

University of Denver
Faculty Senate
Minutes
May 25, 2012
Renaissance Room South

Senators (or proxies) present: Bill Anderson, Kim Bender, Karen Benson, Tess Bruce, Mercedes Calbi, Jennifer Campbell, Victor Castellani (proxy for James Gilroy), Frederique Chevillot, J. Michael Daniels, Rachel Epstein, Steve Fisher (proxy for Erin Meyer), Judith Fox, Katherine Freeman, Chris GauthierDickey, Sylvia Hall-Ellis, Leslie Hasche, Annabeth Headrick, John Hill (Secretary), Allison Horsley, Tim Hurley, Scott Johns, Arthur Jones, Megan Kelly, Michelle Kruse-Crocker, Maciej Kumosa, Rick Leaman, Jeff Lin, Mario Lopez, Sandy Macke, Mohammad Matin, Don McCubbrey (President), Keith Miller, Jessica Munns, Ved Nanda, Vi Narapareddy, Paul Novak, Linda Olson, Paul Pallub, George Potts, Martin Quigley, Tom Quinn, Charles Reichardt, Jeremy Reynolds, Nicholas Rockwell, Nancy Sampson, Sheila Schroeder, Geoff Stacks, Mary Stansbury, Robert Stencel, Jing Sun, Paul Sutton, Joseph Szyliowicz (proxy for Frank Laird), Matt Taylor, Ron Throupe, and Bruce Urmacher.

Call to Order, Approval of Minutes

Don McCubbrey, Senate President, called the meeting to order at noon. Don invited new Senators to introduce themselves.

A motion to approve the minutes from the April 27, 2012 Senate meeting was seconded and approved.

Provost's Report—Gregg Kvistad

Fall enrollments look fine. The budget was approved by the Finance and Budget Committee and will go to the full Board of Trustees in about two weeks. We expect it will be approved. The budget transmittal will be available to you after the Board approves it.

This is an appropriate time to talk about what the faculty has accomplished during the past year (perhaps this will become a tradition?). The booklet distributed at the Research, Scholarship, and Creative Work reception details a large set of impressive accomplishments: 307 faculty members (more than half of the faculty) produced 787 discrete pieces of research, scholarship, and creative work, including 71 books and 91 online pieces. Publishing has become much more difficult. Copies of the RSCW booklet are available from my office. Faculty taught 385,000 credit hours, a 21 percent increase from 318,000 hours in 2004-2005. We had 667 faculty FTEs, a 32.4 percent increase from 504 in 2004-2005. We are clearly intensifying the academic experience.

Tuition revenue was \$372 million, or 70 percent of the budget. For perspective, tuition revenue is 4 percent of the budget at Princeton. We had a slight shortfall, \$750,000, in graduate revenue. We have plans to address this in the fall.

We are making progress on summer undergraduate teaching. For the first time, we have offered full financial aid to summer students. For summer 2012, 738 students have signed up to take 5300 credit hours. We expect this to increase over the over the next few years. We recognize that we will need to consider adjustments to faculty contracts.

Our class size distribution is as follows (a total of 94 percent of classes are 40 students or less):

2-9: 20 percent
10-19: 43 percent
20-29: 23 percent
30-39: 8 percent

This compares very favorably with other intuitions. Our use of adjuncts is declining; teaching by TAs is almost zero. We are hiring lecturers at a faster rate than tenure-line faculty; this is a trend across the country. APT revisions will address contingent faculty.

We are outperforming our competition. We are getting higher quality students than would be expected with our level of financial aid.

Faculty salaries are \$9K to \$15K below benchmarks. We will start addressing this in 2013 with a \$2 million addition to faculty salaries; this is in addition to merit increases. We are planning other additional increases for the next few years.

Questions and Comments:

We need to make hiring decisions regarding lecturers and tenure-lines intentionally and thoughtfully. The APT revisions underway are intended to address this through better job definitions, delineation of promotion opportunities and criteria, etc. Most institutions are hiring lecturers faster than tenure-lines. We need to look at teaching costs, teaching efficiency (I hate this language but it is out there), pedagogy, who is best able to teach a given course (e.g., should full professors teach first-year courses?), etc. No institution will have all or most teaching done by tenure-line faculty as it was 30 years ago. College is now a mass phenomenon. We have to determine who teaches what best.

