

MINUTES
Executive Committee
Tuesday, October 29, 2019
3:00 p.m. – Room 106 - Administration

Present: **Tim Gallagher**, Chair; **Sue Doe**, Vice Chair; **Stephanie Clemons**, BOG Faculty Representative; **Rita Knoll**, Executive Assistant; **Jason Bruemmer**, Agricultural Sciences; **Kathleen Kelly**, Business; **Susan James**, Engineering; **Thomas Chermack**, Health & Human Sciences; **Antonio Pedros-Gascon**, Liberal Arts; **Michelle Wilde** substituting for Linda Meyer, Libraries; **David Koons**, Natural Resources; **Melinda Smith**, Natural Sciences; **Jennifer Peel**, CVMBS; **Rick Miranda**, Provost/Executive Vice President

Guests: **Brad Goetz**, Chair, UCC

Absent: **Linda Meyer**, Libraries (excused)

Tim Gallagher, Chair, called the meeting to order at 3:03 p.m.

NOVEMBER 5, 2019 FACULTY COUNCIL AGENDA ITEMS:

- I. Proposed Faculty Council Agenda – November 5, 2019 – Clark Building – Room A201 - 4:00 p.m.**
 - A. ANNOUNCEMENTS**
 1. Next Faculty Council Meeting – December 3, 2019 – Clark Building - Room A201 – 4:00 p.m.
 2. Executive Committee Meeting Minutes located on the FC website – September 24, 2019; October 8, 2019
(<http://facultycouncil.colostate.edu/faculty-council-meeting-dates-agendas-minutes/>)
 - B. MINUTES TO BE APPROVED**
 1. Faculty Council Meeting minutes
 - September 3, 2019
 - October 1, 2019
 - C. UNFINISHED BUSINESS**
 - D. CONSENT AGENDA**
 1. UCC meeting minutes – September 20 and 27, 2019; October 4 and 11, 2019

E. ACTION ITEMS

1. Proposed revisions to the Academic Calendar – Fall Semester 2024 - Summer 2026
2. Request for Department/Unit name change in the College of Agricultural Sciences - Change Department of Bioagricultural Sciences and Pest Management to Department of Agricultural Biology – CoFG
3. Proposed revisions to the *Graduate and Professional Bulletin* – Requirements for all Graduate Degrees and Graduation Procedures – CoSRGE
4. Proposed revisions to the *Graduate and Professional Bulletin* – Scholastic Standards – CoSRGE
5. Proposed revisions to the *Graduate and Professional Bulletin* – Graduate Certificate Program – CoSRGE
6. Faculty Council Resolution on Budget Priorities

F. REPORTS TO BE RECEIVED

1. Provost/Executive Vice President – Rick Miranda
2. Faculty Council Chair – Tim Gallagher
3. Board of Governors Faculty Representative – Stephanie Clemons
4. Task Force on Institutional Learning Objectives
-Matt Hickey. Chair, CoTL

G. DISCUSSION

OCTOBER 29, 2019 EXECUTIVE COMMITTEE AGENDA ITEMS:

I. Minutes to be Approved

A. *Executive Committee Meeting Minutes*

1. October 15, 2019

Gallagher: Are there any corrections or additions to these minutes?

Antonio: Can you add that Steve Shulman visited and we discussed the resolution?

Gallagher: Rita will add your comment.

Kelly moved (Chermack 2nd) to place the October 15, 2019 EC meeting minutes on the Faculty Council website.

Kelly's motion was approved.

II. Items Pending/Discussion Items

A. *Announcements*

1. Next Executive Committee Meeting will be held on November 12, 2019 – 3:00 p.m. – Provost's Conference Room

Gallagher announced that the next Executive Committee meeting will be held on November 12, 2019.

B. *Action Items*

1. UCC meeting minutes – October 18, 2019

Gallagher: Any questions or comments on these minutes?

