MINUTES
Executive Committee
Tuesday, February 19, 2019
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; Stephen Hayne, Business; Steven Reising, Engineering; Thomas Chermack, Health and Human Sciences, Steven Shulman, Liberal Arts; Linda Meyer, Libraries; Mary Meyer, Natural Sciences Anne Avery, CVMBS, Rick Miranda, Provost/Executive Vice President

Guests: Richard Eykholt, UGO and CoRSAF; Matt Hickey, Chair, CoTL; Bradley Goetz, Chair, UCC

Absent: Chad Hoffman, Natural Resources (excused)

Tim Gallagher, Chair, called the meeting to order at 3:00 p.m.

MARCH 5, 2019 FACULTY COUNCIL AGENDA ITEMS:

I. Proposed Faculty Council Agenda – March 5, 2019 – Plant Sciences Building – Room C101 - 4:00 p.m.

A. ANNOUNCEMENTS

1. Next Faculty Council Meeting – April 2, 2019 – Plant Sciences Building – Room C101 – 4:00 p.m.

2. Upcoming Faculty Council Harry Rosenberg Distinguished Service Award (presented at May 7, 2019 Faculty Council meeting). Nomination materials will be emailed early March.

3. Executive Committee Meeting Minutes located on the FC website: December 11, 2018; January 15 and 22, 2019 (http://facultycouncil.colostate.edu/faculty-council-meeting-dates-agendas-minutes/)

B. MINUTES TO BE APPROVED

1. Faculty Council Meeting Minutes –

C. UNFINISHED BUSINESS
D. CONSENT AGENDA

1. UCC meeting minutes – January 18 and 25, 2019; February 1, 2019

E. ACTION ITEMS

1. Election: Faculty Council Chair – Committee on Faculty Governance – Tim Gallagher Nominated

2. Election: Faculty Council Vice Chair – Committee on Faculty Governance – Sue Doe Nominated

3. Election: Faculty Council Board of Governors Faculty Representative – Committee on Faculty Governance – Stephanie Clemons Nominated

4. Proposed revisions of Section E.12 Performance Expectations for Tenure, Promotion, and Merit Salary Increases of the Academic Faculty and Administrative Professional Manual – CoRSAF

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
FEBRUARY 19, 2019 EXECUTIVE COMMITTEE AGENDA ITEMS:

I. Minutes to be Approved

A. Faculty Council Meeting Minutes

1. February 5, 2019

Linda Meyer moved (Avery 2nd) to place the February 5, 2019 FC meeting minutes on the March 5, 2019 FC meeting agenda.

Meyer’s motion was approved.

II. Items Pending/Discussion Items

A. Announcements

1. Next Executive Committee Meeting: February 26, 2019 - Room 106 Administration – 3:00 p.m.

Gallagher announced that the next Executive Committee meeting is scheduled for February 26, 2019 at our regular meeting location – Room 106 Administration building.

B. Action Items

1. UCC meeting minutes – February 8, 2019

Lenk moved, (Mary Meyer 2nd) to place the February 8, 2019 UCC meeting minutes on the March 5 FC meeting agenda.

Lenk’s motion was approved.

2. Elections – Faculty Council Standing Committees – Committee on Faculty Governance

   EC approved the FC Standing Committee nominees by unanimous consent. The ballot will be placed on the March 5, 2019 FC meeting agenda.

3. Elections – University Grievance Panel – Committee on

   Faculty Governance rules have changed for the Grievance Panel elections. Faculty Council no longer has to approve the Grievance
Panel nominees, per Richard Eykholt, UGO. Grievance Panel individual elections are now held in the departments.

4. Biennial Reviews for Discontinuance and Continuance of Centers, Institutes, and Other Special Units (CIOSUs) – CUP

Gallagher: Any questions or comments, or discussion?

Lenk asked if we should look at Athletics and CUP? Do we have the scrutiny that we want?

Gallagher said his personal experience is that CUP reviews CIOSU applications carefully.

Miranda noticed discontinuance of the Osher institute. They have a $1 million dollar endowment--why yank their CIOSU status?

Gallagher: We can ask Mo for further explanation.

Avery: We could ask Mo to come to next week’s EC meeting. We could pull it today and re-visit at a different time.

Doe: Isn’t Osher geared towards a more mature group?

Gallagher: Are we open to a motion to reconsider the Osher Institute?