Question: As the publishing world changes, it is increasingly difficult to get books published. Should the importance of books be deemphasized?—Answer: It is in the hands of faculty to determine what counts for promotion. There are fewer university presses. The economics of publishing will cause us to reconsider what we expect from faculty.

Question: How will the ratio of lecturers to tenure-lines evolve in graduate education?—Answer: Most of our graduate students are in professional schools where we rely heavily on adjuncts. We are adding 14 tenure-line positions at DCB. Units need to be thoughtful and careful about the

roles of contingent faculty and whether or not, and on what matters, they should be allowed to vote.

Question: What are plans regarding graduate units with enrollment shortfalls?—Answer: Pay attention, monitor them carefully. Graduate admissions are not centralized. We have to optimize use of financial aid.

I have to leave early today, so I want to express thanks to Don McCubbrey. He has represented your interests very well to me, the Chancellor, and the Board of Trustees. He has been thoughtful, calm, effective and an excellent partner.

DU Branding Update—Kevin Carroll, Vice Chancellor, Marketing & Communications

Kevin reported the current status of DU's brand, results of brand research regarding DU's brand, and described next steps regarding the DU brand. Kevin's complete presentation is posted on the Faculty Senate website.

Kevin welcomes and needs input. Please telephone or send an email with any comments or questions.

Update on Athletics—Dan Van Ackeren, CFO and Senior Associate Athletic Director

Thank you all for what you do in the classroom and to support our student-athletes. I have invited Joe Scott, Head Coach Men's Basketball, to talk with you about our basketball season. We had our most Division I wins ever and the fifth best attendance increase in the nation.

Joe Scott—Thank you for inviting us. This is a great opportunity to talk about our program, our vision, how we are building our program, and the kinds of people who are involved. Our team had 22 Division I wins. We were four heartbreaking seconds from an unbelievable year, but these are teaching moments and we learned from disappointment and how to behave in the face of adversity. One thing has been settled this season: We are good enough physically, and we know head and heart determine the outcomes of games. This year's success will attract more talented students and student-athletes. We practice character-based coaching; we build the team in the image of the university. Not everyone does it this way. Our players know they are no more special than anyone else on campus.

Senate Elections—Sylvia Hall-Ellis and Frederique Chevillot

The follow persons were elected to the listed positions:

Faculty Forum Editor (2012-2013)

Megan Kelly, University Writing Program

Senator at Large (2012-2015)

Debra Carney, Mathematics
Ray Kireilis, Lamont School of Music

Undergraduate Council (2012-2014)

Mercedes Calbi, Physics and Astronomy

Graduate Council (2012-2013)

Frederique Chevillot, Languages and Literatures

Graduate Council (2012-2014)

Matthew Taylor, Geography

Sustainability Council (2012-2014)

Tom Quinn, Biological Science

Distance Learning Council (2012-2014)

Mary Stansbury, Morgridge College of Education

Library Advisory Committee (2012-2014)

Annabeth Headrick, Art and Art History
Sandra Dixon, Religious Studies

Old Business—Don McCubbrey

We are scheduled to vote today on the following motion which was tabled at our April 27, 2012 meeting:

Given that the academic context of Professor Gilbert's classroom speech was never considered during the investigation that found him guilty of sexual harassment, we urge that the administration vacate the finding of sexual harassment and remove this stain from Professor Gilbert's official personnel record.

Don asked Dean Saitta to re-introduce the motion.

Dean stated the following:

I don't have much to say that I haven't said already over the course of the last year. I should first note that, in my early days at the university, I used to be described as "calm and thoughtful." Now I'm often described as "volatile and confrontational." I guess involvement in faculty governance, and especially AAUP work, will do that for you.

My engagement with the Gilbert case was motivated by both "head and heart", to stay with a trope that others have used at this meeting. I've stuck my neck out very far on the Gilbert case, but I haven't been alone. The National AAUP and FIRE (Foundation for

Individual Rights in Education) have voiced support. Seventeen DU colleagues from our campus AAUP chapter—some of whom lack the protections of tenure and thus are especially vulnerable—put their names to a letter urging the administration to vacate its decision.

