



To: Michael Lightner, CU Vice President for Academic Affairs
Cc: Rod Nairn, Provost and Executive Vice Chancellor for Academic and Student Affairs
Dorothy Horrell, CU Denver Chancellor
Nelia Viveiros, Assistant Vice Chancellor for Academic Affairs
Ravinder Singh, CU Faculty Council Chair
David Thompson, Chair of CU Faculty Council Educational Policy and University Standards (EPUS) Committee
From: CU Denver Faculty Assembly
Re: Response to Draft 02 of Article V
Date: 09 April 2018

On March 2, 2018, your office issued a memo entitled *Recommended Changes to Article 5 and Related Policies, Second Draft*, detailing the additional changes made to the Regents' Laws and Policies after its third round of review. As you have done during the entire revision process, you have requested feedback from the campus assembly. We understand that, following review of feedback on the current draft, the final document will be submitted to the Board of Regents Governance for consideration.

The CU Denver Faculty Assembly distributed this memo and the associated policy revision documents to all faculty on the campus and then briefly discussed this work at its March 6, 2018 meeting. As the revisions were more focused than in previous rounds, the committee designated a task force, consisting of five faculty representatives from the Assembly, to compile a memo that draws from faculty feedback to represent the consensus of the CU Denver faculty community it represents. Members of CU Denver's Faculty Assembly were given the chance to review this memo. After the CU Denver Executive Committee discussed the memo and additional faculty left feedback at its April 3, 2018 meeting, the Assembly membership conducted an electronic vote on submitting the memo between Thursday, April 5th, and Saturday, April 7th via *Survey Monkey*. Thirty-four faculty members of the Assembly were invited to participate in the vote. Ultimately **21 members voted in favor of the memo and one member voted against it** (a final tally of **21-01-00-12** [*in favor – opposed – abstentions - no vote or absent*]).

Please note that the line numbers in the body of the memo below are drawn from the “clean” version of the Article V draft sent on March 2nd, rather than the “red-lined” version.

The CU Denver faculty again like to express our appreciation and support for the open revision process that your office is leading.

Policy 5.A.1.B

10 *The faculty (tenured and tenure track faculty with appropriate participation by*
11 *instructional, research, and clinical faculty) has the principal responsibility for*
12 *decisions concerning pedagogy, curriculum, research, academic ethics, and the*
13 *selection and evaluation of faculty.*

As noted in our memo from February 06, we believe that the role of tenured and tenure-track faculty vis-à-vis other faculty should be left to the discretion of individual units, and therefore recommend deletion of the phrase within the parentheses, “(tenured and tenure track faculty with appropriate participation by instructional, research, and clinical faculty)” from lines 10 and 11.

Policy 5.A.1.B

17 *Issues concerning the academic calendar and appropriate teaching modality shall*
18 *be addressed in collaboration with the faculty.*

While the Faculty Assembly lauds the language amendments over the previous draft because it at least acknowledges a collaboration with faculty with respect to course modality and teaching schedules, we believe that course modality is inseparable from pedagogy and curriculum, which should remain exclusively a faculty affair. We therefore strongly urge you to delete this language pertaining to administrative involvement with “course modality.”

Policy 5.D.1

97 *Tenured and tenure track faculty members who believe they have been unjustly*
98 *denied reappointment, tenure, or promotion or unjustly dismissed for cause may*
99 *file a grievance with the Faculty Senate grievance committee.*

We continue to believe that non-tenure track faculty should have the right to file a grievance with the Faculty Senate and therefore recommend strongly advocate for deletion of “Tenured and tenure track” from line 97.

Policy 5.A.1.B.1

131 *Faculty members of the primary unit shall have principal responsibility for the*
132 *conduct of annual faculty evaluations and post-tenure reviews based on*
133 *procedures developed in collaboration with the administration, as stated in*
134 *section 5.A.1(C)(1).*

The CU Denver Faculty Assembly believes that conduct of annual faculty evaluations and post-tenure reviews should be conducted exclusively by experts within the field and therefore strongly advocate for retaining the language from the first draft, replacing the word “principal” with the word “sole” in line 131.

Policy 5.A.1.C.4

153 *In the preparation of campus and system budgets, the administration shall*
154 *have the principal role, with early collaboration with the appropriate faculty*
155 *governance group(s), subject to the ultimate authority of the Board of*
156 *Regents or its designee(s).*

We believe an example would be helpful and suggest replacing the text beginning in line 155 with “... governance groups(s), such as unit budget priorities committees, subject to the ultimate authority of the Board of Regents or its designee(s).”

