

**University of Denver
Faculty Senate
Minutes
November 18, 2011
Renaissance Room South**

Senators (or proxies) present: Bill Anderson, Rick Barbour (proxy for Allison Horsley), Mercedes Calbi, Jennifer Campbell, Victor Castellani (proxy for Polina Rikoun), Frederique Chevillot, Paul Colomy (proxy for Jeff Lin), J. Michael Daniels, Ralph DiFranco, Sandy Dixon, Judith Fox, Katherine Freeman, Chris Gautier-Dickey, James Gilroy, Sylvia Hall-Ellis, Annabeth Headrick, John Hill (Secretary), Laird Hunt, Tim Hurley, Ruth Ann Jebe, Scott Johns, Arthur Jones, Maciej Kumosa, Rick Leaman, Tiffani Lennon, Scott Leutenegger, Mario Lopez, Sandy Macke, Mohammad Matin, Don McCubbrey (President), Erin Meyer, Paul Michalec, Keith Miller, Jessica Munns, Ved Nanda, Alba Newman-Holmes, Paul Novak, Linda Olson, George Potts, Tom Quinn, Charles Reichardt, Jeremy Reynolds, Nicholas Rockwell, Nancy Sampson, Andy Sharma, Sheila Schroeder, Robert Stencel, Paul Sutton, Joseph Szyliowicz (also proxy for Frank Laird), Matt Taylor, Ron Throupe, Bruce Uhrmacher, and Spencer Wellhofer (proxy for Jing Sun).

Call to Order, Approval of Minutes

Don McCubbrey, Senate President, called the meeting to order at noon.

A motion to approve the minutes from the October 21, 2011 Senate meeting was seconded and approved.

Provost's Report—Gregg Kvistad

Budget—We are almost done with the FY 13 budget development meetings. We have had one to three meetings with each of the 47 units discussing the current year forecast and the FY 13 budget. The budget situation is looking very good, but there are some constraints:

- We remain very tuition dependent;
- The comprehensive endowment campaign has not materially reduced our tuition dependence;
- Donors generally are not interested in replacing current expenditures, but rather want to increase the university's footprint.

Endowment difficulties are universal, not merely at DU.

Next year we will budget for 1250 first year students. This will have permanent budget impacts. Previously we budgeted for 1200 first year students.

We continue to experience volatility in our investments and investment income. We planned for \$3 million investment income last year, but garnered only about \$1 million. This is a big impact. We intend to change to less volatile investment vehicles, but this will result in a \$2 million hit. Unrestricted gift income is not as successful as we had hoped.

The FY 13 budget includes a \$1.5 million placeholder for faculty salary increases. Three more \$1.5 million increases are planned for the next three years. We also plan to increase financial aid by \$4 million.

Searches—I will have more information about this at the next Senate meeting. We have not decided what to do about the NISM and SECS searches.

Presidential Debates—We will pay a \$1.6 million fee to host the presidential debates. We do not expect to employ operating funds for this; we will raise funds from sponsors and donors. We expect to receive additional funds from the city and state.

Strategic Initiatives—The strategic initiatives (Renew DU) have been approved by the Chancellor and will be submitted as an informational item to the Board of Trustees; the Board does not vote on these.

We expect to have the incubators established and operating by February 1, 2012.

Penn State—Could something like this happen at DU? It is highly unlikely; the potential is very limited. Colorado law has stringent mandatory reporting requirements that apply to professionals including physicians, dentists, nurses, hospitals, public and private education officials, and others. DU closely reviews and monitors third party use of our facilities. We are culpable if we do not report. We have children on campus. A lot of factors went into the Penn State situation. A recent David Brooks column discusses these.

We have a strong culture of reporting. We need to do the right thing and report any such events. Our athletic department is very well run, but we must remain vigilant. By the way, the Penn State football program nets \$50 million per year.

There were no questions.

President's Report—Don McCubbrey

The Senate has been very active with Renew DU. The process and outcomes have been positive. The Academic Planning Committee is working to select three pilot departments to work on faculty-driven teaching and learning initiatives. Potential departments include accounting, mathematics (business calculus), and possibly an AHSS department. Representatives of other potentially interested departments should contact Don McCubbrey or Linda Olson.

We should continue our efforts to make expanded use of Open Education Resources and Open Access journals. I use an OER in the Information Systems course I teach rather than using a \$180

textbook; students appreciate the savings. Student's interest in OERs is increasingly strong and organized.

