

**Bill Status:**

# **GPS GRADUATE AND PROFESSIONAL STUDENT GOVERNMENT**

**University of Colorado Boulder  
Graduate and Professional Student Government  
Assembly**

**Date**

**2021 AR 02**

<b>Sponsored by:</b>	<b>Title/Department</b>
Mckenzie Dice	Representative, Atmospheric and Oceanic Sciences
Barra Peak	Representative, Geological Sciences
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<b>Authored by:</b>	
Mckenzie Dice	Representative, Atmospheric and Oceanic Sciences

## **A Resolution to Support the Censure of Mark Kennedy by the Boulder Faculty Assembly**

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### **Resolution Summary**

On March 29, 2021, the Boulder Faculty Assembly (BFA) Executive Committee moved that the BFA vote on a formal censure of University of Colorado system President Mark Kennedy for failure of leadership with respect to diversity, equity and inclusion. The Graduate and Professional Student Government supports the censure of President Mark Kennedy in the BFA. It is apparent that President Mark Kennedy has failed at his responsibility to uphold the pillars of the CU System, including justice, equity, diversity, and inclusion. President Mark Kennedy's failure to support CU system international students when threatened with student visa revocation by the Trump Administration in the beginning of the global COVID-19 pandemic is inexcusable. Damaging statements the President has made (Figure 1), including comparing a lack of student online education options to

the Trail of Tears, are painful, deplorable comments for which the President has not been held accountable for or adequately apologized for. These comments, and the President's failure to engage with student-led campus groups such as diversify CUnow and various CU multicultural organizations including Asian Unity, (list more here ask if anyone in the assembly participates or knows of organizations that graduate students participate in often), directly contradict the goals and commitments of this University, and negatively affect and harm graduate students identifying as black, indigenous, or people of color. Thus, the Graduate and Professional Student Government urges the BFA to hold President Mark Kennedy accountable for his inaction and damaging rhetoric through a formal censure to be voted on April 29, 2021.

**Whereas**, justice, equity, diversity, and inclusion efforts are a pillar of the CU System strategic plan and values of the Graduate and Professional Student Government ; and,

**Whereas**, President Kennedy did not support efforts to ensure international student visas, threatening the ability of some graduate and professional students to complete their degrees and further reducing the access to and diverse educational experiences provided in graduate school that are supported by our international graduate and professional peers; and,

**Whereas**, President Kennedy has a well-documented history of making problematic and damaging statements without apologies or consequences that harm the image of CU Boulder across the nation and damages the CU Boulder community and student experience; and,

**Whereas**, the conduct of President Kennedy fails to support campus-wide, system-wide, and GPSG's commitments to justice, equity, diversity, and inclusion; and,

**Whereas**, President Kennedy's conduct has been damaging to various communities within the graduate and professional student population;

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**THEREFORE, BE IT RESOLVED by the Assembly of the Graduate and Professional Student Government of the University of Colorado Boulder, THAT:**

**Section 1:** GPSG supports the BFA Censure of Mark Kennedy.

**Section 2:** GPSG shall distribute this resolution to the University of Colorado Board of Regents for consideration in their evaluation of President Kennedy's

appointment and contract at the June meeting of the University of Colorado Board of Regents.

**Section 3:** The relevant parties affected by this legislation that shall be notified upon its passage by the GPSG Assembly and upon either obtaining the signatures of two Tri-Executives or the lapse of six days without actions by the Tri-Executives are: Boulder Faculty Assembly, the Chancellor, CUSG Proper, and the CU Board of Regents.

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**Vote Count:**

<b>Date</b>	<b>Motion</b>	<b>Vote</b>
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Matthew Vondrasek  
President

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Anthony T. Pinter  
Vice President of External Affairs

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Emily Nocito  
Vice President of Internal Affairs

Appendix A. PDF (attached) of [University of Colorado Boulder Website - Pillar 3: Diversity, Equity, Inclusion, and Accessibility](#)




Appendix B. PDF (attached) of a [Colorado Sun Article by Jesse Paul, July 7th 2020 - Colorado colleges, universities scramble after Trump orders international students to leave if classes go online](#)

Appendix C. Diversify CU Now's Mark Kennedy Timeline - Screenshots provided in Figure 1.

Appendix D. BFA resolution - BFA-M-2-040201 - Motion to Support CU Boulder Faculty Senate Members Call for Vote of Censure of President Kennedy - Screenshots provided in Figure 2.