Mary Meyer: There is another discrepancy on the third page that says College of Engineering but I believe it should say College of Business instead.

Lenk suggests tabling the Biennial Reviews from CUP until corrections can be addressed and present at the April FC meeting.

Gallagher: Could we have a motion to table this?

Lenk moves (Hayne 2nd) to place the Biennial Reviews on the April FC meeting agenda.

Lenk’s motion was approved.

5. Melissa Emerson, Director, Student Resolution Center requesting Executive Committee and Faculty Council approval of three faculty members to serve as the Appeal Chair for student discipline cases.
Gallagher gave a shout out to Mary Stromberger for helping locate the Appeal Chair information in the *Manual* (Section I.10.2).

Gallagher: Could we have a motion to place this on the March FC meeting agenda?

Avery moved (Hayne 2nd) to place approval of the Appeal Chairs for student discipline cases on the March FC meeting agenda.

Avery’s motion was approved.

Gallagher; Any discussion?

Lenk stated from experience, serving on the department Appeals Committee, that this is a last chance appeal situation to see if there are any issues. Lenk highly recommends anyone to serve on this committee.

6. Proposed revisions to Section E.6 General Policies Relating to Appointment and Employment of Faculty of the *Academic Faculty and Administrative Professional Manual* – CoRSAF

Richard Eykholt spoke to the motion as Marie Legare, Chair, CoRSAF was unable to attend today’s meeting.

Section E.6 won’t make sense if other proposals get voted down first. We will need to put Section E.6 last on the agenda to avoid any issues.

This is a “clean up” of the section, especially in terms of what we call “faculty.” There are many such places. On page 42--new text should be underlined (Knoll clarified with Eykholt after the meeting). E.6 isn’t making any changes but is being updated to reflect other changes that have been made.

Lenk moved (Linda Meyer 2nd) to place the proposed revisions to Section E.6 General Policies Relating to Appointment and Employment of Faculty of the *Academic Faculty and Administrative Professional Manual* on the March 5 FC meeting agenda.

Lenk’s motion was approved.
7. Proposed revisions to Section E.11.1 Appeal of Early Termination of Contract Faculty Appointments of the Academic Faculty and Administrative Professional Manual – CoRSAF

Richard Eykholt spoke to the motion. You need to notify someone that they have the right to appeal but there is a time limit. Only adding the one sentence. The Rationale explains the addition.

Eykholt also explains that this termination language is NOT the same as non-renewal--rather the termination policy reflects the approach taken and protections provided for a tenure-track faculty member who is being fired for cause.

Lenk asks about the 10-day language and 20-day language and asks why different.

Eykholt: 10 days to appeal but 20-day courtesy period of no comment to allow for some discrepancies or problems that might emerge.

Lenk moved, (Avery 2nd) to place the proposed revisions to Section E.11.1 Appeal of Early Termination of Contract Faculty Appointments of the Academic Faculty and Administrative Professional Manual on the March 5 FC meeting agenda.

Lenk’s motion was approved.

8. Proposed revisions to Section E.16 Appeal of Early Termination of Tenure-Track Faculty Appointments of the Academic Faculty and Administrative Professional Manual – CoRSAF

Richard Eykholt spoke to the motion.

All of this is new text. Not amending, just re-numbering. Identical to NTTF language. Exactly same as contract faculty except the appeal Board is different. We don’t mean nonrenewal.

This is for early termination and is if you did something bad per Eykholt.

Mary Meyer moved (Lenk 2nd) to place the proposed revisions to Section E.16 Appeal of Early Termination of Tenure-Track Faculty Appointments of the Academic Faculty and
Administrative Professional Manual on the March 5 FC meeting agenda.

Mary Meyer’s motion was approved.

Lenk noticed there are different time limits.

Eykholt: Any of the time limits can be extended if there are reasons to extend them.

Kroll: We are voting on two things, correct?

Eykholt: The motion for E.16 was supposed to say the current sections would be re-numbered appropriately.

9. Proposed revisions to Section E.17 Renewal of Tenure-Track Faculty Appointments of the Academic Faculty and Administrative Professional Manual – CoRSAF

Richard Eykholt spoke to the motion. When a TTF member comes up for tenure, there’s a process, but the processes around non-renewal are different. Non-renewal power is associated with the Chair, and it seems an inappropriate power for the Chair to have. If the person shows promise, they can move up to tenure. The T&P Committee and the Chair must concur in this new language. Non-renewal is related to “failure to advance” while termination is a disciplinary action as result of a behavioral issue.

