

MINUTES
Executive Committee
Tuesday, October 30, 2018
3:00 p.m. – Room 106 - Administration

Present: Tim Gallagher, Chair; Sue Doe, Vice Chair, Margarita Lenk, BOG Faculty Representative; Rita Knoll, Executive Assistant; Stephan Kroll, Agricultural Sciences; John Hoxmeier, substituting for Stephen Hayne, Business; Steven Reising, Engineering; Thomas Chermack, Health and Human Sciences; Steven Shulman, Liberal Arts; Linda Meyer, Libraries; Tara Teel, Natural Resources; Mary Meyer, Natural Sciences

Guests: Brad Goetz, Chair, UCC; Dan Bush, Vice Provost for Faculty Affairs

Absent: Rick Miranda, Provost/Executive Vice President; Anne Avery, CVMBS; Stephen Hayne, Business (excused)

Tim Gallagher, Chair, called the meeting to order at 3:04 p.m.

NOVEMBER 6, 2018 FACULTY COUNCIL AGENDA ITEMS:

I. Proposed Faculty Council Agenda – November 6, 2018 – Plant Sciences Building – Room C101 - 4:00 p.m.

A. ANNOUNCEMENTS

1. Next Faculty Council Meeting – December 4, 2018 – Plant Sciences Building – Room C101 – 4:00 p.m.
2. Executive Committee Meeting Minutes located on the FC website: September 18, 2018, September 25, 2018; October 9, 2018
[\(http://facultycouncil.colostate.edu/faculty-council-meeting-dates-agendas-minutes/\)](http://facultycouncil.colostate.edu/faculty-council-meeting-dates-agendas-minutes/)

B. MINUTES TO BE APPROVED

1. Faculty Council Meeting Minutes – October 2, 2018

C. UNFINISHED BUSINESS

1. Faculty Council Standing Committee Elections – Committee on Faculty Governance

2. University Grievance Panel Elections – Committee on Faculty Governance
3. Faculty Council Standing Committee Elections – Undergraduate Student Representatives – CoFG

D. CONSENT AGENDA

1. UCC meeting minutes – September 21 and 28, 2018; October 5, 12, and 19, 2018
2. Approval of Fall Degree candidates

E. ACTION ITEMS

1. Proposed revisions to Section E.13 Advancement in Rank (Promotion) of the *Academic Faculty and Administrative Professional Manual* – CoRSAF
2. New Degree: Master of Agribusiness Innovation Management, Plan C, be established *effective Fall 2019* in the Department of Agricultural and Resource Economics Resources, Warner College of Natural Resources – UCC
3. New Degree: Master of Conservation Leadership, Plan C, be established *effective Spring 2019* in the Department of Human Dimensions of Natural Resources, Warner College of Natural Resources – UCC
4. New Professional Doctorate: Doctor of Systems Engineering, be established *effective Spring 2019* in Walter Scott, Jr. College of Engineering – UCC
5. Proposed revisions to the All-University Core Curriculum (AUCC) language and requirements – UCC

F. REPORTS TO BE RECEIVED

1. Provost/Executive Vice President – Rick Miranda
2. Faculty Council Chair – Tim Gallagher
3. Board of Governors Faculty Representative – Margarita Lenk

G. DISCUSSION

OCTOBER 30, 2018 EXECUTIVE COMMITTEE AGENDA ITEMS:

I. Minutes to be Approved

A. *Executive Committee Meeting Minutes*

1. October 16, 2018 and October 23, 2018

Gallagher asked for any corrections or additions to the minutes.

Linda Meyer pointed out a correction on the October 16, 2018 meeting minutes, page 5 middle of page, so that attribution is accurate. Meyer said: "This is mandated by the State", and Kelly Long said: "This is mandated by the State but....."

Linda Meyer moved (Mary Meyer 2nd) to place the October 16 and 23, 2018 Executive Committee meeting minutes on the Faculty Council website.

Linda Meyer's motion was approved.