Policy 5.A.1.D

158 *On board or system-level issues concerning the general academic welfare of the*
159 *university, the faculty shall collaborate with the administration in developing*
160 *recommendations to the president.*

We recommend replacing the above text with the following for improved clarity:

The faculty shall collaborate with the administration in developing recommendations to the president on Board of Regents or system-level issues concerning the general academic welfare of the university.

Policy 5.B.2.C

194 *Faculty members may be responsible for requirements (e.g. course content, topic*
195 *order, course schedule, assessment mechanisms) specified by responsible*
196 *faculty bodies, such as curriculum committees.*

We recommend changing the words “may be” in line 194 to “are.” We further recommend inserting the word “pedagogical” before the word “requirements” in the same line.

Policy 5.C.G.2.

244 *The Board of Regents delegates to the administration the responsibility for*
245 *determining the required qualifications and processes to promote a faculty member*
246 *the rank of full professor.*

We recommend deleting this policy, as the faculty firmly believes that faculty in the appropriate academic unit, and not administration, should be entirely responsible for decisions regarding promotion to rank of professor.

Policy 5.C.4

The CU Denver Academic Personnel Committee fully supports the inclusion of Section 5.C.4 “Other Terms and Conditions of Faculty Appointments.” This will help address long-standing issues involving faculty with primarily instructional responsibilities.

Policy 5.D.2.b

393 *A recommendation of tenure based on excellence in teaching or scholarly/creative*
394 *work shall include evidence of impact beyond the institution.*

The CU Denver Faculty Assembly argued in its previous memorandum, dated February 6, 2018, that we believe that award of excellence in teaching should not be constrained to demonstrated impact beyond the institution. While the language was changed to exclude the word “external” (evidence) of impact, the idea that demonstrated excellence in teaching shall also include evidence of impact beyond the institution remains.

As we argued in our previous memo, while we support the idea that that excellence in *research* should demonstrate impact beyond the institution, we believe that excellence in *teaching* may be achieved by providing an outstanding education to CU students alone, without such a demonstrated impact beyond the institution.

To summarize, the rationale for this argument includes the following ideas.

- (1) Inclusion of this statement violates the established Regental principle that primary units alone have the authority to determine their units’ criteria for reappointment, tenure, and promotion.
- (2) Additionally, scholarly teaching merit is conceived and structured in most disciplines in such a way that inclusion of this statement would essentially rule out the possibility of tenure through excellence in teaching for many of CU’s faculty.

Additionally, we believe inclusion of the word “teaching” in this statement contradicts a key and foundational message of the university: that providing an outstanding educational experience for its own students is critical to its mission.

(3) Inclusion of this statement enables faculty who serve as truly outstanding educators *for CU students* to be denied tenure if they are not able to demonstrate impact beyond the institution.

(4) Inclusion of this statement may similarly enable faculty who *do not* serve as high quality educators for CU students to be awarded tenure if they demonstrate impact on teaching beyond the institution through, for example, scholarly research on pedagogy or authorship of textbooks.

Finally, and critically, it is the strong opinion of the committee that

(5) the most appropriate place for decisions pertaining to the judgement of teaching excellence should remain within the domain of the **campuses** and **individual units**, rather than the university. Removing this language from the articles would preserve the right of the campuses and its units to build the criteria for teaching most appropriate to the culture and practice of individual institutions and fields.

We therefore recommend that the language in these lines be amended to the following, to omit the words “*teaching or*”:

A recommendation of tenure based on excellence in scholarly/creative work shall include evidence of impact beyond the institution.

Policy 5.E.1.B

471 ...

472 *be dismissed without the opportunity to be heard according to the provisions of this*

473 *policy. The provisions of this policy only apply to tenured and tenure track faculty.*

We recommend inserting the policy number (5.E) after “this policy.” It is ambiguous without the policy number.

Policy 5.F.1.D

596 *One year's formal notice will be provided to tenured and tenure track faculty*
597 *members whose appointments are to be terminated.*

We strongly recommend inclusion of research and clinical track faculty in this notification provision.

Inclusion of Library Faculty in Faculty Governance

Finally, in Section (D), we fully support the creation of faculty governance bodies in each school/college/library. We respectfully suggest that each instance of “school/college” in the draft document be amended to “school/college/library” as to make clear that library faculty are considered full participating faculty in all university academic & shared governance activities.

We thank you once again for your work and consideration.

Sincerely,

Peter Anthamatten, Chair, CU Denver Faculty Assembly
CU Denver Faculty Assembly