. Overly broad investigations
 - i. combing through FCQs for "dirt"
 - ii. soliciting complaints from outside CU
- d. Administrators continue to instruct Responding Faculty that they may not discuss the investigation with their colleagues. This violates the First Amendment and the Colorado Protections for Public Workers Act.
- e. Create an alternative procedure in cases of recusal, to avoid unnecessary escalation up the administrative hierarchy, as this has the unfortunate consequence of leaving no avenue for appeal up the administrative hierarchy.

II. Decisions and sanctions

- a. Proportionality
- b. Serious sanctions levied by department chairs
 - i. Question of "duties" and "privileges"
 - ii. "Educational" remedies should be cooperative (non-coercive) and not make-work.
 - iii. Punishments should be directed to changing behavior, not merely punitive.
- iv. Clarify that a coercive remedy cannot be considered "informal." (The PRR defines "informal responses" as including, but not limited to, oral or written warnings or reminders.)
- c. No "rules of evidence"—hearsay making its way into decision letters (e.g., FCQ comments)

- d. A burden of proof problem—allegations allowed to stand as fact unless proven false
- e. Faculty should not be subjected to “make-work” punishments, whether denominated “sanctions” or “educational remedies.”

III. Appeals process

- a. Refusal of the Administration to seriously consider input from our committee
- b. Disregarding the requirements for a timely hearing of appeals

IV. Process problems with the PRR itself

- a. No statute of limitations. There should be a limitations period (“statute of limitations”) on investigations and sanctions under the PRR. Admins should not go digging through a decade of FCQs to cherry pick anonymous accusations to use in a disciplinary proceeding. (FCQs should not be allowed to be a basis for discipline at all, but they could be the source of an initial “concern.”)
- b. No mechanism to bind the Administration to the rules, esp. deadlines, meddling by senior admin. Administrators should comply with the deadlines set by the PRR. Compliance with those deadlines is the duty of the Supervising/Reviewing Administrator. If that person wants advice from either OFA or university counsel, it is incumbent upon them and on both of those entities to consult in a timely fashion.
- c. Preponderance of the evidence standard
- d. Ambiguity of Faculty Relations’ role. That office cannot provide faculty members with “confidential” consultations while simultaneously advising administrators in the same matter.
- e. Need early referral to GAC; possibly automatic notice to GAC required when admin initiates under the PRR
- f. Secure recordkeeping; limits on endless “cc-ing” by admins. Records of minor PRR matters should be maintained, if at all, at the department level, not in the Office of Faculty Affairs. We have observed administrators, especially the provost, cc’ing a large number of other administrators on personnel matters that they have no apparent need to know about.
- g. Revise the recusal process to keep things at same level
- h. Need process to guarantee no reprisals for utilizing grievance committee.
- i. The provost should abide by the PRR’s repeated admonishments to resolve matters at the lowest possible levels and not attempt to personally direct the resolution of an initial concern that ought to be referred to a lower level.

V. Faculty governance

- a. The Provost's Advisory Committee is sham faculty governance and should be abolished; role should be performed by GAC
- b. category of sanctions that require concurrence of the BFA/GAC
- c. grievance process analogous to Faculty Senate Grievance Committee and the existing salary grievance committees in some colleges?
- d. The name of the GAC is confusing: people think they can file work-related grievances with us. Should either change the name or change the charge to allow that (see c, above).
- e. Structural problem about the relationship between performance evaluation and misconduct. In both arenas, we perceive an ongoing failure of some administrators to take problem-solving rather than punitive approaches. But there's also legitimate confusion about confidentiality under the PRR versus the need to address problems.
 - i. No one has the right to make a secret complaint under the PRR.
 - ii. If a complaint is going to be held against a faculty member at re-appointment, contract renewal, tenure, promotion, or in annual evaluation, they are entitled to notice and an opportunity to respond.