



# Faculty Handbook

Revised Spring 2017

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## **CHAPTER 1 – SHARED GOVERNANCE**

### **1.1 Faculty Governance** (revised July 2013)

This section becomes a part of every ranked faculty member's contractual employment rights. All faculty members are required to be familiar with and abide by the terms and conditions of this section as a condition of their employment with the University.

#### **1.1.1 Faculty Senate Constitution**

##### **1.1.1.1 Article I - Name**

The official name of the governing body of the faculty of Colorado State University - Pueblo shall be the Faculty Senate.

##### **1.1.1.2 Article II - Purpose**

The Faculty Senate is constituted as the representative body by which the faculty participates in the conduct of the University's affairs.

It provides leadership in the protection of academic freedom; the development, maintenance, and evaluation of academic programs and educational standards; and the advancement of the University by submitting recommendations to the President through the Provost concerning all matters within its jurisdiction.

##### **1.1.1.3 Article III - Duties**

###### **Section 1**

The Faculty Senate shall oversee elections to the Faculty Senate through its Committee on Shared Governance and elect officers as provided for in the Bylaws of the Faculty Senate.

###### **Section 2**

The Faculty Senate shall elect ranked academic faculty members to serve on those boards requiring Faculty Senate representation as defined in Section 1.2 of this Faculty Handbook.

###### **Section 3**

The Faculty Senate shall elect the ranked academic faculty membership and review the actions of all Faculty Senate estate committees and those boards listed in Article VII of the Bylaws.

###### **Section 4**

Within fourteen (14) calendar days of taking action, the Faculty Senate shall forward to the Provost for review, recommendation, and submission to the President its recommendations concerning all actions taken by the estate committees and the boards listed in Article VII of the Bylaws regarding curriculum, degree programs, and academic policies and standards. The Provost will report to the Faculty Senate at its next regularly scheduled meeting on the President's response to Senate recommendations.

###### **Section 5**

The Faculty Senate shall review and recommend to the ranked academic faculty revisions of Section 1.1 and 1.2 (except portions of 1.2 pertaining to Councils and University Advisory Boards) and Chapter 2 of the Faculty Handbook as proposed by the Faculty Handbook Committee of the Faculty Senate or other duly constituted bodies, as provided in Section 2.19.

#### **1.1.1.4 Article IV - Amendments to the Faculty Senate Constitution** (revised August 2013)

Amendments to this constitution may be initiated by a majority vote of the Faculty Senate, by a petition signed by at least twenty (20%) percent of the ranked academic faculty, or by the Board of Governors. Prior to being called for a vote in the Faculty Senate, proposed amendments to these Bylaws shall also be reviewed by the Office of General Counsel and the Provost per the procedure stated in [Section 1.1.2.7, Article VII, Section 5](#) of these Bylaws. All amendments initiated by the Faculty Senate or by petition shall be presented in writing with Faculty Senate recommendations to the ranked academic faculty in referendum and shall be ratified by a two-thirds (2/3) majority of those who vote. By a majority vote of the Senate, such amendments may be presented to the ranked academic faculty by mail ballot.

If ratified by the academic faculty, such amendments shall be presented to the Provost for transmission to the President. The President shall submit such proposed amendments to the Board of Governors with recommendation for the Board of Governors' consideration at the earliest possible date in accordance with the then existing Board procedures. Any such amendments approved by the Board of Governors shall become effective the subsequent July 1, unless an earlier effective date is mutually agreed to by the Board of Governors and the Faculty Senate, and shall be posted on the University's website in a timely manner by the Provost's office. All amendments initiated by the Board of Governors shall be submitted to the Faculty Senate for its review and recommendations before final adoption by the Board. The Board of Governors shall, by resolution, send proposed amendments to the Faculty Senate and state a time period within which the Faculty Senate shall provide its recommendations. Upon receipt of such recommendations or expiration of such time period, the Board of Governors may adopt the proposed amendments in their original or modified form. The Chair of the Faculty Handbook Committee shall be responsible for verifying that the necessary changes have been made in the subsequent edition of the Faculty Handbook.

### **1.1.2 Bylaws of the Faculty Senate Constitution**

#### **1.1.2.1 Article I - Membership**

##### **Section 1 Election**

Membership shall be by elected representatives as provided for below, with the exception of the faculty representative to the Colorado Faculty Advisory Council of the CCHE who shall serve as an ex-officio member.

##### **Section 2 Number of Senators from Each Electing Unit**

Each college, school and the library will hereafter be referred to as electing units. The number of Senators from each electing unit will be determined on **October 1** of each year for spring elections of Senators for the subsequent academic year. The number of Senators from each electing unit shall be equal to the number of Budget FTE faculty positions divided by eight (8) with all fractions rounded up to the next higher whole number. The number of Budget FTE faculty positions will be determined using the Staffing Patterns Report, verified by the Provost, reviewed by the Faculty

Senate President and the Faculty Senate Executive Committee. The number of Budget FTE faculty positions in each electing unit will be equal to the total Budget FTE of ranked faculty (as defined in Section 2.2.1) positions. Vacancies with a non-zero Budget FTE figure shall be included in the total; visiting faculty positions and vacancies held by lecturers shall not be counted, unless the visitor or lecturer is temporarily filling a regular tenure-track vacancy with a non-zero Budget FTE. There will be a minimum of two (2) Senators from each electing unit, regardless of the number of FTE faculty positions.

### **Section 3 Provost Senate Service**

The Provost shall be an ex-officio member of the Faculty Senate with all the rights and privileges of a Senator but without voting privileges in either the Faculty Senate or in Senate estate committees and boards listed in Article VII of these Bylaws.

### **Section 4 Term of Service**

Senators shall be elected for terms of two (2) academic years, except as provided in Article II, Section 4 of the Bylaws. Terms for Senators shall begin at the Senate Retreat meeting in August following their election, with the exception of the Colorado State University System Board of Governors Representative.

### **Section 5 Board of Governors Representative**

The Colorado State University System Board of Governors representative shall serve as an elected member of the Faculty Senate at the time of the Board of Governors election who holds the rank of associate professor or professor, and shall be elected for a term of one (1) academic year, which will be from **June 1** until **May 31** of the subsequent year. The Board of Governors representative shall serve as an officer of the Faculty Senate. A Senator who does not complete a Senatorial term for any reason will relinquish the office of CSUS Board of Governors representative at the same time. The CSUS Board of Governors representative may be re-elected for one additional term.

### **Section 6 CFAC Representative**

The Faculty Senate representative to CFAC shall be elected by and from the ranked academic faculty for a two-year term concurrent with the academic year beginning at the Senate Retreat meeting in August.

### **Section 7 Recall**

Senators considered by their constituencies not to be performing duties satisfactorily may be recalled by a two-thirds (2/3) vote of their constituencies. Recall shall be initiated upon a petition signed by ten (10) percent, but not fewer than five (5) members, of the electing unit, or by a petition signed by two-thirds (2/3) of the Executive Committee and submitted to electors in the electing unit.

### **Section 8 Alternate Representation**

In the event of vacancy for any reason prior to the expiration of the term of office of a Senator, the elected alternate shall serve the remainder of the term (Article II, Section 3 and 4).

### **Section 9 Responsibilities of Senators**

Senators, as elected representatives to the Faculty Senate and its committees, are responsible for creating, reviewing, and recommending policies affecting other segments of the University.



Senators are responsible for being diligent and informed concerning all issues they may act upon and shall be available not only to their representational constituents but also to all members of the University community.

### **Section 10 Resignation of Senators**

Senators unwilling or unable to complete terms of service must submit letters of resignation to the Faculty Senate President.

### **Section 11 Resignation of Faculty Senate President**

A Faculty Senate President who is unable or unwilling to complete his/her term of service must submit a letter of resignation to the Provost. The Faculty Senate Vice President shall fulfill all obligations of the office of Faculty Senate President in the event of the resignation of the Faculty Senate President and shall complete his/her term of office as Faculty Senate President. The position of Faculty Senate Vice President shall then be declared open and the Committee on Shared Governance shall conduct a special senate election for the position of Faculty Senate Vice President in accordance with Article II of the Bylaws.

## **1.1.2.2 Article II - Election of Senators**

### **Section 1 Eligibility**

Any ranked academic faculty member as defined in [Chapter 2, Section 2.2.1.1](#) of the Faculty Handbook, whose employment duties involve at least one-half (1/2) of the time during both semesters of the academic year, in teaching or research or both or library activities for library ranked faculty, including faculty who teach or do research or both on at least a half time basis but have administrative leave, is eligible for election to the Faculty Senate and eligible for service on any Senate Estate Committee or any University Board. Faculty working under a transitional retirement plan must be on campus during both regular academic semesters to be eligible for Faculty Senate or for service on a Senate Estate Committee or University Board.

### **Section 2 Voting Privileges**

Any ranked academic faculty member as defined in [Chapter 2, Section 2.2.1.1](#) of the Faculty Handbook is eligible to vote for Senators. Faculty who have duties within two (2) electing units shall be eligible to vote only in the unit of their program area designation.

### **Section 3 Election**

Each electing unit shall be responsible for conducting an election of its Senators and alternate Senators.

### **Section 4 Term of Service for Alternates**

The term of service of alternate Senators shall be one (1) year. If an alternate replaces a Senator, the remainder of the alternate's term shall be filled by the person receiving the next highest number of votes for the position of alternate. If necessary, a special election may be held to replace an alternate.

### **Section 5 Conduct of Elections**

The Committee on Shared Governance shall administer [Article II of the Bylaws](#) and shall interpret [Return to top](#)

all questions concerning election or assignment of members of the Faculty Senate to Faculty Senate estate committees.

### **Section 6 Date of Elections**

Elections shall be completed in the electing units on or before **April 1** preceding the academic year for which the Senators hold office.

### **1.1.2.3 Article III - Officers and Their Duties**

#### **Section 1 Officers**

The elected officers of the Faculty Senate shall be the President, the Vice President, the Secretary, and the Board of Governors representative.

#### **Section 2 President of the Senate** (revised July 2013)

The President of the Faculty Senate shall preside at all meetings and oversee and implement the policies and procedures of the Faculty Senate as defined in the Constitution and Bylaws. The President of the Faculty Senate is responsible for ensuring that the chair of the initiating board or committee has obtained legal and administrative review of proposals to amend the Faculty Handbook per the procedure stated in [Section 1.1.2.7, Article VII, Section 5 of these Bylaws](#), prior to calling for a Faculty Senate vote on proposals requiring such review. The President of the Faculty Senate shall maintain close liaison and meet regularly with the Provost. The President of the Faculty Senate will follow up with the Provost and other appropriate entities regarding any action items confirmed by the senate.

#### **Section 3 Vice President of the Senate**

The Vice President of the Faculty Senate shall fulfill all obligations of the office as defined in the Constitution and Bylaws and assumes the duties of the Faculty Senate President when that person is absent.

#### **Section 4 Secretary of the Senate**

All resolutions and proceedings of the meetings of the Faculty Senate and the Executive Committee shall be recorded in written minutes by the Secretary. The Secretary shall conduct all correspondence relating to the Faculty Senate, shall issue all notices of meetings, and shall perform or cause to be performed all duties pertaining to the office of the Secretary.

The Secretary shall electronically distribute Senate Headline Items describing proposed action items to all faculty approximately one week prior to each senate meeting. Preparation of written Senate Headline Items summarizing proposed action items and their rationale shall be the responsibility of the chairs of each estate committee and the senate representatives to the boards listed in [Article VII of these Bylaws](#), in collaboration with the Secretary. Administrators and members of the Associated Student Governors will also receive the Senate Headline Items as a courtesy.

The Secretary shall keep a registry of the members of the Faculty Senate and of the respective electing units, which they represent. Minutes of the Faculty Senate and the Executive Committee shall be permanently maintained on file in the Office of the Provost for five (5) years and then transferred to the University archives.

### **Section 5 Board of Governors Representative**

The Board of Governors representative shall serve as the University's faculty representative to the Board of Governors.

### **Section 6 Acting Chair of the Senate**

In the absence of both the President and Vice President of the Faculty Senate at any meeting of the Faculty Senate, an acting chair shall be elected from the members of the Executive Committee, if any are present, otherwise from the Faculty Senate members present.

## **1.1.2.4 Article IV - Election of Faculty Senate Officers and Representatives**

### **Section 1 Eligibility**

Any elected member of the Faculty Senate who has served as a Senator may be elected to the Office of President.

### **Section 2 Candidates**

The Secretary of the Faculty Senate shall distribute to the members of the Faculty Senate, at least fourteen (14) days prior to the **April** meeting at which elections will take place, a list of Senators-Elect who will be serving for the succeeding academic year along with the expiration date of their terms.

### **Section 3 Nominations**

The Committee on Shared Governance shall solicit nominations via electronic mail at least fourteen (14) days prior to the **April** meeting proceeding the academic year for which the officers will serve. Nominations made from the floor of the April meeting, with prior consent of the nominees, will also be accepted.

### **Section 4 Voting**

Voting for officers-elect will take place at a meeting of senators-elect held in the **April** preceding the academic year for which the officers will serve. Voting at the April meeting shall be by secret ballot. In case of a tie or of the failure of one candidate to receive a majority, additional secret ballots shall be cast until a single candidate receives a majority of votes. In the case of an uncontested candidate, the Secretary may cast a unanimous ballot, which may, with the consent of the majority of the Senate, be voted by voice. Voting for the Board of Governors representative shall follow the same procedure but shall occur at or before the April meeting proceeding the academic year for which the representative will serve. Election of the CFAC representative shall be conducted by the academic faculty and completed before the end of the academic year.

### **Section 5 Assumption of Duties**

With the exception of the Board of Governors representative, officers elected shall assume the duties of their offices at the Senate Retreat meeting following the election and shall continue in office unless they resign or until replaced at the next election of officers.

### **Section 6 Unexpired Terms**

An unexpired term of a Senate Officer shall be filled by election from the Senate membership at the next regular meeting of the Senate in compliance with the provisions of [Article IV, Sections 1 and 2](#).

### **1.1.2.5 Article V - Faculty Senate Meetings**

#### **Section 1 Regular Meetings**

The Faculty Senate shall meet regularly during the academic year on campus on the day and at the time specified in the Faculty Senate Standing Rules.

#### **Section 2 Special Meetings**

Special meetings of the Faculty Senate may be called by the President of the Faculty Senate with the approval of the Executive Committee or upon petition of fifteen (15) or more Senators. The call for a special meeting must include the campus location, date, time, and an agenda, and must be distributed to all members of the Senate at least five (5) working days (Monday through Friday) prior to the meeting. The Faculty Senate shall have the authority to perform any action it would perform in a regular meeting including, but not limited to, taking action on agenda items, passing resolutions, referring items to committees, and adjourning.

#### **Section 3 Summer Meetings**

From June through August, the Executive Committee, in consultation with the President-Elect, the Vice-President-Elect, and the Secretary-Elect, shall be empowered to act for the Faculty Senate. Special summer meetings of the Faculty Senate may be called according to the provisions of [Article V, Section 2](#). At such meetings, a quorum must be present. Senators-elect who are not currently serving as senators shall be informed of the time, location and agenda for any special summer meetings, but will not have voting privileges at such meetings.

#### **Section 4 Quorum**

A majority of the voting members of the Faculty Senate shall constitute a quorum authorized to transact any business duly presented at any meeting of the Senate.

#### **Section 5 Uses of the Agenda**

##### **Order of Business**

The regular order of business of the Faculty Senate shall be the agenda prepared by the Executive Committee of the Faculty Senate.

Any member of the Faculty Senate may move to suspend the rules so that the Senate may consider any item on the agenda out of its scheduled order. Items not on the published agenda will be considered only if approved by a majority vote of the members present and voting.

##### **Agenda Items**

The Executive Committee shall consider the inclusion on the agenda of the Faculty Senate any new business matter when such is requested in writing by any Senator. Requests for reconsideration of any business may be submitted at the discretion of the Executive Committee or by a two-thirds (2/3) vote of the Senate present and voting. Chairs of Faculty Senate estate committees and senate representatives to the boards listed in [Article VII of the Bylaws](#) will submit written reports indicating to the Executive Committee information and action items; these reports will be attached to the agenda.

Non-Senate academic faculty should submit their agenda items to their appropriate representative.

The Executive Committee may invite those submitting requests to address the Faculty Senate.

### **Section 6 Participation by Non-members**

The Faculty Senate shall extend to the President of the Associated Students' Government or designee the privilege of speaking on any action item announced in the published agenda of any regular Senate meeting and of responding to any discussion relating to that item.

CSU-Pueblo employees, not members of the Faculty Senate, may submit in writing to the Executive Committee a request to speak and participate in discussion on any action announced in the published agenda of any meeting of the Faculty Senate. Otherwise, non-members of the Faculty Senate shall not be recognized for the purpose of entering into debate on the floor of the Faculty Senate unless sponsored by a member of the Senate who is present. The provisions of this Article shall not apply to any non-member previously requested to attend by the Executive Committee.

### **Section 7 Order of Business**

The order of business at any regular meeting of the Faculty Senate shall be in accordance with established practice as described in the parliamentary authority defined in Article VI and as prescribed in these Bylaws.

Motions relating to recommendations of a Senate Committee shall be disposed of during the portion of the meeting reserved for committee reports.

### **Section 8 Voting Procedures**

Voting on the floor of the Faculty Senate shall be by voice vote. Any member of the Senate may call for a division of the house. A roll call vote or a secret ballot requires a motion, which must be approved by a majority of the Senators voting.

Voting on all action items and resolutions shall require two readings before Faculty Senate. Exceptions to this policy can be requested by the committee or board recommending the action or by any member of senate. Such requests may be made to the Executive Committee in advance or from the floor of the Senate Meeting. All requests for a vote on the basis of a first reading only must be accompanied by a rationale indicating how delaying a vote for a second reading would not be in the best interests of the university or some unit thereof, and must be unanimously approved by the Senators in attendance. Requests for reconsideration of any action item approved without a second reading may be submitted in writing to the Executive Committee by any Senator within 20 days of the initial vote; in these cases, a second reading of and vote on the motion shall be scheduled to take place at the first regular Senate Meeting following receipt of the request.

On any pending matter properly brought before the Faculty Senate, a mail ballot may be used with the approval of a majority of the Senate. The results of the mail ballot must be announced at the next regular meeting.

On a majority vote of the Faculty Senate, any action shall be remanded to the ranked academic faculty for final disposition to be decided by the majority of those voting. Upon a petition signed by one-fourth (1/4) of the ranked faculty, any action of the Senate shall be remanded to the ranked faculty, provided such petition is submitted to the Faculty Senate President prior to the next regularly scheduled meeting. At no time will proxy voting be allowed.

The Faculty Senate may adopt Standing Rules, which must be published in the Faculty Handbook. Such rules will be considered as supplementary to the Bylaws of the Faculty Senate and shall not be inconsistent with them.

#### **1.1.2.6 Article VI - Parliamentary Authority**

All parliamentary matters of this organization will be conducted in accord with the provisions of the Sturgis Standard Code of Parliamentary Procedures unless otherwise provided for in federal, state, or local law, or in this Faculty Handbook or in the Faculty Senate Constitution and these Bylaws.

#### **1.1.2.7 Article VII - Committees Reporting and Boards Recommending to Faculty Senate**

### **Section 1 Estate and Ad Hoc Committees**

#### **Formation**

The Faculty Senate shall have the authority to form additional estate or ad hoc committees as it deems necessary. The structure of such committees shall be as specified in these Bylaws.

#### **Estate Committees**

The authorized estate committees reporting to the Faculty Senate are:

1. Executive Committee
2. Committee on Shared Governance
3. Faculty Handbook Committee
4. Faculty Compensation Committee
5. Faculty Policies and Procedures Committee

Purposes, membership, and duties/procedures of these committees are found in [Section 1.2.7.1](#) of the faculty Handbook and are incorporated by reference into these Bylaws.

#### **Duties and Responsibilities**

The Faculty Senate may assign such duties and responsibilities to these committees, which it deems necessary and which are consistent with the Faculty Senate Constitution and these Bylaws.

#### **Modifications to Senate Estate Committee**

Any modifications to the purpose, membership, duties, and procedure of Senate Estate Committees shall require a majority vote of the Faculty Senate before being presented in writing with Faculty Senate recommendations to the ranked academic faculty in referendum and shall be ratified by a two-thirds (2/3) majority of those who vote. By a majority vote of the Senate, such amendments may be presented to the ranked academic faculty by mail ballot. The Provost shall be informed of any such amendments ratified by the academic faculty within fourteen (14) days.

#### **Service on Estate Committees**

No Faculty Senate member may serve on more than two (2) estate committees at one time except in those cases where the Faculty Senate Constitution or these Bylaws provide specifically to the contrary.

Estate and ad hoc committees of the Faculty Senate should be composed of at least one (1) member from each electing unit.

Removal and replacement of committee members of Faculty Senate estate committees who fail to perform or are unable to perform their committee function shall be replaced using one of the following procedures:

- (a) The committee member may request replacement in writing or may resign in writing from the committee;
- (b) The committee, by majority vote, may request replacement of a member who does not or cannot render due service. This request is to be directed to the authority which selected the original member; or
- (c) The original authority which constituted the committee may replace a member who does not or cannot render due service.

The replacement shall be selected by the identical procedure employed in selecting the original member (Section 1.2.3.2).

#### **Non-Senate Committee Members**

In all cases where either estate or ad hoc committees are formed by the Faculty Senate in which non-Senate members are participating members, the committee shall include at least one (1) member of the Faculty Senate who shall act as a representative of and spokesperson for the committee at all Faculty Senate meetings. In all cases where non-Senate members are elected by the Faculty Senate to serve on non-Senate committees or University boards such members are expected to report to the Executive Committee when requested to do so.



## **Section 2 Faculty Senate Estate Committee Meetings**

### **Meeting Times**

All Faculty Senate estate committees shall meet at the call of their respective chairs or as provided for in these Bylaws.

### **Conduct of Committee Business**

No individuals may participate in the formal conduct of business of any estate committee of the Faculty Senate unless they are duly appointed or elected members of that committee. It is the responsibility of the committee chair to enforce this rule. However, non-members may be invited to present information pertinent to the conduct of that committee's business. At no time will proxy voting be allowed.

### **Quorum for Committee Meetings**

A majority of the members of any Faculty Senate estate committee shall constitute a quorum authorized to transact business presented at any meeting of that committee.

### **Open Committee Meetings**

All Faculty Senate estate committee meetings are open to all University personnel.

## **Section 3 Duties and Procedures of the Executive Committee**

### **Duties/Procedures**

The Executive Committee shall designate a member of the ranked faculty to serve as Faculty Senate parliamentarian. The parliamentarian is an ex-officio non-voting officer of the Faculty Senate.

The Executive Committee shall consider matters within the jurisdiction of and provide leadership for the Faculty Senate. The Committee shall provide the Secretary with the agenda, which will be distributed, to the members of the Faculty Senate not less than one (1) calendar week prior to the related meeting of the Senate. It shall instruct the Secretary to request the presence of such non-Senate personnel as may be required to facilitate the business of the Faculty Senate. It shall assign matters to committees for their consideration, receive the reports of the Committees, adjudicate jurisdictional disputes between committees, and interpret the provisions of the Faculty Senate Constitution and these Bylaws to the extent allowed by Colorado and federal law. The Executive Committee shall have the authority to recommend to the Faculty Senate changes in committee structure or changes to the Faculty Senate Constitution and Bylaws of the Faculty Senate. At the appropriate time each semester, the Executive Committee shall submit the graduation list to the Faculty Senate for its recommendation to the President.

### **Meeting Times**

The Executive Committee shall meet once a month, approximately ten (10) days preceding each regular meeting of the Faculty Senate, or at the call of the President of the Senate.

### **Absence**

Any member of the Executive Committee who expects to be absent for more than thirty (30) days during the academic year shall be replaced by a Senator elected by the Senate for the period of absence.



#### **Section 4 Boards Recommending to the Faculty Senate** (revised July 2013)

The authorized Boards recommending to the Faculty Senate

- ☐ Academic Policies and Standards Board
- ☐ Curriculum and Academic Programs Board
- ☐ General Education Board
- ☐ Graduate Studies Board
- ☐ Information Technology Board

The purpose, membership, duties, and procedures of these boards are found in [Section 1.2.6](#) of this Faculty Handbook and are incorporated by reference in these Bylaws.

#### **Modifications to Boards Recommending to the Faculty Senate**

Any modifications to the purpose, membership, duties, and procedure of boards recommending to the Faculty Senate shall require a majority vote of the Faculty Senate before being presented in writing with Faculty Senate recommendations to the ranked academic faculty in referendum and shall be ratified by a two-thirds (2/3) majority of those who vote. By a majority vote of the Senate, such amendments may be presented to the ranked academic faculty by mail ballot. The Provost shall be informed of any such amendments ratified by the academic faculty within fourteen (14) days.

#### **Section 5 Responsibilities of Estate Committee Chairs and Senate Representatives of Boards Recommending to Senate** (revised July 2013)

The chairs of each estate committee and the senate representatives to the boards listed in Article VII of these Bylaws shall serve as ex-officio non-voting members of the Senate Executive Committee.

These individuals are responsible for submitting written statements of all action items proposed by their respective committee or board, with rationales, to the Executive Committee for review at least two weeks prior to presentation of a motion at a senate meeting. These written summaries shall be distributed electronically by the Senate Secretary to all faculty, administrators and members of the Associated Student Governors as Senate Headline Items approximately one week prior to each senate meeting.

For senate action items which propose new policies or substantive revision to existing policies that will require approval by the CSU-System Board of Governors per Sections 1.1.1.4, 1.1.2.8 or 2.19, the chair of the initiating committee or board is further responsible for ensuring that draft proposals are reviewed by the Office of General Counsel and the Provost, in accordance with the then existing procedures of those offices, prior to a first reading before Senate. Later drafts of proposed revisions or new policies which require Board approval will undergo a similar review process. The Faculty Senate President is ultimately responsible for ensuring that these reviews are obtained prior to a Faculty Senate vote on any such proposal (see [Section 1.1.2.3, Article III, Section 2](#)).

#### **1.1.2.8 Article VIII - Amendments to the Faculty Senate Bylaws** (revised July 2013)

The Faculty Senate may propose changes in these Bylaws as it deems necessary, provided they are

consistent with the Faculty Senate Constitution. Before taking effect, such amendments to these Bylaws must be approved by a majority of the Faculty Senate voting in a regular or special meeting of the Faculty Senate, provided appropriate notice is published not less than seven (7) calendar days prior to the meeting; if Faculty Senate approval is given, amendments shall be presented to the Provost for transmission to the President. Prior to being called for a vote in the Faculty Senate, proposed amendments to these Bylaws shall also be reviewed by the Office of General Counsel and the Provost per the procedure stated in Section [1.1.2.7, Article VII, Section 5](#) of these Bylaws.

The President shall submit proposed amendments to the Board of Governors with recommendation for the Board of Governors' consideration at the earliest possible date in accordance with the then existing Board procedures. Any such amendments approved by the Board of Governors shall become effective the subsequent July 1, unless an earlier effective date is mutually agreed to by the Board of Governors and the Faculty Senate, and shall be posted on the University's website in a timely manner by the Provost's office. The Chair of the Faculty Handbook Committee shall be responsible for verifying that the necessary changes have been made in the subsequent edition of the Faculty Handbook.

All amendments to these Bylaws initiated by the Board of Governors shall be submitted to the Faculty Senate for its review and recommendations before final adoption by the Board. The Board of Governors shall, by resolution, send proposed amendments to the Faculty Senate and state a time period within which the Faculty Senate shall provide its recommendations. Upon receipt of such recommendations of expiration of such time period, the Board of Governors may adopt the proposed amendments in their original or modified form.

The Executive Committee of the Faculty Senate shall review proposed amendments to these Bylaws. Upon finding them consistent with the Constitution of the Faculty Senate, they shall be submitted to the Faculty Senate for consideration. If not consistent, the amendment shall be returned to the proposer with the inconsistency noted, for reconsideration.

### **1.1.3 Standing Rules of Faculty Senate**

#### **1.1.3.1 Meeting Times**

The Faculty Senate shall meet after 3:00 p.m. on a Monday four times each semester. Meeting dates and times for the next academic year shall be announced in the April meeting of the Faculty Senate. Faculty Senate meetings shall last no more than two hours unless the Senate votes to conduct business beyond this time.

#### **1.1.3.2 Call to Order**

Meetings shall begin promptly at the time scheduled in the Standing Rules except in the absence of a quorum. If a quorum is not obtained within ten (10) minutes, the meeting shall be canceled unless an additional delay of ten (10) minutes is agreed to by consent of the majority of the members present. Faculty Senate meetings shall adjourn by 5:00 p.m. unless the Senate votes to conduct business beyond this time.

#### **1.1.3.3 Modification of Standing Rules**

Modification of the Standing Rules may be initiated by any Senator and implemented by a majority vote of the Faculty Senate.

## **1.2 University Governance** (revised July 2013)

This section becomes a part of every ranked faculty member's contractual employment rights. All faculty are required to be familiar with and abide by the terms and conditions of this section as a condition of their employment with the University.

University governance is the shared responsibility of ranked academic faculty and administration. To fulfill this responsibility, the University establishes collaborative bodies known as **BOARDS**, which are charged to perform specific governance duties requiring student, faculty, and administration involvement.

