Call to Order & Approval of Minutes

Kate Willink, Senate President, called the meeting to order at 12:00 PM.

A motion to approve the minutes from the November 4, 2016 meeting was seconded and approved.

Senate Announcements

President Willink then introduced eight new Faculty Senators and asked each to stand. Following this, President Willink asked Senators to complete the Bookstore Senate Survey, adding that we are currently at 80 respondents and her hope is to get to 100 respondents. She then reminded Senators of the “three missing meetings” rule. About 1/8 of the Senate has missed three or more meetings in a row without a proxy. Senators who miss that many meetings in a row can be asked to leave the Senate and find a replacement. President Willink then reminded the Senate that they can assign a proxy to attend the meeting on their behalf. One potential issue with attendance, she explained, is that the Senate needs a quorum of senators (70%) present to vote on certain issues. If the Senate fails to achieve that, it have to call another meeting five days later.
President Willink then previewed our next meeting (February 24, 2017), at which the Senate will participate, starting at 1:00 P.M., in the Chancellor’s Roundtable. President Willink expressed her hope that all Senators can attend the first 30 minutes of the roundtable session. After thirty minutes, the meeting will formally end the meeting and Senators can leave if they need to. Following that, the Provost will present his quarterly budget report.

Finally, President Willink updated the Senate on the work of its committees.

The Academic Planning Committee is working with the Student Relations Committee to engage student leaders. Committee members and their chairs will meet with students to update them on Senate work and see how they can be more formally connected to the Senate in the future. As part of OneDU, the Senate President, Staff Advisory Council President, Undergraduate Student Government President, and Graduate Student Government President will meet once a month for coffee to discuss what’s going on at DU.

Also, the Academic Planning Committee is starting to look at curriculum revisions for the undergraduate and common core curriculum. In the next year or so, this will probably be an agenda item for the Senate, and there will likely be a formal committee working on this issue on campus. The Senate is trying to get ahead of the curve and be a leader on this.

The Financial Planning Committee is currently conducting a salary analysis survey. The Senate hasn’t conducted one since 2004 and we should do this every decade. The committee will probably use the survey from 2004 as the basis for this one. The previous survey is on the Senate’s website (which has been wonderfully cleaned up by Megan Kelly, Senate Communications Officer). A lot of information gets passed on through the university’s annual budget report. So the information on faculty salaries is already there, but the committee will deepen that and facilitate a conversation at certain markers on salary.

The Nominations, Credentials and Rules Committee is reviewing the constitution to align it with reality and practice. They will not make major changes. Rather, there are outdated references (to old buildings, for instance) that the committee will update.

The Student Relations Committee is, in addition to the work described earlier with the Academic Planning Committee, finalizing the Inclusive Excellence initiative in order to pursue funding for it.

**Freedom of Expression Ad Hoc Committee Update**

Following the update on Senate committees, President Willink addressed the work of the Ad Hoc Committee for Freedom of Expression. The committee was formed last spring, meeting for the first time on June 2. It spent fall quarter reading other universities’ statements; the committee is now working through the first draft of its statement and trying to reach a consensus among the committee. This year, a Provost’s Reception focused on freedom of expression and inclusive excellence. The reception was well attended (particularly for a Friday!). The Senate, President
Willink concluded, has been a leader on these issues, but the Senate has a long way to go as the university continues to negotiate these core values.

President Willink then invited Alan Chen, chair of the Ad Hoc Committee for Freedom of Expression and William M. Beane Memorial Research Chair and Professor at the Sturm College of Law, to present to the Senate.

Chen reminded the Senate that the committee was created last spring to try to get ahead of the curve and put an expression statement in place before any incidents might occur on campus. But, of course, “the best laid plans…” This fall, there were issues surrounding the Freedom of Expression Wall established by the USG.

The committee, Chen told the Senate, is not trying to have a specific set of rules to resolve disputes. Rather, it hopes to provide a general set of principles for the university to protect freedom of expression. The work has become more difficult due to incidents on campus, as well as the need to balance it with the university’s commitment to inclusive excellence.