II. Items Pending/Discussion Items

A. *Announcements*

1. Next Executive Committee Meeting: November 13, 2018 - 3:00 p.m. – Room 106 – Administration.

Gallagher announced that the next Executive Committee meeting would be held on November 13, 2018. We are beginning to populate the December FC meeting agenda.

Gallagher and Goetz met to discuss key points necessary in the memorandum to Faculty Council members re: UCC recommendations for AUCC changes. Executive Committee members unanimously approved the memorandum via email.

B. *Action Items*

Gallagher reminded EC members that the following Action Items are in consideration for the December 4, 2018 Faculty Council meeting. Preliminary discussions will begin today.

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1. Proposed changes to Section E.11 Early Termination of Contract Faculty Appointments of the *Academic Faculty and Administrative Professional Manual* – CoRSAF

Discussion:

Chermack: Not understanding the why. Why would someone be under early termination? I am not getting the context.

Linda Meyer: Dealing with NTTF on contract appointments. I believe that folks that have a contract do have the option to grieve. I don't believe there was a process in place to appeal in case anything happened.

Doe: You can grieve but you have to have a process. So this is a grievance process? Why isn't it just a grievance?

Lenk: Because if you are contract, this is adding the ability for contract employees to appeal.

Bush: This is clearly driven by finances in a unit that cannot afford it, or poor performance.

Chermack: Is that a role for the President.

Gallagher: Yes.

Hoxmeier: This isn't a grievance. Appeal of termination. Shouldn't use the word grievance then.

Bush: This came into play as prior to developing appointment types. There was some terminology for contracts and they could have some level of appeal. I think Eykholt put this together to help NTTF appeal for early termination. Because we created a contract for NTTF, people realized there was a potential conflict.

Gallagher: The background, i.e., 8 years ago. The state passed a law allowing universities to have a certain number of contract individuals that were employed (i.e., head basketball coach, women's volleyball coach) who have multiyear commitments from the university. Now we have the NTTF on contract and they are not at-will employees, so it was decided that this was needed.

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Bush: Eykholt realized another class of NTTF. This is in response to fixing the prior law.

Lenk: At top of page 25: If the Provost has not been notified by the UGO of an Appeal within twenty (20) days.... Every other place says “working days”.

Bush: We need to go back to CoRSAF and ask them.

Lenk: I think it should read consistently.

Gallagher: I will ask Legare. I appreciate the good points.

Doe: I don't understand—a little surprised. It's either a contract or not a contract. Bizarre twist to offer a contract and then sort of undermine the notion of a contract. Maybe this is just the stuff of legal fodder.

Bush: If you looked at the legislature in the offer letter, it goes on re: termination. All this is, is putting into action a mechanism for the action. It is not trying to undermine the contract, just putting a process into place.

Doe: Is that clarified in the language where the definition of contract faculty is provided? Is there a paragraph in there that a contract can be terminated for these reasons?

Bush: Explicitly in the offer letter as defined.

Gallagher: I have heard Jason Johnson, OGC, speak that as a public institution we are not obligated to pay anyone if we can't pay them. Colorado Law supersedes our *Manual*.

Doe: If you use the word financial, you cannot cherry pick who this is applied to.

Bush: There has to be a justifiable rationale.

Shulman: If these are the only two grounds to terminate, what are the legitimate grounds for an appeal? Should language also be inserted so this criteria cannot be...say a student objects to something (that is legit to say in a classroom).

Bush: Academic freedom is already covered in the faculty *Manual*.

Gallagher: I can confirm that this is true. Academic freedom and free speech. I asked the OGC at the time, so this applies to all faculty--TTF and NTTF.

Gallagher will reach out to Legare and ask her these questions. It is not absolutely necessary that E.2 and E.3 speak to these categories.

Doe: Is there an equivalent to probationary faculty and TTF?

Bush: There is a little ambiguity to probationary faculty. If someone is not reappointed going forward. I don't remember if it is a grievable action or not.

Gallagher: It is not a completely clear area of the *Manual*. It is not one that would go here. The probationary TTF does not fall into this category.