Pedros-Gascon moved (Smith 2nd) to place the October 18, 2019 UCC meeting minutes on the December 3, 2019 FC meeting agenda.

Pedros-Gascon's motion was approved.

2. New Degree: Master of Sport Management, Plan C, **to be established effective Fall 2020** in the College of Liberal Arts - UCC

Gallagher: Any questions or comments regarding this new degree?

Bruemmer moved (Smith 2nd) to place the New Degree: Master of Sport Management, Plan C, on the November 5, 2019 Faculty Council meeting agenda.

Bruemmer's motion was approved.

C. Reports

1. Provost/Executive Vice President – Rick Miranda

Miranda reported on the following:

After last week's EC meeting, Miranda went to the UCA to help with the logistics for the Turning Point USA event. The CSU police did a wonderful job. They allowed protests on both sides and kept the parties apart. Only one arrest was made and no injuries. The event went off fairly well.

Monthly CCHE meeting last Thursday, which yielded some important items. Proposition CC was formally endorsed to retain some of the TABOR refunds, which will help higher ed. The University of Denver Emeritus President visited also and advocated their action to approve.

Second issue: Budget for next year. Two interesting aspects--how much they give to higher education, then how it is distributed to all institutions is complicated. Currently done in three parts but they want to use a new formula that accounts for everything. Stay tuned over the next six months. They will have to derive at some metrics.

NTTF listening forum this morning. It was a good discussion, lasting over 90 minutes with a lot of listening about "how things are going" vs. answering questions. Some questions about salary issues. There will be another forum November 8 and another forum in late November.

James was also at the NTTF listening session and pointed out that there were some concerns around workload distribution.

Gallagher attended as well and stated there was emphasis around implementation of the policy changes.

Clemons: How many people were there? How many were department heads?

James: Around 50 and plenty of Chairs, as well as the Dean of CLA.

Pedros-Gascon: Speaks to concerns related to graduate student fees and the fact that it's deducted all at one time. Calls for a continuous review of those fees and how they are collected and when.

Miranda: Could ask Mary Stromberger, Dean of Graduate School, to look into a payment plan that would look like a payroll deduction as that could be possible. Increases in activity fees are tied to rises in tuition and fees.

Miranda's report was received.

2. Faculty Council Chair – Tim Gallagher

Gallagher reported on the following:

Gallagher arranged a meeting with Jannine Mohr, Office of the General Counsel, which lasted 1.5 hours. It was extremely beneficial. Pedros-Gascon wanted Gallagher to follow up on the gun question, with regard to a visible gun in class and implications if a faculty member walks out after seeing it. Per Mohr, if you can see a gun, then they are in violation of the law. CSUPD would handle this at no penalty to the faculty member. On the other hand, if a faculty member learned that someone had a concealed weapon and, if the person has a permit, then they are entitled to have that weapon in their possession and are not in violation of the law. The faculty member has no right to walk out due to belief that there was a concealed carry in the classroom. It all hinges on whether the gun is visible. CCW gun owners have an obligation to keep a gun concealed.

James states that if a faculty member hears a student referring to their concealed weapon in a way that is intimidating, then this may cross the line. At this point you call Jannine Mohr.

Second point with Mohr:

Gallagher: Some of the incidents of bias on campus have involved racial slurs being thrown at people. Isn't this over the line and doesn't this become harassment? Mohr agrees that it may very well be harassment, although it all depends on the details of the event.

Gallagher: But what could we do that would show to the university community that we are serious about how such events are occurring on campus? Gallagher and Mohr discussed some new things that might be done on campus. Mohr will take this up with various members of the campus community.

Gallagher was happy with how his ideas were received by Mohr and states that the number of cases may not be great but is certainly more than an isolated event.

Gallagher doesn't expect to get immediate feedback from Mohr, but he is confident that something will occur in due time to address harassment.

James points out that such a policy might address the needs of the student who is afraid to go back to her dorm because of harassing behavior. If she knew there was a process to hold people accountable, she would feel better.