In addition, administration establishes its own governance bodies known as **COUNCILS**; the faculty establishes its own governance bodies known as **ESTATE COMMITTEES**. Faculty representation on councils is permissible but administrative representation on estate committees is not permissible, although administrators may provide staff support to or act as resource people for estate committees. Councils, boards, and estate committees are advisory.

### **1.2.1 Official Councils, Boards, and Estate Committees**

The following are recognized as official University governance bodies:

#### **1.2.1.1 Councils**

Councils are governing bodies established by the President or by the Provost. Individual councils may or may not include faculty representation; council memberships may also include representatives of external parties. Any modifications to the purpose, membership, duties, and procedure of Councils shall be at the discretion of the administrative office to which the council reports. Faculty Senate shall be informed of any changes within fourteen (14) days in order to ensure that current information on the shared governance structure at the University is included in the Faculty Handbook and available to the campus community. Further approval by the Board of Governors shall not be required.

Governing bodies currently functioning as councils are:

- a. President's Cabinet
- b. Advising Council
- c. Deans' Council
- d. Multicultural Council
- e. Strategic Plan Oversight Committee

#### **1.2.1.2 Boards**

Boards Recommending to Senate are governing bodies charged with the development and oversight of university policy issues related to academic standards or curriculum. All other University Advisory Boards are advisory to an administrative office on university policy issues that are not directly related to academic standards or curriculum.

\*a. Academic Policies and Standards Board – *Recommends to Senate*

- \*b. Curriculum and Academic Programs Board – *Recommends to Senate*
- \*c. General Education Board – *Recommends to Senate*
- d. Faculty Disciplinary Action Board
- e. Graduate Studies Board – *Recommends to Senate*
- \*f. Grievance Panel
- g. Information Technology Board – *Recommends to Senate*
- Institutional Effectiveness Board (Ad Hoc board?)
- h. Library Board
- i. Scholarly Activities Board
- j. Student Academic Appeals Board
- k. Student Affairs Board of Advisors
- l. Teacher Education Board
- m. University Board on Diversity and Equality
- \*n. University Budget Board

\*Service on boards denoted by an asterisk (\*) may require greater amounts of time; therefore, faculty members who serve on those boards should not serve on other boards. Service on more than two (2) boards is not recommended.

### **1.2.1.3 Estate Committees**

Estate Committees are governing bodies charged with oversight of policies and issues related to faculty welfare and the functioning of faculty senate.

#### **a. Faculty Senate Estate Committees**

1. Executive Committee
2. Committee on Shared Governance
3. Faculty Handbook Committee
4. Faculty Compensation Committee
5. Faculty Policy and Procedures Committee

#### **b. Electing Unit Estate Committees**

Academic Policies and Standards Committee shall be formed at the discretion of the electing unit. All electing units shall form a Curriculum and Academic Programs Committee, a Personnel and Review Committee and Faculty Search and Screen Committees as described in [1.2.7.2](#).

1. Academic Policies and Standards Committee
2. Curriculum and Academic Programs Committee
3. Personnel and Review Committee
4. Faculty Search and Screen Committees

#### **c. Department Estate Committees**

At their own discretion, departments may form departmental versions of the college/school estate committees. If such estate committees exist, they will serve as advisory bodies to the department chair and/or college/school committee, as college/school procedures determine.

### **1.2.2 Ad Hoc Groups**

Task forces, study groups, special advisory committees, and other such ad hoc groups formed to solve specific problems or receive assigned tasks shall not be official governance bodies of the University.

All such bodies derive their authority from the councils, boards, estate committees, or individuals to whom they report. With the exception of Faculty Search and Screen Committees (see Section [1.2.7.2.4](#)), all ad hoc committees shall determine their purposes and establish operating procedures by consensus of the membership, unless the appointing authority does so in advance of selecting membership. Ad hoc groups may not be appointed to perform the responsibilities of official councils, boards, or estate committees.

### **1.2.3 General Governance Policies and Procedures**

#### **1.2.3.1 Terms of Office and Special Conditions of Selection**

Faculty members selected or elected to boards and electing unit and department estate committees will serve two-year terms (each term beginning and ending two years later, with the constitutive meeting of the committee in the fall semester) unless otherwise noted. Elections of all faculty members to boards and Senate estate committees shall be the responsibility of the Committee on Shared Governance of the Faculty Senate. Elections to college/school and department estate committees shall be supervised by the Dean. Terms shall be staggered where possible to ensure continuity. Unless otherwise noted, faculty members elected to boards and estate committees may succeed themselves. Unless otherwise noted, the chair of each board and estate committee shall be elected from the membership to a one-year term at the initial meeting of the board or estate committee to be convened by the chair of the board or estate committee from the preceding academic year no later than the end of the second week of classes during the Fall semester.

All members of boards and estate committees may vote in the election of the chair and are eligible to serve as chair with the exception that individuals to whom boards or estate committees report/advise are ineligible for election as chair. Individuals may serve as chairs for at most four consecutive years if duly elected. Individuals who have served four consecutive 1-year terms may be re-appointed as chair after a one-year hiatus from that position if duly elected. During that year, they may continue to serve as a member of the Board/Committee if elected/appointed to do so.

#### **1.2.3.2 Rights and Responsibilities**

All members of boards and estate committees have voting rights except as noted. Each board and estate committee is responsible for preparing an agenda, maintaining minutes and records, filing reports, and performing assigned duties and tasks. Ex-officio members serve by virtue of their offices and unless otherwise noted hold the same rights and responsibilities as elected members. Members of boards and estate committees who fail to, or are unable to, perform their duties may be replaced in accordance with these provisions:

- a. Elected and appointed members who are unable to serve for a portion of their term, who resign or

whose replacement is requested by a majority vote of the faculty members serving with them on boards or estate committees, or a majority of the faculty members constituting the electing authority, shall be replaced by a procedure identical to that employed in the original selection process. Requests for replacements must be directed to the appointing authority and describe reasons for the members' inability to render appropriate service.

b. Replacements for ex-officio administrative faculty or professional staff board members who are unable to render service shall be appointed by the Provost in consultation with the President of the Faculty Senate.

### **1.2.3.3 Procedures**

A majority of the membership of any board or estate committee shall constitute a quorum authorized to transact business duly presented at a regular meeting of the board or estate committee. No proxy voting will be allowed. All members of boards or estate committees shall be notified of the dates and times of meetings at least five (5) working days (Monday through Friday) prior to the meeting.

Boards and estate committees may form ad hoc sub-committees to assist them in fulfilling their responsibilities; all such groups are subject to the provisions of Section [1.2.2](#).

Members of the external community may be invited to appear before or participate in board or estate committee meetings at the discretion of the board or estate committees.

If a member of a board or estate committee is involved in a discussion or vote where a conflict of interest exists (Section 2.7.1.1), that member must declare a conflict of interest and refrain from discussing and abstain from voting.

### **1.2.4 Governing Boards and Coordinating Commissions**

The Board of Governors (Board of Governors) and the Colorado Commission on Higher Education (CCHE) have standing and ad hoc committees, which are directly and indirectly involved with the University. Information on the activities of these agencies in relationship to the University is available from the Office of the Provost.

### **1.2.5 University Advisory Boards**

The following university advisory boards are authorized to participate in the governance of the University. Modifications to the purpose, membership, duties, and procedure shall require the approval of the administrative office to which the Board reports and approval by a majority vote of the Faculty Senate. Modification shall not require a faculty referendum or approval by the Board of Governors.

#### **1.2.5.1 Faculty Disciplinary Action Board** (adopted July 2011; revised July 2013)

a. Purpose:

To implement hearing procedures related to faculty disciplinary action cases.

b. Membership:

1. Two tenured academic faculty from each electing unit other than the Library, elected by the unit. Academic Unit Representatives will serve a two-year term, provided that one of the initial appointees shall be selected for a one-year term so that one position shall be open for election each academic year in each electing unit other than the Library.
2. One tenured academic faculty member from the Library, elected by the unit. The Library Representative will serve a two-year term.
3. Two tenured faculty elected by the Faculty Senate from the faculty at large. Voting for at-large members will take place at the final Faculty Senate meeting of the academic year preceding that in which the elected member will serve. Voting at that meeting shall be by secret ballot. At-large representatives will serve a two-year term, provided that one of the initial appointees shall be selected for a one-year term so that one at-large position shall be open for election each academic year.
4. The term of service of each member will begin and end on the first day of class of the fall semester. Academic unit elections for new members should be conducted accordingly.
5. All members of the Faculty Disciplinary Action Board must be ranked academic faculty who hold tenure at the time of appointment and whose employment duties throughout their service on the Faculty Disciplinary Action Board include no more than half-time administrative duties. Faculty working under a transitional retirement plan are eligible to serve, but faculty on sabbatical leaves are not eligible.
6. Vacancies in the membership of the Faculty Disciplinary Action Board shall be filled by the electing body within 10 working days. E-mail ballots are permitted.

c. Duties/Procedures:

1. Meet at least once each academic year with University legal counsel to review the Faculty Disciplinary Action Policy.
2. In faculty disciplinary action cases for which a formal hearing is required, five members of the Faculty Disciplinary Action Board will be randomly selected to serve as an ad hoc Faculty Hearing and Review Committee for the duration of that case, as described in Section [2.16.13c](#) of the Faculty Disciplinary Action Policy.

In such cases, the Director of AA/EEO will be responsible for convening a special meeting of the Faculty Disciplinary Action Board and for conducting the random selection process of five members to serve on the ad hoc Faculty Hearing and Review Committee at that meeting. In the event that a selected member has a conflict of interest in the case, a replacement will be randomly selected by the Director of AA/EEO from among the remaining members of the Faculty Disciplinary Action Board. Faculty selected for service on an ad hoc Faculty Hearing and Review Committee will serve on that committee throughout the hearing process, irrespective of their term of service on the Faculty Disciplinary Action Board.

3. Recommends to Faculty Senate and to University administration concerning the need for changes in the faculty disciplinary action policies and procedures.

**1.2.5.2 Grievance Panel** (revised Oct 2014)

a. Purpose:

To implement hearing procedures related to grievance cases in accordance with Sections 2.18.12



and 2.18.16 of the Faculty Handbook.

b. Membership:

1. The Grievance Panel shall be a pool of eligible Grievance Hearing Committee members consisting of fifteen (15) tenured academic faculty members with a minimum of one (1) tenured academic faculty from the Library and two (2) tenured academic faculty from every other academic unit.

2. Service on the Grievance Panel shall be for a three (3) year term, the staggering of terms having been established by lot when the Panel begins.

3. The nine (9) faculty serving as representatives of their academic unit to the Grievance Panel shall be elected by the faculty in their academic unit, with new representatives elected no later than the first regular Faculty Senate meeting in the fall semester.

4. The six (6) faculty serving as at-large members of the Grievance Panel shall be elected by the Faculty Senate. Nominations for at-large members shall be solicited by the Committee on Shared Governance; self-nomination shall be permitted. Election of new at-large members on the Grievance Panel members shall take place at the first regular Faculty Senate meeting in the Fall semester. At least one week prior to that meeting, the Chairperson of the Committee on Shared Governance shall circulate the names of all nominees to all members of the faculty in order to provide faculty with an opportunity to provide feedback to their representatives on Faculty Senate concerning the nomination slate.

5. No person having administrative duties, as described in Section 2.18.6a, shall be qualified to serve on the Grievance Panel. Faculty working under a transitional retirement plan are eligible to serve, but faculty on sabbatical leaves are not eligible. Individuals serving as members of the Grievance Panel are not permitted to simultaneously serve as University Mediators.

Prior to the beginning of each academic year, and no later than August 15, members of the Grievance Panel who expect to be fully retired by the end of that academic year and faculty who expect to have a sabbatical leave during the subsequent academic year shall declare this information to the University Grievance Officer (UGO). In both cases, the term of that faculty member shall be immediately terminated and the UGO shall inform the Chairperson of the Committee on Shared Governance of the vacancy so that it can be filled at a regular election to be held no later than the first regular Faculty Senate meeting of the fall semester in accordance with requirements 3, 4 and 7 for the membership of the Grievance Panel.

6. Panel members who have served two (2) consecutive terms shall be ineligible for reappointment for a period of two (2) years.

7. When vacancies occur, the Committee on Shared Governance shall fill the vacancy by appointment, in accordance with the constituency of the vacant member within ten (10) working days, unless the vacancy occurs within one (1) month before the regular election. The unexpired term shall then be filled at the next regular election.

c. Duties/Procedures:

1. Meet as needed to implement the provisions of Sections 2.18.12 and 2.18.14. An ad hoc chairperson shall be elected for each meeting. The UGO shall be an *ex officio* and non-voting member of the Grievance Panel during its meetings.

2. Meet at least once each academic year with University legal counsel to review the Grievance Procedures and Grievance Panel bylaws, with the first such meeting taking place as soon as possible following the appointment of new members to the Grievance Panel.

3. In grievance cases requiring a formal hearing, five (5) members of the Grievance Panel will serve



on Grievance Hearing Committees per the provisions of Section 2.18.12, with the selection of serving members based on a rotation schedule established by the UGO.

Each Grievance Hearing Committee scheduled to hear a Grievance shall select from its membership a chairperson who shall be a voting member of the Committee, preside over the hearing, maintain orderly procedures, and supervise the preparation of the written decision concerning the Grievance. When the chairperson shall be in the minority in a divided vote, the person who supervises the preparation of the written decision shall serve as the spokesperson for the Grievance Hearing Committee in the event of rejection or appeal of the decision rendered.

If, because of absences or successful challenges, the five members required for Grievance Hearing Committee functioning cannot be attained or maintained, the next succeeding persons in the rotation order shall sit to hear the Grievance. If the chairperson shall be challenged and excused, the members sitting to hear the Grievance shall select another from among their number to be chairperson. In the event, it is impossible to establish a full Committee from the remaining membership of the Grievance Panel, the parties shall nominate two (2) persons each for every vacant position, and the UGO shall name the replacements from among those names submitted by the parties, subject to further challenge for cause as provided in Section 2.18.12.5b.

4. Recommends in consultation with the University Grievance Officer (see Section 2.18.13) to Faculty Senate and to University administration concerning the need for changes in the grievance and mediation policies and procedures.

5. Additional operating procedures of the Grievance Panel and Grievance Hearing Committees are described under a set of bylaws which shall be prepared by the Grievance Panel (or subcommittee thereof) in consultation with the UGO. These bylaws shall be reviewed annually and modified as appropriate.

#### **1.2.5.3 Institutional Effectiveness Board** (adopted February 2011; revised Oct 2014)

##### **a. Purpose:**

To use action research processes to offer recommendations to the Provost/Vice President for Academic Affairs regarding issues and concerns related to institutional effectiveness and assessment.

##### **b. Membership:**

1. Assistant Provost for Assessment and Student Learning, Co-chair
2. Past President of the Faculty Senate, Co-chair, represents and reports to Faculty Senate
3. Members as appropriate to meet the needs of the action-based process

##### **c. Duties/Procedures:**

###### **1. Duties:**

The Institutional Effectiveness Committee (IEC) has been charged by the Provost/Vice President of Academic Affairs with providing leadership for the overall direction and support of university and academic program effectiveness, assessment and improvement. Specifically, it will work with the Assistant Provost for Assessment and Student Learning to:

- a) Develop an institutional effectiveness plan and timeline that is aligned with the mission statement and strategic plan of the campus.

- b) Review and analyze institutional effectiveness indicators including reports from academic departments, the General Education Board, and campus services and programs, and make recommendations for continuous improvement on campus.
- c) Provide recommendations to the Provost/Vice President of Academic Affairs, the Vice President for Finance and Administration, and the President for budgeting and strategic planning based on the results of effectiveness processes.
- d) Oversee assessment and evaluation activities across campus to assure they result in integrated, meaningful, and sustained campus and program improvement.
- e) Communicate the results of institutional effectiveness efforts to appropriate campus and external stakeholders to promote accountability and transparency.
- f) Explore the potential for integrating assessment and program review processes to maximize efficiency, avoid redundancies and strengthen teaching and learning.
- g) Determine how faculty and staff activities related to effectiveness can be used in promotion, tenure, and performance review, and develop processes to recognize faculty, staff, and departments for making meaningful contributions to improvement efforts.
- h) Serve as a resource for institutional effectiveness efforts on campus.

2. Procedures:

Convened by the Assistant Provost for Assessment and Student Learning as needed.

**1.2.5.4 Library Board** (revised July 2013)

a. Purpose:

To advise the Dean of the University Library on Library policies.

b. Membership:

- 1. Dean of University Library (ex-officio, non-voting).
- 2. Two ranked academic faculty members from the Library (appointed by the Dean of the University Library).
- 3. One ranked academic faculty member from each electing unit other than the Library (appointed by the respective Dean).
- 4. One ASG member (appointed by ASG Senate).
- 5. One graduate student member (selected by Graduate Studies Board).
- 6. One Administrative Professional Representative (selected by Admin Pro Council)
- 7. One full-time lecturer at-large member (elected by Faculty Senate).

c. Duties/Procedures:

- 1. Convened not less than once each semester and otherwise as needed.
- 2. Provides faculty input regarding the operation of the University Library, including but not limited to the development of library policies, acquisition of materials, resource sharing, provision of library services, and library instructional programs.

**1.2.5.5 Scholarly Activities Board** (revised Oct 2014, April 2016)

a. Purpose:

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To promote an environment of research, scholarship, and creativity by advising the Provost and Faculty Senate on the development and implementation of policies and procedures involving research and scholarly and creative activities.

b. Membership:

1. One college Dean (appointed by the Provost).
2. One representative from the Office of Research and Sponsored Programs (ex-officio, non-voting).
3. One ranked academic faculty member from each electing unit (appointed by their respective Dean).
4. One ranked academic faculty member (elected by Faculty Senate).
5. One faculty senator (elected by Faculty Senate) to serve as a liaison to Faculty Senate. The term of office of the senator representing to Faculty Senate shall be for one-year.

c. Duties/Procedures:

1. Convened by the Chair as needed but not fewer than four (4) times each semester.
2. Recommends budget and priorities for internal support of research and scholarly and creative activities.
3. Recommends policies, procedures, and guidelines for applications for funded grant activities.
4. Monitors implementation of policies and procedures for award of applicable internal grants for faculty and students.

**1.2.5.6 Student Academic Appeals Board (revised Oct 2014)**

All decisions on appeals are final.

a. Purpose:

1. to consider appeals by students who have been:
  - a) suspended for academic reasons and have been denied readmittance or
  - b) denied requests for retroactive withdrawal from all courses or
  - c) been denied a late withdrawal from a single course
2. to consider grade appeals
3. to make recommendations on policies, procedures, and standards for academic probation and suspension and readmission, retroactive withdrawal from all courses, late withdrawal from one course, and grade appeals; and make recommendations to Academic Policies and Standards Board (APSB) for appropriate processes of approval;

b. Membership:

1. Provost or Provost's appointee (voting on all appeals).
2. Dean of Student Services and Enrollment Management or appointed representative (non-voting on grade appeals).
3. Representative of the University APSB (selected by APSB, voting on all appeals).
4. Two students appointed by ASG (non-voting on grade appeals).
5. One ranked academic faculty member from each electing unit other than the Library, elected by the unit (4 total, voting on all appeals).
6. For grade appeals, an additional ranked faculty member (voting), chosen to ensure that the

appropriate disciplinary perspective is adequately represented, chosen with input from a) the faculty member who assigned the grade and b) that faculty member's chair.

c. Duties/Procedures:

1. Convened by the chair regularly, not less than once a semester during the academic year, and otherwise as needed.
2. Solicits and analyzes input from faculty concerning the processes for the appeals that the committee considers.
3. Recommends to APSB on policies and procedures related to academic probation and suspension, retroactive withdrawal, late withdrawal from a single course, and grade appeals.
4. When the board is considering specific appeals, the appropriate offices will provide documentation and information, including appropriate information from the faculty concerned.
5. When decisions about individual appeals have been made, the representatives of the appropriate offices will communicate decisions of the board to students and other involved parties.
6. For decisions about individual appeals, a quorum consisting of a majority of the members eligible to vote on the appeal in question shall be required.

**1.2.5.7 Student Affairs Board of Advisors** (revised Oct. 2014)

a. Purpose:

To advise the Dean of Student Services and Enrollment Management and the Faculty Senate on student related matters.

b. Membership:

1. Dean of Student Services and Enrollment Management (ex-officio, non-voting). The Dean of Student Services and Enrollment Management and the Faculty Senate President shall collaborate to determine names of faculty to be invited. In general, these faculty members shall be faculty already serving on various student committees although exceptions can be made when desired.
2. President of the Faculty Senate or appointed representative from Faculty Senate (ex-officio, non-voting)
3. Three Faculty members.

c. Duties/Procedures:

1. Meet at least once per semester.
2. Advise the Dean of Student Services and Enrollment Management and the Faculty Senate about campus life and student related issues. If appropriate, the Student Affairs Board of Advisors may refer issues to other committees or responsible individuals for resolution of issues, or for information sharing.

**1.2.5.8 Teacher Education Board** (revised July 2013)

a. Purpose:

To advise the Teacher Education Program on matters regarding teacher certification.

b. Membership:

1. Head, Teacher Education Program (ex-officio).
2. One ranked academic faculty member from each secondary and K-12 licensure and endorsement certification program (appointed by respective Department Chairs).
3. One ranked academic faculty from each department included in the Liberal Studies core areas (appointed by respective Department Chairs). In core areas with secondary and K-12 licensure programs (see #2 above), a department may appoint a single individual to represent both the core area and the secondary/K-12 licensure program at the discretion of that department. (See #2 above).
4. Two ranked academic faculty from the Teacher Education Program, one representing elementary education, one representing secondary/K-12 education (appointed by the Head of the Teacher Education Program).
5. One ranked academic faculty from the Library (appointed by the Dean of the University Library).
6. Two students enrolled in teacher licensure or endorsement (selected by Teacher Education Program faculty).

c. Duties/Procedures:

1. Convened by the Chair not fewer than one (1) time each semester, and otherwise as deemed necessary by any member of the Board.
2. Reviews and approves admission, retention, deselection criteria, changes in endorsement areas and professional sequences before submission to the CAPB.
3. Reviews and approves changes in the Liberal Studies program before submission to the College Curriculum Board and to the CAPB.
4. Serves as appeals board for students denied admission to the program, admission to student teaching, recommendation for licensure, and those deselected from the program.
5. Monitors adherence to CDE/CCHE certification regulations and reviews accreditation self-studies and teacher education program assessment data.

**1.2.5.9 University Board on Diversity and Equality** (revised July 2013)

a. Purpose:

To serve as a broad-based advisory group for the President on matters of diversity and equality to create and maintain an inclusive, respectful and welcoming environment for students, faculty, staff and visitors. To facilitate the institution's commitment to accountability at all levels by engaging in comprehensive analysis of diversity issues, facilitating the University's diversity planning, and ensuring an active development of necessary policies and procedures. The Board may be asked by the President to review Affirmative Action complaints and make recommendations on possible solutions.

b. Membership:

All members must be approved by the President to seek the broadest range of perspectives.

1. Director of Affirmative Action/EEO & Campus Diversity (ex-officio, non-voting).
2. Director of Human Resources (ex-officio, non-voting).
3. One member to be appointed by the President.
4. One representative of Academic Council as appointed by the Provost.
5. One ranked academic faculty member from each electing unit (elected by unit).

6. One representative from Classified Council (selected by Classified Staff Council).
7. Two representatives from Classified Staff (selected by Classified Staff Council).
8. One representative from Athletics (appointed by President).
9. One representative from Student Services and Enrollment Management (appointed by President).
10. One representative from Finance and Administration (appointed by President).
11. One representative from Administrative Professional Staff (selected by Admin Pro Council).
12. Two student representatives with at least one from ASG (appointed by ASG) and one appointed by the Director of Affirmative Action/EEO & Campus Diversity
13. One representative from Faculty Senate (selected by Faculty Senate). The term of office of the senator representing Senate on the Board shall be for one-year.

c. Board Duties/Procedures:

1. Convened by Chair, or Vice Chair, not less than once a month during the academic year and otherwise as necessary.
2. Formulate new or revised policies, procedures, and plans to meet the Diversity Commitment.
3. Review strategies to recruit and retain a more broadly representative faculty and staff, which include assisting in studies about CSU-Pueblo Workforce, analyzing issues and developments affecting diversity concerns in higher education, and providing evaluations and recommendations to capitalize on emerging trends.
4. Review the institution's programs, policies and procedures as critical components of the decision-making process to ensure diversity is incorporated in all relevant decisions and to develop recommendations for faculty and staff professional development experiences that will promote diversity, stimulate discussion, and improve understanding.
5. Engage the campus in discussion about diversity, cultural competency, and equality while encouraging participation in the cultural events on campus.
6. Recommend methods to ensure diversity remains present in the decision-making processes at all levels of University Governance and empowering the campus to be inclusive.
7. Recommend strategies for advancing diversity and equality and create strategies to recognize and celebrate the intrinsic value of promoting inclusion, respect, and multiculturalism in global society.
8. Monitor and evaluate adherence to diversity policies, procedures and plans and the university's progress toward achieving stated diversity goals.

d. Board Officers and Responsibilities:

1. *Director of Affirmative Action/ EEO & Campus Diversity and Director of Human Resources:* Work in a consulting role to provide information on relevant laws, best practices, and policy development as well as drafting documents for the Board.
2. *Board Chair:* Elected by voting Board members at the start of each academic year. Responsible for convening and coordinating meetings, setting meeting agendas, serving as liaison with the President, calling for votes when necessary, disseminating information to the campus and the Board, ensuring minutes are taken and available, and coordinating the development of policies, procedures, and documents.
3. *Board Vice Chair:* Elected by voting Board members at the start of each academic year. Convenes the meeting in the absence of the Chair and provides assistance to the Chair as necessary.
4. *Board Secretary:* This will be a floating position dependent upon attendance at the meeting but the Chair may appoint someone when necessary. Responsible for recording meeting minutes and

preparing them for Chair review and dissemination. Also, responsible for assisting in the creation of a centralized collection of documents related to the Board.

5. *Board Members*: Responsible for representing their designated constituency. This includes communicating with constituency and seeking feedback and input. Board members are responsible for implementing approved policies, procedures, practices and programs. Members are also responsible for holding their constituency accountable for implementation of the Diversity Commitment.

#### **1.2.5.10 University Budget Board** (revised July 2013)

##### **a. Purpose:**

To advise the Provost and President on policies and procedures involving the allocation of University resources.

##### **b. Membership:**

1. Vice President of Finance and Administration (ex-officio, non-voting).
2. Assistant Provost for Assessment or Representative (ex-officio, non-voting)
3. Provost or representative (ex-officio, non-voting).
4. Deans or their representatives (ex-officio), one per electing unit as well as one from Continuing Education, Graduate Studies and Student Affairs.
5. Two Classified Staff representatives (selected by Classified Staff Council, confirmed by President).
6. Two Administrative Professional Representatives (selected by Admin Pro Council, confirmed by President).
7. One Athletics Representative (appointed by President).
8. Two members of Associated Student Government (appointed by ASG Senate).
9. Faculty Senate President (with a one-year term of office).
10. One faculty member from each electing unit (nominated by their respective dean and confirmed by Faculty Senate, the President and the Provost).
11. One additional faculty member from each electing unit (elected by the unit and confirmed by President and Provost).

##### **c. Duties/Procedures:**

1. Convened by the Chair not fewer than four (4) times each semester and otherwise as needed.
2. Develops guidelines and policies for budgeting, resources allocation, space allocation and remodeling, buildings and grounds modifications.
3. Recommends to the University President for resources allocations.

#### **1.2.6 Boards Recommending to Senate**

The following Boards Recommending to Senate are authorized to participate in the governance of the University. Any modifications to the purpose, membership, duties, and procedure of boards recommending to the Faculty Senate shall require a majority vote of the Faculty Senate before being presented in writing with Faculty Senate recommendations to the ranked academic School faculty in referendum and shall be ratified by a two-thirds (2/3) majority of those who vote. By a majority vote of the Senate, such amendments may be presented to the ranked academic School faculty by mail



ballot. The Provost shall be informed of any such amendments ratified by the academic faculty within fourteen (14) days.

