I. Welcome

Dr. Todd Larabee, President of the Faculty Senate for 2012-13, called the meeting to order.

II. Approval of Minutes from October 9, 2012 Faculty Senate Meeting

Minutes from the October 9, 2012 Faculty Senate Meeting were unanimously approved.

III. Dean's Comments

There were no Dean’s comments as the Dean was out of town.

IV. Update on Indoor Air Quality in RC1 North

Dave Turnquist (Associate Vice Chancellor for Facilities Management), Ethan Carter (Director, Environmental Health and Safety), and Chris Puckett (Legal) presented an update on the investigation into indoor air quality in RC1 North. In May 2011 there were complaints from several occupants of RC1 North of poor air quality. EH&S conducted an Indoor Air Quality (IAQ) investigation starting then, and in October 2011 produced a report stating they were unable to pinpoint a cause of the various issues reported by building occupants (such as headaches and itchy eyes). A third party outside consultant was hired to conduct their own IAQ investigation, and they produced a report in August 2012. Major findings of this report include that the main complaints (from <20 people) and symptoms could not be linked to any sampling results, building operations, or building activities. There were odors detected which were tied to air movement from the vivarium to upper floors via a freight elevator. There was a chemical odor on the north side exterior via a vacuum vent. There was water intrusion via the roof on the 9th floor. There were poorly located maintenance activities (which have been moved). There was inadequate ventilation and poor practices in the student lab (1st floor). There was no persistent, reproducible chemical or toxicant identified, and the building HVAC system was found to be operating correctly.

Several of the issues that were identified in the report will be undertaken as part of a re-commissioning effort and building upgrade, and work on this has already started. Cost of these projects are estimated at around $500K. In summary, three formal investigations were undertaken in response to internal observations and occupant complaints. Although no causes were pinpointed as a cause of the
complaints and symptoms, multiple areas and activities were identified within the building that required attention, and work has begun on these. EH&S and Facilities will continue to monitor building performance.

Chris Puckett from Risk Management emphasized that people should always bring forward a worker's comp claim. They should never have any pressure not to report. If there are any concerns, employees are encouraged to contact University Risk Management. They can be found at www.cu.edu/risk.

*Question from a Senator: What exactly were you looking for as a cause of symptoms?*
*Ethan Carter: Things that were going on in that building specifically, such as indoor toxicants, introduction of pollution to the building, HVAC system, any activities that make logical sense to this building.*

*Question from a Senator: What symptoms were being reported by people, and what part of the building?*
*Ethan Carter: Headaches and itchy eyes were the most common, not in any particular location of the building. Most people complaining were in the north tower of the building, on the north end. Some people had smelled welding that was going on. The vivarium is in that building, and some bedding odors were in this area.*

*Question from a Senator: I heard the 7th floor ventilation system was an issue, was maybe not connected properly?*
*Ethan Carter: It is operating as designed. We scoped ventilation areas, and they're working well. We will be having a brown bag lunch for occupants of RC1 in the near future to discuss our findings and reports, and where to go from here.*

V. Discussion regarding Concealed Carry

Dr. Larabee opened this discussion by mentioning that the Faculty Senate Officers thought the issue of concealed carry permits allowing people to have concealed weapons was something that affects all of us, and therefore it would be a good issue to discuss. He mentioned that a petition has been circulating, and the Faculty Senate should take a vote today to either agree with the petition, disagree with the petition, or have no opinion on the petition. He then introduced the first of two speakers for the discussion.

A presentation regarding the Colorado Supreme Court ruling in the Students for Concealed Carry lawsuit was made by Doug Abraham, Chief of Police for the University of Colorado Denver Police Department. He brought three handouts, which are attached to the end of these minutes. A brief summary of his handouts is that the Colorado Supreme Court ruled that anyone with a concealed carry permit can bring a registered, approved weapon on campus. To be clear, this does not apply to Children's Hospital Colorado or University Hospital Colorado as they are
independent entities on this campus. The police department cannot prevent anyone with a permit from carrying a concealed weapon to class, a research lab, etc. The number one question Chief Abraham gets is what to do if someone sees a weapon. Chief Abraham said this is really a question of whether the person with the weapon intentionally showed it or if it was unintentional (such as a glimpse of a weapon on a belt behind a coat that was seen when someone was bending over). If it was intentional, then the person is in violation of the permit. Chief Abraham encouraged anyone who was concerned about seeing a weapon, even if they weren’t sure whether it was intentional on the part of the person carrying the weapon, to call campus police. He would rather field several calls that turned out to be a non-issue than have people on campus try to make that determination.