The committee is now working on a second draft and it hopes to provide the Senate with a statement to review by the end of the quarter. There is some disagreement on the committee about the emphasis of the statement. But once it finishes a draft, it will send the statement over to the Senate, which will deliberate on the propriety, scope, and details of the policy. Assuming the Senate approves the document, we’ll have a full faculty vote for the adoption of the statement. The committee hopes that what it presents is in pretty good shape and will be something the faculty can be proud of. The hope is that the Senate won’t have to change it much.

Following Chen’s presentation, the Senate opened for questions.

President Willink: What are some core questions that the committee is considering?

Chen: Many of these discussions concern the details – e.g., the extent to which to emphasize IE. It’s been pointed out that we have myriad documents and offices for IE and nothing really about freedom of expression.

Another difficulty is that we can come up with a list of dozen contexts in which freedom of expression issues come up. So you can’t really create a one size fits all policy. This is true on many campuses. For instance, students may protest a speaker and ask that the speaker be uninvited (which is, Chen added, something he thinks we should avoid). This is a different issue than regulations on students’ social media use. There are a dozen different controversies. The committee is not trying to resolve these disputes, but set up a framework of principles the university should affirm to resolve disputes.

Senator Campbell: Does this only pertain to student speech?
Chen: No. It applies to all of us in all of our capacities. Faculty speaking with faculty. Faculty speaking with administration. Faculty speaking on their own social media. There are too many possibilities and potential controversies—so we’re trying to get at least a five thousand foot view, if not a twenty thousand foot view.

Senator d'Estrée: Is the committee addressing trigger warnings?

Chen: We’ve spoken about this. We’ve started with the University of Chicago’s policy on freedom of speech, not their letter on trigger warnings. If pressed, a faculty member’s decision to use trigger warnings is their decision as an element of academic freedom.

As for safe spaces, it’s always been so, even in government work, that employers and schools can regulate the time, place, and manner of speech. It’s different, say, to regulate speech on the green than in a class than in dorms. We’re trying to set principles that the university can apply to address conflicts and guarantee freedom. I think the committee agrees that it should ask the university to establish a body to evaluate these issues as they come up.

Senator Pessin: What is the context in which this ad hoc committee arose? If it’s explicitly in the context of freedom of expression and inclusive excellence coming together, why is it called the Ad Hoc Committee for Freedom of Expression?

Chen: This is some mystery to me. I was called and asked to chair it by the Provost. But I see it as a freedom of expression committee.

Senator Pessin: I was under the impression that the context was the unique charge of bringing together freedom of expression and inclusive excellence. This should be something that’s happening, no matter the title.

Chen: It’s happening. It’s come up in discussions and the committee is thinking about it.

Following the question and answer period, Chen then invited feedback from Senators through email, including recommendations if we know of resources that already exist.

President Willink then thanked Chen, noting that the committee’s work is an interesting topic to armchair quarterback. But, President Willink continued, she doesn’t envy their work and the complexities they’re thinking through. President Willink then told the Senate how, at the diversity summit, the Chancellor had a panel of presidents address the challenges currently facing their institutions. Two of the panelists said that the biggest issue facing their college was the confluence of these two values. The Senate, President Willink added, is taking the lead on these issues. It was the CSU president, in fact, who said that he has had more complaints about freedom of expression and inclusive excellence in the classroom recently than in his entire career. The Senate may have been ahead of the curve when we created the committee, but we’re now in the crosshairs. So we have to think through this.
First Reading of Motion for Ad Hoc Committee on Non-Tenure Track Faculty

Following the Senate’s discussion of the Ad Hoc Committee for Freedom of Expression, the Senate considered a motion to establish an Ad Hoc Committee on Non-Tenure Track Faculty.

President Willink: Today, we’re going to have a first reading of our Motion for an Ad Hoc Committee for Non-Tenure Track Faculty. I ask you to talk to your departments or programs so we can have a robust discussion. This is an important issue for our campus. You represent ten faculty. I ask you to try to have ten contact points.

President Willink then invited Senator Megan Kelly, Communications Officer of Faculty Senate, to address the Senate about the motion.