Avery: The decision to not renew, presumably not renewing someone’s contact may be due to other things (bullying). So what are the circumstances?

Eykholt: Some departments have in their Code that the T&P Committee must agree to non-renewal while other units don’t have this language. CoRSAF believes that this shift is needed to make things consistently following the same protocol.

Miranda is not in favor of this proposal. He has never seen the T&P Committee recommendation of renewal was countered by the Chair, but he has seen termination by the Chair; however, that’s different. To take the Chair out of the decision-making may mean that there may be information the T&P is unaware of.

Gallagher: This gives more authority to faculty than they currently have.
Hayne: Rick, are you addressing the situation where the Chair would like to non-renew but not terminate? If it’s academic, then the T&P Committee should be involved and involve nonrenewal. If behavioral, then termination, but in the gray area where disciplinary factors would play into renewal/non-renewal.

Chermack: So non-renewal should be only for academic reasons, right? Chairs should not behave unethically and use non-renewal for purposes of discipline.

Eykholt: If the T&P Committee wants to renew, then the Chair would not be able to say no. Both the T&P Committee and Chair must decide on non-renewal.

Miranda: Because of the timing, you might be in the middle of a termination issue but you are required to send a renewal letter to a faculty member.

Eykholt: If you’re going to terminate someone for cause, right now they can grieve, but we’re replacing that with an appeal. Non-renewal is grievable. Termination is subject to appeal.

Discussion ensued about whether a tenure-track appointment letter is a contract. Eykholt says no. Miranda says yes.

Gallagher: Would it be problematic if this were deferred until the April Faculty Council meeting?

Doe: So what is lost and what is gained when faculty can no longer grieve but appeal now? There must be some reason for it to be more satisfying to Jannine Mohr, Office of General Counsel.

Eykholt explains the advantages to the university and the faculty member for there to be a grievance rather than termination and appeal. Jannine likes that the grievance panel side is quicker. The grievance process is long and drawn out. When you go to a grievance panel, most of the people don’t hear all of the background. It’s more beneficial for the faculty to have an appeal.

Gallagher: We could send this back to the committee with expectations that Jannine would be consulted.

Miranda: I will also talk with Jason Johnson in the Office of General Counsel.
Reising moved (Avery 2nd) that this Section E.17 proposal should be sent this back to CoRSAF for review.

Reising’s motion was approved.

Executive Committee unanimously agreed to send the proposal back to CoRSAF.

Eykholt: This won’t affect Section E.6.

10. Proposed revisions to Section E.12.1 Teaching and Advising of the Academic Faculty and Administrative Professional Manual – CoTL

Matt Hickey, Chair, CoTL spoke to the motion.

Hickey: The version we have in our packet is not the most recent one. Slight editorial changes not reflective of content. Hickey explains that involving the student voice to some degree is important. It’s not that we rely fully on the survey but also that we do not dismiss the student voice either.

Avery: The evidence of student course surveys are not indicative of student achievement. It must be possible to have an undergraduate coordinator, or equivalent, look at course surveys and give guidance to the faculty member.

Hickey: We already passed that course surveys can’t be used exclusively, but we are saying that we still value the feedback that students are giving.

Mary Meyer: Nowhere in this is there an acknowledgement that students are harder on some groups of people than others. All the research shows that surveys are biased against women.

Hayne: It becomes up to the faculty member to buttress against claims made by students.

Gallagher: I’ve carefully listened to both Mary and Matt, and I hear both of you.

Lenk: I’ve seen LENS. Optional modules can be made available. Are we going to vote on an instrument that doesn’t address faculty? How do we document teaching?
Mary Meyer shows data about TTF, which shows that female faculty do not advance.

Gallagher: If we were to kill it here in EC, then we may not be doing our job. Conversations (vigorous) will also happen on the floor of Faculty Council.

Executive Committee discussion ensued around the pros and cons.

Doe doesn’t feel it’s good to throw out the student course survey.

Mary Meyer: Feels student feedback is important, but I don’t want it to be an evaluation of how good a teacher that I am. I think it’s valuable but shouldn’t be used by a Chair as a measure of teaching effectiveness.

Doe: What in the event you have, year after year after year, of consistent negative student feedback and it’s patterned and consistent. What happens then? What do you do then?