**Question from a Senator**: Why do people have a permit? Is it for self-defense?  
**Chief Abraham**: They don’t need to have a reason why. Colorado State Legislature said that unless there is a reason to deny a person a permit (such as documented mental illness), you will be granted one. Permits are issued by county sheriffs.

**Question from a Senator**: What advice do you give if a student or staff member discloses they are carrying a weapon but aren’t showing it, if they could reasonably be construed as threatening?  
**Chief Abraham**: Call the police, no discussion. People should have a low threshold to contact the police office. It comes down to what is alarming to a person, not the police. They would rather err on the side of being called too often.

**Question from a Senator**: How many people have permits on this campus?  
**Chief Abraham**: No idea. No database exists. The varying sheriff’s offices don’t have standardized ways to track who has permits, and they generally don’t communicate with each other about this.

Chief Abraham mentioned that if you walk down the street with an *unconcealed* weapon, it’s ok, but on campus it must be concealed and it must be with a concealed carry permit. Grounds and parking lots go with the respective institutions (i.e. CHCO and UCH). He also mentioned that campus police deal with things reasonably. If a person didn’t intend to violate the policy, they generally get a warning.

**Question from a Senator**: Is there a requirement for a safety on the gun? What about training?  
**Chief Abraham**: No requirement for a safety. But it must be a weapon with a registration number. There is a one time 4 hour class, then you can get a permit.

**Question from a Senator**: Some clinics are UCH clinics but are in University of Colorado buildings. Is it ok to bring concealed carry permit weapons there?  
**Chris Puckett (Legal)**: We are looking into the legal aspects of that.

Next, Dr. Larabee introduced Chad Kautzer, Assistant Professor of Philosophy (UCD), who is one of 4 authors of a petition to President Benson to lobby the
Colorado Legislature to restore jurisdiction of the CU Board of Regents to regulate firearms at CU. The petition and link are attached to the handout for this Faculty Senate meeting provided to all Faculty Senators. Mr. Kautzer says that he is not here on official university business, and specifically mentioned (with agreement from Chris Puckett of Legal) that nobody can work on this petition in their official university capacity, including dissemination of emails using their university email address. He provided his personal email address, chadkautzer2003@yahoo.com. He says the intent of the petition is directed at the University to get them on board with lobbying the Colorado State Legislature to make an exemption for CU, allowing the Board of Regents to regulate their own policies related to firearms and concealed carry permits. The petition includes mention of the unique environment on all campuses for which it makes more sense to have the Board of Regents have jurisdiction. He does not know how much success the petition will have, but mentions that so far there is overwhelming support, and he would like the support of the SOM Faculty Senate. He anticipated by January presenting the petition publicly. Mr. Kautzer says that you can state your university affiliation if you choose to support the petition, but cannot officially represent the University of Colorado in doing so.

If the Faculty Senate wants to support this, Mr. Kautzer could list the SOM Faculty Senate as a supporter on the petition. He says that the goal of the petition is to make this a local issue. Regents don't have to oppose the Supreme Court decision if they don't want to. His hope is that if there is enough support on campus it will pressure the Regents to oppose the Supreme Court decision. He mentioned that the International Association of Campus Police is on record as opposing weapons on educational campuses. Dr. Steve Lowenstein clarifies that the intent of all of this is to include universities on the list of exceptions to existing law (which includes state legislative buildings and government buildings with a permanent x-ray scanner at the entrance).

*Question from a Senator (medical class representative):* Can students get involved?  
*Mr. Kautzer:* Absolutely yes.

*Question from a Senator: How do we report back to our departments?*  
*Mr. Kautzer and Mr. Puckett:* You can and should report back that this was presented at the Faculty Senate meeting, and can provide a link to the petition using your university email. You cannot attempt to coerce people to decide one way or another.