Senator Kelly: We created this motion based on feedback we received during a panel discussion and Senate discussion on issues around Non-Tenure Track professorial series at the university. We grouped that feedback into four key issues that the proposed committee would address. The purpose of this committee is not to revise the APT but rather to see how it is being implemented and enacted across campus. We know that it is a complicated system, and that fact came out of the panel that we had with faculty. We also want to have non-tenure line faculty to respond to the promotion process that some of them are going through this year and some went through last year. This committee will give these faculty a chance to respond to this process, including the appeal process. The committee will address clarity, focus, hierarchy, and equity in the promotion process. We want representation across all schools that have non-tenure track faculty and across the non-tenure track series. We achieved this with our proposed committee members, with the exception that we do not have representation from research faculty.

We’re reaching out to get recommendations for committee members, and we’re relying on those with experience and expertise. For instance, Claude d’Estrée has been working on a survey of non-tenure track faculty. Blake Sanz in Writing led the way in the development of our processes.

Our proposed committee member list has lots of members; we anticipate dividing them into sub-committees to address the four key issues the motion addresses. The sub-committees will work through the spring and report back in the fall.

Following Senator Kelly’s presentation on the motion, the Senate opened for questions.

Two Senators asked about the composition of the committee, noting that tenure track or tenured faculty are not on the list. This, one Senator suggested, could lead to bias in the committee’s work and render their conclusions irrelevant. Another senator pointed out while tenured faculty do not make the final decision on promotion, they do weigh in on the process.

Senator Kelly responded that the executive committee considered this when reviewing the motion; however, the idea is that committee will provide an opportunity for non-tenure track faculty to represent themselves and other non-tenure track faculty. Former Senator President
Arthur Jones noted, too, that this committee is parallel to the one the Senate created to deal with issues for tenure track faculty; that committee had no non-tenure track faculty on it. Even so, Senator Kelly noted that she’d bring this concern to the executive committee.

Senator Nicole Taylor: The Graduate School of Professional Psychology has a large number of non-tenure track faculty. I would be happy to help get someone from there, as I don’t see someone there now. I think we have a good system in place and can help with representation.

Senator Stansbury: An issue that I’d anticipate may come up and that the committee might consider is the use of non-tenure track faculty in administrative positions. This can create some awkwardness.

President Willink: My impulse, at this point, is to allow five minutes for senators to talk to each other, reflecting on issues that came up, affirming aspects of the documents, and also potential critiques.

Senators broke for conversation until approximately 12:50. President Willink then asked Senator Colomy to summarize his table’s discussion.

Senator Colomy: We identified two issues. One concerns the composition of the promotional committee. Non-tenure track faculty would have a sense of the demands of the job and, so, should have representation on promotional committees. We have also heard of times when those evaluating non-tenure track faculty had no acquaintance with them.

We also discussed the possibility of evaluating teaching beyond student evaluations.

President Willink: That reminds me that I’ve asked the Student Relations Committee to review our report on evaluating teaching. The Senate creates all questions on the evaluations.

Senator Silver: Do we know the gender of non-tenure track faculty? Student evaluations especially harm women.

Senator Kelly: One reason we’re creating this committee is that we don’t have a sense of who and how many non-tenure track faculty members there are. One of the purposes of the committee is to identify who people are and how to get them in communication.

President Willink: The Division of Arts, Humanities, and Social Sciences conducted a study and found that women and faculty of color systematically receive lower evaluations. We need to understand this within the Senate, since we create the evaluations.

Senator Pérez: We discussed how to get representations for divisions with no or few non-tenure track faculty. We also discussed point three from the motion, on equity. Can we identify points of inequity, as we can’t address fairness without knowing what’s causing unfairness? We also question why adjuncts are excluded from this committee. Can they have representation? When
thinking about space for communication, we should consider that adjunct are unionizing at other campuses; this is a point of affiliation and communication. In the University of California system, faculty have senate and non-tenure track faculty have a union.

