Changes to Article 5 of Regents Laws and Policies that are of particular concern to the BFA Faculty Affairs Committee.

1. Enumeration of grounds for dismissal for cause.

Old version (Article 5 C 1):

A faculty member may be dismissed for cause when, in the judgment of the Board of Regents and subject to the Board of Regents constitutional and statutory authority, the good of the university requires such action.
The grounds for dismissal shall be demonstrable professional incompetence, gross or repeated neglect of duties, conviction of a felony, sexual harassment, or other conduct that falls below minimum standards of professional integrity.

Proposed new version (Article 5 C 3, lines 70-77, and Article 5 policy 5E 1 A, lines 516-523):

The administration may terminate a tenured or tenure track faculty appointment for cause.
(1) The grounds for dismissal shall be demonstrable professional incompetence, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of nolo contendere, discrimination or sexual misconduct, fiscal misconduct, violation of the weapons control policy, or other conduct that falls below minimum standards of professional integrity.

Significant changes from old to new:

(i)   Removal of "gross or repeated" to qualify "neglect of duty". It's no longer required that neglect of duty be either "gross" or "repeated". So, a single instance of ordinary, mild, or even trivial neglect of duty could now be cause for dismissal of a tenured faculty member. Can you be dismissed for missing a single department meeting or a single class?

(ii)   Addition of "insubordination" as cause for dismissal. What does this mean? Are we in the military? Would disagreeing with a Dean, Provost, Chancellor, chair of department, count as insubordination? How about publishing a newspaper editorial disagreeing with an official university policy? How is such a clause compatible with respect for academic freedom and freedom of speech?

(iii)   Addition of "any offense involving moral turpitude" to "felony". So, misdemeanor convictions, perhaps for offenses in other states that aren't even prohibited in Colorado, could be grounds for dismissal?

(iv)   Addition of "discrimination" as a ground for dismissal. What kind of discrimination? Against whom? Without qualification (for example by specifying that the discrimination be in violation of state or federal law), this seems unconscionably broad.

(v)   Changing "sexual harassment" to "sexual misconduct". What kinds of sexual misconduct? How egregious? Repeated? Again, without qualification, such as the specification that the sexual misconduct be in violation of state or federal law, this is incredibly broad.

The net effect of all these changes is to weaken tenure protections almost beyond recognition. If this version is adopted, it will be the end of tenure as we know it. Perhaps some will welcome that, but we should, at least, be aware of it.

2. Tenure home and intercampus and intracampus transfers.
Proposed Article 5 policy 5C2D (lines 199-204):

Tenure resides with the university. No faculty member shall lose tenure as the result of an institutionally mandated intercampus or intracampus transfer. Voluntary transfer is subject to the approval of the receiving academic unit, but does not require reconsideration of tenure by the Board of Regents. Procedures for transferring a tenured appointment are provided in the corresponding administrative policy statement. [APS to be developed]

There is an implicit contrast between "institutionally mandated" transfer and "voluntary" transfer. The latter requires the approval of the receiving academic unit, but there is no mention of such a requirement for the former. Does this mean, for example, that the institution could transfer a member of the Philosophy Department at CU Colorado Springs to CU Boulder, or from the CU Boulder Sociology Department to the CU Boulder Philosophy Department, and the CU Boulder Philosophy Department would have no say in the matter?