#### **1.2.6.1 Academic Policies and Standards Board** (revised September 2012; July 2013)

a. Purpose:

To recommend to the Faculty Senate on matters of academic policies and standards.

b. Membership:

1. Provost's Appointee (ex-officio).
2. Enrollment Management Representative (ex-officio).
3. One representative from Financial Aid (ex-officio and non-voting).
4. One ASG member (appointed by ASG Senate).
5. One ranked academic faculty member from each electing unit other than the Library (nominated by their respective Dean and confirmed by the Faculty Senate); if the unit has a college level Academic Policies and Standards Committee, the individual appointed should be a member of that committee;
6. One Faculty Senator from each electing unit other than the Library (selected by the senators of the unit); a senator nominated to the Board by their electing unit will be eligible to serve in this position. The term of office of each senator shall be for one-year.
7. One faculty senator (elected by Faculty Senate) to represent the Board on the Faculty Senate Executive Committee; a senator nominated to the Board by their electing unit, or by Senate as to represent their electing unit, will be eligible to serve in this position. The term of office of the senator representing the Board on the Senate Executive Committee shall be for one-year.

c. Duties/Procedures:

1. Convened by the Chair not fewer than four (4) times each academic semester and otherwise as needed.
2. Reviews and recommends on university matters pertaining to undergraduate academic policies and standards other than general education, including, but not necessarily limited to, policies, procedures, and standards regarding admissions, graduation, probation and suspension, on transfer articulation and evaluation, testing and assessment, and special academic programs.
3. Develops and implements guidelines for student advising, student academic appeals, and recognition of student achievement.
4. Academic policies and standards modifications, regardless of their origin, will be submitted through departmental committees (if they exist), electing unit's estate committees, the appropriate Dean, the Academic Policies and Standards Board, and be forwarded, by the Board, with recommendations to the Faculty Senate. This includes all proposals, regardless of their origin, to modify existing language and/or to add new language pertaining to academic policies and standards to the University Catalog. Upon approval by Faculty Senate per the Voting Procedures in Section 1.1.2.5 (Article V, Section 8 of the Faculty Senate Constitution), the Board Chair is responsible for communicating the required Catalog changes to the office responsible for publication of the University Catalog. The Board Chair is further responsible for verifying that the necessary changes have been made in the subsequent edition of the University Catalog.
5. Performs other duties upon the request of the Executive Committee.



### **1.2.6.2 Curriculum and Academic Programs Board (revised July 2013)**

**a. Purpose:**

To recommend to the Faculty Senate on matters of undergraduate and graduate curriculum, program development and review, and policies and procedures regarding curriculum and academic programs.

**b. Membership:**

1. Provost or Provost's representative (ex-officio, non-voting)
2. Registrar (ex-officio, non-voting).
3. One ASG member (appointed by ASG Senate).
4. Two ranked academic faculty members from each electing unit other than the Library (nominated by their respective Dean and confirmed by Faculty Senate); at least one of these must be a member of the electing unit's Curriculum and Academic Programs Committee.
5. One ranked academic faculty member from the Library (nominated by the Dean of the University Library and confirmed by Faculty Senate).
6. One faculty senator (elected by Faculty Senate) to represent the Board on the Faculty Senate Executive Committee; a senator elected to the Board by their electing unit will be eligible to serve in this position. The term of office of the senator representing the Board on the Senate Executive Committee shall be for one-year.

**c. Duties/Procedures:**

1. Convened by the chair not fewer than ten (10) times each semester and otherwise as needed.
2. Develops and implements policies and procedures for curriculum modification, academic program development and review, and related matters.
3. Develops and implements policies and procedures for academic program review which ensure:
  - i. the academic unit under review is afforded an opportunity to assess and evaluate its program outcomes, resources, curriculum, faculty, staff, facilities, students, alumni, and other programmatic considerations;
  - ii. quantitative and qualitative information is collected that will enable the program, college, and University as a whole to enhance their planning processes;
  - iii. program review results are communicated to the Board of Governors and to the CCHE to assist those bodies in their efforts to provide informed governance and coordination; and
  - iv. CCHE requirements concerning the frequency of required reviews are met.
4. Reviews and recommends to the Faculty Senate on all curriculum and program modifications proposed by electing unit's Curriculum and Academic Program Committees, the Administration, or other sources, including, but not necessarily limited to, course additions, deletions, modifications, degree and institutional requirements, new academic program proposals, and related matters.
5. In accordance with CCHE policy, responsible for review of existing academic programs. The CAPB, with approval of the Provost, shall determine the schedule of review. The faculty of the unit being reviewed shall prepare a self report for submission to the CAPB in accordance with then existing CAPB policies. The CAPB will then forward the report to the Provost through the Faculty Senate. The Provost shall determine and obtain any further necessary administrative review, complete the institutional response and submit the final report to the Board of Governors.
6. Curriculum and program modifications will be submitted through departmental committees, if they exist, to the electing unit's Curriculum and Academic Programs Committees, the appropriate Dean, and the Curriculum and Academic Programs Board. This includes all proposals, regardless of their

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origin, to modify existing language and/or to add new language pertaining to curriculum and academic programs to the University Catalog. Based on CAPB review of the proposal, it may be returned to the department for modification prior to final approval by that Board. Upon approval by Faculty Senate per the Voting Procedures in Section 1.1.2.5 (Article V, Section 8 of the Faculty Senate Constitution), the Board Chair is responsible for communicating the required Catalog changes to the office responsible for publication of the University Catalog. The Board Chair is further responsible for verifying that the necessary changes have been made in the subsequent edition of the University Catalog. A complete report of all modifications made during the academic year will be communicated by the CAPB to the Faculty Senate, the Provost and the Registrar's Office.

7. As needed in the event that the procedures specified in Section 2.17.6.3 (Reduction in Force) are initiated, fulfills the duties specified for CAPB in Sections 2.17.6.3.3.1 (Financial Exigency) and in Section 2.17.6.3.3.2 (Formal Discontinuance of Degree or Program Areas).

8. Performs other duties upon the request of the Executive Committee.

### **1.2.6.3 General Education Board** (revised July 2013)

#### **a. Purpose:**

To recommend to the Faculty Senate on matters of general education program development, policies and standards.

#### **b. Membership:**

1. Provost or Provost Appointee (ex-officio, non-voting).
2. Registrar (ex-officio).
3. One academic dean, appointed by the Provost (ex-officio).
4. One ASG member (appointed by ASG Senate).
5. One ranked academic faculty member from each electing unit (nominated by their respective Dean and confirmed by the Faculty Senate).
6. One faculty senator (elected by Faculty Senate) to represent the Board on the Faculty Senate Executive Committee; a senator elected to the Board by their electing unit will be eligible to serve in this position. The term of office of the senator representing the Board on the Senate Executive Committee shall be for one-year.

#### **c. Duties/Procedures**

1. Convened by the chair not fewer than five (5) times each academic semester and otherwise as needed.
2. Oversees all general education courses. Recommends to the Faculty Senate on all course modifications proposed by the electing units' Curriculum and Academic Program Committees, the Administration or other sources.
3. Curriculum and course modifications will be submitted through departmental committees, if they exist, to the electing unit's Curriculum and Academic Program Committee, the appropriate Dean, the Curriculum and Academic Programs Board, the General Education Board, and be forwarded by this Board, with recommendations to the Faculty Senate. This includes all proposals, regardless of their origin, to modify existing language and/or to add new language pertaining to general education in the University Catalog. Upon approval by Faculty Senate per the Voting Procedures in Section 1.1.2.5 (Article V, Section 8 of the Faculty Senate Constitution), the Board Chair is responsible for communicating the required Catalog changes to the office responsible for publication of the

University Catalog. The Board Chair is further responsible for verifying that the necessary changes have been made in the subsequent edition of the University Catalog.

4. Makes provisions for university-wide compliance of General Education courses with existing General Education standards through:
  - i. Recommendations to the Faculty Senate concerning course additions to and deletions from the General Education Program. Upon approval by Faculty Senate per the Voting Procedures in Section 1.1.2.5 (Article V, Section 8 of the Faculty Senate Constitution), the Board Chair is responsible for communicating the required Catalog changes to the office responsible for publication of the University Catalog. The Board Chair is further responsible for verifying that the necessary changes have been made in the subsequent edition of the University Catalog.
  - ii. Reviews and evaluates existing standards for the General Education Program.
5. Proposes updates and improvements for General Education Standards to the Faculty Senate as appropriate.
6. Assesses student achievement of General Education Standards.
7. Submits an annual summary report on the state of the General Education Program and Courses to the Faculty Senate.
8. Performs other duties upon the request of the Executive Committee.

#### **1.2.6.4 Graduate Studies Board** (revised July 2013, April 2016)

##### a. Purpose:

To recommend to the Faculty Senate on matters of graduate program development, policies and standards.

##### b. Membership:

1. The Program Director of each approved graduate degree and consortium graduate program
2. Provost or Provost's representative.
3. One faculty senator (elected by Faculty Senate) to represent the Board on the Faculty Senate Executive Committee; a senator serving on the Board as a program director will be eligible to serve in this position. The term of office of the senator representing the Board on the Senate Executive Committee shall be for one-year.

##### c. Duties/Procedures:

1. Convened by the Chair not fewer than twice each semester and otherwise as needed.
2. Oversees all graduate programs and courses. Recommends to the Faculty Senate on all academic or curricular policy changes proposed by a graduate program, the program's electing unit, the University Administration or other sources. This includes all proposals, regardless of their origin, to modify existing language and/or to add new language pertaining to graduate studies in the University Catalog. Upon approval by Faculty Senate per the Voting Procedures in Section 1.1.2.5 (Article V, Section 8 of the Faculty Senate Constitution), the Board Chair is responsible for communicating the required Catalog changes to the office responsible for publication of the University Catalog. The Board Chair is further responsible for verifying that the necessary changes have been made in the subsequent edition of the University Catalog.
3. Performs other duties upon the request of the Executive Committee.

#### **1.2.6.5 Information Technology Board** (revised July 2013)

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a. Purpose:

To recommend to the Faculty Senate, and to advise Academic Affairs and the Division of Information Technology Services (ITS) on campus wide technology policies, including but not limited to instructional technology issues.

b. Membership:

1. Chief Information Technology Officer, or appointed designee (ex-officio, non-voting).
2. University Instructional Design Specialist (ex-officio, non-voting).
3. University Website Designer (ex-officio, non-voting).
4. One classified employee at-large (elected by Classified Staff Council).
5. One representative from Administrative Professional Staff (selected by Admin Pro Council).
6. ASG member (appointed by ASG Senate).
7. One ranked academic faculty member elected from each electing unit (elected by the unit).
8. One faculty senator (elected by Faculty Senate) to represent the Board on the Faculty Senate Executive Committee; a senator elected to the Board by their electing unit will be eligible to serve in this position. The term of office of the senator representing the Board on the Senate Executive Committee shall be for one-year.

c. Duties/Procedures:

1. Convened by the Chair not fewer than three (3) times each academic semester, and otherwise as needed.
2. Formulates and monitors a "Campus Informational Technology Vision Statement" focused on the role and future of Information Technology on campus.
3. Recommends to Senate, which in turn advises ITS and Academic Affairs on policies, procedures and priorities relative to technology use and development on campus.
4. Monitors and evaluates campus wide policies and procedures of ITS and their implementation.
5. Disseminates information concerning campus wide policies and procedures of ITS to faculty.
6. Solicits and analyzes input from faculty concerning information technology needs and concerns.
7. Formulates and recommends to Senate, which in turn advises ITS and Academic Affairs, concerning models, policy, and procedures for the use of instructional technology, including distance education issues such as program priorities and assessment, faculty training and workload, course design and pedagogy, budget, scheduling, facilities and staff support.
8. Performs other duties upon the request of the Executive Committee.

### **1.2.7 Estate Committees**

#### **1.2.7.1 Faculty Senate Estate Committees** (revised September 2012)

The following Faculty Senate Estate Committees are authorized to participate in the governance of the University. Any modifications to the purpose, membership, duties, and procedure of Faculty Senate Estate Committees shall require a majority vote of the Faculty Senate before being presented in writing with Faculty Senate recommendations to the ranked academic school faculty in referendum and shall be ratified by a two-thirds (2/3) majority of those who vote. By a majority vote of the Senate, such amendments may be presented to the ranked academic faculty by mail ballot. The Provost shall be informed of any such amendments ratified by the academic faculty within fourteen

(14) days.

Terms of office of all members of Senate Estate Committees shall be two (2) years unless otherwise specified. The intent is for membership of most of these committees to be staggered so that approximately half of the terms of each committee will end each year. At the option of the Faculty Senate, people may be appointed to one (1) year terms to help balance when terms end. Prior to the start of the fall semester, the newly constituted Senate shall convene in order to select members to the Senate Estate Committees at the Senate Retreat meeting. Following this selection, Senate Estate Committees shall convene to elect their Chairs from their membership.

#### **1.2.7.1.1 Executive Committee** (Revised July 2013)

a. Purpose:

To provide leadership for the Faculty Senate.

b. Membership:

1. Faculty Senate President
2. Faculty Senate Vice President
3. Faculty Senate Secretary;
4. Board of Governors Representative (ex officio)
5. CFAC Representative (ex officio)
6. Outgoing Faculty Senate President (ex-officio and non-voting); if the outgoing Faculty Senate President is unable or unwilling to serve in all the duties required of this position, previous past Senate Presidents shall be asked to serve in reverse chronological order (i.e., the one that served most recently will be asked to serve first, going further back only as needed.)
7. Chair of the Faculty Handbook Committee (Section 1.2.7.1.3 (ex officio and non-voting)
8. Senate Representatives of the Academic Policies and Standards Board (Section 1.2.6.1), the Curriculum and Academic Programs Board (Section 1.2.6.2), the General Education Board (Section 1.2.6.3), the Graduate Studies Board (Section 1.2.6.4), the Information Technology Board (Section 1.2.6.5), the Committee on Shared Governance (Section 1.2.7.1.2), and the Faculty Compensation Committee (Section 1.2.7.1.4) (ex officio and non-voting).
9. The term of office of all members of the Executive Committee shall be for one-year. All members will be selected as described in Sections 1.1.2.4. and Sections 1.2.7.1.

c. Duties/Procedures:

1. Convened by the Faculty Senate President once a month approximately ten (10) days preceding each regular meeting of the Faculty Senate, or at the call of the Senate President.
2. Prepares the Faculty Senate agenda for distribution to the Faculty Senate not less than one (1) week prior to each regular meeting.
3. Assigns tasks to Faculty Senate estate committees and receives reports.
4. Adjudicates jurisdictional disputes between or among Faculty Senate estate committees.
5. Interprets provisions of the Faculty Senate Constitution and Bylaws.
6. Recommends to the Faculty Senate changes in the structure of estate committees or in the Constitution and Bylaws.
7. Submits graduation lists to the Faculty Senate for approval.

8. On behalf of the Faculty Senate, fulfills the stated obligation in Article III, Section 4 of the Faculty Senate Constitution to forward to the President through the Provost, recommendations concerning all actions taken by the Faculty Senate estate committees and boards listed in Article VII of the Bylaws of the Faculty Senate Constitution.
9. Designates a member of the ranked faculty to serve as Faculty Senate parliamentarian, per Article VII, Section 3 of the Faculty Senate Bylaws (Handbook Section [1.1.2.7](#)).
10. Coordinates with the President, the Provost and the Committee on Shared Governance to appoint an individual to the University Grievance Officer position (three-year cycle) as specified in Section 2.18.13.1, and with the Provost to annually evaluate the performance of the current University Grievance Officer as specified in Section 2.18.13.1.
11. The President of Faculty Senate shall assist in annual appointment process for new University Mediators as specified in Section 2.18.11.2.1.

#### **1.2.7.1.2 Committee on Shared Governance (Revised July 2013)**

##### **a. Purpose:**

To implement procedures and provide oversight for policies related to campus shared governance.

##### **b. Membership:**

1. One ranked academic faculty member from each electing unit (elected by the unit and confirmed by the Faculty Senate).
2. One faculty senator (elected by Faculty Senate) to represent the committee on the Faculty Senate Executive Committee; a senator elected to the committee by their electing unit will be eligible to serve in this position. The term of office of the Senate Executive Committee representative shall be for one-year.

##### **c. Duties/Procedures:**

1. Convened by the Chair not fewer than four (4) times each academic semester and otherwise as needed.
2. Administers Article I (Section 6), Article II and Article IV of the Bylaws of the Faculty Senate Constitution concerning election of faculty senators and senate officers.
3. Coordinates with Faculty Senate, Academic Deans, Associated Student Government, Classified Staff Council, Admin Pro Council and University Administration to ensure vacancies in the membership of the shared governance governing bodies listed in Sections 1.2.5, 1.2.6 and 1.2.7.1 are promptly filled, and advises other campus constituencies on questions concerning the election and appointment of faculty members to these boards and committee.
4. Regularly reviews activities and reports of all official shared governance bodies, and recommends to Faculty Senate concerning modifications to Section 1.2 as needed to ensure effective functioning of these bodies.
5. Coordinates with the President, the Provost and the Senate Executive Committee to appoint an individual to the University Grievance Officer position (three-year cycle) as specified in Section 2.18.13.1.
6. Determines the number of senators for each electing unit (on or before November 1) per the provisions of Section 1.1.2.1 and conducts unit elections for new Senators in collaboration with the Dean (on or before April 1) per the provisions of Section 1.1.2.2.
7. Develops and implements Administrative Appraisals each Spring semester on or before March 1

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and provides a summary report of the results to Faculty Senate no later than the first April meeting of Senate.

8. Develops and implements strategies for communicating Shared Governance policies and procedures to faculty and administration.

9. Performs other duties as assigned by the Executive Committee.

#### **1.2.7.1.3 Faculty Handbook Committee** (revised July 2013)

a. Purpose:

To maintain and ensure accuracy of the Faculty Handbook.

b. Membership:

1. One Senator from each electing unit. The term of office of all senate members shall be for one year.

2. One non-voting administrative liaison appointed by the Provost from the Deans' Council.

c. Duties/Procedures:

1. Convened by the Chair not fewer than four (4) times each academic semester and otherwise as needed.

2. Upon the request of Faculty Senate, University Administration and/or the Office of General Counsel, develops recommendations for modifications to the Faculty Handbook.

3. Conducts faculty referendum on proposed revisions to the Faculty Handbook as required by the provisions of Sections 1.1.1.4, 1.2.6, 1.2.7.1 and 2.19.

4. Reviews the Faculty Handbook each fall semester to ensure that approved revisions have been incorporated into the Faculty Handbook per the provisions of Sections 1.1.1.4, 1.1.2.8, 1.2.5, 1.2.6, 1.2.7.1 and 2.19.

5. Reviews Chapter 2 of the Faculty Handbook on a regular basis to ensure accuracy and adequacy of its contents, and shares responsibility with Senate Executive Committee and the Committee on Shared Governance for ensuring accuracy and adequacy of the contents of Section 1.1 and 1.2 respectively.

6. Develops and implements strategies for communicating Faculty Handbook policies and procedures to faculty and administration.

7. Performs other duties as assigned by the Executive Committee.

#### **1.2.7.1.4 Faculty Compensation Committee** (revised July 2013)

a. Purpose:

To recommend on the salary equity requests of individual faculty members, as well as on policies and procedures regarding faculty compensation, including salary administration (Section 2.13).

b. Membership:

1. One ranked academic faculty member from each electing unit (elected by the unit and confirmed by the Faculty Senate).

2. One faculty senator (elected by Faculty Senate) to represent the Board on Budget Board; a senator elected to the Board by their electing unit will be eligible to serve in this position. The term of office of the senator representing the committee on the Budget Board shall be for one-year.

c. Duties/Procedures:

1. Convened by the Chair at least once a semester and otherwise as needed.
2. Recommends policies and procedures involving determination of salary adjustments, salary increases, and fringe benefits for faculty.
3. Performs other duties as assigned by the Executive Committee.

**1.2.7.1.5 Faculty Policies and Procedures Committee** (revised July 2013)

a. Purpose:

To recommend to senate on policies and procedures regarding faculty issues other than compensation.

b. Membership:

1. One ranked academic faculty member from each electing unit (elected by the unit and confirmed by the Faculty Senate).
2. Two faculty senators (elected by Faculty Senate), one of whom will also represent the committee on the Faculty Senate Executive Committee; a senator elected to the committee by their electing unit will be eligible to serve in these positions. The term of office of both senators shall be for one-year.

c. Duties/Procedures:

1. Convened by the Chair not fewer than four (4) times each academic semester and otherwise as needed.
2. Recommends policies and procedures regarding faculty issues other than compensation, including but not limited to annual performance review, evaluation standards, promotion, tenure, faculty leaves, grievances, and workload issues.
3. Performs other duties as assigned by the Executive Committee.

**1.2.7.2 Electing Unit Estate Committees**

**1.2.7.2.1 Academic Policies and Standards Committees**

At their own discretion, electing units may form an Academic Policies and Standards Committee.

a. Purpose:

To recommend through the Dean to Academic Policies and Standards Board on matters of academic policies and standards.

b. Membership:

Not fewer than three (3) nor more than five (5) ranked academic faculty elected at the beginning of the academic year.

c. Duties/Procedures:

1. Convened by the chair at least once a semester and otherwise as needed.
2. Reviews and recommends on matters of academic policy and standards (Section 1.2.6.1).
3. Upon nomination by the Dean and confirmation by the Faculty Senate, one (1) member from each electing unit's estate committee serves on the Academic Policies and Standards Board.



#### **1.2.7.2.2 Curriculum and Academic Programs Committees**

a. Purpose:

To recommend through the Dean to the Curriculum and Academic Program Board on matters of graduate and undergraduate curriculum, program development and review, and policies and procedures regarding curriculum and academic programs.

b. Membership:

Not fewer than three (3) nor more than ten (10) ranked academic faculty elected at the beginning of the academic year.

c. Duties/Procedures:

1. Convened by the Chair at least once a semester and otherwise as needed.
2. Reviews and recommends on curricular changes, including course title and credit hour changes, course or program additions and deletions, and related academic matters (Section 1.2.6.2).
3. Upon nomination from the Dean and confirmation by the Faculty Senate, one (1) member from each electing unit's estate committee serves on the Curriculum and Academic Policies Board.

#### **1.2.7.2.3 Personnel and Review Committees**

a. Purpose:

To advise the Dean on decisions related to tenure, promotion, and participation in faculty development leave programs.

b. Membership:

Committee members shall be elected by the faculty and the committee constituted by each electing unit in accordance with its own standards and procedures, which shall be published and distributed to the faculty.

c. Duties/Procedures:

1. Convened by the Dean at appropriate times.
2. Reviews applicant dossiers and in the cases of application for promotion, tenure, and post-tenure reviews, Department Chair and Personnel and Review Committee recommendations.
3. Advises the Dean in making the recommendations on participation in faculty development leave programs, awarding tenure, granting promotion, and action resulting from post-tenure reviews.
4. Discussions within the Personnel and Review Committee are confidential; failure to maintain confidentiality shall be construed as a breach of ethics.

#### **1.2.7.2.4 Faculty Search and Screen Committees**

a. Purpose:

To recommend to the Dean regarding selection of finalists for an advertised position.

b. Membership:

1. Department Chair or Program Coordinator of the program area of the position being recruited (ex-officio).

2. Ranked faculty members in the program area of the advertised position (appointed by the Dean in consultation with the Department Chair).
3. Optional: Up to two (2) ranked faculty members from outside the program area and one (1) person from the University community.

c. Duties/Procedures:

1. Convened by the Dean when necessary to receive the written charge in accordance with the approved Affirmative Action Plan.
2. Convened by the Committee Chair as necessary to conduct the search and screen process in accordance with the procedures specified by the Human Resource Guidelines and the approved Affirmative Action Plan.

**1.2.7.3 Departmental Estate Committees**

At their discretion, departments may form estate committees corresponding to the electing unit's estate committees described in 1.2.7.2. If such committees exist, they shall be advisory to the Department Chair and constituted in a manner consistent with the electing unit's estate committees.

## CHAPTER 2 - FACULTY PERSONNEL POLICIES

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## CHAPTER 2 FACULTY PERSONNEL POLICIES

This chapter is the official statement of policies, obligations, responsibilities, rights, and privileges pertaining to faculty. Other University policies related to faculty employment are incorporated by reference into this chapter as so indicated. All faculty are required to be familiar with and abide by the terms and provisions of this chapter as a condition of their employment with the University. Unless modified by mutual agreement of the individual faculty member and the University, this chapter becomes a part of every ranked faculty member's contractual employment rights.

### 2.1 Faculty Employment Status (revised July 2013)

#### 2.1.1 Types of Faculty Employment Status

The three types of employment status are: "at-will," "probationary" and "tenured." A full-time faculty employment status is designated as one (1.0) FTEF (full-time equivalent faculty) in accordance with CCHE guidelines. A part-time faculty employment status is designated as less than one (1.0) FTEF. The basic, but not exclusive, distinctions among these status types are as follows:

##### 2.1.1.1 At-Will Faculty

A full-time or part-time at-will faculty member is employed solely within the discretion of the University and this employment may be terminated by the University or employee at any time with or without cause. At-will faculty may file a grievance due to termination of their appointment only for the reasons set forth in Section 2.17.4.2, paragraph d. At-will appointments are also used to provide compensation for probationary or tenured faculty who perform compensable supplemental duties. In any fiscal year, the total FTEF initially budgeted for part-time at-will academic faculty, exclusive of those used to provide supplemental compensation, shall not exceed ten percent (10%) of the total FTEF for full-time probationary and tenured faculty positions.

##### 2.1.1.2 Probationary Faculty

A full-time or part-time probationary (tenure-track) faculty member is appointed for a designated period not to exceed one fiscal year and may be re-appointed for a maximum of five additional academic years (for a total of six academic year appointments), subject to non-reappointment per the policy stated in Section 2.17.3. Part-time probationary faculty, applicable only to shared appointments, must be designated as 0.5 FTEF.

##### 2.1.1.3 Tenured Faculty

A full-time or part-time tenured faculty member is appointed for a designated period not to exceed one fiscal year and has the contractual right to continuous appointments until the faculty member resigns, retires, becomes permanently disabled, is dismissed for adequate cause, is terminated for medical reasons, or is terminated pursuant to a reduction in force resulting from a bona fide financial exigency or from the formal discontinuance of a degree or program area. Part-time tenured faculty, applicable only to shared appointments, must be designated as 0.5 FTEF.

#### 2.1.2 Faculty Appointment Information

All faculty appointment letters shall be tendered subject to the availability of funds. Appointment letters shall include the following information:

- a. type of faculty employment status and appointment;

- b. salary amount;
- c. designation of program area(s);
- d. designation of academic rank, academic title, or special academic status;
- e. duration of appointment;
- f. special conditions (if any); and
- g. statement that the employee and the Board of Governors are subject to the personnel policies set forth in Chapter 2 of this Faculty Handbook.

### **2.1.3 Definitions of Terms**

For the purposes of the policies contained in this chapter, "academic year" shall mean that period of time encompassed by fall and spring semesters. "Fiscal year" shall mean July 1 to the following June 30. "Calendar year" shall mean January 1 through December 31. "Working day" shall mean any Monday, Tuesday, Wednesday, Thursday, or Friday during the calendar year that the University is officially open. "Class day" shall mean any day during which classes are scheduled.

### **2.1.4 Duration of Appointments**

Unless otherwise specifically defined in an individual appointment letter, commencement of duties for the academic year shall begin not more than five (5) working days prior to the scheduled beginning of classes and end not later than three (3) working days after commencement. Unless otherwise specifically defined in an individual appointment letter, appointments for the fiscal year shall commence on July 1 and end on the following June 30.

### **2.1.5 Faculty Appointments**

In policies, practices, and procedures related to faculty appointments, the University shall not engage in unlawful discrimination in employment against any person because of race, color, religion, sex, national origin, age, handicap, or veteran status. The University shall take affirmative action to employ protected class applicants and to treat all employees during employment without regard to their race, color, religion, sex, national origin, age, handicap, or veteran status, in accordance with the laws of the United States and the State of Colorado. Such action shall include, but not be limited to, affirmative efforts with respect to employment, promotion, retention, recruitment, or recruitment advertising; reduction in force, retirement, or termination; rates of pay or other forms of compensation; and selection for faculty development activities. Furthermore, the University shall post in conspicuous places notices setting forth the provisions of this policy.

#### **2.1.5.1 Appointment Letters**

Appointment Letters are subject to approval by the President; all appointment letters are contingent upon availability of funds. No offer of employment is valid and binding on the University or the Board of Governors unless and until approved by the President. On or before April 15 prior to the beginning of that academic or fiscal year, all probationary faculty shall be provided either with a notification of non-reappointment pursuant to the provisions of Section 2.17.3.2 or with a letter of intent for the ensuing academic or fiscal year. Letters of intent shall specify all information contained in Section 2.1.2, except salary amount. Continuing probationary and newly tenured faculty shall be provided appointment letters for the ensuing academic or fiscal year on or before fifteen (15) working days after Board of Governors approval of the fiscal year budget. All faculty appointment letters must be signed and returned to the Human Resources Office on or before fifteen (15) working days from the date of receipt, unless an authorized extension is requested in advance from the President.

Appointment Letters for at-will faculty should be made and, where possible, appointment letters signed and returned to the Human Resources Office prior to commencement of duties.

#### **2.1.5.2 Types of Appointments** (revised July 2013)

Faculty appointments are defined to include the following types:

##### **2.1.5.2.1 Regular Appointment**

The term "regular appointment" refers to those full-time or part-time at-will, probationary, or tenured positions held by one person.

##### **2.1.5.2.2 Shared Appointment**

The term "shared appointment" refers to those part-time probationary or tenured positions held by two people, each designated .5 FTEF in a single authorized position. For the purposes of salary determination, promotion, tenure, performance assessment, and other personnel matters, individuals holding shared appointments shall be subject to policies, procedures, and time-lines governing regular appointments. Shared appointments shall be approved by the President, based upon recommendations from the Provost and the appropriate Dean and Department Chair, and specifically so identified in the official University staffing pattern. Such appointments shall be made only when the credentials of the faculty members and/or the needs of the degree or program area so justify. If one of the individuals holding a shared probationary appointment is non-reappointed or denied tenure in the final year of eligibility, the shared appointment automatically expires. If, after tenure is granted, one of the individuals holding a shared appointment resigns, retires, becomes permanently disabled, is dismissed or is terminated in accordance with policies on severance, the other individual's appointment continues at .5 FTEF unless otherwise increased at the sole discretion of the President.