President Willink: Adjunct are not part of the non-tenure track series, as defined by the APT. This is why we’ve decided to exclude them from this particular committee. But this raises the important issue of how we think holistically about who’s teaching.

A question was raised about the presence of predominantly teaching track faculty on the proposed committee list. Senator Kelly responded that the majority of non-tenure track faculty are teaching track. She also pointed out that the research series is not represented because funding for that series is generally provided by outside grants rather than from the university. But, she added, the executive committee has considered this.

Senator Nanda: Another issue concerns governance. Non-tenure track faculty don’t have a say in governance in divisions at the university. And we need to think about it. My table did not come to a consensus, but we considered whether the presence of some tenure track faculty on this committee would be helpful and useful.

President Willink: It’s important to acknowledge that we are living a paradoxical tension of this document (the APT) we created. There is this tension… we live in a hierarchical system, but at the same time the folks most affected by these policies need to have a say in the conditions in which they live and work. There are a lot of unexcavated issues that we haven’t thought through.

Senator Crowe: Was there consideration of compositional diversity? We recognize this is a challenge because of the lack of overall composition diversity. Additionally, we’d be interested to see documents across the university to see if there are best practices to be shared. We discussed the fact that tenure track faculty are called to serve on promotional committees for non-tenure track faculty members because of the size of units. This may be a reason to include tenure track or tenured faculty on the ad hoc committee.

President Willink: Thank you. Please bring this back to units and colleagues who would be interested in giving input. Megan, John Hill, and John Tiedemann drafted it and the executive committee approved it for consideration. You can forward recommendations to me or directly to John, John, and Megan.

Update on the Bias Incident Report Team and fall incidences on campus

President Willink then introduced Laura Maresca, Interim Vice Chancellor of Human Resources. Maresca has been part of the Bias Incident Report Team (BIRT) for a while. The Senate spoke about this team at our last meeting, during which we learned that many folks weren’t aware of BIRT. And many weren’t aware of what happens when these incidents happen.
From the student perspective, they may hear that an incident is reported, but students don’t hear follow up. They have a sense that nothing is happening. President Willink indicated that she’s been speaking with Maresca about how we deal with this (from a legal perspective).

From the faculty’s perspective, faculty members sometimes hear about these issues in class and haven’t necessarily heard about the incidents.

For these reason, President Willink explained, she invited Maresca to talk about the BIRT process and also report on four incidents from the fall, so we can have greater awareness about what’s going on on campus.

Maresca began by telling the Senate that, during the fall quarter, the university experienced a rise of incidents on campus, as well as a rise in reporting of these incidents. This trend mirrors the national climate. Other universities have seen a rise in these incidents. Maresca indicated that she has been doing a lot of research to see if she could identify what might be unique to DU. But when looking at our highest profile incidents, these occurred during a two week period in October, and this, in fact, closely paralleled what other universities experienced.

Universities deal with bias incidents very differently. Some expel students. Others won’t hear cases because of freedom of expression issues.

The Office of Equal Opportunity & Office of Title IX are charged with making sure the university confirms to anti-discrimination laws and Title IX. The offices partner with the Office of Campus Life and the Office of Diversity and Inclusion, but the offices of Equal Opportunity and Title IX address the compliance side of this.

Maresca said that she is thrilled to hear that the Senate has its Ad Hoc Committee for Freedom of Expression. Indeed, as BIRT moved through these cases, the team had to address whether incidents involved issues of freedom of expression and, simultaneously, the university’s value of and commitment to IE. Maresca indicated that she would welcome guidance on these issues when considering these cases, and she is looking forward to engage with faculty on this.

Maresca then told the Senate that BIRT never used to speak publically about these cases because of disciplinary and privacy issues. But all of these events are being publicized on social media. This signals that the paradigm has shifted and neither BIRT nor the university had a structure in place to accommodate this shift. And, so, Maresca and others are meeting with units and student groups to rethink reporting on bias incidents.

Cases

Maresca informed the Senate that BIRT received ten bias incident reports involving race or national origin in a two week period in October. These range in type. One was an allegation that the Young Americans for Freedom are a hate group and should be removed from campus.
Another involved an assault by the Freedom of Expression Wall relating to a message on wall. There was also an incident involving graffiti in classrooms that could be interpreted as hate graffiti.