*Question from a Senator: What has happened in other states?*  
*Mr. Kautzer:* For the last 4-5 years there have been proposals from varying groups in an average of 15 states each year to allow conceal carry on campus.

**ACTION ITEM:** A motion was made to state that the SOM Faculty Senate is in supportive of the petition to President Benson. It was seconded. The Faculty Senate voted 28-0-1 to approve the motion.
VI. Faculty Assembly Overview

Dr. David Port, President of the AMC Faculty Assembly, gave an overview of the purpose and activities of the Faculty Assembly. He provided slides for his presentation. The purpose of the Faculty Assembly is to be the elected body to represent members of the AMC Faculty. It has authority to do this delegated by the CU Board of Regents. It advises and recommends action to the UCD Chancellor and the CU Faculty Council concerning matters related to academic policy and ethics. It consists of elected representatives from each of the campus schools and library, and the chairs of the faculty governing organizations in each of the schools. They meet monthly and welcomes all faculty members to attend the meetings.

There is proportional representation in the Faculty Assembly for the various schools on campus, and as such the SOM has the majority of representatives (currently 11 members of the SOM, with the next closest school having 2 members). Dr. Port says that usually only 3-4 members from the SOM attend the Faculty Assembly meetings, and questions whether we really need proportional representation. He says that the Faculty Assembly is a conduit to the Chancellor and the CU System Faculty Council, and represents an important voice to President Benson.

Dr. Port encourages anyone interested to attend the Faculty Assembly meetings. Dr. Larabee stated that as a way to encourage interaction and continuity with the Faculty Assembly the Faculty Senate Past-President, President, and President-Elect will be attending Faculty Assembly meetings, at a minimum.

The meeting was adjourned at 6:00pm.

***Of note, the Update on Standards for Notice of Non-reappointment for Non-tenured Faculty Policy was postponed to a later meeting due to lack of time today.

Respectfully submitted,

Bruce Landeck, MD
Faculty Senate Secretary
Dear Members of the University of Colorado Community,

There has been much discussion recently about Colorado’s concealed carry law as it relates to our campuses, and I want to take this opportunity to address the issue.

To provide some historical context, the Board of Regents originally passed a weapons control policy in the 1970s, and updated it as necessary, which prohibited weapons on campuses. In 2003, Colorado’s General Assembly passed the Concealed Carry Act, allowing those 21 and older to obtain a concealed carry permit issued by a law enforcement agency.

CU’s view on the issue was that the Colorado Constitution gives our Board of Regents the constitutional and statutory authority to govern the campuses, including enacting a weapons policy. We contended that whether concealed carry was a good idea or a bad idea was an issue best decided by the board in consultation with the university community. The Attorney General issued a statement at the time that the university’s position was lawful. A group called Students for Concealed Carry brought suit in 2010 and argued that the Concealed Carry Act preempted CU’s weapons control policy. The university prevailed in the trial court. After appeals, the Colorado Supreme Court (the highest court that could hear the argument) determined that “the General Assembly divested the Board of Regents of its authority” to prohibit concealed carry on campus, which extended the Concealed Carry law to our campuses.

You may have seen recently that on our Boulder and Colorado Springs campuses, the Regents directed the chancellors to evaluate concealed carry in residence halls and at ticketed events such as football games. The chancellors amended the agreements governing admission to these facilities and events in a manner that promotes campus safety while still creating a student housing option for concealed carry permit holders. This balanced approach complies with state law and thoughtfully address complicated issues. You can read about it here. Because student housing on the downtown Denver campus is privately run and there is no student housing on the Anschutz Medical Campus, the contractual amendments have occurred only on the Boulder and Colorado Springs campuses.

Under the Concealed Carry Act and the Colorado Supreme Court’s ruling, concealed carry permit holders have the ability to possess a concealed firearm on public grounds and in publicly accessible buildings, including classrooms and workplaces. I understand this is a big change for the university, altering how we have operated for 136 years. We understand that many students, faculty, and staff believe that firearms should not be allowed on campus. Others believe that concealed firearms are necessary for self-protection. Today, the law allows concealed carry permit holders to carry a concealed handgun on public grounds and in publicly accessible buildings. The university will comply with the law, but many questions naturally arise.