Faculty need to be aware of textbook costs as courses are developed or redeveloped. A recent redesign of three DCB courses would have required \$180 worth of textbooks per course, but the careful use of OERs reduced this to \$80 for all three courses. University College has agreed to pilot the increased use of OER and report back to the Senate.

Supplier Code of Conduct Update—Ed Henderson, Assistant Director, Business Services

Some additional refinements are needed before this goes forward. I will provide an update today and return in January to ask for the Senate's endorsement. Some departments have expressed concerns that some goods they require are available from only one supplier and that the sole supplier may not fully meet the proposed supplier code as written. There are further concerns about items that do not fit easily within the code. Please submit comments on the draft code. If you or your suppliers have questions or concerns, please contact me for assistance. There will be a revised draft prior to the next Senate meeting. It is not our intent to handcuff you, but suppliers may need to make some adjustments.

Update on APT Revisions

Sylvia Hall-Ellis—Several changes have been made regarding contingent faculty. These are based on inputs from the recent town hall meetings with contingent faculty. The document has been reorganized by contingent faculty type. It explains tracks for lecturers, clinical, etc. We are proposing a sequence of three one-year appointments for lecturers, followed by three-year appointments, and the potential for promotion to senior lecturer. Five-year appointments are also being considered for senior lecturers. The Provost and Chancellor are supportive, but the changes are not formally approved. Every department would be required to have policies for contingent faculty appointments and promotions. The details for all of these changes are still in progress.

Scott Leutenegger provided additional information in response to questions:

We have not yet figured out how the revised policy would apply to existing lecturers and other contingent faculty.

We will have to determine whether pay raises are decided by department or whether a university-wide approach is needed.

We will try to develop language to address civic engagement, service learning, and interdisciplinary work. Dean Saitta noted that USC has a useful document regarding these matters.

Scott emphasized that clearly the committee still has more work to do.

Comments from Senators:

As we raise our faculty expectations and the institution improves, we need to fairly consider that the faculty expectations when a faculty member was hired may have been different, and we cannot unfairly apply an elevated set of expectations.

While we all hope the institution is steadily improving, it is difficult to separate accomplishments from aspirations.

Chip Reichardt noted that the existing APT document states that higher standards may apply.

Do departments with graduate programs judge by the same standards as undergraduate-only departments?

Dean Saitta stated that the faculty are the university and should set the standards. We have ethical and moral obligations to raise our game. We also need to include stage-of-life considerations. For example, if the university is going to respect generational or stage of life considerations, then it should allow faculty to change the priority or respective emphasis they give teaching, research, and service at different stages of their careers. Regardless of the chosen priorities or emphasis, faculty should not be discriminated against at merit raise time; merit increases should reward excellence in whatever form(s) it is performed.

Scott Leutenegger stated the committee will continue to work on this. The committee is still deliberating the three-year review issue. When ready, the draft will be reviewed by the entire Personnel Committee and brought to the full Senate after the committee completes its work.

Paul Sutton suggested that tenure reviews should initially be performed independently by department chairs and faculty committees. Chip Reichardt stated this is currently up to departments.

Don McCubbrey stated the rough timetable is to get a draft to the full committee in January and to the full Senate in February. However, we do not want to push through a flawed document.

Athletic Director's Report—Peg Bradley-Doppes

The Pioneer Professors program, modeled after Ivy League programs, is working well. It is helping students feel more connected to academics; and faculty are better connected with, and better understand, athletics. I am pleased with the generosity of the faculty; it has made a difference. I see the difference in athletes and coaches.

We are in year three of the Rising Stars program. We have reached hundreds of junior high and high school athletes. Students are nominated by principals. The students attend an athletic event, get a certificate and photo, a chance to walk on court (this is a very big deal for them), an academic pep talk, and are mentored by athletes. Costs are fully paid by sponsors.

The Academic Spotlight is in its second year. We recognize faculty at athletic events by reading short bios and talking about academics at DU. This promotes and elaborates DU's academic quality and seriousness.

We earned the NCAA Division I-AAA (non-football) Director's Cup for the fourth consecutive year. This award recognizes athletic programs. We are in the top 50 of Division I athletic programs.