##### **2.1.5.2.3 Joint Appointment**

The term "joint appointment" refers to those full-time or part-time at-will, probationary, or tenured positions held by one person with specific appointment in more than one program area. For the purposes of salary determination, promotion, tenure, performance assessment, and other personnel matters, individuals holding joint appointments shall be assigned by the President, upon recommendation of the Provost and the appropriate Deans and Department Chairs, to a program area as determined by the percentage of workload or level of responsibility. Joint appointments shall be approved by the President, based upon recommendations from the Provost and the appropriate Deans and Department Chairs, and specifically so identified in the official University staffing pattern. Such appointments shall be made only when the credentials of a faculty member and/or the needs of the degree or program area so justify.

##### **2.1.5.2.4 Transitional Appointment**

The term "transitional appointment" refers to those positions held by faculty members who are eligible for retirement under PERA and/or participate in any existing Board of Governors approved Early Retirement Program. Transitional appointments shall be approved by the President, based upon application by the faculty member and upon recommendations from the Provost and the appropriate Dean and Department Chair, and specifically so identified in the official University staffing pattern. Specific policies governing transitional appointments shall be specified in the appointment letter signed by transitional appointees.

### **2.1.5.3 Orientation**

The Office of the Provost shall have the primary responsibility for orientation of first-year faculty appointees to the policies, regulations and procedures of the University, as well as to specific duties and responsibilities. Such orientation shall include faculty members' being provided the electronic link to access this Faculty Handbook. Thereafter, faculty members are responsible for informing Department Chairs of the need or desire for additional orientation.

### **2.1.6 Official Personnel Files**

The official personnel file for each faculty member shall be maintained in locked cabinets in the Human Resources Office. On or before October 1 of each academic year, probationary and tenured faculty shall submit, for inclusion in the personnel files, through the Department Chair and Dean, a current curriculum vitae in the format approved by the University. In addition, the personnel file shall contain all documents concerning the faculty member's employment which are required to be produced and maintained under the provisions of Chapter 2 of this Faculty Handbook, except as otherwise provided, including, for example, application materials, final judgments resulting from performance assessment, promotion, or tenure decisions, and records on benefits and leaves.

Letters of recommendation for employment shall be maintained in separate pre-employment files to which faculty members and the public shall have no access. Upon receipt of tenure or severance from the University, pre-employment files shall be destroyed.

Faculty members shall have access to personnel files during Human Resources Office business hours. Faculty members may request copies, at their own cost, of any material contained therein. Faculty members may not remove items from the file or the file itself from the Human Resources Office. Faculty members may enter statements in the personnel file, which clarify, correct, or refute material therein, and such statements shall be attached to the applicable documents in the file. Access to the personnel file shall be governed by applicable provisions of Colorado public records laws. Personnel files shall be maintained in hard copy during the entire duration of a faculty member's employment. Following severance for any reason, personnel files shall be permanently maintained in the University archives, but not necessarily in hard copy.

## **2.2 Definitions of Faculty** (revised July 2013)

### **2.2.1 Academic Faculty**

"Academic faculty" shall be defined to include faculty who carry academic rank, academic titles, or special academic status as set forth below. Academic faculty shall receive an appointment letter as described in Sections 2.1.2 and 2.1.5.1.

#### **2.2.1.1 Ranked Academic Faculty**

The four academic ranks approved by the University include: Instructor, Assistant Professor, Associate Professor, and Professor. Ranked academic faculty shall be employed only as probationary or tenured faculty. Persons holding rank under the terms and conditions of previous handbooks shall retain rank with the adoption of this Faculty Handbook.

#### **2.2.1.2 Titled Academic Faculty**

The six academic titles approved by the University include: Lecturer, Adjunct Professor, Visiting



Professor, Faculty/Research Associate, Faculty-in-Residence, and Endowed Chair/Professorship.

Titled academic faculty shall be employed only as at-will employees. Their employment is at the discretion of the University and may be terminated by the University or the employee at any time. At-will faculty may file a grievance due to termination of their appointment only for the reasons set forth in Section 2.17.4.2, paragraph d. The following applies to titled academic faculty unless otherwise specifically provided for in their individual appointment letter or elsewhere in this chapter:

- a. They shall have only those faculty responsibilities as assigned by the appropriate Dean.
- b. Adjunct and Visiting Professorships shall be determined on the basis of the individual's rank qualifications (Section 2.3), but are not considered "ranked" faculty.
- c. The use of academic titles shall not be construed as the conferring of rank.
- d. Appointments of titled academic faculty may be exempted from the faculty search and screen process with the approval of the Human Resources Director and the President.

#### **2.2.1.2.1 Lecturer**

The title of "Lecturer" may be given to a person who teaches a limited number of courses in a specific area of expertise.

#### **2.2.1.2.2 Adjunct Professor**

The title of "Adjunct Professor" may be given to a person who possesses the credentials and/or experience to hold rank but whose primary employment relationship is outside the University.

#### **2.2.1.2.3 Visiting Professor**

The title of "Visiting Professor" may be given to a person who has a temporary or permanent association at another institution of higher education and is associated with the University while on leave from such other institution or who is otherwise hired to fill a faculty position on a temporary basis.

#### **2.2.1.2.4 Faculty Research Associate**

The title of "Faculty Research Associate" may be given to a person appointed to a position supported by external grant funds.

#### **2.2.1.2.5 Faculty-in-Residence**

The title of "Faculty-in-Residence" may be given to an individual who is associated with the University to perform specific limited duties within an area of special expertise or training under conditions established by the University and upon the recommendations of the appropriate Dean and Department Chair.

#### **2.2.1.2.6 Endowed Chairs/Professorship**

The title of "Endowed Chair" or "Endowed Professor" may be given to a distinguished scholar whose position is supported by endowment funds.

#### **2.2.1.3 Special Status Academic Faculty**

Special status academic faculty includes emeriti and affiliate faculty. Appointments of special status academic faculty are exempted from the faculty search and screen process.

#### **2.2.1.3.1 Retired Faculty** (revised September 2012)

All ranked academic faculty (as defined in Section 2.2.1.1) who officially retire from the University, as well as those titled academic faculty (as defined in Section 2.2.1.2) who were benefit-eligible (0.5 FTE or greater) for at least five years prior to officially retiring from the University, have certain privileges.

These privileges include

- a. permanent faculty identification card;
- b. listing in the University catalog;
- c. faculty library privileges;
- d. free campus parking permits;
- e. access to recreation center for retired member and spouse at regular staff and family rates;
- f. staff cost for admission to athletic events; and
- g. access to the university e-mail.

In addition, retired faculty may:

1. Assist with advisement, student orientations, and special University functions as requested by departments, colleges, or university administration and in a capacity commensurate with retiree's expertise and experience.
2. Serve on departmental, college, and university boards and committees as requested by departments, colleges, university administration or by the members of the boards/committees and in a capacity commensurate with retiree's expertise and experience and, in the case of university shared governance boards/committees, as permitted by Section 1.2 (University Governance) of the Faculty Handbook.
3. Serve as adjunct faculty as requested and commensurate with retiree's expertise and experience. The approval of all adjunct faculty must be consistent with University wide approvals of such positions. A retiree shall retain the privilege of teaching at rank earned at his/her retirement. All adjunct faculty receive compensation in the form of salary only and no benefits are awarded.

##### **2.2.1.3.1.1 Professor Emeritus**

The special status of "Professor Emeritus" may be awarded to those persons who meet the following qualifications:

- a. Have completed at least ten (10) academic years of ranked faculty service to the University and held the rank of Associate Professor or Professor at retirement (in exceptional circumstances, documented by the appropriate Department Chair and Dean, candidates may be advanced who do not meet these qualifications);
- b. Have fulfilled the responsibilities of a faculty member with demonstrated merit;
- c. Have retired from regular service to the University.

Recommendations for appointment to "Professor Emeritus" status may be initiated by any member of the faculty member's department or the faculty member's Department Chair or Dean by the

submission of a written request specifying the qualifications of the candidate for Emeritus title. The initiator shall make recommendations regarding Emeritus status to the Dean on or before January 15 of the year in which the faculty member's retirement will become official or, if the faculty member is already retired, on or before January 15 of any year following the faculty member's official retirement. The Dean, after consultation with the Department Chair, shall make the recommendation to the Provost on or before February 1.

The Provost shall make recommendations to the President on or before February 15. The President will make recommendations for appointment to Emeritus status to the CSU Board of Governors so that approval may be obtained prior to commencement.

Emeritus faculty shall have the following privileges in addition to those listed in 2.2.1.3.1:

- a. Use of office space and or laboratories if recommended by the Department Chair and the appropriate Dean;
- b. Attendance at University convocations and commencements and participation in the processions;
- c. Enrollment in classes on a space-available basis without charge (exception lab fees) with or without credit; In addition, emeritus faculty may collaborate with non-retired academic faculty on institutional and external research and creative activity grants. In cases where the University deems that the expected benefits to the institution merit the use of institutional resources, emeritus faculty may also apply, independently of any collaboration with non-retired faculty, for external grants to be financially administered by the University and which make use of University facilities or resources. Prior to submitting an external grant proposal which commits the use of University resources, emeritus faculty are required to obtain all necessary administrative approvals per the current policies of the Office of Research and Sponsored Programs. Emeritus faculty who participate in scholarly and creative activities under the auspices of the University are responsible for adherence to all University policies pertaining to scholarly and creative activities, including those found in Section 2.5.2 (Professional Ethics), Section 2.6.1 (Rights And Responsibilities Related To Creative Works) and Section 2.7.1.1 (Conflict of Interest), and are subject to disciplinary action under the provisions of Section 2.16 for violations of these responsibilities.

#### **2.2.1.3.1.2 University Retirees Association of Pueblo**

The University Retirees Association of Pueblo (URAP) is an organization whose mission is to enhance life in retirement for former faculty members of Colorado State University-Pueblo.

The Association nurtures opportunities for members to continue, as desired, their contributions to the teaching, research, and outreach components of the CSU-Pueblo mission, and develops opportunities for retired faculty to provide mentoring to faculty and students.

The Association also advocates for improved policies affecting its members as a class within the CSU-Pueblo community by attending Faculty Senate and other committee meetings.

#### **2.2.1.3.2 Affiliate Faculty**

The special status of "Affiliate Faculty" may be awarded by the President upon written recommendation of the Provost and the appropriate Department Chair and Dean to those persons whose employment is with a person or organization that is associated with the University by affiliation contract or to those persons who are practicing professionals or independent scholars who

are associated with the University for specific research purposes. Affiliate status is awarded as a courtesy of the affiliation relationship and affiliate faculty are entitled only to those benefits or rights as specified in the affiliation contract.

Affiliate faculty shall not be employees or agents of the University and may not present themselves as such. The University assumes no liability on their behalf in connection with any of their actions except as provided by the affiliation contract or relevant state or federal laws. Such special status shall persist only so long as the affiliation exists.

### **2.2.2 Administrative Faculty**

"Administrative Faculty" shall be defined to include administrative employees who carry academic rank. Administrative faculty shall be at-will employees in their role of an administrative professional and should refer to the Administrative Professional Handbook for personnel policies. Administrative Faculty are bound by the policies of the Faculty Handbook in the performance of teaching and/or scholarly and creative activities.

## **2.3 Determination of Academic Rank**

At the time of initial appointment, the President shall approve academic rank for academic and administrative faculty based upon recommendation of the Provost, who must have consulted with Deans, Department Chairs, and faculty in degree or program areas of the appointees. Satisfaction of degree/experiential requirements shall be determined by the Provost. Degrees and teaching experience must be from regionally accredited postsecondary institutions unless otherwise determined by the Provost. "Years," with respect to teaching experience, shall mean full-time teaching for a full academic year. A maximum of four years of appropriate full-time other professional experience may be substituted for full-time ranked teaching experience in determining rank qualifications. Equivalencies or exceptions to any qualifications shall be determined by the Provost. Designation of rank shall include identification of the faculty member's program area. Academic faculty appointed to the ranks of Instructor, Assistant Professor, and Associate Professor must display evidence of potential for promotion. Conferring of rank and the awarding of tenure to academic and administrative faculty shall be separate and distinct decisions.

### **2.3.1 Rank Qualifications for Academic Faculty** (revised July 2013)

Earned degrees of appointees to the academic faculty must be in the discipline or field of primary responsibility or in one of the appropriate cognate areas for interdisciplinary studies. The Provost, in consultation with the appropriate Dean, Department Chair, and faculty in the degree or program area, shall have the responsibility for determining appropriateness of degree field to program area assignment.

Unless otherwise specified below, the earned doctorate, for the purposes of Chapter 2, is the appropriate terminal degree for initial appointment of academic faculty in all program areas except those for which disciplinary or regional accrediting agencies make different provision or those for which doctoral programs are rarely or not at all available. Department Chairs are responsible for documenting for Deans those disciplines for which the earned doctorate is not the appropriate terminal degree. The Provost, in consultation with the Deans, shall have the responsibility for determining the appropriateness of terminal degree requirements.

#### **2.3.1.1 Instructor**

The minimum qualifications for appointment to the rank of Instructor are:

- a. For faculty in the Engineering Technologies or Industrial Technologies
  - i. a baccalaureate degree; and
  - ii. three (3) years of appropriate professional experience.
- b. For faculty in the University Library:
  - i. an American Library Association accredited terminal degree or its historical antecedent.
- c. For all other faculty:
  - i. a master's degree in a subject matter field appropriate to the individual's academic assignment.

#### **2.3.1.2 Assistant Professor**

The minimum qualifications for appointment to the rank of Assistant Professor are:

- a. For faculty in the Engineering Technologies and Industrial Technologies:
  - i. a master's degree in a subject matter field appropriate to the individual's academic assignment; and
  - ii. three (3) years of appropriate professional experience.
- b. For faculty in the University Library:
  - i. an American Library Association accredited terminal degree or its historical antecedent.
- c. For all other faculty:
  - i. an earned doctorate in a subject matter field appropriate to the individual's academic assignment or a degree recognized by the University as the appropriate terminal degree in the faculty member's discipline or field. Exceptions to the minimum qualifications for appointment to the rank of Assistant Professor (but not for tenure) may be granted by the Provost based on individual circumstances as recommended by the appropriate Department Chair and Dean.

#### **2.3.1.3 Associate Professor**

The minimum qualifications for appointment to the rank of Associate Professor are:

- a. For faculty in the University Library:
  - i. an American Library Association accredited terminal degree or its historical antecedent; and  
A. six (6) years of full-time professional post–Master of Library (or Library & Information) Science degree library employment; or  
B. a minimum of five (5) years of appropriate service at the rank of Assistant Professor.
- b. For all other faculty:
  - i. an earned doctorate in a subject matter field appropriate to the individual's academic assignment or a degree recognized by the University as the appropriate terminal degree in the faculty member's discipline or field; and  
A. six (6) years of full-time teaching as a ranked faculty member; or  
B. a minimum of five (5) years of full-time teaching at the rank of Assistant Professor.

#### **2.3.1.4 Professor**

The minimum qualifications for appointment to the rank of Professor are:

- a) For faculty in the University Library:
  - i. an American Library Association accredited terminal degree or its historical antecedent; and  
A. twelve (12) years of full-time, professional post–Master of Library (or Library & Information) Science degree library employment; or  
B. a minimum of six (6) years of appropriate service at the rank of Associate Professor.

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b) For all other faculty:

i. an earned doctorate in a subject matter field appropriate to the individual's academic assignment or a degree recognized by the University as the appropriate terminal degree in the faculty member's discipline or field; and

A. twelve (12) years of full-time teaching as a ranked faculty member; or

B. a minimum of six (6) years of full-time teaching at the rank of Associate Professor.

### **2.3.2 Rank Qualifications for Administrative Faculty**

The qualifications for rank for administrative faculty employed initially from outside the University shall meet or exceed those for academic faculty as stated in Section 2.3.1.

## **2.4 Change of Status**

### **2.4.1 Academic Faculty to Administrative Faculty**

Academic faculty who accept full-time administrative appointments move automatically to administrative faculty status (Section 2.2.2) at the same rank classification held under the academic faculty appointment. Tenured academic faculty retain tenure while holding administrative faculty appointments. Probationary academic faculty who accept administrative appointments cease progress toward tenure and become subject to administrative professional non-reappointment provisions.

### **2.4.2 Administrative Faculty to Academic Faculty**

Tenured administrative faculty, upon cessation of an administrative appointment, shall automatically receive tenured academic faculty appointments at their assigned rank and at a salary determined by the policy on salary administration (Section 2.13).

The reassignment of an administrative faculty member to an academic faculty position shall not, because of such reassignment, result in a reduction in force of tenured faculty in the degree or program area to which the administrative faculty member is assigned. Non-tenured administrative faculty who leave for any reasons from administrative appointments, if they previously held probationary academic faculty appointments at the University, may return to probationary academic faculty appointments upon recommendation to the Dean and Provost by the appropriate Department Chair, in consultation with the faculty in the degree or program area. If approval is granted by the President, the individual shall hold a probationary academic faculty appointment and shall continue progress toward tenure in accordance with the provisions of Section 2.10. Individuals employed initially as administrative faculty without tenure shall not be considered for academic faculty positions except by participation in a search and screen process for an authorized vacancy.

In all cases, administrative faculty who change to academic faculty positions are expected to demonstrate currency in their discipline areas.

## **2.5 Faculty Rights and Privileges**

### **2.5.1 Academic Freedom** (revised September 2012)

As an academic community, the University embraces certain foundational principles that guide our behaviors. Foremost among these is academic freedom for the academic faculty, a longstanding cornerstone of public higher education in our country. Academic freedom is the freedom of the



academic faculty to discuss all relevant matters in the classroom and other academic settings, to explore all avenues of scholarship, research, and creative expression, to speak or write on matters of public concern as well as on matters related to professional duties and the function of the University. These freedoms come with responsibilities; academic faculty are expected to follow professional standards for discourse and publication, to indicate when speaking on matters of public interest that they are not speaking on behalf of the institution, and to conduct themselves in a civil and professional manner consistent with the normal functioning of the University.

The freedoms granted by the First Amendment to the Constitution of the United States are applicable to the faculty member, both as an academician and as a citizen. The University further affirms and follows the ideal that all members of the faculty are entitled to academic freedom as set forth in the "1940 Statement of Principles on Academic Freedom and Tenure" [AAUP Policy Documents Reports, 1984 edition], jointly formulated by the American Association of University Professors and the Association of American Colleges. In particular, the University accepts the following specific excerpts from 1940 Statement:

- a. "Institutions of higher education are conducted for the common good and not to further the interests of either the individual teacher [professor] or the institution as a whole. The common good depends upon the free search for truth and its free expression."
- b. "Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher [professor] in teaching and of the student to freedom in learning. It carries duties correlative with rights."
- c. "The teacher [professor] is entitled to full freedom in research and in publication of the results, subject to the adequate performance of his [her] other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution."
- d. "The teacher [professor] is entitled to freedom in the classroom in discussing his [her] subject... but they should be careful not to introduce controversial matter that has no relation to their subject. .... The intent of this statement is not to discourage what is „controversial“. Controversy is at the heart of the free academic inquiry that [this] entire statement is designed to foster. [This] passage serves to underscore the need for teachers to avoid persistently intruding material that has no relation to their subject."
- e. "The college or university teacher [professor] is a citizen, a member of a learned profession, and an officer of an educational institution. When he [she] speaks, or writes as a citizen, he [she] should be free from institutional censorship or discipline, but his [her] special position in the community imposes special obligations. As a man [woman] of learning and an educational officer, he [she] should remember that the public may judge his [her] profession and his [her] institution by his [her] utterances. Hence, he [she] should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he [she] is not an institutional spokesman [spokeswoman]."

A major responsibility of the University Administration is to foster and maintain an environment in which the professional activities of faculty are encouraged through freedom to pursue such activities.



Administrators, therefore, must protect, defend, and promote academic freedom as a necessary prelude to the free search for and exposition of truth and understanding.

### **2.5.2 Professional Ethics** (revised September 2012)

Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that when one is speaking on matters of public interest, one is not speaking for the institution.

No set of rules or professional code can either guarantee or take the place of a scholar's personal integrity. The University accepts the following specific excerpts from the "Statement on Professional Ethics" of the American Association of University Professors as defining what is meant by professional ethics:

a. "Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment to using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry."

b. "As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors.

Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom."

c. "As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution."

d. "As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions."

e. "As members of their community, professors have the rights and obligations of other citizens.

Professors measure the urgency of these obligations in the lights of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom."

## **2.6 Working Conditions**

### **2.6.1 Rights and Responsibilities Related to Creative Works**

#### **2.6.1.1 General Policy**

Inventions, Academic Materials, Publications, and other creations hereafter referred to as Works, are the natural outgrowth of activity in teaching, research, and service. University academic faculty, administrative professionals, state classified staff, student employees, and anyone affiliated in a professional capacity with the University and using University Resources, who are inventors and creators (hereafter referred to collectively as Members), shall provide notification of their creation of Works to the appropriate administrator(s) and indicate their association with the University in all professional Publications.

In the interest of encouraging the development of new and useful scholarly material and the publication of such works, the University will continue the tradition of not claiming ownership or a share of the proceeds from scholarly works such as Academic Materials, textbooks or their equivalent not supported through the use of University Resources as defined below or expressly commissioned by the University, popular or scholarly nonfiction novels, poems, sculpture, musical compositions, or other artistic works. A faculty member's general responsibility to produce scholarly and creative works does not constitute an express commission of Works. Subject to the use of such courses for continuing or distance education purpose, (see Section 2.6.1.12.3) members are sole copyright holders of their own lectures and any publication, recording, or broadcasting of lectures must be authorized by the Members concerned.

#### **2.6.1.2 Definitions**

*Academic Materials:* Materials used for pedagogical purposes including, but not limited to recorded and live digital, video, and audio presentations; photographs, films, graphic illustrations, transparencies, and other visual aids; programmed instructional packages; computer programs and databases; and scripts, study guides, syllabi, tests, and other items that accompany, or are used to present or demonstrate, the above described materials. Academic Materials may be copyrighted patented, and/or trademarked.

*Contributing unit:* An organizational entity, other than the Member's home department, that provides University resources directly in the creation or production of Works.

*Department:* The home department, either an academic department or other University entity, of the Member's appointment.

*Information Support Technologies:* Includes technologies or processes used to support the electronic

capture, storage, retrieval, transformation, and presentation of digital data and information or to interface between digital forms and other communications and information media, but excludes the content presented and stored in word processors, databases, or other capture, storage, retrieval, transformation, or presentation programs.

*Inventions:* New, useful, and non-obvious ideas and/or their reduction to practice that result in, but are not limited to, new devices, processes, and/or methods of producing new and/or useful industrial operations and materials; any produced article useful in trade; any composition of matter, including chemical compounds and mechanical mixtures; any plant covered under plant patent laws, the Plant Variety Protection Act, or other methods that provide protection; biological materials including cell lines, plasmids, hybridomas, monoclonal antibodies, and genetically-engineered organisms with commercial potential; many new designs in connection with the production or manufacture of an article including computer software, databases, circuit design, prototype devices and equipment; any improvement upon existing processes or systems. An Invention may be copyrighted, patented, and/or trademarked.

*Inventors and Creators:* Members responsible for the conception, ideas, and content of Inventions and other Works. Support staff such as research assistants, photographers, artists, producers, computer programmers, printers, and others contribute to the Works but are not considered Inventors, or Creators unless they substantially influence the original and novel aspects of the Works.

*Other creations:* Creative and artistic endeavors and performances and all other Works.

*Publications:* Textbooks, bulletins, circulars, pamphlets, reports, information releases, exhibits, demonstrations, and other scholarly or popular writings regardless of medium. Publications may be copyrighted and may include any of the items described above in Academic Materials.

*University resources:* Funds, supplies, equipment, physical facilities, support personnel, and/or other services or property of the University, including Information Support Technologies. In consideration of the benefit that accrues to the University from individual scholarly activity, the University has concluded that University resources shall not include the Member's time, use of the library, or use of personal office including any office computer or data processor located therein.

*Works for hire:* Expressly-commissioned Works for instructional, public service, or administrative use, by the University are deemed to be "works for hire" and property of the University. (See also Section 2.6.1.12.2.)

### **2.6.1.3 Ownership and Rights**

Ownership and rights to Works having potential monetary or commercial value depend on the origin, type and amount of resources used in the creation of Works. The Provost or Designee is responsible for making ownership and licensing decisions for works pursuant to Section 2.6.1. Decisions by the Provost or Designee concerning software will consider whether such software is Academic Material. When software is Academic Material, and not developed using University resources, the Member retains ownership (see also Sections 2.6.1.3.1, 2.6.1.7, and 2.6.1.12.2). The following provisions shall govern the ownership of Works:

#### **2.6.1.3.1 Works Supported by the University**

With the exception of Academic Materials not supported through the use of University Resources, works developed using University Resources or reduced to practice in the course of a Member's University responsibilities and those expressly commissioned by the University shall be the property of the University and the Members who created them. Members shall execute written assignments and such other documents as may be necessary to transfer to the university or its designee their rights, title and interest in such Works that are determined by the Provost or Designee to have potential monetary or commercial value, unless otherwise specified in written agreements under Section 2.6.1.7.4. Associated with such transfer, the Member retains the following non-reassignable rights to use Academic Materials other than those, which are or may be patented ("Non-patentable Academic Materials") without obtaining permission from the University, unless waived in writing:

- a. the right to use or reproduce such Non-patentable Academic Materials in other scholarly endeavors.
- b. the right to update or revise the content of such Non-Patentable Academic Materials except that the University shall not be obligated to provide further resources unless the revisions are requested by the University or agreed to jointly by the University and the Member;
- c. the right to be identified as the creator of such Non-Patentable Academic Materials if desired;
- d. the right to make derivations of such Non-Patentable Academic Materials;
- e. the right to use such Non-Patentable Academic Materials in other scholarly endeavors with a new employer.

Notwithstanding the foregoing, if any such Non-Patentable Academic Materials are the subject of an exclusive license to a third party, the Member shall be deemed to have waived the foregoing rights in consideration of the potential for royalty distribution as set forth in this Section 2.6.1 without execution of a written waiver.

#### **2.6.1.3.2 Works Financed by the Member**

Works created by Members without University Resources are the property of the Members, and the University will not administer, finance, or provide other support as to these Works. Members have the use of their offices including any office computer or data processor located therein, and the Library without charge; all other University resources may be used only with (I) the prior written permission of the department head and dean or director and/or (II) the payment of the appropriate fees to cover the associated costs. The University requires Members not to engage in outside activities or use University Resources that interfere with the Member's University duties and/or University operations.

#### **2.6.1.4 Notification of Works**

Members must provide notification of the creation of Works to their appropriate administrator(s) and indicate their association with the University in all professional Publications. The Provost or Designee, in making ownership decisions, shall determine whether works have been created with or without University Resources (see Section 2.6.1.3.2). In this determination, the Provost or Designee shall consider three factors: (1) the extent to which the Member was the initial creator of the Work, (2) the extent to which the University controlled the content or authority over the Work, and (3)

whether the University provided support for the Work other than the library, the Member's office and personal computer or data processor located therein.

When the Member declares in such notification that a disclosed Work is not the property of the University, the Provost or Designee will announce a decision as to the University's position on ownership within 60 calendar days from receipt of notification of Works by Members. Works having potential monetary or commercial value and created using University Resources must be reported in writing through the Member's department head and dean or director to the Provost or Designee. Notification must be timely to protect the rights of the Member(s) and the University in compliance with this policy and the strict requirements of the United States and foreign patent, trademark, and copyright laws.

#### **2.6.1.5 Classification and Disposition of Works Supported by University Resources.**

The Provost or Designee, on the advice of counsel if desired, shall classify any Works created with University resources into one or more of the following categories and report such action to the Member, the Member's department, and/or any contributing unit.

- a. The Work is subject to terms of a sponsor's contract and handled accordingly.
- b. The Work is subject to terms of a special agreement and handled accordingly.
- c. The Work is in the public domain and/or serves the public interest and is to be released to the general public.
- d. The Work is the property of the University and is to be protected by patent, copyright, or trademark.
- e. The Work is the property of the University and is to be managed and/or marketed as an item of commercial value through an internal or external agent.
- f. The University has no interest in managing and/or marketing the Works and waives the right to receive an assignment of the Member's interest. However, notwithstanding such waivers, the University retains the right to use said Works in teaching and research. If the University or its marketing agent does not file for appropriate intellectual property protection or make continued efforts at marketing or fails to make such effort within six months of notification of the Works, the University's right to a Work, expecting the use described above, shall be released to the Member. This time line can be extended by mutual agreement of the Inventor/Creator and the University.
- g. The Works has not sufficiently developed beyond the concept phase to allow the University to make a determination of its interest in which case the original position between the Member and the University is resumed with regard to this policy.

### **2.6.1.6 Administration of Marketable Works**

The Provost or Designee is responsible for the administration of Works having potential monetary or commercial value created with University resources and for the selection of internal or external marketing agents that meet the best interests of the Inventors or Creators and University. All arrangements with internal or external agents must be covered by written agreements approved by the Provost or Designee and the agent. Generally, it will be necessary for the University to assign its ownership interests in Works to such agents to facilitate the marketing and development of such Works.