Bush: If you look at what we do for the tenure position, unless a faculty member feels there was some real procedural issue, it is not grievable.

Chermack: Why not the same for contract faculty if it is voted up the chain.

2. Proposed changes to Appendix 7: Bullying in the Workplace of the *Academic Faculty and Administrative Professional Manual* – CoRSAF

Discussion:

Gallagher w/background: A faculty member was upset when he couldn't offer amendments when there was a motion on the floor of Faculty Council. To clarify, once you put something in the *Manual*, subsequent changes have to go through Faculty Council.

After this, the faculty member sent some specific recommendations for consideration by CoRSAF. CoRSAF looked at the suggested recommendations and liked some. The door is now open down the road for faculty to be directly involved in the decisions for what this policy document should look like.

Bush: University policies generally don't run through FC. I think they are independent of the *Manual*. It would be good to talk to Tony about the changes. The perspective of administration may be that this is a done deal. Check to see if this resonates with the administration as well.

Gallagher: Has to go to Jason Johnson in OGC first as well. Tony can always choose whether to take it to the Board of Governors or not.

Lenk: Page 32 under #9...including: for tenured faculty, section E.15.....

Gallagher: Section E.15 applies only to tenured faculty.

Linda Meyer: They may wanted to point out that these areas were spelled out in certain parts of the *Manual*, but not specifying the exact spots.

Chermack: This is more of a macro question. This relates to E.15 as well. Why do we have different applicable policies and procedures?

Gallagher: It's whether you are tenured or not.

Reising: Why did the *Manual* spell out tenured or not in E.15?

Doe: Is the intention in number 9, it should be academic faculty?

Gallagher: I have been taking a lot of notes.

3. Proposed changes to Section I.8 Student Course Survey of the *Academic Faculty and Administrative Professional Manual* – CoTL

Discussion:

Bush: Summary: One of the issues that has come up is departments using the student course surveys for reviews on faculty, and this cannot be done! Zinta Byrne is helping design a new course survey.

Gallagher: The current student course survey will disappear if this passes, then LENS will take its place.

Bush: Yes.

Gallagher: The results of the student course survey are not to be used as the sole means for teaching effectiveness. I was talking to CoTL and Matt Hickey. The only way you will keep some department heads from using question #23 of the current student course survey, from being used as the only means of evaluating faculty, is to make it not available anymore by replacing the current document with LENS. Question #23 is the one that asks if the student would recommend this instructor to another student.

Mary Meyer: I did the pilot study for LENS. There are no numbers.

Lenk: I feel this is putting the cart before the horse. I feel we should see the questions first for LENS. I think this is premature.

Gallagher: Will ask Matt Hickey.

Reising: LENS could be a good discussion item. Not going to edit line by line. Give exposure of the material.

Chermack: There was a LENS open forum in April and it was included in the April 3 FC packet.

Lenk: Those questions had to do with the classroom, but not questions about faculty, etc. CoTL was going to develop in Phase 2, but we haven't seen Phase 2 yet.

Kroll: Are we using the new LENS or the old student course survey?

Gallagher: The old student course survey until LENS is completed.

C. Reports

1. Vice Provost for Faculty Affairs – Dan Bush
No report was given.
2. Faculty Council Chair- Tim Gallagher

No report was given.

Discussion:

Kroll: What is happening regarding the presidential search? Is it official that it's a closed search

Bush: It would be good to go to the forum and let questions be known for the search.

Gallagher asked in Cabinet today and was told it was closed.

Gallagher is hearing with an open search you have two or three semi-finalists. In a closed search, there is only one finalist.

3. Board of Governors Faculty Representative – Margarita Lenk

Lenk reported on the following:

Will go to the November 16 meeting and will strongly state why each groups' input is beneficial and appreciated (Faculty Council, APs, State Classified Council).

Lenk's report was received.

D. *Discussion Items*

1. UGO evaluation

No updates per Lenk and Mary Meyer.

Executive Committee adjourned at 4:14 p.m.

Tim Gallagher, Chair
Sue Doe, Vice Chair
Rita Knoll, Executive Assistant