She then reviewed some of the highest profile cases.

Perhaps the most high profile involved a student who painted lyrics on the Freedom of Expression Wall. Someone had written, “Black lives matter, White people do something.” Someone else had crosses out “black” and wrote “all.” They’d also crossed out “white.” This continued to escalate until someone wrote lyrics (from the Minor Threat song “Guilty of Being White”) on the wall. This led to concern and several complaints. We followed up and have been working with students on both sides of the conversation. This case has been resolved.

Another incident was publicized on OrgsSnc, a social media platform for college organizations. A student went to a Halloween party in blackface as a slave. The post on OrgSnc included a lengthy, thoughtful message around cultural appropriation. As far as we could tell, the student who wore blackface was not a DU student but a guest. He was asked to leave the party because the white students hosting the party were offended.

A third incident involved a list of demands that the Black Students Alliance had sent to the Chancellor. The Black Students Alliance had asked other groups for support. They shared the demands on Google Docs to other student leaders. Once it circulated widely, it was changed in offensive ways, sometime between 4:00-7:00 A.M. All references to “black” were changed to “gorilla” (e.g., “black lives matter” became “gorilla lives matter”). What we found was that the link went out very widely. It was, for instance, posted to Reddit (a social news aggregation and discussion website known for, among many, many other things, hosting racist “subreddit” forums). BIRT couldn’t determine who had made the changes and so there was no outcome.

Finally, we got a report of a hate symbol drawn on a whiteboard in a classroom. Students reported it and I called faculty who had been teaching in a classroom. It had been drawn in the context of a class on Russian. It’s a Baltic cross symbol. Dr. Debbie Mixon Mitchell spoke with the students and with the faculty to clarify what had happened. Some people have asked, “Why did the students overreact? The symbol could have been anything.” But, Maresca continued, she would caution people against assuming that students are being irrational when they come upon and report an ambiguous incident. For instance, at San Jose State, someone had created swastikas in dorms with student names. These incidents are out there happening, and BIRT takes them seriously.

As for the student response, Dr. Lili Rodriguez and the Office of Campus Life and Inclusive Excellence have really upped their campus programming to support students and provide opportunities for discussion.

BIRT is also diversifying its approach and thinking through what these issues mean in terms of freedom of expression and inclusive excellence.
Following Maresca’s presentation, the Senate opened for questions.

Senator Kosempel: How can faculty support this work?

Maresca: We want to make clear that the BIRT process is something we added last year to support work the Title IX office is doing. There are some incidents that are policy violations, but we also have these incidents that don’t quite rise to that level. We’re thinking of ways that BIRT can come in and help address these issues.

We’ve seen an increase in faculty reporting concerns that students have shared in class. Just as faculty are blindsided in classroom, we are too. The Halloween costume is one I learned about at a meeting. While we encourage an individualized response – respond with passion, with support, or sharing with resources – we also encourage people to share issues with us so we can understand them better. Where are they happening, etc.?

Senator d’Estrée: The incident dealing with the cross raises an issue I was wondering about. Are you getting faulty reports of bias? I had a grad student who felt falsely outed as making racist comments. These were put on a poster in Driscoll Bridge. This upset her for a long time. Turns out the quote was someone else’s and was misquoted. She didn’t know what to do. Complaining that she had been misquoted might exasperate things.

Maresca: I’m not familiar with this. What I’m seeing now that may be related to your anecdote is an increase in reporting from white students who feel reverse discrimination. My job is to take all complaints seriously and neutrally. I’m not sure on the incident you described if I’m the office for that, but I try to dissuade students from thinking that my office is not an office for them.

Senator Chevillot: We have students who are in pain on this campus. No matter of their race. Two days ago we had a first year student end her life in extremely tragic circumstances. I’m not saying these incidents are related, but in thinking about mental health…we have so much going on on this campus; we have issues of life and death. There is suffering surrounding us everyday and we don’t even see it. We have the classroom. We have authority and privilege there. We must reach out to our students. So what is it we can do? I’m also concerned about our students of color who are in so much pain.