Figure 1. DiversifyCUnow - President Mark Kennedy Timeline

diversifyCUnow



HomeNewsPetitionsSocial MediaMore

# #weCUkennedy

## Main Timeline of Mark Kennedy

A history of CU President Mark Kennedy's racist/problematic statements and actions

For a focus on Kennedy's career in academia, click [here](#).  
For a focus on Kennedy's career in politics, click [here](#).  
For a focus on Kennedy's career in business, click [here](#).

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President Kennedy's annual review is coming up and the Board of Regents will be discussing his annual review during their June 2021 board meeting.

Now is the time to contact the Regents and let them know what you think of Mark Kennedy as CU's President.

Email Regents


If you would like to submit your feedback about President Kennedy's performance ahead of the June 17 board meeting, send an email to the Regents at [CUBoardofRegents@cu.edu](mailto:CUBoardofRegents@cu.edu) with the subject line "President Kennedy's annual review." Or click the button above.

If you would like to sign up to give live public comment the day of the June 17 Regent board meeting, send an email to [CUBoardofRegents@cu.edu](mailto:CUBoardofRegents@cu.edu) with the subject line "Live public comment." Include your full name, your organization (or a description of who you are), and the topic "President Kennedy's annual review" in your email. Be sure to send in your request no later than June 14, 2021.

Know of something that should appear on this page? Contact us at [diversifyCUnow@gmail.com](mailto:diversifyCUnow@gmail.com).


"He certainly should not be allowed to lead a critical social institution and a vital economic driver like the University of Colorado system. Our \$4.5 billion annual budget, 67,000 students, and 35,000 employees cannot survive his history of bungled business dealings, unapologetic partisanship, and adversarial leadership"  
-medium

April 1, 2021



**Boulder faculty consider censuring Kennedy**  
The CU Boulder faculty assembly considers a motion, based on a letter by Boulder faculty members, to censure Kennedy for failed leadership in diversity, equity, and inclusion.  
[More info](#)

March 23, 2021



**Kennedy fails to voice support for AAPI peoples**  
Kennedy did not release a statement of solidarity with the Asian, Asian American, and Pacific Islander (AAPI) peoples after the shooting in Atlanta. After the fact, he "paralleled" his support for the AAPI community in a statement sent following the mass shootings in Boulder.  
[More info](#)

October 28,  
2020



#### Kennedy describes genocide as "ill treatment"

Kennedy decides to describe the genocide experienced by Indigenous People as "ill treatment" in his land acknowledgment.

[More info](#)

September  
10, 2020



#### Drumbeat comment at Regent meeting

During his President's Report (starting at 47:40), Kennedy said that the "drumbeat of activity" on campus will pick up in the spring, appropriating the Indigenous symbol of renewal and balance. **He again apologized for his "poor choice of words" in his Trail of Tears comparison just one minute later, but still provided no evidence that he understands why his comment was harmful.** Three quarters of Kennedy's report was spent talking about the technology and innovation program corporate partnership expansion and his COVID messaging to students. This outreach appears to be limited to producing awareness videos for distribution on social media.

[More info](#)

September  
8, 2020



#### University enters contract with sports betting operator

CU signs a five year contract with PointsBet, a online bookmaking company that profits off the labor of students without compensating them.

[More info](#)

September  
3, 2020



#### Apology for "Trail of Tears" comparison

**In a 112-word statement, Kennedy apologized for his statements at the Faculty Council meeting. He said "I apologize for my poor choice of words" and said he "can and will do better."**

[More info](#)

August 27,  
2020



#### Racist "Trail of Tears" comparison

During a Faculty Council meeting, Kennedy compared the lack of online education options to the Trail of Tears, an act of genocide by the United States government to remove Indigenous people from the American South.

[More info](#)

July 20,  
2020




#### Purple ink protocol sent to CU administration

The President's Office sent a memo titled "Shared Communication Protocol," to nine administrators asking them to submit any statements on a list of sensitive topics to Kennedy's office for review before publication. The memo asked administrators to "write in purple ink, not blue or red" when talking about the following "sensitive topics":

- Public Health
  - Health Insurance
  - Marijuana
  - COVID19 Science
  - Campus reopening processes
- Funding
  - International research funding
  - Corporate research funding
  - Divestment
- Immigration
  - International student visa
  - DACA
- First Amendment/free speech
- Climate change
- Academic freedom
- D & I
  - Race relations
  - LGBTQ+


[More info](#)

**Regent Gallegos later walked back the move, saying the memo "should not be viewed as policy, but as a suggestion."**

January 29, 2020  **System strategic plan presented**


Kennedy presented a four point strategic plan to the Boulder Faculty Council. One point of that plan is "Diversity, Equity, and Inclusion." This plan presents no new strategy when compared to [CU Boulder's IDEA Plan](#), released in the fall of 2019.