### **2.6.1.7 Special Circumstances**

The following provisions shall govern the designation of rights and administration and handling of Works under specified circumstances.

#### **2.6.1.7.1 Works created by Members While Consulting**

Rights to Works resulting when a Member acts as a consultant with non-University entities must be specified in the agreement under which the Member acts (see Consulting Policy). Members must be cognizant that Works may represent the culmination of endeavor in a specialized field, often conducted with University resources. Therefore, prior to providing rights to sponsors or entering into agreements that contemplate such assignments of rights, Members must contact their appropriate administrator(s) and the Provost or Designee for advice and counsel to protect their own and the University's interests (see Conflict of Interest). Consulting by Members shall not give rights to University-owned Works to non-University entities without a written agreement among the University, its marketing agents, and the non-University entity.

#### **2.6.1.7.2 Works Involving More Than One Member**

When Works result from the joint efforts of Members, a written agreement among the parties must specify ownership, allocations, and other rights. The Provost or Designee is responsible for determining the provision of rights when disagreements occur among parties (see Section 2.6.1.11, Member's Right of Appeal).

#### **2.6.1.7.3 Works financed wholly or in Part by Outside Agencies**

Rights to Works financed wholly or partially by governmental, industrial, philanthropic, or other external organizations or persons must be specified in contracts or written agreements that protect the University's interest. Before work begins, the Member responsible for a contract or agreement must advise all coworkers of their rights. The Provost or Designee will exercise every effort to assure that contracts and agreements secure commercial value and patent, trademark, or copyright rights favorable to the Members and the University.

#### **2.6.1.7.4 Works Created or Marketed Under Special Conditions**

Works created or marketed under special conditions affecting ownership and/or rights must be covered by written agreements. A written agreement requires the approval of the Member(s), his or her Department Chair(s), Dean(s) and/or Director(s), any contributing unit(s), and the Provost or Designee.

### **2.6.1.8 Distribution of Proceeds**

#### **2.6.1.8.1 Marketing of Works**



Royalties, whether derived from options, fees or similar payments, resulting from licensing of Works to non-University entities, will be distributed as provided in an agreement between the creator of the work(s) and the Provost or Designee. The Colorado State University Research Foundation (CSURF) will collect, distribute, and administer royalty income Works that are licensed by the University. CSURF shall retain 20% of income from such University Works. The remaining 80% will be distributed according to the policy on distribution of Facilities and Administrative costs (i.e. “indirect cost return”). CSURF shall also be the designated agent for the University to obtain the appropriate intellectual property protection on those works in which the University has an official interest (see 2.6.1.5, 2.6.1.7 etc.) CSURF will be reimbursed for its direct costs attributable to marketing, patenting, and licensing incurred in connection with obtaining intellectual property protection licensed agreements, and for direct costs attributable to equipment and materials used in the production of licensed University Works. Additionally, for any University Works for which CSURF undertakes the above tasks, CSURF shall retain 40% of the net income received. The remaining 60% shall be distributed as agreed between the creator of the Works and the Provost or Designee.

#### **2.6.1.8.2 Royalty Distributions**

Any proceeds accruing to Members in Section 2.6.1.8.1 constitute royalties, not salaries, and will be paid as royalties to Member through the University’s external agent/assignee. If a Member leaves the University, the Member’s portion of proceeds will continue to be paid to the Member. If the Member dies, the Member’s portion of the proceeds will continue to be paid in accordance with testamentary disposition (wills, trusts and similar mechanisms) or, in the absence of such disposition, as provided by law.

#### **2.6.1.9 Works Published by the University**

Members who author or are responsible for official University Publications, not including scholarly works, must clear the material through their respective department heads, deans, and/or directors.

#### **2.6.1.10 Member’s Right of Review**

Any Member who deems that continued use or marketing of Non-Patentable Academic Materials is detrimental to the University or the Member’s personal or Professional reputation may call for a review by the department and/or college using procedures described in department and/or college codes. If department or college codes contain no applicable procedures or if disagreements are not resolved at that level, they shall be referred to the Provost or Designee for decision (see Section 2.6.1.11, Member’s Right of Appeal). Notwithstanding the foregoing, if any such Non-Patentable Academic Materials are the subject of an exclusive license to a third party, the Member shall be deemed to have waived the foregoing right of review in consideration of the potential for royalty distributions as set forth herein.

#### **2.6.1.11 Member’s Right of Appeal**

Any Member who feels aggrieved by decision of the Provost or Designee has access to the University’s mediation and grievance process.

#### **2.6.1.12 Academic Materials**

Members are sole copyright holders of the content of their own lectures (Section 2.6.1.1), whether prepared for traditional classroom delivery or by any other means. Members may use their class materials, including lecture notes, in the preparation of textbooks or other Works. Members are



encouraged to use appropriate instructional techniques and technologies that will best serve the educational objectives of students. Recordings, videotapes, or other technologies prepared in the ordinary course of teaching to meet the reasonable needs of currently enrolled students, including distance or handicapped students, and not involving University Resources, shall belong to the Member. When Academic Materials are created with University Resources, the interests in those Academic Materials are shared by the Member and the University and are covered in Section 2.6.1.3.1.

The Member is not authorized to utilize recordings, videotapes, or other technologies prepared using University Resources for purposes of personal economic gain, commercial advertising, or other unacceptable uses described in University policy. A University web site may not be used for economic gain, commercial advertising, or other unacceptable uses as described in University policy. Members are responsible for obtaining all permissions necessary to avoid copyright infringement or invasions of privacy, whether specifically commissioned or not.

#### **2.6.1.12.1 Ownership and licensing of Academic Materials Not Specifically Commissioned by the University or Developed Using University Resources**

Academic Materials created by Members on their own initiative in the ordinary course of teaching to meet the reasonable needs of currently enrolled students, including distance or handicapped students, and not involving University Resources, belong to the Member. The Member has sole control over the content and use of the Academic Materials, is authorized to place supplemental classroom materials on a University Web site, may set access permissions to that site, and may assert exclusive copyright in their works. The University shall not exploit the Academic Materials nor authorize other employees to use the Academic Materials or derivatives of those Academic Materials in their classes without permission of the Member.

The ownership of student works created in the course of academic requirements shall be with the student and the University may retain the work as needed for its instructional or record keeping purpose. The University and the Members may not use the work in any other manner without the written consent of the student.

Ownership of Works created in the course of sponsored research or other agreements are subject to the provisions described in Section 2.6.1.7.

#### **2.6.1.12.2 Ownership and licensing of Academic Materials commissioned by the University**

The University shall have an exclusive license to use and market Academic Materials provided they are expressly commissioned as agreed to in writing by the University and the Member. A Member's general responsibility to teach specific courses of instruction shall not constitute an express commission of course materials, and this general responsibility is not bound by the "Works for Hire" provision of Section 101 of the Copyright Law of 1976. (See also Section 2.6.1.1.).

##### **2.6.1.12.2.1 Use of Commissioned Academic Materials in University Programs**

Commissioned correspondence courses, videos, computer programs, on-line courses, instructional CD ROMS, and other forms of technology-assisted or mediated instruction produced by a Member for registered distance students shall be delivered through the University. The University shall provide resources, including technical support personnel and quality production facilities, necessary for the development of education outreach courses.

The Faculty Senate must approve courses offered for academic credit through Colorado State University-Pueblo for that purpose. The Member, with the concurrence of his or her department chair and the University may set the maximum enrollment allowed for each outreach course in which they may participate, taking into consideration the extra efforts that may be associated with some types of outreach courses, the financial viability of the course, and any necessary minimum enrollment.

In the interests of encouraging the development of Academic Materials, the University may commission such development. A written agreement must be negotiated between the University and the Member which includes specifics as to remuneration, changes in effort distribution, and time limits for use of Academic Materials, marketing and distribution rights, revision, licensing, etc. (See following sections). In return for remuneration and/or other considerations, the Member shall assign to the University an exclusive license to use the Academic Material for a period negotiated between the University and the Member, with the Member retaining those rights specified in Section 2.6.1.3.1.a-e. The termination date shall be specified in writing and shall be based upon a joint determination of the Member and the University (“the parties”) on the likely viability of the Academic Materials for future instruction. The parties may agree at a future date to extend the termination date based upon the continuing viability of the materials or the availability of revisions and updates.

No derivative of Academic Materials shall be prepared or licensed without the written approval of the Member (see also Section 2.6.1.12.3) nor shall any other Member have the right to use the materials without such written approval. The Member who created the Academic Material retains the right to correct errors and provide updated information.

The Member may use and enter into agreements concerning personally prepared derivative works of University commissioned Academic Materials when they are no longer in the employ of the University, so long as those derivatives, excluding textbooks and scholarly/artistic works, do not significantly conflict with the economic rights of the University. Notwithstanding any use of University Resources, express commission of works, or licensing agreements, the Member retains ownership of textbooks, artistic works and manuscripts prepared for publication in scholarly works, and any revenue derived from these works shall belong to the Member.

#### **2.6.1.12.2.2 Licensing of Academic Materials to Third Parties**

Pursuant to the commission, the University, through the Provost or Designee, may license or lease to third parties the marketing and distribution rights to the Academic Materials. The details of agreements with third parties shall be available for public inspection and shall incorporate provisions of Sections A.3.1.a-e and A.12.3 that are designed to protect the professional standing and reputation of the Member. Expenses and proceeds from such licensing shall be dealt with in accordance with the provisions in Section 2.6.1.8.1.

#### **2.6.1.12.3 Right to Revise or Limit Period of Use of Works Expressly commissioned or supported by University Resources**

The Member retains those rights specified in Section 2.6.1.3.1, notwithstanding any assignment of rights to Academic Materials by the Member to the University, unless waived in writing by the Member. Conditions for revision of University commissioned Academic Materials (if different

from the following paragraph in this section) shall be contained in the written agreement between the University and the Member. However, revisions initiated by the Member, without using University resources, may be made at anytime, subject to approval by the Member's department chair and the University.

If the Academic Material has been used without revision for a period of two years, the University shall request the Member to review the materials for possible revision or for termination of use. As long as the Member is in the employ of the University, that Member shall have the right to revise or supervise revisions of Academic Materials as described in Section 2.6.1.3.1.b. If either the University or the Member finds that the material has become outdated, inadequate to the educational needs, or contains error and the Member does not wish to prepare revisions, or if the Member cannot produce the revision in an agreed upon period of time, the University may assign another Member to prepare these revisions. If the University finds the cost of revision excessive, the University may decline to make the revisions. If the Member has left the employ of the University, the University in its sole discretion may contract with the former Member to prepare appropriate revisions, retain the former Member as a consultant for revisions, or assign the task of revision to a Member with appropriate expertise. The University shall renegotiate appropriate payments for the continued use of any revised Academic Materials when such revisions were not prepared by the Member or former Member.

### **2.6.2 Oath of Allegiance**

Under Colorado law (C.R.S. 22-61-104), an Oath of Allegiance is required of all academic faculty members at the time of initial appointment. The office of Human Resources is responsible for ensuring that a signed and notarized copy of the oath is included in the personnel file of all individual faculty members. Every person employed to teach in any state university, college, junior college, community college, or technical college in the state of Colorado, before entering upon or continuing the discharge of their duties, shall take the following oath or affirmation; except that no person employed to teach in a temporary capacity who is a citizen of a nation other than the United States shall be required to take such oath or affirmation:

"I solemnly (swear) (affirm) that I will uphold the constitution of the United States and the constitution of the state of Colorado, and I will faithfully perform the duties of the position upon which I am about to enter."

### **2.6.3 Political Office**

Academic faculty members are included in the following Board of Governors policy:

"Any employee contemplating candidacy for elective political office or appointment to public office shall begin consultations with the appropriate collegiate and administrative units of the University. These consultations should focus on the question of whether or not temporarily suspending some portion of the employee's responsibilities can be accommodated without serious impairment of the functions of the department or unit of the University that is involved. Prior approval of the Board of Governors for the Colorado State University System will continue to be required for all full-time or part-time leaves of absence and other changes in conditions of employment.

No political campaigning activities shall be engaged in during hours when an employee is expected to be performing regularly scheduled University duties.

When an employee is elected to a political office, e.g., to office in the State Legislature, that requires absences from University duties for continuous periods of time less than one year, it is anticipated that normal leave of absence procedures for portion or portions of the year will accommodate the need to temporarily suspend the employee's responsibility to the University.

When an employee is elected to political office, e.g., to such as Governor, U.S. Representative, or U.S. Senator, it is expected that the appropriate administrator will be contacted to request a leave of absence or arrange termination of employment. Service as an elected or appointed official on off-hour demand activities, e.g., school board, city councils, or on local, state or national commissions, would not normally require a reduced appointment or leave of absence."

#### **2.6.4 Cancellation of Classes**

The President of the University, or persons delegated such authority, may cancel classes because of circumstances beyond the University's control, which impair its ability to continue normal operations. Such circumstances may include, but are not limited to, inclement weather, natural disaster, national emergencies, or other circumstances beyond the University's control. Official cancellation of classes shall not affect salaries or fringe benefits of academic faculty.

#### **2.6.5 Research Activities with Animal or Human Subjects**

Faculty members conducting or supervising research with animal or human subjects will adhere to applicable federal and state regulations and to the ethical standard of the major professional organization in one's discipline for such work. The Director of the Office for Research and Sponsored Programs promulgates guidelines for such research activities and supervises estate committees responsible for monitoring adherence.

#### **2.6.6 University Identification Card**

An official University identification card is required for use of certain University facilities and services. Identification cards are available from the Director of Auxiliary Services.

### **2.7 Basic Responsibilities of Faculty**

Conditions of employment for academic faculty require fulfillment of basic responsibilities of employment in accordance with standard for professional ethics and collegiality as described in Chapter 2 of this Faculty Handbook. Those basic responsibilities include adherence to University policies, performance of activities associated with teaching, scholarly or creative activity, and service and fulfilling workload expectations.

#### **2.7.1 Adherence to University Policies**

As employees of the University, academic faculty are expected to adhere to official University policies as published in this Faculty Handbook, the University catalog, or otherwise promulgated by the Board of Governors.

The University assumes responsibility to provide correct copies of this Faculty Handbook and the University catalog to academic faculty and to make available applicable Board of Governors policies in conspicuous places.

### **2.7.1.1 Conflict of Interest**

The Board of Governors has declared that public employment is a public trust, and any effort to realize personal gain through official conduct, other than as compensation set through established processes, is a violation of that trust. All decisions of the Board of Governors, the University, and an individual faculty member in their role as faculty are to be made solely on the basis of a desire to promote the best interests of the institution.

#### **2.7.1.1.1 Disclosure Responsibilities**

In the event the faculty member shall be called upon to consider a transaction involving the University and an organization with which a member of the faculty is "affiliated," such faculty member upon receiving knowledge of the transaction shall:

- a. discloses fully the precise nature of interest or involvement in such transaction and/or such organization; and
- b. refrain from consideration of the proposed transaction if it is determined that a conflict of interest exists.

#### **2.7.1.1.2 Definitions**

A person covered by this conflict of interest policy is affiliated with an organization if he or she or a member of his or her immediate family:

- a. is an officer, director, trustee, partner, agent or employee of such non-governmental organization; or
- b. is either the actual or beneficial owner of more than 5% of the stock or controlling interest of such non-governmental organization; or
- c. has any other direct or indirect dealings with such non-governmental organization from which he or she knowingly is materially benefited. For purposes of this subparagraph, it shall be presumed that a person is "materially benefited" if he/she receives, directly or indirectly, cash or other property (exclusive of dividends and interest) in excess of \$1000 in any year in the aggregate.

#### **2.7.1.1.3 Examples**

The University possesses both tangible assets, such as buildings and equipment, and intangible assets, such as its reputation and prestige. Examples of potential conflict of interest include, but are not necessarily limited to:

- a. the initiation or orientation of a faculty member's research with use of University resources to serve the needs of a private firm or public agency without approval of the University;
- b. transmission to a private firm or use for personal gain of the information, records, results, materials or products which have been acquired through University research or employment when such discoveries are not made generally available;
- c. failure to inform the appropriate officer of the University about licensing agreements and inventions in which the University might have an equity;
- d. the use of University resources in sponsored research or in consulting by an employee without referring, to the appropriate administrative office, the question whether appropriate costs should be

- defrayed by the outside agency;
- e. the use of students, without recompense from salary or academic credit, for work on behalf of an outside agency;
- f. the use of the University's name, facilities, or equipment for personal purposes, or for which the employee receives remuneration for private gain;
- g. personal use of University resources to support political candidates or non-profit organizations even though not for remuneration;
- h. the purchase of major equipment, instruments, or supplies for University teaching or research from a private firm with which the employee is affiliated;
- i. negotiation or influence upon the negotiation of contracts between the University and outside organizations with which an employee has consulting or other significant relations of material benefit to the employee;
- j. hiring of members of the immediate family by employees;
- k. adoption of one's own textbook or other teaching aids, which would entail acceptance of royalties as personal income (Section 2.6.1.4);
- l. certain types of outside employment as offers of employment involving assignments that have the potential to compromise the institutional position of the faculty member; For example, teaching courses for another institution that directly compete with courses at Colorado State University – Pueblo.
- m. performing work for clients for pay when the work in question falls within the regular assignment of the faculty member;
- n. any outside relationships that conflict with the teaching, scholarly, and service responsibilities of the faculty member;
- o. consulting relationships involving activities with the potential to compromise the institutional position of the faculty member;
- p. financial interests in companies and other kinds of organizations doing business with the University; and
- q. financial gain to the individual that results from involvement in University decisions.

#### **2.7.1.1.4 Consulting and Outside Activities**

The University recognizes that consulting and conducting other outside activities such as seminars and presentations are proper and common features of academic employment and that the outside contacts provided through consultation by contracted faculty members are aids in their professional advancement. The amount of outside consulting work for remuneration in which a full-time faculty member may engage is limited to an average of one day per week in each semester of the academic year. Exceptions to this limitation are subject to review and approval by the Department Chair, Dean, and Provost on a case-by-case basis to determine that participation in outside consulting activities will not conflict or impinge on the University duties and obligations of the faculty member as set forth in this Faculty Handbook.

#### **2.7.1.1.5 Sponsored Research**

Sponsored research shall be construed to include research grants funded by external agencies including government units and local, state, or national businesses or industry.

The University encourages faculty involvement in such activities when such involvement further develops the faculty member in a professional sense and is consistent with the objectives of the University. Released time and supplemental appointments for such activities may be granted by the



provost upon recommendation of the Dean and Department Chair, in consultation with faculty in the degree or program area. Faculty members may not have salary from sponsored research added to their academic year appointment salary. Summer work supported by sponsored research funds must be compensated by means of a term appointment. Business or industrially sponsored projects may, as agency sponsored projects, qualify for being conducted on campus using University facilities and equipment. When such projects resulting in supplemental faculty appointments, the amount of work for remuneration in which a full-time faculty member may engage is limited to an average of one day per week in each semester of the academic year. Approval by the Provost, upon recommendation of the Department Chair and Dean, for conducting such projects will include a review of the proposed project, its budget, and a process for assuring acceptable accounting standards.

#### **2.7.1.1.6 Acceptable Use of University Resources**

The University allows use of its name, facilities, equipment, or resources in faculty pursuit of teaching, scholarly activities, or service within the limits approved by the Department Chair or Dean.

#### **2.7.1.1.7 Procedures for Disclosing of Conflict or Potential Conflict of Interest**

- a. As part of every new employee orientation and, after initial employment, on or before October 1 of each year, all faculty members will be required to complete the “Conflict of Interest Policy – Disclosure Form” in Appendix D of the Faculty Handbook. The form shall indicate any and all activities or projects currently in progress or planned, which have the potential for interpretation as a conflict of interest (see examples in 2.7.1.1.3).
- b. Prior to engaging in activities that have the potential for interpretation as a conflict of interest at any other time during the calendar year, faculty shall submit an updated form.
- c. If the faculty member indicates a potential conflict of interest at any time during employment, the following procedure will be followed:
  - i. The form will be forwarded to the Department Chair for review. The Department Chair will review the information provided and may request additional information if necessary. The Department Chair shall then render, on the form, an opinion indicating whether there is a conflict of interest.
  - ii. If a known conflict of interest occurs at any time during employment, faculty members shall be governed in their responsibilities for disclosure by statute (Section 2.7.1.1.8).
  - iii. If the Department Chair determines that a potential conflict of interest exists, a memorandum identifying recommended action to eliminate the potential conflict will be attached to the form and forwarded to the appropriate Dean for review.
  - iv. The appropriate Dean shall review the submitted materials and render, on the form, an opinion. If necessary the Dean will discuss the potential conflict with the faculty member to arrive at an agreement, which will eliminate and avoid any conflict. Such an agreement shall be in writing and shall be signed by the Dean and the faculty member. This agreement shall be submitted to the



Provost for final approval. If no agreement can be reached between the Dean and the faculty member, it will be forwarded to the Provost for final resolution.

v. The Provost shall review the submitted materials and may consult with University Counsel regarding the potential conflict and any agreements made at the previous step. The Provost shall issue a written decision, on the form. This may include appending any agreement reached by the Dean and faculty member. If no agreement had been reached, then the Provost shall issue a written decision that may include steps to be taken to eliminate the potential conflict.

vi. Faculty members who disagree with the Provost's decision may submit a grievance in accordance with the provisions of Section 2.18.

d. Disclosure forms (fully executed with signatures) and any management plans to remove conflicts of interest shall be permanently maintained in the official personnel files.

#### **2.7.1.1.8 Sanctions by Statute**

Sanctions covering conflict of interest by the state of Colorado are cited in the 1973 Colorado Revised Statutes, Section 18-8-308, "Failing to disclose a conflict of interest":

a. "A public servant commits failing to disclose a conflict of interest if he [or she] exercises any substantial discretionary function in connection with a government contract, purchase, payment, or other pecuniary transaction without having given seventy-two hours actual advance written notice to the secretary of state and to the governing body of the government which employs the public servant of the existence of a known potential conflicting interest of the public servant in the transaction with reference to which he is about to act in his official capacity.

b. A potential conflict of interest exists when the public servant is a director, president, general manager, or similar executive officer or owns or controls directly or indirectly a substantial interest in any nongovernmental entity participating in the transaction.

c. Failing to disclose a conflict of interest is a class 2 misdemeanor."

#### **2.7.1.2 Affirmative Action, Equal Opportunity, and Non-discrimination**

The University affirms its stand in support of affirmative action and equal opportunity in hiring, retaining, and promoting academic faculty.

The University affirms the principle that its students, faculty, and staff possess a right to be free from discrimination and harassment, including, but not limited to, age, sex, physical handicap, race, religion, national origin, marital status, or sexual or affectional orientation. Faculty members shall not discriminate against students based upon considerations unrelated to academic performance.

The Affirmative Action Board maintains responsibility for the development and implementation of policies and procedures related to affirmative action, equal opportunity and nondiscrimination. Copies of the approved Affirmative Action Plan, which contains these policies and procedures, are available in the Office of the Director of Personnel/Affirmative Action.

Faculty members who believe they have been victims of discrimination or who believe they have been denied equal opportunity in employment may seek redress through the established procedures

of the institution (Section 2.18).

### **2.7.1.3 Drug Free Workplace Policy**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the University workplace. A faculty member whose act is in violation of the above policy and also results in conviction under a criminal drug statute must notify his/her supervisor and the Personnel/Affirmative Action Office of the conviction in writing, no later than five (5) days after the date of the conviction. Violation of this policy will be grounds for disciplinary action, which may lead to suspension with or without pay, or to dismissal, at the discretion of the President. The President may, in his/her discretion, suspend such sanctions upon condition that the faculty member satisfactorily participate in a drug abuse assistance or rehabilitation program.

For purposes of this policy, "University workplace" shall be defined as any property owned, leased, or occupied by the University, and any other place where University work is actually performed.

For purposes of this policy, "Conviction" shall mean a finding of guilt, a plea of guilty or no contest, the imposition of a sentence, or any combination of the above. "Criminal drug statute" shall mean any criminal statute involving the manufacture, distribution, dispensation, possession, or use of a controlled substance. "Controlled substance" shall mean a controlled substance as defined in schedules Y through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and related regulations (21 C.F.R. 1300.11 through 1300.15) as they may be amended from time to time.

Information on the University's drug free awareness program is available in the Personnel/Affirmative Action Office.

## **2.7.2 Workload Expectations**

Although academic faculty have basic responsibilities in teaching or librarianship, scholarly or creative activity, and service, the University assigns workload in terms of teaching duties, library assignments, or approved release from teaching.

### **2.7.2.1 Probationary and Tenured Faculty**

The teaching assignment for full-time probationary and full-time tenured faculty shall be the equivalent of twenty-four (24) semester credit hours in an academic year. The teaching assignment for part-time probationary and tenured faculty in shared appointments shall be a minimum of twelve (12) semester credit hours in an academic year.

### **2.7.2.2 At-Will Faculty**

The teaching assignment for full-time at-will faculty shall be the equivalent of twenty-four (24) semester credit hours in an academic year or twelve (12) semester credit hours in a semester. The teaching assignment for part-time at-will faculty shall not exceed eleven (11) semester credit hours in a semester.

### **2.7.2.3 Determination of Equivalencies**

The Provost, in consultation with Deans and Department Chairs, shall determine equivalencies for workload assignments according to the following guidelines:

- a. consideration of the number of contact hours per semester hour;

- b. consideration of the number of student credit hours generated per semester;
- c. consideration of curricular requirements such as internships, practicums, and field experiences;
- d. consideration of standards promulgated by accrediting agencies, professional organizations, or disciplinary bodies;
- e. for library faculty, consideration of position requirements and library service hours;
- f. consideration of scholarly or creative activities or assigned administrative duties;
- g. consideration of a thesis or directed research advisor.

#### **2.7.2.4 Releases from Teaching** (revised September 2017)

After consultation with the faculty and Chair of a department, the Dean shall recommend to the Provost all requests for release from teaching. Faculty members released from teaching assignments shall devote a minimum of three (3) clock hours per week for each semester hour of released time to tasks associated with such release. Guaranteed releases from teaching shall be provided for the following faculty positions:

- a. The President of the Faculty Senate: six (6) credit hours in a semester or as arranged by mutual agreement.
- b. Department Chairs: six (6) credit hours in a semester or as arranged by mutual agreement.
- c. Assistant Chairs: three (3) credit hours in a semester or as arranged by mutual agreement.
- d. Faculty Directors: from three (3) to twelve (12) credit hours in a semester or as arranged by mutual agreement.
- e. University Grievance Officer (UGO): minimum of three (3) credit hours in a semester as arranged by mutual agreement of UGO, Provost and UGO's Department Head. (See Section 2.18.13.3).

Release from teaching to engage in sponsored research, University supported scholarly or creative activity, University service or other approved activities may be authorized by the Provost dependent upon the availability of funds and program needs.

#### **2.7.2.5 Scheduling Practices**

- a. Faculty members shall not be assigned to more than one undergraduate evening class beginning later than 5:30 p.m. in a semester, unless by consent. Library faculty shall not be assigned to a schedule requiring more than two (2) night assignments each week, unless by consent.
- b. Twelve (12) clock hours shall elapse in a schedule for teaching or library assignment between the end of one class day and the beginning of the next class day, unless by consent.
- c. Faculty members shall not be assigned teaching schedules in excess of five (5) working days in a calendar week, unless by consent.
- d. Full-time probationary and tenured faculty members shall not, without the approval of the College/School Dean, Center, Provost and the President, teach more than the equivalent of three (3) semester credit hours above the levels specified in Section 2.7.2.3 in an academic year, including assignments in Continuing Education.

#### **2.7.3 Department Chairs**

Department Chairs are full-time ranked faculty members who represent the faculty of and have

administrative responsibilities for their respective departments. They shall be generally responsible for the administration of their departments and the development of teaching and scholarship among departmental faculty. In the case of electing units without Department Chairs, the responsibilities normally assigned to chairs will be assigned to the Associate Dean or Dean as appropriate.

### **2.7.3.1 Term of Office**

Department Chairs shall be appointed by their respective Deans with approval of the Provost and the President for a three (3) year term. This term expires on commencement day.

### **2.7.3.2 Selection and Replacement Procedures** (revised July 2013)

- a. The Dean shall declare the position of Department Chair open by notification at a departmental meeting or in written communication to faculty no fewer than 90 days prior to the expiration of the three-year (3) term of office, or in the case of unforeseen vacancy (e.g., the resignation, death, or extended illness of the present department chair) within 30 days of the vacancy.
- b. If a majority of the faculty in a department request a meeting with the Dean to discuss the Chair's performance, the Dean shall call and preside at such a meeting. The Chair must be notified of the time, date, and place of this meeting and has the right to attend. The purpose of this meeting is to resolve any disputes regarding the Chair's performance. If disputes cannot be satisfactorily resolved within a reasonable period of time, a referendum on the Chair shall be conducted by the Dean upon request of a majority of the faculty in the department. If two-thirds of the faculty vote to remove the Chair in a properly called and conducted referendum, the Dean should declare the position of Chair open.
- c. The Dean, Provost, or President may also remove the Chair from administrative duties. Prior to such removal, the Dean must first consult with the members of the department and the Chair must be given an opportunity to consult with the Dean.
- d. Upon declaring the position of Department Chair open, the Dean shall state whether the search for a replacement will be internal or external. An internal search shall be conducted if the department has no authorized vacant positions.
- e. If an internal search is to be conducted, the Dean shall request names of nominees from the members of the department. All ranked faculty within the department shall be eligible for the Chair position. If the name of more than one nominee is sent to the Dean, the Dean shall convene a meeting of the department for the purpose of nominees' presenting ideas on serving as Chair. Following this meeting, the members of the department shall individually forward their written recommendation for Chair to the Dean. The written recommendations will not be included in the nominee's personnel file. The Dean shall subsequently appoint a Chair, subject to approval by the Provost and the President. If the department forwards the name of one nominee, that person shall become the Chair subject to appointment by the Dean and approval by the Provost and the President.
- f. If nominees are unacceptable to the Dean, the dean shall meet with the department to explain objections and shall instruct the department to renew the nomination process. After two submissions or 45 days, if the disagreement persists, the Dean shall forward the written recommendations from departmental faculty and his/her written recommendation to the Provost. The Provost will determine how to proceed.
- g. If a Department Chair position is open in a department with an authorized vacant faculty position, an external search for a Chair may be conducted at the discretion of the Dean with approval of the Provost and President.