Athletes' average GPAs are 3.38 versus a campus average of 3.42. We intend to improve this. I personally review all midterm and final grades. Class attendance is mandatory for all athletes. If there is an issue please let us know.

The move to the WAC will reduce travel time and missed class time. We will compete against schools that are more like us. We expect to be competitive and obtain increased visibility. The move to the National Collegiate Hockey Conference occurs for much the same reasons.

We are working to establish partnerships with the NCAA, the U.S. Olympic Training Center in Colorado Springs, and others. We will host the Women's Final Four this spring and are seeking to host other events.

The \$99 DU VIP Pass has not been as successful as we had hoped. We hope more people will take advantage of it.

Strategic Academic Positioning Document—Vote on Endorsement

Don McCubbrey reminded the Senate that the document was sent to faculty in October and that we would vote to endorse it today.

Rick Leaman moved that the Senate endorse the document. Nancy Sampson seconded the motion. The motion was approved by a 39 to 0 vote.

Other Items

Tim Hurley, Finance Committee, provided a handout summarizing trends in credit-hours taught by various categories of faculty, i.e., tenured, tenure-track, contract, adjuncts, and graduate TAs. In general, the data show increasing use of contract faculty. The full document will be posted on the Senate website.

Jennifer Campbell, Faculty Forum Editor, described ongoing updates to the Faculty Senate website. The site is being reorganized to make it simpler to use and easier to find both Senate and Faculty Forum documents. There may be temporarily non-functional links as changes are implemented. Jennifer is also working with the Office of Communication regarding the site.

As it stands now, everything on the website is fully visible to the public. A key question is whether we should limit access in some manner. This question applies to both Faculty Senate and Faculty Forum content.

We intend to add an RSS subscription feature.

Please use and view the site, and send me any comments or suggestions. We want the site to be useful and used.

Don McCubbrey asked whether there were any additional issues.

Paul Sutton asked whether the Senate has anything to say regarding the Arthur Gilbert matter and the multiple published stories that are circulating. It is an opportunity to discuss some important matters; the community is not on an even keel about this.

Scott Leutenegger, in response to a question from Don McCubbrey, stated the Personnel Committee would look into the matter.

The Provost stated this is an extremely important issue for the university and that while he could not talk about the specific case, he would talk about the process.

Reporting procedures and roles are well articulated in university policies. Potential sexual harassment allegations must be conveyed to supervisors, and reported to the Office of Diversity and Equal Opportunity. The supervisor does not have the option to not report.

The Office of Diversity and Equal Opportunity performs a preliminary investigation. They have performed several such investigations over the past few years without recommending further actions. If there is a potential instance of sexual harassment, a full blown investigation is conducted. This involves interviews, outside investigators, and the person is removed from the setting to protect both the accused and the accuser. This also eliminates the potential for retaliation; we have seen this in the past. It does not matter who the person is; the DU guidelines apply to all positions at the university. The Office of Diversity and Equal Opportunity has no say or role regarding academic freedom. Investigations can be lengthy and complicated because people want to remain anonymous. There is often a power relationship and many reasons why the less powerful person is reluctant to talk or divulge information. As an example, just today I was informed by a parent about a date rape situation. The student is not willing to come forward and may leave DU. I had no choice but to report this incident. Years ago faculty committees had to investigate these claims. We were not well-trained or prepared. You can imagine the results; the current process is surely better. Once the investigation is complete a determination is made. The case then goes back to the department Dean who decides what action should be taken.

I regard the current case as a personnel matter.

I will be happy to answer questions about the process, but not about the specific case.

Sandy Dixon asked about the 2009 revisions to the relevant policies. The Provost explained that the revisions included an opportunity for FRC to weigh-in with an advisory statement, but FRC does not otherwise have a role in personnel matters. We moved away from the Sexual Harassment Board about 15 years ago. Faculty were not well-trained or prepared to serve in such a role and the outcomes were not optimal. An incident from 20 years ago was a “nightmare.”

Question: It seems that the current system also has potential for poor outcomes since a single individual decides the outcome and penalties. The Provost said any administrator has an obligation to consult with others and talk confidentially with colleagues, and he assumes that occurred in this case.

Don McCubbrey reiterated that the Personnel committee would take up this matter and report back to the full Senate.

Adjourn

The meeting adjourned at 1:30 p.m.

Prepared and submitted by

John Hill
Faculty Senate Secretary