The Gilbert case has inspired the Senate to review existing university policies related to the protection of due process and academic freedom. This is good. My motion is about the person at the center of the storm that has produced this useful soul-searching, but who is still twisting in the wind.

The only thing I'd like to say now is prompted by an email I received the other day from a faculty senator. It's about the uninvestigated allegations in the case. As you know, evidence for just two of nine allegations has been used by the administration to support the case that Arthur Gilbert is a sexual harasser. Four other allegations were dismissed for lack of evidence. As FIRE noted in its letter on the case, any conviction must be based on a consideration of the totality of the allegations and the totality of the evidence. It's true that three other allegations—involving Arthur's bringing of a vibrator to class, his talk about masturbation, and his creating of a "highly sexualized" environment—were never investigated from the standpoint of their academic justification. For reasons that are still a mystery to me, the Faculty Review Committee chose not to do such an investigation, even though the Office of Diversity and Equal Opportunity explicitly invited one and Professor Gilbert provided evidence in his defense.

However, I took it upon myself to personally investigate these three allegations in my capacity as the only FRC member having anything close to academic expertise in Professor Gilbert's subject area. I too create a "highly sexualized" environment in a couple of courses I teach on the science of human nature. In my "Supplemental Statement" to the FRC's first report on the Gilbert affair [dated October 4, 2011, and available on FIRE's website] I offered my informed opinion that Gilbert's classroom speech, readings, films and other visual teaching aids were fully consistent with his published scholarship (easily found through a couple minutes of web searching) and the best traditions of academic work in his subject area. The Provost chose to completely ignore my informed scholarly opinion in making his decision. It's as if my report doesn't exist.

I hope that the senate's vote today will strike a blow for due process and academic freedom.

Don McCubbrey added that the FRC met with University Counsel and the Provost. He also invited Paul Chan to speak (the Provost had left earlier and was not present).

Paul thanked the Senate for the opportunity to speak. He stated he would answer questions about policies and processes, but would not answer specific questions about the Gilbert case.

Question: Was Professor Gilbert banned from campus?—Answer: I am not aware of specific bans from campus. We have had some people restricted from portions of campus and

classrooms; even in these situations the individual can ask for permission to return for a specific event. The bans are used only where there are safety or security concerns, or to prevent harassment.

Question: Who speaks for the University in these matters?—Answer: Any supervisor can request action be taken, but they can only ask. Action would not be taken solely on the basis of a request.

Question: Does a Dean have the right to take actions?—Answer: A Dean can request actions, but it would not occur based solely on the request.

Question: What would be the effect of passage of this motion?—Answer: I don't know and I cannot speak for the Provost or the Chancellor.

Question: By what right is action taken?—Answer: There are several reason for taking such action such as requirements of statutes, Title IX, state and local laws, and if it is the right thing to do.

Question: Content about sexuality, religion, etc. will inevitably be offensive to some.—Answer: There is a range here. Offensive statements can be handled differently than sexual harassment. When harassment is alleged a process is applied starting with investigations by the Office of Equal Opportunity. The determination of remedial response is left to the responsible manager. The response should be “sincere and reasonable;” there is always a process for appeal of these decisions. The OEO only assesses whether there was a violation of policy, it does not assess academic justification.

Scott Leutenegger stated that this is a very complicated and important issue. We want don't want to discourage conversations about it. We have formed an ad hoc committee to work on gender and sexual harassment issues with the Provost and General Counsel.

Maciej Kumosa stated he has major objections to the way this was handled and the university's response was “outrageous.”

The results of the senate vote were (by secret ballot):

Yes—22

No—11

Abstain—11

President's Comments—Don McCubbrey

Don thanked the Senate for the opportunity to serve. He stated he agrees with the recently retired Archbishop of Canterbury who recommended that his successor should possess “...the hide of a rhinoceros and the constitution of an ox.”

Don passed the gavel to Scott Leutenegger, the incoming president of the Faculty Senate.

Adjourn

The meeting adjourned at 1:15 p.m.

Prepared and submitted by

John Hill
Faculty Senate Secretary