#### **2.7.4 Department Assistant Chairs** (revised September 2017)

Department Assistant Chairs are full-time ranked faculty members who represent the faculty of and have administrative responsibilities and duties within their respective departments. They are under the supervision of the respective department Chair.

##### **2.7.4.1 Terms of Appointment**

Department Chair and Dean will determine terms of appointment in consultation with faculty.

#### **2.7.5 Program Coordinators** (revised September 2017)

Program coordinators are full time faculty members who have administrative responsibilities for a single program in their respective departments. They shall be generally responsible for the administration of the program.

##### **2.7.5.1 Terms of appointment**

Department Chair and Dean will determine terms of appointment in consultation with faculty.

#### **2.7.6 Graduate Faculty**

##### **2.7.6.1 Criteria for Appointment**

Graduate faculty members must have a terminal degree in their respective field and an active record of scholarly or creative activities as defined by their respective units.

##### **2.7.6.2 Responsibilities of Graduate Faculty Include:**

- a. Teach graduate level courses
- b. Serve on graduate students' committees
- c. Chair master's thesis committees
- d. Serve on the Graduate Studies Board

Terms of appointment and other conditions will be determined by the individual program's graduate committee. Individual programs may appoint non-graduate faculty to serve on graduate students' committees.

## **2.8 Performance and Assessment of Faculty Activities**

Faculty members shall be expected to fulfill basic responsibilities in teaching, scholarly or creative activity and service in accordance with principles of academic freedom and professional ethics as described in Chapter 2 of this Faculty Handbook. Specific basic responsibilities include the following, together with other such responsibilities appropriate to and approved by individual colleges or agreed to by mutual consent of faculty members and their department chairs and deans.

### **2.8.1 Purpose and Definitions**

The purpose of performance assessment is to provide a basis for decisions related to salary

administration, promotion, tenure, post-tenure review and reappointment of academic faculty. For the purposes of this Faculty Handbook, "criteria" shall mean those University-wide performance expectations upon which decisions are based and to which all departments and colleges are bound. "Evidence" shall mean documents and/or testimony furnished for the purposes of demonstrating that criteria have been met. "Standards" shall mean those qualitative judgments (represented by the terms "exceptional performance," "exceeds expectations," "meets expectations," "below expectations" and "unsatisfactory") applied by colleges or departments in evaluating evidence for the purposes of determining the extent to which expectations have been fulfilled. Criteria and evidence specified in this Faculty Handbook to be used in decisions related to salary administration, promotion, tenure, post-tenure review and reappointment shall not be modified by colleges except as allowed in policy. Standards are not specified in this Faculty Handbook and shall be developed by colleges in accordance with democratic principles. The college standards must be approved by the majority of voting ranked faculty in college.

These written standards shall be disseminated to the faculty of each college by the Deans of that college after the standards have been submitted by Deans to the Provost and President for approval by the president, who shall ensure that standards in each college are relatively equal, and to the extent possible, shall be uniformly applied. Between the time of submission of recommended standards and their approval, the Provost and President must consult with Deans and Department Chairs in the event that the standards to be approved differ from those submitted as recommendations. Once approved, standards are incorporated by reference into the appropriate sections of this Faculty Handbook.

### **2.8.2 Criteria and Categories**

The criteria for performance assessment for ranked academic faculty shall include:

- a. Expectations of the faculty member to fulfill basic responsibilities of employment as prescribed in Section 2.7 and 2.8 of this Faculty Handbook.
- b. Expectations of the faculty member in the categories of teaching, scholarly or creative activity, and service, and, if applicable, administration, as prescribed in this Section of this Faculty Handbook; or as otherwise specified in the Faculty Development Plan; or as otherwise approved by the Department Chair and Dean as a result of released time from teaching or as a result of participation in faculty development programs; or for faculty as approved by the Dean. For each of the following categories, faculty are expected to demonstrate consistent and on-going activities that are consistent with the stated expectations.

#### **2.8.2.1 Teaching**

Meeting expectations in teaching shall include, where disciplinarily applicable:

- a. command of one's subject;
- b. ability to organize subject matter and to present it clearly, logically, and imaginatively;
- c. knowledge of current developments in one's discipline;
- d. ability to relate subject matter to other areas of knowledge;
- e. ability to provoke and broaden student interest in the subject matter;
- f. ability to utilize effective teaching methods, strategies and appropriate technologies.

##### **2.8.2.1.1 Teaching Activities**



a. Curriculum Development Although administrative faculty and students may make proposals, the primary responsibility for the development of new courses, deletion or changes in existing courses, the initiation of new programs, the discontinuance of existing programs, or other program modifications lies with the faculty. All proposals concerning programs and curriculum, regardless of the source of initiation, shall be reviewed by the appropriate University governance units in accordance with established procedures (Sections 1.1 and 1.2).

b. Course Offerings and Content Faculty members are responsible for planning and presenting course material; establishing course objectives and requirements in accordance with University policy and making them known to students; selecting and ordering texts and supplemental materials in accordance with University policy; preparing, administering, and grading assignments; and assigning grades.

c. Absence and Class-related Duties (revised August 2013)

1. Faculty members shall meet their classes unless the Department Chair has approved a substitute, class cancellation, reschedule, or replacement by a substitute activity. This obligation extends from the first day of classes through the end of final examination week.

2. Faculty members shall meet their classes punctually. If for some valid reason faculty members are unable to meet a class, arrangements shall be made to offer alternate instruction as approved by the Department Chair.

3. If suitably qualified ranked faculty members serve as teaching substitutes upon assignment by the Department Chair for a period beyond one week, substitution shall be treated retroactively by means of an at-will appointment; exceptions shall be approved by the appropriate Dean.

4. Faculty members shall report evaluation of student work to students within a reasonable time with appropriate comments and/or grades.

5. Faculty members shall participate in the approved college program for collecting data regarding students' perceptions of teaching and learning.

6. Prior to the end of the second week of classes, faculty members shall submit to the Department Chair a syllabus or outline for each course being taught.

7. Faculty members shall establish an absence policy for students and inform students in writing of the policy.

8. Faculty members shall maintain for one calendar year appropriate records of student progress in each course to support final grades. In the event of severance from the University, faculty members shall leave such records with the Department Chair, who shall retain them for one calendar year.

9. Faculty members shall administer final examinations and at the officially scheduled times during final exam week unless, for sound pedagogical reasons, the Department Chair and Dean approve alternative arrangements.

10. Faculty members shall exercise adequate supervision of students in classroom and laboratory activities and officially scheduled related activities, such as field trips.

11. Faculty members shall provide instruction in safety procedures to students who are engaged in academic activities where a known potential danger is present, such as in laboratory work where equipment or chemicals are in use.

12. Faculty members shall ensure that safe practices are followed by students under their supervision where a known potential danger is present.

13. Faculty members and Department Chairs shall report in writing unsafe conditions of equipment or facility to their immediate supervisor.



d. **Availability and Office Hours** Full-time faculty members shall establish, post, and make students aware of at least five (5) regularly scheduled office hours so distributed throughout each week of the semester as to be of maximum convenience to the students. Additional office hours may be needed during advising and registration periods. The office hours' schedule, with any exceptions to the stated requirements, shall be approved by the Department Chair.

e. **Responsibilities of Faculty Teaching Graduate Courses** Faculty members who teach graduate courses shall participate in the direction of theses, graduate papers, and comprehensive examinations for graduate students under the direction of the appropriate Dean.

f. **Use of Copyrighted Material** Faculty are responsible for knowing and observing the laws concerning the use of copyrighted material. Applicable federal laws on use of copyrighted material are available in the University Library; a brief summary of guidelines for use of copyrighted material is contained in Appendix B of the Faculty Handbook. Faculty members who have questions regarding use of copyrighted material should consult the Dean of the University Library.

g. **Software Use** Faculty members are responsible for knowing and obeying the laws concerning software use. Applicable federal laws on use of software are available in the University Computer Center; a brief summary of guidelines for use of software is contained in Appendix C of the Faculty Handbook. Faculty members who have questions regarding the use of software should consult the Director of University Computing.

#### **2.8.2.1.2 Evidence in the Category of Teaching or Librarianship**

Assessment of performance in meeting basic responsibilities and in meeting performance expectations in the category of teaching or librarianship, may include use of such evidence listed below. Additional forms of evidence may be used by mutual consent of the faculty members and the Department Chair.

In no case should an individual faculty member's teaching be evaluated for tenure and promotion or annual performance review purposes solely on the basis of the self report of teaching and the student perceptions of teaching. Some additional means must be used, selected from the list below or from the unit standards.

- a. \*self-report of activities linked to individual, department, and college goals;
- b. course syllabi evaluation (as reviewed by peers/colleagues and/or Department Chair);
- c. peer/colleague evaluations (required for Comprehensive Post Tenure Review);
- d. student perceptions of teaching and learning;
- e. student outcomes;
- f. professional development activities such as participation in course work, seminars, conferences, or workshops, which cover skills and knowledge of teaching, or skills in librarianship;
- g. peer, department chair or supervisor observations.
- h. participation in department/college/university workshops which cover skills, knowledge and assessment of teaching effectiveness or skills in librarianship;
- i. record of examining and utilizing best practices for respective discipline (best practices to be determined by departmental criteria);

j. record of examining and/or utilizing technologies to enhance the teaching and learning environment; Note: Item marked with \* must be addressed by all faculty. Evidence criteria are not rank ordered.

### **2.8.2.2 Scholarly or Creative Activities**

Faculty members have the basic responsibility to engage in scholarly or creative activities in accordance with the accepted professional practices of their academic disciplines.

Adherence to applicable law and to institutional, state, or federal policies regarding copyright, patent, uses of human or animal subjects, facility use, safety rules and regulations, or other related policies contained in this Faculty Handbook is expected.

Meeting expectations in scholarly or creative activity shall include, where disciplinarily applicable:

- a. sustained inquiry into one's discipline;
- b. use of research in curriculum development;
- c. sharing of expertise within the academic community.

#### **2.8.2.2.1 Evidence in the Category of Scholarly or Creative Activity**

Assessment of performance in meeting basic responsibilities and in meeting performance expectations in the category of scholarly or creative activity, may include use of such evidence listed below. Additional forms of evidence may be used by mutual consent of the faculty members and the Department Chair.

- a. \*self-report of activities linked to individual, departmental and college goals;
- b. assessment or statements by peers/colleagues of scholarly or creative works;
- c. professional publications such as refereed journals, refereed books, professional journals, or monographs;
- d. citations of research in others' works;
- e. preparation and/or award of grants, prizes, or commendations, resulting from scholarly or creative activity;
- f. reviewer or judge of scholarly or creative work;
- g. award of grants, prizes, or commendations in professionally accepted organizations;
- h. participation in, seminars, workshops, or conferences of professional significance;
- i. consulting related to scholarly and creative activity goals;
- j. presentations or performances in departmental, college or University seminars, colloquia, or lecture series;
- k. Department Chair or supervisor observations;
- l. presentations of papers or performances at external seminars, workshops, or conferences of professional significance. Note: Item marked with \* must be addressed by all faculty. Evidence criteria are not rank ordered.

### **2.8.2.3 Service**

Meeting expectations in service shall include where applicable:

- a. service on departmental, college, or estate, committees, boards, or councils;
- b. service to students;
- c. service in some extramural activity as an employee or representative of the University or as an

expert in one's discipline.

### **2.8.2.3.1 Service Activities**

#### **a. Academic Advising**

The University emphasizes the role of its faculty in the academic advising of students. The central element in advising is a genuine and sustained concern for students as persons and for their academic and personal growth. The responsibilities of those faculty engaging in academic advising include, but are not necessarily limited to:

1. scheduling office hours (as specified in Section 2.8.2.1.1) to meet advising responsibilities;
2. advising of the student with regard to the student's performance in classes;
3. assisting the student in setting academic goals, informing the student of University curriculum requirements, and, maintaining a record of the advisement;
4. providing referrals to appropriate student services. Faculty members serving as academic advisors are not authorized to make representations or commitments on behalf of the University, which are contrary to or not supported, by University policies, regulations, or procedures.

**b. Share in Governance** Faculty members shall attend and take part in meetings of the department, the college, and the University, and shall serve if elected or appointed with their consent to University boards or estate committees, provided that such service does not require absence from scheduled classes.

**c. Recruitment of Prospective Students** Faculty members may be asked to cooperate with the Office of Admissions in appropriate ways to recruit prospective students.

**d. Academic Community Cooperation** While members of the faculty have a primary responsibility to their own department, they are also members of the larger collegial community and should, therefore, make a demonstrable effort to work cooperatively with members of other departments in matters affecting the overall welfare of the University.

**e. Board and Committee Membership** Faculty members shall not be allowed to serve on more than a total of two (2) boards/estate committees each academic year, unless special circumstances so require and as approved by their Dean.

**f. Meetings and University Functions** Unless excused by the Department Chair, faculty members shall attend all regularly scheduled department, academic unit, or University meetings, which do not conflict with a scheduled class.

**g. Attendance at Commencement** Faculty members are required to attend commencement and be in full academic regalia unless properly excused by the appropriate Dean. Responsibility for providing academic regalia belongs to faculty.

**h. Deadlines** Faculty members shall meet appropriate deadlines established by policies contained in this Faculty Handbook, or by the Provost, the Dean, the Department Chair, and the Registrar.

### **2.8.2.3.2 Evidence in the Category of Service**

Assessment of performance in meeting basic responsibilities and in meeting performance

expectations in the category of service may include use of such evidence listed below. Additional forms of evidence may be used by mutual consent of the faculty members and the Department Chair.

- a. \*self-report of activities linked to individual, departmental and college goals;
  - b. participation in department/college or university-wide advising;
  - c. leadership in some area of University-life governance, faculty development, curriculum design;
  - d. service as chair of a committee or sponsor of a student club or organization, or a director of a program;
  - e. service as a representative of the University to the local, regional, national, or international community;
  - f. appointment or election to a state or national post of significance to the profession or the University;
  - g. participation in professional organizations;
  - h. service as a volunteer to the University community;
  - i. Department Chair or supervisor observations.
  - j. recruitment and retention activities on behalf of department, college or university;
  - k. consulting related to service goals;
  - l. conference chair or organizer of professional conference;
  - m. member of departmental, college and/or university committee /board
- Note: Item marked with \* must be addressed by all faculty. Evidence criteria are not rank ordered.

#### **2.8.2.4 Administration**

Expectations in administration for Department Chairs, Program Coordinators, and Faculty Director are contained in Section E of the Handbook for Professional Personnel (effective 1982) or are available in writing from immediate supervisors. For the purposes of this Faculty Handbook, citations to Section E and those portions of Section C of the Handbook for Professional Personnel (effective 1982) related to administration shall hereafter be referred to as the Administrative Handbook. Upon completion and adoption of the Administrative Handbook, this paragraph shall be automatically repealed without Board of Governors action. Guidelines for uses of evidence for assessment of performance of administrative responsibilities are contained in the Administrative Handbook or are available from immediate supervisors.

#### **2.8.3 Responsibilities of Library Faculty**

Library faculty members shall be expected to fulfill basic responsibilities in librarianship, scholarly or creative activity, and service in accordance with principles of academic freedom and professional ethics and as described in Chapter 2 of this Faculty Handbook. Specific basic responsibilities in scholarly or creative activity and service include those identified in Section 2.8.2. Specific basic responsibilities in librarianship include the following, together with other such responsibilities appropriate to specific library positions and approved by library faculty or agreed to by mutual consent of faculty members and the Dean of the University Library:

- a. Providing information services to students, faculty, staff, and other library patrons through the acquisition, cataloging, and circulating of information sources and/or learning materials.
- b. Assisting patrons in finding and using information sources and/or learning materials.
- c. Collaborating with faculty in bibliographic instruction, including instruction in the processes and methods of finding and using information sources and/or learning materials.

##### **2.8.3.1 Library Faculty Criteria and Categories**

### **2.8.3.1.1 Librarianship**

Meeting expectations in librarianship shall include, where applicable:

- a. performance of responsibilities relating to daily operation of the library, including acquisition and storage of information and materials, dissemination and retrieval of information and materials, and collection development responsibilities;
- b. knowledge of the literature of library and information science;
- c. knowledge of developments in the library profession;
- d. effective application of bibliographic techniques in the organization and servicing of collections;
- e. knowledge and practice of methods of evaluation of services and monitoring of performance;
- f. effective use of resources;
- g. analyzing, improving, and implementing new library methods and procedures;
- h. knowledge and understanding of policies and procedures, goals, and objectives (departmental, library, institutional, state, or national);
- i. ability to communicate effectively;
- j. skill in attracting, training, developing, and supervising staff;
- k. improvement in the quality of professional service;
- l. interaction with library patrons;
- m. ability to delegate responsibility and assign duties effectively;
- n. ability to plan, organize, and coordinate effectively.

### **2.8.3.1.2 Scholarly or Creative Activity for Library Faculty**

Meeting expectations in scholarly or creative activity shall include:

- a. sustained inquiry into one's specialty;
- b. use of research in developing new library services or programs;
- c. sharing of expertise within the academic community.

### **2.8.3.1.3 Service for Library Faculty**

Meeting expectations in service shall include:

- a. service on library, college, or estate, committees, boards, or councils;
- b. service to students;
- c. service in some extramural activity as an employee or representative of the University or as an expert in one's discipline.

### **2.8.3.1.4 Administration for Library Faculty**

Expectations in administration for library faculty carrying administrative responsibilities are available in writing from the Dean of the University Library.

## **2.9 Standards for Assessment of Performance**

The standards developed by colleges and the University Library for assessment of performance, as approved by the President and the Provost in accordance with policy stated in Section 2.8, are incorporated by reference into this section of this Faculty Handbook. Recommended standards must be submitted to the Provost and President on or before **November 15** of the calendar year prior to

their taking effect.

Approval by the President must be given on or before **January 10**; standards must be disseminated by Deans on or before **January 15**.

Performance assessment for probationary and tenured academic faculty occurs in two (2) forms for distinct purposes described below.

## **2.9.1 Annual Performance Review (APR)**

### **2.9.1.1 Purpose**

An annual performance review of all probationary and tenured academic faculty shall be conducted by the Department Chair in January and shall be based upon evidence of performance in the prior calendar year. The Chair (or as appropriate, the Dean) shall prepare an Annual Performance Review report containing:

1. An evaluation of the faculty member's effectiveness in each of the performance review categories (Section 2.8);
2. recommendations for
  - a. salary increase,
  - b. appointment of probationary faculty (except as noted in Section 2.17.3.2),
  - c. participation in faculty development programs, and
  - d. referral of tenured faculty for a CPR.

### **2.9.1.2 Process** (revised September 2012)

At his/her discretion, a Chair may consult with other Chairs or with the Dean in regard to questions pertaining to the process in general. The Dean may also counsel Chairs concerning general aspects of the process, including deadlines and current college standards. At his/her discretion, a Chair may also initiate a consultation with the Dean or with other Chairs concerning evaluation issues pertaining to an individual faculty member, provided identifying information is not exchanged. To promote fairness and transparency in the evaluation process, any such consultation must be disclosed by the evaluating Chair in that faculty member's written APR report. Additionally, only the evaluating Chair may initiate a consultation concerning the evaluation of an individual faculty member.

- a. On or before **January 31**, the faculty member shall submit an annual self-report to the Department Chair (or Associate Dean who functions as a chair), or in the case of Department Chairs, to the Dean. This self report shall include identification of activities in the performance review categories and may include a self-assessment of performance.

If a tenured faculty member is scheduled for a Comprehensive Post-Tenure Review (CPTR), the APR from the previous four years will be included in the review, plus any other evidence pertaining to the period under review which the faculty member wishes to provide. (See Section 2.10.3.) If a tenured faculty member is applying for a promotion in the subsequent year through the Cumulative Performance Review (CPR) process (Section 2.9.2.), or if a tenured faculty member is completing a required CPR as a result of a negative CPTR rating in the prior (see Section 2.10.3.), then that CPR will be substituted for the APR/CPTR. College scheduling of the CPTR will be adjusted on an



individual basis for such activities as: applying for promotion, sabbatical, developmental leave, etc.

Throughout the rest of this section every reference to “chair” is assumed to include an associate dean who functions as a chair.

b. On or before **February 20**, the Chair (or, as appropriate, the Dean) shall prepare a written APR report using the form provided in Appendix I and meet with the faculty member to review the APR report and to provide the faculty member with a copy; the APR report shall indicate:

1. a statement describing the evidentiary basis (including the faculty member’s self-report) on which the report is based; consultations with the Dean or with other Chairs concerning the individual’s APR, if any, shall be described in this statement;

2. the Chair's (or Dean's) evaluation of the faculty member's effectiveness in each of the three (3) performance review categories;

3. the Chairs (or Deans) recommendation on comprehensive post-tenure review for tenured faculty;

4. the Chair's (or Dean's) recommendation on salary increases (Section 2.13);

5. the Chair's (or Dean's) recommendation on reappointment for probationary faculty, except for those in the first or second year of appointment;

6. the Chair's (or Dean's) recommendation, if any, on participation in Faculty development programs;

7. the Chair's (or Dean's) recommendation on revision of the development for the current calendar year.

c. The faculty member shall read and sign the Chair's APR report to indicate that the annual review meeting was held and that the faculty member has read the APR report. The faculty member has the right to prepare a written response to the APR report to be submitted to the Chair (or Dean) within five (5) working days of the date of the annual review meeting. The faculty member’s right to submit this response shall be clearly stated in the APR report.

d. The Chair shall submit copies of the faculty member's self-report, the APR report, and (if one exists) the faculty member's written response to the Dean on or before **February 28**.

e. Regarding evaluation of faculty, *if the Dean concurs with the recommendation of the Chair and the faculty member has not disagreed with those recommendations*, the Dean shall forward those recommendations to the Provost on or before **March 31**.

f. Regarding evaluation of faculty, *if the Dean disagrees with the recommendations of the Chair or if the faculty member has disagreed with those recommendations*, the Dean shall convene a meeting with the faculty member and the Chair on or before **March 17** (unless all three (3) agree to extend the deadlines, including the faculty right to prepare a written response) to attempt to resolve disagreements.

On or before **March 24**, the Dean shall provide a copy of his/her final recommendations to the faculty member and the Chair, stating reasons for those recommendations. Any input provided by the Dean to the Chair concerning the faculty member’s evaluation at any earlier point in the process



must be disclosed by the Dean in his/her final recommendations. The faculty member shall read and sign the Dean's recommendations to indicate that the meeting was held and that the faculty member has read the Dean's recommendations. The faculty member has the right to prepare a written response to be submitted to the Dean within five (5) working days of receiving the Dean's recommendations.

On or before **March 31**, the dean shall submit to the Provost his/her recommendations, the Chair's report, the faculty member's self-report, any written responses prepared by the faculty member and copies of the departmental and college standards for faculty evaluation.

g. Regarding evaluation of faculty, the Dean shall forward copies of Department Chairs' self-reports, the APR report, and (if any exists) written responses of Chairs to the Provost on or before **March 31**.

h. On or before **April 15**, the Provost shall submit recommendations on salary increases, reappointment of probationary faculty, post-tenure review, and participation in faculty development programs to the President. The Provost shall notify faculty in writing of the final disposition, pending the President's approval, on salary recommendations, employment status, post-tenure review, and faculty development programs on or before **April 15**. If these decisions disagree with those of the Dean, notification shall include stated causes for disagreement.

i. For recommendations on non-reappointment of probationary faculty in their first or second year of employment, the deadlines for notification specified in Section 2.17.3 shall apply. Deadlines pertaining to grievance rights related to non-reappointment of probationary faculty members are specified in Section 2.17.1.

j. If the faculty member disagrees with the recommendations of the Provost concerning the annual performance review evaluation, amount of salary increase or participation in faculty development programs, the faculty member has the right to file a Class B Grievance Complaint per the procedures of Section 2.18.

If the desired redress sought by the faculty member is limited only to a modification of the Provost's final recommendation in these matters, then only the Provost shall be named as a responsible party in that complaint. Otherwise, the responsible parties named in the grievance complaint may also include the Chair and/or the Dean, provided that the faculty member has submitted a written response to the Chair's report and/or to the Dean's recommendation respectively.

All Grievance Complaints related to annual performance review evaluation recommendations, amount of salary increase and participation in faculty development programs must be filed within twenty (20) working days after the date of the Provost's notification of final disposition.

A Provost recommendation for a CPTR rating at the level of "below expectations" or "unsatisfactory" rating is not a grievable action under the procedures of Section 2.18. Any tenured faculty member receiving such a CPTR rating shall be required to complete a Cumulative Performance Review (CPR) in the following year per the requirements of Section 2.10.3.2.

k. If the Department Chair, the Dean or the Provost fail to meet deadlines, all subsequent deadlines will be adjusted as needed to protect the faculty member's right to submit written responses as

specified in sections 2.9.1.2c and 2.9.1.2f. Grievance Complaints based on an alleged violation of this right or alleging that some other procedural error has occurred (e.g., failure of the Dean to forward those documents specified in Section 2.9.1.2f to the Provost) must be filed within twenty (20) working days of the date by which the faculty member knew or should have known that the procedural violation occurred. Per Section 2.18.9 (Step 1), the faculty member is encouraged (but not required) to seek to resolve the dispute informally through discussions with the responsible individual(s) and the immediate supervisor of the responsible individual(s) prior to filing a Grievance Complaint.

**1.** After **April 15** and no later than **October 1**, the Dean shall convene a meeting of Department Chairs within the academic unit to discuss concerns or questions pertaining to faculty evaluation and the college standards which arose during the most recent evaluation cycle. Faculty will receive advance notice of the date of this meeting from the Dean and will have an opportunity to forward input concerning these issues to the Dean and/or to Department Chairs prior to the meeting date. In accordance with Section 2.8, recommendations for changes to college or departmental standards or to the evaluation process resulting from this meeting must be developed in accordance with democratic principles and approved by the majority of voting ranked faculty in the college. Per Section 2.9, changes approved at the college level must be submitted to the Provost and President on or before **November 15** of the calendar year prior to their taking effect.

**2.9.2 Midpoint Performance Review (MPR)** (policy adopted August 2013; first required MPR to take place in AY2014-2015, with probationary faculty required to complete MPR in AY2014-2015 notified in writing by chair or dean on or before April 15, 2014)

- a. A comprehensive midpoint performance review (MPR) of each probationary faculty member shall be conducted by the midpoint of his or her probationary period. For example, the normal probationary period for an assistant professor is six (6) years, so the MPR would be conducted in the third (3rd) year. However, if the assistant professor were given two (2) years of credit for prior service, then the probationary period would be reduced to four (4) years, so the MPR would be conducted in the second (2nd) year. If the probationary period is an odd number of years, the midpoint of his or her probationary period will be rounded down to the next whole number. For example, if the assistant professor were given one (1) year of credit for prior service, then the probationary period would be reduced to five (5) years, the MPR would be conducted in the second (2nd) year. A MPR is not mandatory for faculty who are given a probationary period of less than four years at time of hire. At the time of initial appointment, the date for the MPR will be scheduled.
- b. Faculty scheduled to complete a MPR in the next academic year shall be notified by the department chair (or dean) by written memorandum on or before April 15. Faculty will submit their MPR dossier by March 1<sup>st</sup> of the academic year that their MPR is scheduled. The MPR Dossier will have the same requirements as the Tenure Dossier as presented in the Handbook section 2.10.2.5.