Gallagher also refers to the Student Code of Conduct as a possible vehicle, but Mohr pointed out that the Student Code of Conduct, as currently written, isn't aligned with the First Amendment.

Mohr was very glad that Executive Committee did not endorse the ASCSU Resolution. If the attorneys for the university go in and tell the students that they got it wrong, it could cause some issues. There is a lot of misunderstanding. Whatever information the students are getting in their Ram Welcome on the First Amendment is not enough.

Mohr is going to talk to others so that in the long run information gets accurately stated at Ram Welcome and the Student Code of Conduct, and Federal laws come more closely into alignment. There are State laws, Federal laws, Federal regulations, etc. There are many angles from which these issues can come at the university.

Pedros-Gascon: Do we have many cases of faculty using racial slurs or somehow crossing the line? How many cases are we talking about?

Miranda: Weeks go by without something coming to my desk. I think we are talking about single digits during the year.

James: Thinks about the Humboldt language again and strengthening the Manual.

Bruemmer: Back to the Student Code of Conduct. Why would we discourage students from holding themselves to a higher code of conduct than that required by law?

Gallagher: We have our Principles of Community, which are aspirational, but the Student Code of Conduct states what students can be sanctioned for. It does harm to make people think that peers can be sanctioned for behaviors and languages that are protected.

Kelly: Now I am a little mixed up. If a racial slur is not hate speech but is harassment and can be sanctioned, how does that work?

Gallagher: A racial slur is hate speech but it's actionable hate speech. If not directed at an individual, then it's protected. If a swastika is held up in a public forum then it's protected, but if it's put up to the window of a Jewish student, then it's targeting and becomes non-protected and is harassment.

James points out that oftentimes there are no witnesses.

Gallagher and Mohr agreed. We want to somehow publicly declare that harassment is not protected and let's get the word out that we will pursue those kinds of cases. These won't be easy to prove necessarily because, as Sue James suggested, there may not be witnesses; however, we can certainly get the word out.

Gallagher: On Monday, we are having our Parliamentarian's meeting. Gallagher is receiving comments re: Resolution. Gallagher hopes everyone stands up--pro or con--to have their say to try to convince the body. He wants the process to go as smoothly as possible. The main concern is that there are so many views on this, and valid views. Gallagher is afraid we are going to get into a never-ending series of amendments. What Gallagher is

suggesting is the amendments are not the key to coming to the ultimate determination on this. Gallagher hopes that as leaders of our various units, because we are better informed, that we might offer help to the process with no target outcome in mind.

In the original November 5 FC agenda packet, the New Degree program proposal: Sport Management, Plan C, was listed as the last action item. Gallagher and Knoll discussed changing this and amended the agenda to make the Resolution as the last action item.

James: The straw voting in Executive Committee was helpful, but I don't know if this fits the parliamentary rules for Faculty Council.

Gallagher: Unfortunately, I don't think that's allowed.

Miranda: Violates Robert's Rules of Order.

Chermack: Preface the discussion as you have here. We can amend endlessly but you should think about the proposal as a whole.

Pedros-Gascon: Set time limits for the discussion.

Gallagher: We can use parliamentary rules such as setting time limits. We can "Call the question". Requires 2/3 approval and, if approved, the discussion ceases and you can have an immediate vote. If there are some fair ideas, they can make the points; but if we hear the same points being made multiple times, it is helpful to Call the Question.

Pedros-Gascon: Ask Lola if there could be a secret vote.

Gallagher: You can call a secret vote. We bring in blank paper ballots in case this happens. You can make this motion, Antonio, but you might want to discuss the proper timing for this, and a vote will be taken on this. Let me talk to the parliamentarian.

Smith: What kind of introduction are you going to give regarding the Resolution?

Gallagher: Sue Doe will make the motion on behalf of EC. Then as Chair, I put the motion on the floor and ask for debate to commence. Those in favor and not in favor can have their say. I

want to point out that amendments can be made, but will this really make the resolution better?