I have asked our general counsel to further detail the implications of the law as it relates to the myriad activities and events on our campuses. The analysis will aim to clear up as many gray areas as possible, but it will not address every contingency. I expect each campus will have ongoing discussions on the issue and will complement counsel’s analysis, which I expect to be available soon.

There has been talk in the media and elsewhere about the potential for the legislature to explicitly consider the law’s application to higher education institutions during the 2013 legislative session. While legislative action is a possibility, there are no legislative proposals currently before the Board of Regents, nor has the board decided whether to promote any particular legislation. The board customarily does not direct us to seek legislation unless a significant majority of regents support it. If legislators draft proposals, the Board of Regents will consider them, and ultimately may support changes to the Concealed Carry Act. Potential legislation would not be introduced until January at the earliest.

I understand this is an emotional issue in our society and on our campuses. Our top priority is the safety of our students, faculty, staff and visitors. In the coming weeks and months, we will continue discussions about how we meet that imperative in light of the Colorado Supreme Court’s decision that the Concealed Carry Act limits the weapons policy at our university.
March 7, 2012

To the University of Colorado Denver Community:

Monday, the Colorado Supreme Court issued its ruling in the Students for Concealed Carry lawsuit. The Board of Regents believed that it had the authority to regulate the possession of concealed weapons and that its policy was in the University of Colorado’s best interests. The opinion however holds that the General Assembly intended state laws governing concealed weapons to divest the Board of Regents of its authority to regulate concealed handgun possession on campus.

After this ruling, citizens who possess concealed carry permits may lawfully carry their concealed weapons on University of Colorado campuses. We recognize that most concealed carry permit holders are responsible gun owners who will exercise this privilege responsibly. At the same time, we continue to believe that our campus police are in the best position to respond to any emergency situations.

The Colorado Supreme Court’s ruling applies only to allow concealed carry permit holders to carry handguns on campus and in buildings that are leased, owned or operated by the University of Colorado including those on the Anschutz Medical Campus and the University buildings on the Downtown campus (Lawrence Street Center, the CU Building and Lawrence Court). It is important to make sure that everyone understands that the Colorado Supreme Court decision applies only to individuals in lawful possession of a handgun under Colorado Concealed Carry Law. The court decision did not strike down the remainder of the Weapons Control policy, which prohibits other firearms, explosives, certain knives, and other dangerous weapons. Because a person must be at least 21 years of age to receive a concealed carry permit, persons under the age of 21 may not carry concealed handguns. Nor may any person who does not possess a concealed carry permit bring a handgun onto University of Colorado property. The Police Department will continue to enforce these requirements.

The Board of Regents will meet in the near future to discuss the Colorado Supreme Court’s ruling and what it means for the University of Colorado’s campuses. Among the subjects that the Board of Regent will discuss undoubtedly is the best way to promote campus safety within the requirements of Colorado law. Both the Regents and the University of Colorado Denver leadership team are committed to providing a safe educational experience. We will continue to update you on our efforts and appreciate your patience as we respond to this decision.

To contact the CU Denver Police Department at the Anschutz Medical Campus, call 303-724-4444. To contact the Auraria Police Department, call 303-556-5000.

UNIVERSITY OF COLORADO DENVER POLICE DEPARTMENT

Doug Abraham, Chief of Police
Policy 14: Property and Facilities

14.1: Weapons Control

WHEREAS the unauthorized possession of firearms, explosives, and other dangerous or illegal weapons on or within any University of Colorado campus, leased building, areas under the jurisdiction of the local campus police department or areas where such possession interferes with the learning and working environment is inconsistent with the academic mission of the university and, in fact, seriously undermines it;

WHEREAS the unauthorized possession of such weapons threatens the tranquility of the educational environment in an intimidating way and it contributes in an offensive manner to an unacceptable climate of violence;

WHEREAS the university educational mission should attempt to teach and model those values which are held to be important to the nation as a whole;

WHEREAS in passing the Colorado Concealed Carry Act, Colorado Revised Statute 18-12-201 et seq., Colorado’s General Assembly authorized qualified citizens to obtain a permit to carry concealed weapons and the Colorado Supreme Court has held that the Act applies to university property;