- c. Semesters spent on full educational or personal leaves do not count toward fulfillment of the employment requirement for MPR. Semesters in which a faculty member takes a partial educational or personal leave (leave without pay, sabbatical leave, military leave or other leaves permitted under the Handbook) shall not count toward MPR except when the faculty member, the Dean, and the Provost agree in writing to count that semester toward MPR. The written agreement must be executed during the semester in which the faculty member takes the partial leave.
- d. The purpose of the MPR is to mentor the tenure-track faculty member by indicating (i) whether the faculty member is making satisfactory progress toward tenure and promotion or (ii) whether there are deficiencies that the faculty member should seek to improve to make satisfactory progress toward tenure and promotion, in which cases the Review Committee should provide clear guidance to the faculty member regarding what s/he should do to make satisfactory progress toward tenure and promotion.
- e. This MPR shall be conducted by a Review Committee. Except where a college has specified otherwise, the Review Committee shall include at least three tenured faculty, consisting of (i) all eligible, tenured faculty members of the department, or, if so specified in the department code, by a duly elected committee thereof, and (ii) at least one tenured faculty member from the same college but from outside the department, preferably with prior experience on the college-level tenure committee. The committee may include the department chair, but the college dean, Provost, and President are not eligible to serve on the Review Committee. Prior to conducting the review, the members of the Review Committee shall consult with the college dean to discuss the expectations for tenure at administrative levels higher than the department.
- f. Upon completion of the MPR, the Review Committee shall prepare a written report. Except where a college has specified otherwise, a copy of this report shall be given to the faculty member and a meeting shall be conducted between the faculty member and members of the Review Committee. From the date of the meeting, the faculty member shall then have ten (10) working days to prepare a written response to this report if he or she desires to do so. Both the report and the faculty member's response shall be forwarded to the department chair.

### **2.9.3 Cumulative Performance Review (CPR)**

The purpose of the cumulative performance review is to support and maintain faculty commitment to excellence in teaching, scholarly/creative activity and service during one's career development while seeking tenure and promotion and after the award of tenure (see section 2.10.3). Continued engagement with the art of teaching and learning, the intellectual vitality of ongoing scholarly activity and providing service to one's community ensures one's citizenship within a community of scholars. Such continued activity promotes an appropriate and sustaining environment for students and faculty pursuits.

A cumulative performance review for tenured faculty shall be scheduled the year following the receipt of two consecutive unsatisfactory annual performance reviews or following a CPTR by the

faculty member that is below expectations or unsatisfactory. (see section 2.10.3). Each college is responsible for defining standards for faculty performance in accordance with policy contained in section 2.8. A cumulative performance review shall be linked to the individual, department and college goals found in the annual performance reviews. Such goals must provide for flexibility, innovation and affirmation of changing and continuing faculty career goals within the context of evolving departmental and university goals.

The cumulative performance review shall:

- a. be based upon cumulative evidence of performance, during the previous 5 years, as found in annual performance review and other evidence introduced by faculty, chair or dean.
- b. result in recommendations for promotion or tenure,
- c. be scheduled at the request of the faculty member,
- d. be scheduled for tenured faculty as the result of two consecutive unsatisfactory annual performance reviews or a CPTR that is below expectations or unsatisfactory.

#### **2.9.2.1 Process** (revised September 2012)

- a. The faculty member shall provide the Department Chair the required dossier for promotion, tenure, or a three- (3) year action plan review on or before **November 1** of the review year. A routine five-year post-tenure review CPR (CPTR) will follow the schedule of the annual APR (2.9.1). If a Department Chair is the candidate, the Dean shall appoint a faculty member from the appropriate discipline to fulfill the responsibilities for the Department Chair in the following paragraphs in this section.
- b. The Department Chair shall consult with faculty in the appropriate discipline and prepare a written summative assessment and recommendation, a copy of which shall be sent to the faculty member, and which will become part of the dossier. The Department Chair shall forward the dossier to the Chair of the College Personnel and Review Committee on or before **November 15**. The faculty member may respond in writing to the Chair's report within ten (10) working days with copies to the Department Chair and Chair of the College Personnel and Review Committee.
- c. The College Personnel and Review Committee shall convene at the call of the Committee Chair and, on or before **December 2**, and in consultation with the faculty member, establish an agenda to permit completion of the committee's report on or before **March 1**. Policies and procedures governing review committees shall be determined by each college in accordance with its own standards and procedures, which shall be published and disseminated to faculty prior to the beginning of the cumulative review cycle.
- d. The College Personnel and Review Committee shall submit a written CPR report to the Dean, and a copy to the faculty member, on or before **March 1**. The CPR report will indicate:
  - 1. The committee's recommendation on promotion, tenure, or specific post-tenure activities;
  - 2. the committee's summative assessment of the faculty member's effectiveness in the three (3) performance review categories as documented in the annual performance reviews (in accordance with approved applicable standards) during the years covered by the review;
  - 3. any additional evidence employed by the committee.
- e. The faculty member may respond in writing to the Cumulative Performance Review Report

within ten (10) working days with copies to the Chair of the Committee and the Dean. This response shall become part of the dossier.

f. The Dean shall prepare a written summative assessment and recommendation to the Provost which shall become part of the dossier on or before **April 1**, with copies to the faculty member, the College Personnel and Review Committee Chair, and the Department Chair. If the Dean has disagreed with the recommendations of either the Committee or the Chair, or if the recommendations of the Committee and the Chair differ, the Dean's final recommendation shall also include reasons for that recommendation. The faculty member may respond in writing to the Dean's Recommendation within five (5) working days. That response shall be forwarded to the Provost with a copy to the Dean and shall become part of the dossier.

g. The Dean shall forward copies of the dossier, including written responses of the faculty member to the recommendations of the College Personnel and Review Committee and the Chair (if any exist), and the CPR report to the Provost on or before **April 1**.

h. On or before **April 15**, the Provost shall submit a written recommendation on promotion, tenure, and post-tenure review activities to the President with a copy to the faculty member. If the Provost's recommendation disagrees with that of the Dean, stated causes for disagreement shall be provided.

i. *Positive Provost Recommendation*

If the Provost's recommendation concerning tenure, promotion or required post-tenure Cumulative Performance Review is positive and the President concurs, the President shall notify the faculty member in writing of the final disposition on or before **April 30**.

j. *Negative Provost Recommendation*

If the Provost's recommendation concerning tenure, promotion or required post-tenure Cumulative Performance Review is negative, the faculty member has the right to file a Class B Grievance Complaint related to that negative recommendation per the procedures of Section 2.18. Failure to file a grievance within twenty (20) working days of receipt of notification of a negative recommendation concerning tenure, promotion or required post-tenure Cumulative Performance Review will forfeit the faculty member's right to a review before a Grievance Hearing Committee. Mediation is not required prior to a review before a Grievance Hearing Committee.

If the desired redress sought by the faculty member is limited only to a modification of the Provost's final recommendation, then only the Provost shall be named as a responsible party in that complaint. Otherwise, the responsible parties named in the Grievance Complaint may also include the Chair and/or the Dean, provided that the faculty member has submitted a written response to the recommendations of these individuals in accordance with Sections 2.9.2.1c and 2.9.2.1f respectively.

If a Grievance Hearing Review is requested by the faculty member within the specified timeline, and if the Grievance Hearing Committee concurs with the Provost's negative recommendation concerning tenure, promotion or required post-tenure Cumulative Performance Review, the faculty member may submit an appeal to the President per the provisions of Section 2.18.12.9.2 (Presidential Review and Action). The President shall issue a decision to all parties to the Grievance, members of the Grievance Hearing Committee and the UGO within fifteen (15) working days after receipt of all relevant material.

If a Grievance Hearing Review is not requested by the faculty member within the specified timeline, the President shall inform the faculty member of the final disposition on or before **May 20**.

*k. Negative President Recommendation in case where prior recommendations were all positive*

If the recommendations of the Chair, the College Personnel and Review Committee, the Dean and the Provost concerning tenure, promotion or required post-tenure Cumulative Performance Review have all been positive and the President does not concur, the President shall notify the faculty member in writing of the final disposition on or before **April 30**. The notification shall state causes for disagreement.

The faculty member has the right to submit an appeal of the President's decision to the CSU System Board of Governors per the provisions of Section 2.18.12.9.3.

l. Per existing Board of Governor policies, the authority for granting tenure and promotion has been delegated to the President, with a report to the Board.

m. If the Department Chair, College Personnel and Review Committee or the Dean fail to meet deadlines, all subsequent deadlines will be adjusted as needed to protect the faculty member's right to submit written responses as specified in Sections 2.9.2.1c, 2.9.2.1f and 2.9.2.1g. Grievance Complaints based on an alleged violation of this right or alleging that some other procedural error has occurred (e.g., failure of the Dean to forward those documents specified in Section 2.9.2.1g to the Provost) must be filed within twenty (20) working days of the date by which the faculty member knew or should have known that the procedural violation occurred. Per Section 2.18.9 (Step 1), the faculty member is encouraged (but not required) to seek to resolve the dispute informally through discussions with the responsible individual(s) and the immediate supervisor of the responsible individual(s) prior to filing a Grievance Complaint.

## **2.10 Promotion, Tenure, and Post-Tenure Review Policies**

### **2.10.1 Promotion Policies**

Promotion in rank is the institution's acknowledgment of an individual faculty member's accomplishments and professional development in teaching, scholarly or creative activity, and service.

Promotion in academic rank is not a faculty entitlement. The minimum qualifications concerning time in rank and academic preparation permit the individual only the right to be considered for promotion. Promotion decisions will be based on the merits of applicants. The University shall impose no quotas on promotions, although salary adjustments resulting from promotion are subject to the availability of funds.

#### **2.10.1.1 Promotion Criteria** (University Library criteria revised July 2011)

Candidates for promotion must demonstrate evidence of:

- a. **For Promotion to Assistant Professor** Meeting the minimum qualifications specified for initial appointment to that rank as specified in Section 2.3.1.2.
- b. **For Promotion to Associate Professor** Meeting the minimum qualifications specified for initial appointment to the rank as specified in Section 2.3.1.3.



Before submitting their promotion dossier, candidates for promotion to associate professor must be within one year of completing the initial appointment criteria for that rank. Candidates may apply no earlier than during their third year of employment at the Colorado State University - Pueblo; or, if they have earned the rank of associate professor at another accredited university, they may apply no earlier than during their second year of employment at CSU - Pueblo and must have completed a minimum of one year in the rank of assistant professor. Candidates for promotion to associate professor must also demonstrate sustained achievement, as defined by each college, at the rank of Assistant Professor in each required area – teaching/librarianship, scholarly/creative activity, service – and significant accomplishment, as defined by each college, in one of those areas.

c. For Promotion to Professor Meeting the minimum qualifications specified for initial appointment to that rank as specified in Section 2.3.1.4.

Before submitting their promotion dossier, candidates for promotion to professor must be within one year of completing the initial appointment criteria for that rank. Candidates may apply no earlier than during their fourth year of employment at the Colorado State University - Pueblo; or, if they have earned the rank of professor at another accredited university, they may apply no earlier than during their third year of employment at CSU - Pueblo and must have completed a minimum of two years in the rank of associate professor. Candidates for promotion to professor must also demonstrate sustained achievement, as defined by each college, at the rank of Associate Professor in each required area -- teaching/librarianship, scholarly/creative activity, service -- and sustained significant accomplishment, as defined by each college, in one of these areas.

#### **2.10.1.2 Promotion Dossier**

The candidate must submit a promotion dossier. Application materials required for tenure, promotion, and post-tenure reviews include in the order listed below:

- a. a current curriculum vitae in the approved format (see Appendix E of the Faculty Handbook, and the annual performance review reports for the years covered in the review;
- b. a self-report of activities in the three performance review categories (see Appendix H of the Faculty Handbook);
- c. a statement supplying appropriate data to indicate that the candidate has satisfied any stated requirements for promotion or for tenure whichever is applicable. Candidates applying for promotion, tenure, and/or sabbatical and educational leave programs may submit a single dossier, provided that all the required materials are therein contained. The burden of initiating applications and supplying appropriate evidence rests with the individual faculty member.

#### **2.10.1.3 Promotion Standards**

Promotion standards shall be developed by each college in accordance with the policy stated in Section 2.8 and are incorporated by reference into this section of this Faculty Handbook.

Candidates for promotion shall be provided written copies of the most recent standards at the time they declare an intent in the Faculty Development Plan to apply for promotion. The standards in effect at the time of the candidate's declaration of intent are those by which the candidate's application must be judged, provided that the application is submitted during the year specified in the Faculty Development Plan. If promotion is denied, the standards in effect at the time of the candidate's declaration to reapply shall be used. Recommended promotion standards must be submitted by Deans to the Provost on or before November 15 of the academic year prior to their taking effect. Approval by the President must be given on or before January 10; approved standards



must be disseminated by Deans on or before January 15.

### **2.10.2 Tenure Policies**

At the University, "tenure" means the practice of granting to ranked faculty the contractual right to continuous appointments until the faculty member resigns, retires, becomes permanently disabled, is dismissed for adequate cause, is terminated for medical reasons, has been issued a terminal appointment as a result of the post-tenure review process, or is terminated pursuant to a reduction in force resulting from a bona fide financial exigency or from the formal discontinuance of a degree or program area.

#### **2.10.2.1 Tenure on Initial Appointment**

Tenure may be awarded on initial appointment to academic or administrative faculty if the appointee has earned tenure or its equivalent at a regionally accredited post-secondary institution or possesses qualifications equivalent to those required for tenure in this Faculty Handbook. The President shall base this decision on the recommendation of the Provost and the appropriate Dean, who shall secure the written recommendation of the appropriate Department Chair writing on behalf of the faculty in the affected degree or program area.

#### **2.10.2.2 Progress Toward Tenure**

Progress toward tenure is governed by the following terms and conditions:

- a. Probationary academic faculty may apply for tenure during their fourth probationary year at the University, and must apply no later than in the sixth probationary year.
- b. Semesters spent on full educational or personal leaves do not count toward fulfillment of the employment requirement for tenure. [Semesters in which a faculty member takes a partial educational or personal leave (leave without pay, sabbatical leave, military leave or other leaves permitted under the Handbook) shall not count toward tenure except when the faculty member, the Dean, and the Provost agree in writing to count that semester toward tenure. The written agreement must be executed during the semester in which the faculty member takes the partial leave.
- c. Probationary faculty who choose not to undergo a cumulative performance review in their sixth academic year of employment forfeit consideration for tenure and shall not receive an appointment for the seventh academic year.
- d. Probationary faculty who choose to apply for tenure in the fourth or fifth years of employment are expected to possess qualifications equal to or beyond those expected for probationary faculty applying in the sixth year of employment.
- e. In making the decision on the reappointment of probationary faculty, the President shall consider the recommendations of departments, Department Chairs, Deans, and the Provost.
- f. In making the decision on the reappointment of probationary faculty, the President, in consultation with the appropriate Department Chair and Dean and the Provost, shall consider the effects of awarding tenure on the staffing in the department, the needs of the degree or program area, and the ability of the degree or program area to meet student demands in the future.

#### **2.10.2.3 Non-reappointment of Probationary Academic Faculty**

Probationary academic faculty who have applied for but are not awarded tenure after six academic years of employment shall be ineligible for a tenured appointment but may be offered an at-will appointment for the seventh academic year. Non-reappointment is governed by the policy in Section 2.17.3.

#### **2.10.2.4 Tenure Criteria**

- a. Meeting minimum qualification requirements, including appropriate rank, specified for the rank of assistant professor (see Section 2.3.1.2).
- b. Sustained achievement, as defined by each college, in each required area –teaching/librarianship, scholarly/creative activity, service – and significant accomplishment in one of these areas.
- c. Evidence of potential to meet the long-range needs of the department, college, and University as documented in institutional plans;
- d. Evidence of potential to contribute to the discipline and/or profession;
- e. Evidence of commitment to students;

#### **2.10.2.5 Tenure Dossier**

The candidate must submit a tenure dossier. Application materials required for tenure, promotion, and post-tenure reviews include in the order listed below:

- a. a current curriculum vitae in the approved format (see Appendix E of the Faculty Handbook), and the annual performance review reports for the years covered in the review;
- b. a self-report of activities in the three performance review categories (see Appendix H of the Faculty Handbook);
- c. a statement supplying appropriate data to indicate that the candidate has satisfied any stated requirements for promotion or for tenure whichever is applicable. Candidates applying for promotion, tenure, and/or sabbatical and educational leave programs may submit a single dossier, provided that all the required materials are therein contained. The burden of initiating applications and supplying appropriate evidence rests with the individual faculty member.

#### **2.10.2.6 Tenure Standards**

Tenure standards shall be developed by each college in accordance with the policy stated in Section 2.8 and are incorporated by reference into this section of this Faculty Handbook.

Candidates for tenure shall be provided written copies of the most recent standards at the time they declare an intent in the Faculty Development Plan to apply for tenure.

The standards in effect at the time of the candidate's declaration of intent are those by which the candidate's application must be judged, provided that the application is submitted during the year specified in the Faculty Development Plan. If tenure is denied, the standards in effect at the time of the candidate's declaration of intent to reapply again shall be used.

Recommended standards must be submitted by Deans to the Provost on or before November 15 of the academic year prior to their taking effect. Approval by the President must be given on or before January 10; approved standards must be disseminated by Deans on or before January 15.

### **2.10.3 Post Tenure Review Policy and Process (revised September 2012)**

#### **2.10.3.1 Process**

Each tenured faculty member's performance will be evaluated on a yearly basis (see section 2.9.1). If the faculty member's performance is found to be unsatisfactory in two consecutive years or the

faculty member receives a Comprehensive Post Tenure Review (CPTR) that is below expectations or unsatisfactory, the faculty member will be scheduled for a Cumulative Performance Review (CPR) the following academic year. The process and procedures for completing a post tenure review CPR are detailed in section 2.9.2.

If as a result of the CPR the faculty member's performance is found to be below expectations or unsatisfactory the following procedure is followed:

- a. the faculty member in collaboration with the chair will develop a three (3) year action plan to raise performance to a level that meets expectations;
- b. the action plan is reviewed and approved by the dean and College Personnel and Review Committee;
- c. at the completion of the three (3) year action plan period, the faculty member will create a dossier providing evidence of the achievement of the goals specified in the three-year action plan. The three (3) year action plan dossier will be reviewed according to the CPR Process (see section 2.9.2.1). If as a result of this process the faculty member is found to be:
  1. below expectations or unsatisfactory, a one (1) year terminal appointment is issued and the process to revoke tenure contained in section 2.17.4 will be initiated.
  2. meets expectations or higher, the faculty member will retain tenure status.

### **2.10.3.2 Comprehensive Post Tenure Review (CPTR)**

- a. Tenured faculty shall complete a Comprehensive Post Tenure Review (CPTR) every 5-years. Faculty required to complete a CPTR in the next calendar year cycle shall be notified by the department chair (or dean) by memorandum on or before December 1.

The CPTR shall consist of the faculty member's current annual self-report and the APR of the previous 4 years, plus any other evidence introduced by the faculty member under review. The CPTR shall follow the same schedule and deadlines as the APR (Section 2.9.1.2).

- b. If the CPTR results in a "below expectations" or "unsatisfactory" rating, a Cumulative Performance Review (CPR) will be scheduled the following year (see section 2.9.2).

Negative CPTR results are not grievable actions under the procedures of Section 2.18.

### **2.11 Faculty Development Programs**

To assist faculty members in improving performance in teaching, scholarly or creative activity, and service, the University, through the Office of the Dean, provides, subject to the availability of funds, a range of faculty development programs which may include: provisions for travel; teaching improvement activities; release from teaching; assistance in proposing and conducting research; support for publication, consulting, or grant activities; study; secretarial assistance; computer access; and other such institutional support as may be reasonably expected to enhance faculty development.

Sabbatical and educational leaves represent two major forms of faculty development. Neither program is granted automatically nor shall considerations for approval include the totality of circumstances surrounding the requests, including but not necessarily limited to previous forms of institutional support.

Faculty development plans assist faculty members and the institution in designing, funding, and implementing faculty development programs.

### **2.11.1 Faculty Development Plans**

An individual faculty development plan is fundamental to a faculty member's professional growth and successful performance in teaching, scholarly or creative activity, and service. Individual goals must also nurture, support and complement departmental and college goals. This mutually supportive relationship enables individual faculty and their peers to meet student and community needs while advancing themselves, their discipline and their immediate scholarly community.

To develop mutually supportive goals at the individual, departmental and college level, College and department goals are to be circulated to faculty prior to the start of the academic year. Faculty development plans must show how their personal priorities in teaching, scholarly activity and service contribute to and support individual, college and departmental goals. Department and college goals are reviewed annually via departmental and college-wide meetings held prior to the affected years. Department and college goals shall address gender and racial imbalances. Departmental and college goals must be approved by a majority of the voting, ranked faculty in the respective department or college. The Deans and the Provost will provide the necessary support to promote and maintain these annual dialogues on teaching, research and service.

In consideration of both the individual faculty member's priorities for professional growth and development and the needs of the department, all academic faculty are required to prepare and to submit to the Department Chair for his/her approval annual development plans which specify individual priorities in teaching, scholarly or creative activity, and service, as well as individual plans for promotion, tenure, and participation in faculty development programs. Department Chairs shall submit their plans to their Dean. All development plans, annual performance reviews and cumulative performance reviews shall be on file in the Dean's Office.

#### **2.11.1.1 Specificity of Plans**

While the format of development plans may vary by department or college, faculty members shall prepare annual development plans to be submitted to the Department Chair for approval on or before January 31 for the current calendar year. Revisions to the development plan may be submitted to the Department Chair on or before September 5 of the same year. Plans shall specify:

- Those personal and professional plans and priorities related to faculty responsibilities to teaching, scholarly or creative activity, and service.
- Those strategies and activities designed to meet priorities, including proposed courses to teach, plans for scholarly or creative activities and service activities.
- Those institutional resources needed to support strategies and activities.
- Those benefits expected to accrue to the department, college, and the University as a result of the strategies and activities.
- Intent to apply for promotion or tenure in the subsequent academic year.

#### **2.11.1.2 Department Chair Responsibility**

On or before February 20, the Department Chair shall meet with faculty members and Deans with Chairs to discuss development plans; revisions in plans may occur as a result of this meeting. Revision must be submitted to Chairs by February 28. Copies of revised plans shall be retained by

faculty members and Department Chairs and forwarded by Chairs to Deans by February 28.

On or before September 15, the Department Chair shall meet with faculty members to discuss updates to the development plans (if any were submitted by the faculty member). Changes agreed to by faculty member and Chair shall also be forwarded to the Dean

On or before November 1, The Department Chair shall notify the Dean of the names of those faculty members who are to be scheduled for cumulative performance reviews in preparation for application for tenure or promotion or for other reasons as specified in policy (Section 2.9.2).

The burden to initiate all application procedures rests with the faculty members in accordance with policies on promotion, tenure, and faculty development programs.

### **2.11.2 Sabbatical Leaves**

The purpose of sabbatical leave is to provide tenured faculty an opportunity to engage in research, scholarly or creative activity, or otherwise enhance professional stature as teachers and scholars.

#### **2.11.2.1 Eligibility** (revised July 2011)

Tenured faculty are initially eligible for sabbatical leave after they have completed twelve (12) regular semesters of service at the University. Subsequent sabbatical leave eligibility is calculated in increments of twelve (12) regular semesters of service accrued from the semester of return to full-time status following completion of the initial sabbatical leave. Summer and off-campus teaching do not accrue time toward calculation for sabbatical eligibility. Sabbatical leaves may be awarded no more often than once every seven years.

Effective October 1, 1994, a governing board of an institution of higher education may not authorize a sabbatical or extended paid administrative leave for any person holding an administrative position at a state-supported institution of higher education; except that a governing board may, for a reasonable period of time, authorize paid administrative leave for disciplinary or investigatory purposes.

Probationary faculty in the sixth year of appointment may apply for sabbatical concurrently with the application for tenure.

A maximum of twelve (12) semesters of service accrued under previous handbooks and not counted toward eligibility for sabbatical leaves already taken may, at the time of adoption of this Faculty Handbook, be counted toward eligibility under the terms of this Handbook.

#### **2.11.2.2 Sabbatical Leave Policies** (revised July 2011)

a. Sabbatical leave granted for one (1) semester shall be compensated at full salary or two (2) semesters at half salary. Faculty on 12 month appointments shall be compensated at full salary for a six-month sabbatical leave and at half salary for a twelve-month sabbatical leave. Information on adjustments to benefits, if such adjustments are required, is available in the Personnel/Affirmative Action Office.

b. Absence is to be for not more than two academic semesters in cases of faculty on nine month appointments, and for not more than 12 months in cases of faculty on 12 month appointments. One-

semester sabbatical leaves may be taken in fall or spring. Two-semester sabbatical leaves may be taken in a single academic year or in a single calendar year. For faculty on 12 month appointments, six month or twelve month sabbatical leaves may be taken in a single fiscal year or a single calendar year.

c. A faculty member may elect to take his or her sabbatical leave in two or more different time periods, instead of all at once, providing that he or she is able to show that this is a more beneficial arrangement for his or her professional development and for the needs of his or her department. The total of such time periods with full pay shall not exceed one half of the term of his or her annual appointment, whether it be nine or 12 months, and each grant of such total time for leave shall be made only after six years of previous full time employment.

d. Requests for sabbatical and educational leaves to commence within any fiscal year shall be submitted in the preceding fiscal year through the department head and dean to the Office of the Provost. The submission deadline shall allow faculty members at least 30 days following the beginning of the fall semester to prepare their requests. The submission deadline may be extended when there are extenuating circumstances. Specific deadlines currently in place appear in Section 2.12.4.1.

e. A faculty member granted sabbatical leave may hold a scholarship or receive a grant or fellowship, provided such financial aid contributes to the purpose to be served by the leave. Intention to seek a scholarship, fellowship, grant, appointment at another institution, or any other employment must be stated in the sabbatical application.

f. Faculty members on sabbatical leave shall be given the same consideration as to rank, promotion, salary, and retention as if the leave had not been taken unless the faculty member and University waive in writing this provision at the time the sabbatical is granted.

g. An eligible person who submits a proposal, but who is not granted a leave, does not lose eligibility. A proposal may be resubmitted in a subsequent academic year and the new proposal shall be considered without prejudice.

h. Sabbatical leaves are granted on the condition that the recipient sign an agreement to return to the University for a full academic year immediately following the conclusion of the leave. If the recipient fails to return, the salary paid by the University during the period of leave must be reimbursed over a period of time not to exceed two (2) calendar years from the beginning of the semester the recipient is scheduled to return. Upon recommendation of the Provost, the Board of Governors may waive the reimbursement requirement or extend the period for reimbursement. If, for any reason, the University does not offer an appointment for the year following the sabbatical leave, the faculty member is not obligated to reimburse the University.

i. Sabbatical leaves will be granted on the merits of the faculty member's application, the availability of funds, and institutional priorities. Sabbatical leaves are not granted automatically upon the completion of the necessary period of service. Faculty members must demonstrate in writing, as part of their application, a well-structured plan involving research, scholarly or creative activity, study for advanced degrees outside their primary discipline, or other activities which will result in the faculty member's professional growth, increase the overall level of knowledge in the leave holder's area of expertise, and enhance the institution's reputation, and the students' educational experience. In addition, applications for sabbatical leave must demonstrate that proper and adequate preparations have been made to ensure that the proposed activities are feasible and worthy of support and must specify the goals that the leave holder will achieve while on sabbatical leave.

j. When the goals of the leave are independent of geographical location of the leave activities,



sabbatical leaves may be spent at any geographic location that permits the goals of the leave to be accomplished. Faculty on sabbatical leave are eligible to apply for university travel funds per the guidelines of their units.

k. Any person who commences but, for any reason, cannot complete the leave should immediately inform the Department Chair, Dean, and the Provost. If possible, the faculty member will be allowed to return to a full-time teaching status with appropriate adjustments in compensation. However, it may not be possible to change scheduling or appointment commitments made by the University for the sabbatical leave period, and thus it may be necessary to make other temporary assignments for the faculty member returning unexpectedly from leave or to deny the cancellation of the sabbatical leave.

l. Specifics related to performance assessment of faculty members on sabbatical leave shall be arranged in writing with the appropriate Department Chair in consultation with the Dean in advance of such leave.

m. Faculty on sabbatical leave are not eligible for election to the Faculty Senate nor are eligible for service on any Senate Estate Committee or University Board. An exception can be made by a majority vote of the Faculty Senate. If a Faculty Senator is granted sabbatical leave during their term, the elected alternate from the electing unit will replace the position for the term of the sabbatical leave as stated in Section 1.1.2.2.

### **2.11.2.3 Unit Criteria for Granting of Sabbatical Leaves**

Any departmental, and college/school criteria for the granting of sabbatical leaves shall be stated in writing, be made readily available to all faculty members in the unit at least 60 days in advance of the submission deadline to which they will apply, be consistent with policies respecting sabbatical leaves in the Section 2.11.2, and be complete (i.e., no criteria shall be utilized on a regular basis which are not stated in writing and communicated to the faculty of the college).

Unit criteria shall promote opportunities for faculty members to take sabbatical leaves. Faculty members whose sabbatical requests are denied shall receive a personal written statement of reasons for the denial.

### **2.11.2.4 Sabbatical Report**

Upon completion of the sabbatical leave, the faculty member shall submit a final sabbatical report to the department chair who will forward it to the Dean and the Provost for review and submission to the Colorado State University System Board of Governors. The report shall include a summary of the faculty member's activities while on sabbatical and the benefits derived by the faculty member from the sabbatical activity. Such reports need not include specific details of the work performed by the faculty member. Final sabbatical reports must be submitted to the office of the institution's chief academic officer within three months of the completion of the leave. Sabbatical reports are considered public record and shall be available for inspection upon request.

### **2.11.2.5 Sabbatical Records**

The Office of Academic Affairs shall maintain information about all sabbatical leaves granted and denied each year and shall make all sabbatical records for sabbaticals granted and lists of sabbaticals denied available upon request for inspection as public record.