Mary Meyer: Someone sits in and watches?

Hayne: Why not a random lot that other faculty has to sit in a class and write up a report. If you’re looking for mechanisms, there is one.

Kroll: You can see comments better.

Miranda: The question at hand is—is it clear and likely to run into legal problems. I don’t see those issues being in play. I would hate this not to go to the floor of Faculty Council for a vigorous debate.

Gallagher: We have had this kind of discussion many times, so let the debate happen on the floor of Faculty Council.

Lenk: I really think the institution should be doing something about the student voice, but I would like the faculty to have that choice versus what the department Chair says. Cherry picking of comments that suit a Chair or someone else should not occur.

Gallagher: Calls the vote. Is this ready to sustain debate on the floor of Faculty Council?

Mary Meyer: Can we split—vote on course survey and a separate vote on how it will be used?
Gallagher: That’s up to CoTL.

Lenk: Vote on LENS but not on the use of them. Everyone should encourage college reps to study these documents carefully.

Moved in two motions putting both I.8 (first) and E.12.1 (second) on the agenda.

Lenk moved, (Hayne 2nd) to place the proposed revisions to Section E.12.1 Teaching and Advising of the Academic Faculty and Administrative Professional Manual on the March 5 FC meeting agenda.

Lenk’s motion was approved.

11. Proposed revisions to Section I.8 Student Course Survey of the Academic Faculty and Administrative Professional Manual – CoTL

Matt Hickey, Chair, CoTL spoke to the motion.

A shorter discussion ensured amongst EC members.

Hickey will ensure that everyone can test drive the course surveys—all faculty—and that we will know when it’s ready to be tried out.

Avery moved, (Mary Meyer 2nd) to place the proposed revisions to Section I.8 Student Course Survey of the Academic Faculty and Administrative Professional Manual on the March 5 FC meeting agenda.

Avery’s motion was approved.

C. Reports

1. Provost/Executive Vice President – Rick Miranda

Miranda reported on the following:

Annual P&T reviews in Council of Deans. 95 cases and 20 brought to the floor.

Met with President’s Council on Culture. Miranda and Gallagher are both on the committee.
There is a proposal emerging out of the extension service for faculty status—want to become NTTF. We are the only land grant university in the Mountain West region that doesn’t have a faculty status to this group. Turnover has been a concern with no promotion pathway. Trying to bring our extension community into the institution. The Director of the extension service believes that a career ladder will have a good effect. This proposal is still in draft form.

Lenk: Does it all fit into a faculty category?

Miranda: Yes. Research, teaching realm, projects in surrounding counties. There is staff in the county offices.

Gallagher attended the meeting with Miranda and Ashley Stokes, VP for Engagement and Deputy Director of CSU Extension, and two individuals with the extension service. There are many details that need to be worked out. Suggested they read the *Manual* to see how they fit into the existing structure.

Doe: What are some implications of making these folks faculty? Governance? Percentages of TTF/NTTF shifts. Are there Administrative Professionals?

Miranda: Currently 160 people. Yes, there are Administrative Professionals. They won’t be connected to our administrative structure. Would have to authorize the extension service to be an academic home for these people. The Director of Extension would play the role of department Chairs, etc. There are many implications.

    Miranda’s report was received.

2. Faculty Council Chair- Tim Gallagher

    Gallagher reported on the following:

Follow-up: I told you the sesquicentennial group cannot attend the March FC meeting, but would possibly ask us to consider them for the April agenda.

At next week’s meeting, we will do the UGO evaluation. The evaluation is not a matter of the Faculty Council agenda so is not time sensitive.
Gallagher’s report was received.

3. Board of Governors Faculty Representative – Margarita Lenk

Lenk reported on the following:

This morning Lenk learned of two more members to the Board that were appointed by Governor Polis: Russell DeSalvo from Pueblo—a real estate developer; and Amando Valdez from Alamosa—a sheep rancher and adjunct professor at Adams State.

Lenk’s report was received.

4. Annual Report of the University Grievance Officer 2018

Gallagher stated that this is a written report that will appear in the March 5 FC agenda packet.

Lenk moved (Linda Meyer 2nd) to place the UGO’s Annual Report on the March 5 FC meeting agenda.

Lenk’s motion was approved.

D. Discussion Items

1. None.

Executive Committee adjourned at 5:02 p.m.

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