Smith: We met with Steve Shulman multiple times and worked on it.

Kelly: I voted for this because I wanted the faculty to vote on this, not because I want the motion to pass. I don't want to personally have to stand up during Faculty Council.

Gallagher: We want our colleagues in the full FC to have their say. I am one of approximately 90 votes. I don't know yet how I'm going to vote, but I wanted the FC to vote on this.

James: Can't you call for a roll call vote?

Gallagher: We have never had that happen and I doubt this would get support since it too would need to come from a motion.

James intends to reach out to her constituency so that FC members arrive prepared.

Smith: There is a dash at the end of the last sentence in the Resolution. Knoll will fix before sending out.

Kelly: Although we took out detailed numbers/data, there are many questions about these details.

Miranda: The role of EC is to determine whether an issue is ready for debate after being constructed elsewhere. In this case, the EC constructed the proposal. What I'm hearing around the table is that some of you voted because you believed in the substance and some wanted the faculty to vote on it. I would worry that the FC members won't know what your message is. There is some discordance here in terms of your role.

Gallagher: At the end of the day, I don't think it matters. Those words stand on their own. Gallagher talked about the very issue that you presented. The conclusion I came to is that EC can put anything, in its good judgement, that they feel should be there. If the majority think EC was wrong that it was brought to the full FC, they could vote it down. I could find nothing in the Manual that precludes what EC did. I think we are on sound footing to do what we did.

Miranda: I am not disputing that, but how will your colleagues view this. Are they viewing this as a statement? No one is really recommending it. What you are saying is that a statement could be generated by a small minority of this body, that very few agree with, and that you would feel obligated to pass this on to the Faculty Council to sustain debate.

Gallagher: The motivation of each and every person at this table is not the point. The point is the words. Any laws passed by Congress or State law--the courts interpret the law according to the words that were expressed.

Miranda: If you look at the legislative bills, they are all sponsored by someone. They know what the provenance of the statement is.

Gallagher: The provenance of this is well understood.

Clemons: I think you two are not clearly communicating. It is how it is framed that will help the Faculty Council with why this is being brought forward. I feel you are assuming that it sustains debate because it is our charge. If EC is bringing it forward as a committee, it is different than sending the message that we voted on this and it is ready to sustain debate. There are two different messages that I was trying to convey last week. This was brought forward to EC that it was ready to sustain debate on the floor of FC. EC voted on this and it was not unanimous.

Gallagher is inclined to not indicate a split vote.

Pedros-Gascon: I don't recall being asked if we are endorsing the proposal or whether it's ready to sustain debate. We worked on wording that would go the general assembly. I don't care whether people voted for one reason or another.

Smith: One way is looking at it as an endorsement, while the other way is saying we think it's ready to sustain debate.

Jason: The feeling goes like Rick said, we are not endorsing it.

Kelly knows that it will be contentious and members of her department will not care who is endorsing it or authored it.

James: We're not voting on the program of study but whether it's ready to sustain debate. This is what we should state.

Chermack: It may be important to state in the introduction that there is no consequence from this resolution. It is a statement and affects nothing with regard to the budget.

Bruemmer suggests that, in the future, we have two votes—one on the content and the other on the motion’s readiness to sustain debate.

Pedros-Gascon: The NCAA decision today on pay regarding image and likeness compensation of student-athletes will be a topic of some importance down the road.

Gallagher’s report was received.

2. Board of Governors Faculty Representative – Stephanie Clemons

No report was given. Board will meet December 5-6, 2019.

D. Discussion Items

1. Continue discussion of faculty role in the university Race, Bias, and Equity Initiative

Gallagher’s discussion with Jannine Mohr, OGC, covered questions that arose in previous EC discussions on this topic.

Chermack told Gallagher that it was helpful to hear the information that he obtained from Jannine Mohr.

Executive Committee was adjourned at 4:21 p.m.

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