[System strategic plan](#)

October 1, 2019  **Kennedy refuses to publicly support Proposition CC**

Though Kennedy privately supported the proposition, he did not use his platform to support the push to retain revenue for education and transportation, while Colorado public universities posted updates and publicly supported the measure.


[More info](#)

July 1, 2019  **Kennedy begins as CU System President**

May 2, 2019  **Board of Regents confirms Kennedy as president**


In a (5-4) party-line vote, the Board of Regents confirms Kennedy as system president.

[More info](#)

April 30, 2019  **LGBTQ+ Committee of Faculty Council submits Open Letter asking Regents to reconsider**

An Open Letter to the CU Regents From CU Faculty Council LGBTQ+ Committee was submitted, asking the Regents to reconsider their support for Kennedy as system president. They cited his anti-same sex marriage record in Congress and his statements during the UCF and CU search processes regarding DACA students and affirmative action.

[More info](#)

April 23-26, 2019  **CU open forums held on all 4 campuses**

Kennedy answered questions at all four campuses and made a series of misstatements and mistakes, drawing boos and protests from the crowds. [Watch UCCS Forum](#), [Watch Denver Forum](#), [Watch Anschutz Forum](#), [Watch Boulder Forum](#).

[Recap available](#)

Though Kennedy said you have to do more than just sign a letter, in reference to DACA students, he has never signed the [Pomona letter](#). (UCCS, CU-Denver, and Boulder)

Kennedy claimed that he had proactively reached out to One Colorado for counsel on LGBTQ+ issues, but they in fact reached out to him. (Boulder)

Kennedy highlighted certain aspects of his congressional record, while dismissing concerns about others. Kennedy said, "I had a bill that wanted to have hospitals be required to report undocumented workers before providing care. I voted against that bill," but dismissed concerns about his votes for a border wall and increased military presence at the border. (Anschutz and CU-Denver)

Faculty members question Kennedy on the statement in his CV that he "met with all tribal colleges to establish 2+2 Finish in 4 programs for priority degrees." At the [CU Boulder open forum](#), Kennedy admits that the meetings likely occurred as part of his welcome tour to campus and that only one such program exists now.

Kennedy claimed multiple times at the open forums, and on his CV, that graduation rates increased at UND across the board, and that diverse communities had the same increase in graduation rates when he came there as president. However, UND statistics show graduation rates decreased for Asian and Indigenous students and that much of this graduation rate increase was created by lowering the number of credit hours required to graduate. (Anschutz and Boulder)

While answering questions about diversity and inclusion, Kennedy uses "exclusive" several times instead of "inclusive" and otherwise stumbles over language regarding race, sexual orientation, and gender. Sometimes, he catches himself and apologizes, or the crowd boos him into realizing the mistake, but other times he appears to be confused at the negative reaction from the crowd. (Boulder, CU-Denver, UCCS)

April 19,  
2019



#### Students reject Kennedy

University of Colorado Boulder Student Government (CUSG) groups pass resolutions rejecting Kennedy as President finalist, but are told to "take a step back" by Regents.

[More info](#)

April 18,  
2019



#### Governor Polis suggests the Regents find a unifying candidate

Polis tweets, "As the University of Colorado moves forward in its selection process for a new President, it's very important that they find a candidate that unites the board. It's never good for a candidate or the institution if the board is split on a decision of this magnitude.

[More info](#)

April 17,  
2019



#### Kennedy refuses to answer affirmative action question

In an interview with CPR, Kennedy was asked for his thoughts in general on affirmative action in college admissions, he answered "I have not wrestled with that at the university yet in that our restrictions have not been as, let me go back. Can I just not answer that question?" Kennedy later made a statement saying his answer was a result of thinking he'd be late for another meeting, but he has never expressed support for affirmative action in college admissions.

[More info](#)

April 12,  
2019



#### UND Chancellor sends a letter accepting Kennedy's "de facto notice of resignation"

UND Chancellor Mark Hagerott sent a letter to Kennedy, accepting an email he sent to the community saying he was "sorry to leave UND" as his de facto resignation. Kennedy's CU nomination was at least the second time Kennedy applied for another position during his first three years at UND.

[More info](#)

April 12,  
2019



#### Kennedy writes open letter to Colorado community

In an open letter to the CU community, Kennedy said he would be happy to address how votes would impact his own actions and decisions and president. Though he issued no apology for his previous votes that harmed the LGBTQ+ community, Kennedy says he would support all students, staff and faculty "no matter who they love or how they identify." Kennedy pledged "to foster a welcoming, safe and inclusive environment at CU," but offered no specific plans or answers to the numerous questions that had arisen surrounding his nomination.