WHEREAS the Board of Regents and the University of Colorado are committed to upholding the law, recognizing the right of citizens to protect themselves and others in accordance with the Colorado Concealed Carry Act, and preserving the University of Colorado campuses as safe and tranquil learning environments;

NOW THEREFORE BE IT RESOLVED that the unauthorized possession of the firearms, explosives, or other dangerous or illegal weapons on or within any University of Colorado campus, leased building, other area under the jurisdiction of the local campus police department is prohibited. Notwithstanding the foregoing, the University of Colorado shall not, by rule or regulation, restrict the ability of any person who has been lawfully issued a permit to carry a concealed handgun under the provisions of Colorado law to exercise the right to concealed carry in any public places or publicly accessible buildings on the University of Colorado campuses.
Colorado campuses. It shall not be a violation of this policy for such person to carry a concealed handgun consistently with the requirements of Colorado law. When acting pursuant to such a permit and acting in conformity with Colorado law possession of a concealed handgun on university property shall not be deemed to be "unauthorized."  

In those situations where the University of Colorado grants access to buildings or facilities pursuant to a contractual relationship, such as a landlord-tenant relationship for access to student housing facilities or a licensor-licensee relationship for access to events that are not generally open to the public, the chancellor of each campus shall have the authority to enter contracts with students, employees, and guests of the University of Colorado governing the terms of that relationship, including contractually limiting the ability of persons to exercise the ability to possess a concealed firearm in those buildings or facilities. In the event that a person violates the terms of such a contract, the person may be excluded from the building or facility to which he had been granted access pursuant to the contractual relationship.

A "dangerous or illegal weapon" may be an instrument of offensive or defensive combat; anything used, or designed to be used, in destroying, defeating, or injuring a person; an instrumentality designed or likely to produce bodily harm; or an instrument by the use of which a fatal wound may probably or possible be given. A "dangerous or illegal weapon" may include, but not be limited to, the following: any firearm, slingshot, cross-knuckles, knuckles of lead, brass or other metal, any bowie knife, dirk, dagger or similar knife, or any knife having the appearance of a pocket knife, the blade of which can be opened by a flick of a button, pressure on the handle or other mechanical contrivance. A harmless instrumentality designed to look like a firearm, explosive, or dangerous weapon which is used by or is in the possession of a person with the intent to cause fear in or assault to another person is expressly included within the meaning of a firearm, explosive, or dangerous weapon.

Possession of firearms, explosives, or other dangerous weapons is permitted for peace officers or for others who have written permission from the chief of police for those campuses which have such an officer or from the chancellor after consultation with the chief of police. Firearm storage may be provided by campus police as a service to students or employees residing in campus housing.

FURTHER RESOLVED that the individual found guilty via a due process procedure of the unauthorized possession of firearms, explosives, or other dangerous or illegal weapons, and who is found to have intentionally or recklessly used or possessed such weapons in a way that would intimidate, harass, injure or otherwise interfere with the learning and working environment of the university, shall be banned from the university campus, leased building, or other area under the control of university campus police. In the case of the University of Colorado Denver, officials shall make every effort to work with the Auraria Higher Education
Center officials to obtain such ban. This section is not intended to limit the discretion of the university to institute summary suspension proceedings.

In the case of a student who is found guilty via a due process procedure to have intentionally or recklessly used or possessed an unauthorized weapon in a way that would intimidate, harass, injure or otherwise interfere with the learning and working environment of the university, the minimum disciplinary sanction shall be expulsion.

In the case of an employee who is found guilty via a due process procedure to have intentionally or recklessly used or possessed an unauthorized weapon in a way that would intimidate, harass, injure or otherwise interfere with the learning and working environment of the university, the minimum disciplinary sanction shall be termination of employment, subject to such other rules governing the employment relationship.

FURTHER RESOLVED that this resolution is intended to clearly state expected standards of personal conduct for employees, students, and visitors;

FURTHER RESOLVED that to the extent that institutional policies need to be amended to reflect the intent of this resolution, the administration is directed to proceed to make such changes.

History: Adopted March 17, 1994; revised September 12, 2012

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