Maresca: Speaking as an administrator, not a faculty member…I’m in awe of how much you take on. You’re very much the university to the students. I’m in awe of the level of your responsibility.

President Willink: We had a panel on this a few weeks ago. We had three staff and three faculty members address us. And several stories of suicide were shared.
Senator Mehran: I appreciate what your office does. It’s very difficult. I have a report from a few years ago. We had a student report sexual harassment to me and another faculty. The student reported it to the university. We were kept in the dark and it was affecting the student. We would follow up and couldn’t get reports. Then we finally learned it was resolved. We don’t have the skills or expertise to deal with these issues. The student kept saying, “DU doesn’t care about me,” and I couldn’t disagree with her about this. My colleague and I remained available for the student throughout the timeline (and beyond) and were able to help her get back on the academic track and support her mental health recovery.

Maresca: A lot of our work has evolved over the past few years. We have a dedicated Title IX coordinator now. And we have BIRT. A lot has changed and we’re working on developing this.

Adjourn

President Willink thanked Senators for their participation in the meeting and requested a motion to adjourn, which was quickly made and seconded from the floor. And so, at 1:30 PM, President Willink adjourned the meeting.

Prepared and submitted by

Jared Del Rosso
Faculty Senate Secretary

Appendix

Motion to Create an Ad Hoc Committee on Non-Tenure-Track Faculty

The 2015 Policies and Procedures Relating to Faculty Appointment, Promotion and Tenure (APT) document sought to establish a more equitable and sustainable system of appointment and promotion for the approximately one third of DU faculty who are not tenure-line. In order to ensure the success of this system, it is necessary to examine how it is being embodied in practice across campus and to develop fair and practical implementation guidelines.

To that end, the Faculty Senate Executive Committee moves to create an Ad Hoc Committee on Non-Tenure-Track Faculty. The Committee is tasked with gathering information about and making recommendations upon four key issues. These are:

1. What are the processes of hiring and promotion for non-tenure-track faculty in units across campus? How can we promote best practices across divisions and series?
2. What is the distribution of labor for non-tenure-track faculty in units across campus, particularly with respect to the requirements for teaching, scholarship/research/creative

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1 Non-tenure-track faculty includes members of the Teaching Professorial Series, Clinical Professorial Series, Research Professorial Series, Professors of the Practice Series, and Professorial Series in University Libraries.
activity, and service? From the variety of models that have been tried, what lessons can we learn that can inform future practice?

3. How can we ensure that relationships between TT and NTT faculty are fair and respectful?

4. Given how new this system and some of these series are on our campus, how can we help non-tenure-track faculty to affiliate and communicate?

Committee Membership

- Robert Anderson (Lawyering Process Professor, Sturm College of Law)
- David Cox (Teaching Professor, Daniels College of Business)
- Claude d'Estrée (Teaching Professor, Korbel School of International Studies)
- Mike Goss (Teaching Associate Professor, Ritchie School of Engineering & Computer Science)
- Pat Greer (Teaching Assistant Professor, University College)
- Peggy Keeran (Professor, University Libraries)
- Kate Ross (Associate Professor of the Practice of Social Work, Graduate School of Social Work)
- Blake Sanz (Teaching Associate Professor, University Writing Program)
- Nancy Sasaki (Teaching Associate Professor, Biology; Associate Dean, NSM)
- Laura Sponsler (Clinical Assistant Professor, Morgridge College of Education)
- John Tiedemann (Chair) (Teaching Associate Professor, University Writing Program)
- Melanie Witt-Wilson (Teaching Assistant Professor, English Language Center)
- Terri Woellner (Teaching Professor, French)
- TBD (Lamont School of Music)
- TBD (Department of Psychology)

The Senate Executive Committee is empowered to fill the remaining seats on the committee and to replace members if vacancies arise.

The Ad Hoc Committee will gather information during the winter and spring of 2017 and compile a report to be presented to the Senate Executive Committee in the fall of 2017.