[More info](#)



April 11,  
2019



#### **Regent suggests Kennedy hasn't been properly vetted**

Regent Linda Shoemaker says in a statement "We need the press and the public to do the job in vetting him," suggesting that a newspaper article forced the "premature" announcement of Kennedy's nomination though the background check process was not complete. It becomes clear around this time that Kennedy's CV, which he provided to CU for this position, was incomplete.

[More info](#)

April 10,  
2019



#### **Kennedy's nomination for system president is announced**

CU releases a statement saying Kennedy has been nominated as the sole finalist for the university system president.

[More info](#)

April 9, 2019



#### **Rumors about Kennedy leaving UND circulate**

The Grand Forks Daily Herald published an article saying multiple sources suggest Kennedy's term at UND could be coming to an end, though the university's official statement said they were unaware of his resignation at the time.

[More info](#)

Figure 2. BFA Resolution



BFA Executive Committee Notice of Motion  
*Motion to Support CU Boulder Faculty Senate Members Call for Vote of Censure of President Kennedy*  
BF4-M-2-040121

March 29, 2021

MOVED that the Boulder Faculty Assembly vote to censure University of Colorado President Mark Kennedy for his failure of leadership with respect to diversity, equity, and inclusion.

- Whereas, diversity, equity, and inclusion are not only paramount moral issues, but also present grave challenges to the University of Colorado with its current reliance on out of state tuition and a declining student demographic;<sup>1</sup>
- Whereas, the urgency of this issue requires leadership at the highest level of our University of Colorado system, leadership in actions and words;
- Whereas, President Kennedy initially refused the advice of the Faculty Council and Staff Council to include Diversity, Equity, and Inclusion as a standalone pillar in his administration's Strategic Plan;
- Whereas, President Kennedy sought to require that campus statements on race, immigration, LGBTQ+ issues, and climate change be pre-cleared through his office;<sup>2</sup>
- Whereas, President Kennedy did not support campus efforts to ensure international student visas<sup>3</sup> and anti-equity training<sup>4</sup> against threats to those issues of academic freedom and free speech
- Whereas, President Kennedy has a well-documented history of making problematic and hurtful statements without apologies or consequences;<sup>5</sup>
- Whereas, President Kennedy continues to diminish the genocide of Indigenous Peoples as "ill treatment"<sup>6</sup> and has employed the term "Trail of Tears" as a casual idiom, with blatant disregard for that historical event;<sup>7</sup>
- Whereas, President Kennedy responded to the the January 6<sup>th</sup> insurrection at the U.S. Capitol with a partisan message that referenced "identity politics" and "fake news" and

<sup>1</sup> See Pielke report (attached)

<sup>2</sup> <https://www.denverpost.com/2020/08/25/cu-free-speech-race-covid-university-of-colorado-sensitive-topics/>

<sup>3</sup> <https://coloradosun.com/2020/07/07/colorado-college-students-coronavirus-trump-international/> <sup>4</sup> Faculty Council memo, October 12, 2020, re: White House Executive Order of September 22, 2020 <sup>5</sup> <https://www.diversifycunow.com/kennedytimeline>

<sup>6</sup> <https://president.cu.edu/statements/cu-systemwide-lands-recognition-statement>

<sup>7</sup> <https://www.denverpost.com/2020/09/03/mark-kennedy-trail-of-tears-cu-boulder/>



## Boulder Faculty Assembly

UNIVERSITY OF COLORADO **BOULDER**

*ultimately pivoted to promoting his online education initiative, minimizing the gravity of the events and their impacts;<sup>8</sup>*

- *Whereas, President Kennedy's ongoing conduct undermines the institution's commitments to diversity, equity, and inclusion;*
- *Whereas, President Kennedy's ongoing conduct damages the national and international reputation of the University of Colorado as a leader in addressing the humanitarian, social, and technological challenges of the twenty-first century; therefore*

*Be it resolved that the president be censured for his failure of leadership with respect to diversity, equity, and inclusion; and*

*Be it resolved that this motion to censure be shared with the Board of Regents for consideration in connection with their evaluation of President Kennedy's appointment and contract at the upcoming Board of Regents meeting in June.*

*Approved by the BFA Executive Committee: March 22, 2021  
Submitted to the BFA General Assembly: April 1, 2021  
Scheduled date for Assembly Vote: April 29, 2021*

<sup>8</sup> <https://president.cu.edu/newsletter/january-2021/helping-heal-our-nations-divisiveness>