### **2.11.3 Educational Leaves**

Two (2) types of educational leaves are available to ranked academic faculty:



1. Enhancement Leaves are for the purpose of providing probationary and tenured faculty the opportunity to participate in educational activities or programs which will enhance their credentials, knowledge, or reputation. Authorized activities or programs are limited to competitively awarded and externally funded fellowships, scholarships, internships, and post-doctoral study.
2. Development Leaves are for the purpose of assisting probationary and tenured faculty in obtaining advanced degrees, certificates, or specialized training as specified in an approved Faculty Development Plan.

#### **2.11.3.1 Duration**

Educational leaves may be granted on an academic semester basis for a maximum of two (2) consecutive semesters.

#### **2.11.3.2 Terms of Educational Leaves**

Educational leaves shall be subject to the following terms and conditions:

- a. Enhancement leaves shall be granted without pay. Time spent on enhancement leaves shall not count toward progress to tenure, promotion, or sabbatical leave, unless a written agreement specifying arrangements is signed by the president and the involved faculty member prior to the beginning of the leave. While on enhancement leaves, faculty members are not entitled to receive fringe benefits, unless a written agreement specifying arrangements is signed in advance by the Provost and the involved faculty. Faculty members may continue fringe benefits at their own cost by arrangements with the Personnel/Affirmative Action Office. Specifics related to performance assessment of faculty members on enhancement leave shall be arranged in writing with appropriate Department Chairs in consultation with the Dean in advance of such leave.
- b. Unless otherwise agreed in writing between faculty members and the President, development leaves shall be subject to the same provisions and conditions as those stated for sabbatical leave (see Sections 2.11.2.2). Time spent on such leaves shall count toward fulfillment of the probationary period but does not count as service for the accrual of a sabbatical leave. While on development leave, faculty members shall be considered for salary increases (Section 2.13) and shall be subject to the Annual Performance Review (Section 2.9.1). Specifics related to performance assessment of faculty members on development leave shall be arranged in writing with the appropriate Department Chair in consultation with the Dean in advance of such leave.
- c. All faculty members returning from educational leave must submit to the Provost, with copies to the Dean and Department Chair, a written report on the results of the leave within two (2) months of return.

#### **2.11.3.3 Faculty Travel**

Faculty travel support is subject to the availability of funds and is regulated by state fiscal rules.

#### **2.11.4 Faculty Exchanges**

Tenured faculty are eligible to participate in faculty exchange programs as these may be arranged. Positive recommendation by the Department Chair, Dean, and Provost is required, as is approval by the President. Provisions and conditions for faculty exchanges are contained in the policy for the National Faculty Exchange program.

#### **2.11.5 Application Procedures**

Procedures related to the application for participation in sabbatical and educational leaves are

contained in Section 2.11 of this Faculty Handbook.

## **2.12 Policies Governing Applications for Sabbatical and Educational Leaves, Tenure and Promotion**

### **2.12.1 Application Materials/Dossier for Promotion, Tenure, and Post-Tenure Review**

Application materials required for tenure, promotion, and post-tenure reviews include in the order listed below:

- a. a current curriculum vitae in the approved format (see Appendix E of the Faculty Handbook), and the annual performance review reports for the years covered in the review
- b. a self-report of activities in the three performance review categories (see appendix H of the Faculty Handbook);
- c. a statement supplying appropriate data to indicate that the candidate has satisfied any stated requirements for promotion or for tenure whichever is applicable. Candidates applying for promotion, tenure, and/or sabbatical and educational leave programs may submit a single dossier, provided that all the required materials are therein contained. The burden of initiating applications and supplying appropriate evidence rests with the individual faculty member.

### **2.12.2 Meeting Deadlines**

Deadlines for application submission and processing are contained in those sections describing the policies pertaining to Sabbatical and Educational Leave Programs (Section 2.12.4.1), and Performance Assessment (Section 2.8). The CPTR will follow the same schedule and deadlines as the APR (Section 2.9.1.2). Faculty members' failure to meet deadlines shall mean automatic termination of the application process. If Department Chairs, Review Committees, Deans, the Provost, or the President fail to meet deadlines, the applicant shall not be penalized or the candidacy jeopardized.

### **2.12.3 Responsibilities of the Provost**

When recommendations on sabbatical and educational leave participation, promotion, or tenure reach the Office of the Provost, the Provost shall assume responsibility for proper notification: to faculty of the disposition of their applications; to the President for requests for approval; to the faculty member and the personnel file of the final action of the President or, if appropriate, the Board of Governors.

## **2.12.4 Faculty Development Programs**

### **2.12.4.1 Sabbatical and Educational Leave Programs**

The submission deadline for sabbatical and educational leaves shall allow faculty members at least 30 days following the beginning of the fall semester to prepare their requests. Unless explicitly extended in writing, applications for Sabbatical or Educational Leaves shall be submitted to the appropriate Department Chair on or before **September 30**. Application for sabbatical and educational leaves must include in the order listed, materials listed below:

- ☐ A current curriculum vitae, in the approved format (see Appendix E of the Faculty Handbook) and a completed leave request form (see Appendix F of the Faculty Handbook).

☐ Faculty must submit, in writing, a plan indicating the purpose of the leave. This plan must be well structured involving research, scholarly or creative activity, post-doctoral studies, or other activities which will result in the faculty member's professional growth, increase the overall level of knowledge in the leave holder's area of expertise, enhance the institution's reputation, and the students' educational experience. Applications must demonstrate that proper and adequate preparations have been made to ensure that the proposed activities are feasible and worthy of support and must specify the goals that the leave holder will achieve while on sabbatical leave.

☐ A statement supplying appropriate data to indicate that the candidate has satisfied any stated requirements for participation in the faculty development leave program.

On or before **October 10**, the Department Chair shall inform the faculty member of the Chair's recommendation regarding such application and forward a recommendation to the Dean, only if such recommendation is positive.

On or before **October 25**, the Dean, after consultation with the College Personnel and Review Committee, shall inform the faculty member of the Dean's recommendation regarding such application and forward a recommendation to the Provost, only if such recommendation is positive.

On or before **November 5**, the Provost shall inform the faculty member of the recommendation regarding such application and forward a recommendation to the President, only if such recommendation is positive. The President shall forward a recommendation to the Board of Governors at its December meeting, only if such recommendation is positive.

Within five (5) working days of the Board of Governors meeting at which the recommendation is discussed, the Provost shall inform the faculty member of the Board of Governor's action on the recommendation.

Modifications of dates to accommodate specific applications is permissible. Modification to dates requires prior approval of the President.

#### **2.12.4.2 Faculty Exchanges**

Applications for participation in faculty exchanges must be made to the appropriate Department Chair, receive positive recommendations from the Dean and Provost, and be approved by the President prior to the beginning of the exchange.

#### **2.12.4.3 Travel**

Application procedures for faculty travel are governed by published University and college procedures and by the State of Colorado fiscal policy.

#### **2.12.5 Promotion and Tenure**

Applications for promotion and tenure must be made in accordance with procedures described in Section 2.10; notification of the final disposition of applications is governed by those procedures.

#### **2.13 Salary Administration**

For the purposes of this Faculty Handbook, "salary" means the dollar amount specified in appointment letters. The President is responsible for approving the salaries and salary adjustments

and increases as determined by the Provost and based upon recommendations of Deans and Department Chairs.

### **2.13.1 Initial Appointment**

Salaries for academic faculty in their initial year of appointment shall be determined in accordance with the following guidelines:

#### **2.13.1.1 At-will Faculty**

The President, in consultation with the Provost, the appropriate Dean and Department Chair, shall consider the qualifications of appointees to full-time at-will status and establish appropriate salaries. Salaries for part-time faculty shall be based on a standard rate per credit hour as determined annually at the beginning of the fiscal year and published to the University community.

#### **2.13.1.2 Probationary and Tenured Faculty**

The President, in consultation with the Provost, the appropriate Dean and Department Chair, shall determine initial salaries for probationary and tenured appointees based upon consideration of national salary data for ranks and disciplines as reported by CUPA and other agencies and upon salary comparisons with CCHE peer institutions.

#### **2.13.1.3 Faculty Changing Employment Status from Administrative to Academic**

Faculty employed initially on administrative appointments that change employment status in accordance with the provisions of Section 2.4 shall receive salaries commensurate with their CSU - Pueblo faculty peers who have not held administrative appointments, and in consideration of their qualifications, rank, and experience.

### **2.13.2 Continuing Appointments**

Salaries for academic faculty in other than their initial year of appointment shall be determined by the President in accordance with the following guidelines:

#### **2.13.2.1 Salary Adjustments for Promotion in Rank** (revised September 2017)

Automatic salary increases to be included in the base for subsequent years of employment shall be made for faculty members who advance in rank in accordance with the following priorities and in consideration of availability of funds: promotion to Assistant Professor: \$2000 promotion to Associate Professor: \$6000 promotion to Professor: \$8000. *These amounts will be adjusted annually based on CPI data with a 2014 baseline, updated each fall.*

#### **2.13.2.2 Equity and Salary Compression Adjustments**

Based upon recommendations from the Faculty Senate Compensation Committee, Department Chairs, Deans, the Provost, and in consideration of the availability of funds, the President may authorize salary adjustments for continuing academic faculty members whose salaries are demonstrably below average salaries by rank or discipline as identified in reports such as those by CUPA and other agencies, and/or comparisons with CCHE peer institutions and/or analysis of the staffing pattern of a department or college. Equity adjustments become a part of the base for subsequent years of employment.

#### **2.13.2.3 Salary Adjustments for Performance**

Based upon documented recommendations from Department Chairs and Deans contained in annual

performance reviews, the Provost shall forward recommendations at levels consistent with policies for salary increases established within that appropriate college/school standard to the President. The final determination for all salary increases shall be made by the President. For faculty, whose performance is determined by the Chair and Dean to be “unsatisfactory”, no salary increase shall be made. Salary increases for performance become a part of the base for subsequent years of employment and are to be calculated after salary adjustments for promotion and/or equity are made.

### **2.13.3 Procedures**

Procedures for salary administration for Ranked Academic Faculty shall be developed in accordance with the following guidelines.

Dollars available for salary adjustments and increases as allocated by the Board of Governors shall constitute the "salary pool."

Funding priorities for salary pool dollars shall be (first) promotion, and (second) an appropriate sharing among the needs for equity adjustments, salary compression adjustments, and performance increases. This “appropriate sharing” shall be decided annually through administrative consultations with the faculty compensation committee and the budget board.

On or before April 15, the percentages of the pool to be identified for equity adjustments and salary increases and the methods of distributing those increases to the colleges shall be determined by the Provost, in consultation with the Faculty Senate Compensation Committee, and recommended to the President for approval.

Within five (5) working days of the Board of Governors approval of the fiscal year budget, the President shall allocate to the Provost the dollars available for salary increases and the Provost shall disseminate information regarding percentages of the pool and methods of distribution. Deans, in consultation with Department Chairs and in accordance with guidelines developed by their colleges, shall determine salary increases and submit to the Provost within five (5) working days of receipt of the allocation the exact salary increase amounts for faculty appointments for the subsequent academic or fiscal year.

### **2.13.4 Summer Teaching**

Summer teaching appointments shall be at-will and shall be issued in accordance with the prevailing salary administration plan for summer compensation, as determined annually by the Provost, in consultation with the Faculty Senate Compensation Committee, and recommended to the President for approval. Within five (5) working days of the President's approval, but no later than April 15, the salary administration plan shall be made available to the faculty.

### **2.13.5 Continuing Education Teaching**

Compensation for teaching Continuing Education courses shall be issued in accordance with CCHE and University policies at rates of compensation determined by the President.

## **2.14 Fringe Benefits**

Information on statutory University-sponsored benefits for ranked faculty is available in the Human Resources Office. Faculty members are responsible for seeking necessary information and choosing appropriate benefit plans in accordance with required timelines.

### **2.14.1 Statutory Benefits**

The University provides statutory benefits to academic faculty, including but not necessarily limited

to, Workers' Compensation, Unemployment Insurance, Public Employee's Retirement Association (PERA), and Medicare. The Human Resources Office shall distribute an annual publication explaining statutory benefits and shall notify employees of any modifications in coverage or options for enrollment.

#### **2.14.2 University-Sponsored Benefits**

The University sponsors health and insurance benefits including, but not necessarily limited to medical insurance plans, travel insurance, liability insurance, and selected health care services. The actual terms of all policies with carriers control the specific benefits. The Human Resources Office shall distribute an annual publication explaining University-sponsored benefits and shall notify faculty of any modifications in coverage or options for enrollment.

##### **2.14.2.1 Continuation of Benefits**

The University provides continuation of health benefits upon severance from the institution in accordance with state and federal laws (COBRA).

##### **2.14.2.2 Parking**

All vehicles parked on campus by academic faculty must be registered. For full-time faculty, a monthly fee is payroll deducted which entitles the faculty to two (2) stickers. Additional stickers may be acquired by paying a fee at the time of issuance. Part-time faculty are entitled to one (1) sticker to be paid at the time of issuance.

##### **2.14.2.3 Facilities Use**

Faculty are entitled to use University facilities in accordance with policies described in the Business and Finance Procedures Manual (Section 03-06), available in each Dean's office and the Library.

##### **2.14.2.4 Activities and Events**

All faculty members at the University may take advantage of all student activities and athletic events at the same admission price as students who have paid student fees, if they choose to pay the appropriate optional faculty/staff activities fee. Those individuals exercising this option will also be permitted one guest at each of the previously mentioned functions at the same admission. Information on fees for athletic and events is available in the Accounting Office.

##### **2.14.2.5 Tuition Waiver**

In accordance with State Fiscal Rules (Chapter 2, Section 7.50), the University provides full tuition waiver to ranked faculty enrolling in courses at the University, subject to available funding and class openings not needed for tuition paying students. Use of this development option is subject to approval of the faculty member's Department Chair, Dean, and the Provost. Subject to available funding, the cost of books and fee charges may be paid by the University upon successful completion of the course if pursuit of the course was part of an approved Professional Growth Plan. Otherwise, those costs are paid by the faculty member.

#### **2.15 Personal Leaves**

Ranked Academic faculty must receive written permission of their Department Chair prior to taking personal leave unless absences are not anticipated. Unanticipated absences shall be reported to the department Chair as soon as possible. Department Chairs are required to forward to the Human Resources Office all approved requests for leave. The Human Resources Office shall keep cumulative records of all personal leaves requested and used. For the purpose of policies dealing



with leave, the term "day" shall mean any working day (Section 2.1.3) during which a faculty member is employed by letter of appointment. Academic faculty employed on fiscal year appointments are eligible for annual leave as defined and explained in relevant administrative policies.

The eight types of personal leaves available are:

### **2.15.1 Holiday Leaves**

Holidays are established by the University and published in the annual academic calendar. No requests are necessary for holiday leave.

### **2.15.2 Medical Leaves**

Medical leave shall be granted to ranked faculty for medical examinations or treatment, condition of pregnancy or childbirth, disabling illness, or injury not covered by injury leave (Section 2.15.3). Medical leave may be used for optical, dental, emotional, or substance abuse care. Medical leave is to be used only for scheduled working days, or portions thereof, in which faculty are absent.

The Department Chair or Dean may require a physician's verification of disability for faculty members on medical leave for more than three (3) continuous working days, or who are frequently absent for medical reasons. A physician's release is required prior to return for faculty on medical leave for more than ten (10) continuous working days. Ranked faculty shall accrue medical leave at the rate of 1.25 working days for every calendar month of employment service in an academic year, provided that they are working or on approved personal leave at least sixteen (16) working days in that month. Medical leave shall be accumulated to a maximum of ninety (90) days. Medical leave does not accrue for faculty members on leaves without pay. Faculty who sever their employment with the University for any reason are not eligible for compensation for unused medical leave.

Ranked faculty members who work less than sixteen (16) working days in a full calendar month shall receive prorated medical leave.

11-15 working days = .75 day  
 6-10 working days = .50 day  
 1- 5 working days = .25 day

Ranked faculty who accept at-will appointments for summer employment shall additionally accrue 1.25 working days for every calendar month of service, provided that they are working at least sixteen (16) days in that month. Ranked faculty who exhaust medical leave may request up to twenty-six (26) weeks of leave without pay (Section 2.15.8), provided that they are not receiving disability retirement or other paid leave. The date of return for faculty on leave without pay should, if possible, coincide with the beginning of a semester or otherwise not interfere with the instructional process. Date of return requires approval from the Department Chair and Dean.

### **2.15.3 Injury Leaves**

Ranked faculty members who are injured or suffer an illness on the job covered by Workers' Compensation (Section 2.13) shall be granted up to ninety (90) working days of injury leave at full pay provided that the injury is compensable under Workers' Compensation. The benefits paid by Workers' Compensation shall be deposited directly to the University. After ninety (90) working



days of injury leave, faculty are eligible for such additional Workers' Compensation benefits as provided by law. Following termination of Workers' Compensation benefits, faculty members are eligible for medical leave pursuant to policy (Section 2.15.2); after medical leave is exhausted, faculty may request leave without pay in accordance with policy described in Section 2.15.8.

If the insurance carrier determines that injury or illness was caused by willful misconduct or is not compensable under Workers' Compensation, or if the faculty fail to report injuries in accordance with proper procedure, injury leave shall not be granted and absences shall be regarded as medical leave.

#### **2.15.4 Parental Leaves**

Ranked faculty may request from the Department Chair up to eighteen (18) weeks of unpaid parental leave to care for their newborn, adopted, or seriously ill children. See Section 2.15.8 for policy and procedure regarding leave without pay.

#### **2.15.5 Military Leaves**

The University complies with relevant state and federal laws regarding military leave. Specific information is available in the Human Resources Office.

#### **2.15.6 Civil Duty Leaves**

A full-time ranked faculty member who is officially subpoenaed or summoned to appear involuntarily or serve as a juror during a working day in a judicial forum, or compelled to appear before a judicial, legislative, or administrative body with civil power to compel attendance, shall be entitled to receive leave with pay for a period of time necessary for such appearance if the appearance may not be reasonably accommodated by rescheduling the faculty member's work hours as determined by the Dean. Any compensation received for the appearance, other than travel and meal allowance, shall be reported to the University and deducted from any salary paid by the University for such civil leave. If the faculty member is called on jury duty, the Department Chair shall cause that faculty member's teaching responsibilities to be fulfilled. If the Department Chair is unable to cover such responsibilities, the University may request an excuse from jury duty for the faculty. Civil duty leave shall not be granted for appearances as an expert witness for a party to litigation. Civil duty leave must be approved in advance in writing by the Department Chair.

#### **2.15.7 Bereavement Leaves**

Ranked faculty may request from the Department Chair leave not to exceed five (5) successive working days without loss of pay, to make arrangements for and/or to attend the services of an "immediate family member." "Immediate family member" includes spouse or equivalent spouse, children, step-children, parents, step-parents, parents-in-law, grandchildren, grandparents, brothers, sisters, nephews, nieces, aunts, uncles, first cousins, brothers-in-law, sisters-in-law, daughters-in-law, and sons-in-law.

Ranked faculty may also request from the Department Chair leave not to exceed one (1) working day without loss of pay, to attend services for a member of the University community or close friend.

#### **2.15.8 Leaves Without Pay**

Tenured and probationary faculty may request from the Provost, Department Chair and Dean, leave

without pay for a period not to exceed one (1) academic year. Authority to grant leaves without pay rests with the Board of Governors for the Colorado State University System upon recommendation of the President. An extension of up to one additional academic year may be granted by the Board of Governors upon recommendation of the President based on recommendations of the Chair, Dean, and Provost. Time spent on leave without pay shall not count toward progress to tenure, promotion, or sabbatical leave. However, the Provost has the authority, upon the recommendation of the appropriate Department Chair and Dean, to grant service credit for the period of time the faculty member is on leave. Faculty members on leave without pay shall not be eligible for promotion during the period of the leave and shall not, unless otherwise agreed to in writing prior to the commencement of such leave, be entitled to fringe benefits. By special arrangements with the Human Resources Office, faculty members may continue those fringe benefits for which they are eligible at their own cost.

### **2.15.9 Emergency Absences**

In the event of an emergency, the absent ranked faculty member is responsible for notifying the Department Chair immediately. Emergency absence requires the Department Chair to cover the absentee's classes in the most appropriate manner possible.

## **2.16 Faculty Disciplinary Action Policy (policy adopted July 2011)**

### **2.16.1 Statement of Purpose and General Principles**

a. The central mission of any University is the expansion, integration and communication of knowledge through teaching and research. To fulfill this mission, faculty and administration have a shared responsibility to create and protect a campus environment which promotes free inquiry and the exchange of ideas. The purpose of this policy is to promote conditions necessary for such an environment to exist, while providing protections to ranked academic faculty (as defined in Section 2.2.1.1 of the Faculty Handbook) against whom allegations of misconduct may be brought.

The authority of administration to impose disciplinary sanctions on faculty under certain circumstances derives from the shared recognition by the faculty and the administration that the purpose of such disciplinary action is to preserve this environment. Faculty rights and responsibilities with respect to maintaining conditions hospitable to such an environment include:

- i. ensuring academic freedom and integrity in research and teaching;
- ii. establishing norms for teaching responsibilities and for evaluation of both faculty and student achievement;
- iii. fully participating in shared governance especially in matters of curriculum, faculty appointment and promotion, and selection of supervisory administrative officials; and
- iv. ensuring peer and institutional judgments in matters of promotion, tenure, and discipline take place in accordance with fair procedures and due process, and solely on the basis of the faculty members' professional qualifications and professional conduct.

Faculty also have an obligation to comply with jointly developed University policies and procedures that define faculty responsibilities to students, colleagues, University governance, the academic and

local communities, the state and the general public. In particular, all faculty are obligated to live up to high standards of professional conduct and integrity (see Section 2.5.2, Professional Ethics).

b. A basic tenet of this policy is that intervention before misconduct escalates into a serious problem is in the interests of both the institution and the individual faculty member. The availability of sanctions less serious than dismissal allows greater flexibility in and ability to respond appropriately to problematic faculty behavior. This policy further encourages prompt response to misconduct by stressing informal resolution and rehabilitative responses when sanctions are deemed appropriate. However, use of this policy may also be the basis for dismissal in cases of serious and/or repeated misconduct.

c. All problems or concerns involving faculty conduct should be resolved informally whenever possible before the filing of a formal allegation. Prior to accepting a formal written allegation, the administrative officer receiving the report shall inform the person who wishes to file the formal allegation:

i. that procedures for informal reporting are available;

ii. that informal resolution may occur even after a formal written allegation is accepted, and that, in such cases, a verbal warning may result in no permanent written record of the allegation.

d. This policy recognizes that guarantees of basic fairness to an individual against whom an allegation is filed can only lie in a *process* which provides for an opportunity to be heard at a meaningful time in a meaningful way, and a decision supported by substantial evidence and based on review by a faculty body. Simultaneously, only a clearly defined process provides assurances to individuals who file allegations and other members of the university community that misconduct will be taken seriously and appropriately addressed. Because adequate review of and appropriate action in response to allegations of faculty misconduct is important both to fulfill the mission of the University and to protect individual faculty rights, prompt reporting of alleged misconduct is encouraged.

## 2.16.2 Scope of Policy

a. This policy does not address issues pertaining to inadequate or incompetent *performance*; see Faculty Handbook Section 2.9 (Annual Performance Review) and Section 2.10.3.2 (Cumulative Post Tenure Review) for policies in this regard. Results of disciplinary action proceedings through this policy may only be used to penalize faculty in Annual Performance Reviews or other performance evaluations to the extent that the conduct is germane to the faculty member's performance in teaching, scholarship or service.

b. This policy applies only to circumstances serious enough to warrant some form of disciplinary action. Allegations of minor misconduct which does not substantially impair fulfillment of the University's mission should be resolved via informal means at all times, if possible.

c. This policy deals only with the professional responsibilities, ethical principles, and standards of conduct that pertain to the professional obligations of faculty members. A faculty member's activities that fall outside the scope of employment shall constitute misconduct only if such activities adversely affect the legitimate interests of the University.

- d. Use of disciplinary action or the threat of disciplinary action under this policy to restrain faculty members in their participation in shared governance or their exercise of employment, constitutional or academic freedom rights shall constitute grounds for a grievance.
- e. No individual shall avail themselves of this policy in bad faith or for an improper purpose.

### **2.16.3 Applicability of Policy**

- a. This policy applies to all tenured and probationary faculty, and shall in no way abrogate the normal tenure review process defined in Section 2.10.2 of the Faculty Handbook.
- b. The procedures stipulated in this policy operate independently of procedures for non-reappointment of probationary faculty in Sections 2.10.2.3 and 2.17.3 of the Faculty Handbook.
- c. Administrators who hold faculty rank may be subject to disciplinary action under this policy for alleged misconduct that involves their duties in a faculty role. In such cases, imposition of disciplinary sanction must proceed in accordance with the procedures for discipline outlined herein. Inadequate or incompetent administrative performance does not constitute grounds for disciplinary sanction under this policy.

### **2.16.4 Violations**

Specific faculty conduct which could lead to the imposition of disciplinary action must meet one or more of the following criteria:

- a. Substantial and manifest neglect of duties and responsibilities, which impairs teaching, research, or other normal and expected services to the University, including, but not limited to, ongoing neglect of responsibilities specified in Faculty Handbook Section 2.8.2.1.1, Absence and Class-Related Duties;
- b. Conduct, including unethical or illegal/criminal conduct, which substantially impairs the individual's fulfillment of his or her institutional responsibilities or impairs the University in fulfilling its mission, including, but not limited to, violation of Faculty Handbook Section 2.7.1, Conflict of Interest (see especially 2.7.1.1.3);
- c. Violation of the ethics of the academic profession (see Faculty Handbook Section 2.5.2, Professional Ethics), including, but not limited to, plagiarism in published works or scientific/research misconduct;
- d. Action that results in preventing other members of the University community from fulfilling their responsibilities.
- e. Conduct that violates federal, state or local civil rights law, or University policy pertaining to Equal Employment Opportunity/Anti-Discrimination laws.

### 2.16.5 Disciplinary Sanctions

a. Sanctions are disciplinary actions ranging from mild to severe that may be imposed on an individual as punishment or corrective actions. This range of sanctions from minor to major constitutes progressive discipline. The concept of progressive discipline acknowledges that a faculty member may be responsible for misconduct that, while serious, does not justify dismissal. However, the imposition of any sanction must be regarded as a serious disciplinary step and even a first offense may warrant a serious sanction including, but not limited, to dismissal. (See Section 2.16.19 below.)

b. Informal resolution should be considered whenever appropriate.

c. In cases where sanctions are deemed appropriate, sanctions which provide support for faculty development are in the best interest of the faculty and the university and are generally preferred.

d. Sanctions, if imposed, must appropriately correspond to the nature, the severity, and the frequency of the infraction. Appropriate sanctions may include, but are not limited to, the randomized list below.

i. Reassignment to other duties for which the faculty member is professionally qualified

ii. Reassignment of workspace

iii. Written reprimand

Written record of inappropriate behavior and warning of possible future consequences should behavior continue or reoccur

iv. Censure

Public announcement of institutional rebuke that contains a brief description of the censured conduct and other sanctions, if any, imposed, maintained in the faculty member's personnel file

v. Restitution

For instance, payment due to individuals or to the institution for monetary damages.

vi. Loss of prospective employment benefits or privileges of rank for a stated period

For instance, reduction in salary, temporary suspension of regular or merit increases in salary, temporary suspension of promotion eligibility, temporary loss of summer teaching employment, temporary suspension of travel or other University funds, denial or revocation of a sabbatical leave.

vii. Completion of a specific plan for remediation (developed through collaboration of the faculty member, the chair and the dean) within a specified period of time.

Elements of a remediation plan might include, but are not limited to, modified work assignments,

mentoring by another faculty member, classroom monitoring, mandatory training/counseling specific to the nature of the violation. If mentoring or periodic monitoring is deemed the necessary discipline, primary responsibility should be in the hands of another faculty.

viii. Dismissal from the university.

e. Reduction in faculty rank, such as from associate professor to assistant professor, is an inappropriate sanction, except in situations where the promotion is obtained by fraud or dishonesty, or as an alternative to dismissal in situations involving serious misconduct.

### **2.16.6 Confidentiality**

a. Confidentiality provisions for allegations of unlawful harassment are governed by a separate policy; information concerning these provisions is available from the office of the Director of AA/EEO.

b. The confidentiality of disciplinary action allegations and proceedings shall be maintained as allowed by law throughout the process and after the final decision, subject only to the need of the respondent and others at the University to comply with the processes specified herein and to present evidence concerning the allegation in other administrative or judicial proceedings.

The sole exceptions to this provision are:

i. In cases where the final appeal results in a decision to censure, the University shall issue a written statement of censure through the President's office according to specifications of final sanction recommendation.

ii. The respondent has the right to share information regarding the outcome of the proceedings, following issuance of a final decision.

iii. The individual(s) filing the original allegation have the right to request information concerning the final outcome of the proceedings. The respondent and/or the administration could, for reasons of confidentiality, decline to grant this request, with reasons provided for their decision.

### **2.16.7 Procedures for Allegations involving Unlawful Harassment, Discrimination, or Retaliation**

Procedures appropriate for filing allegations of unlawful harassment, discrimination, or retaliation should be followed before any action is taken pursuant to this process. Information concerning these procedures is available from the office of the Director of AA/EEO.

### **2.16.8 Informal Allegations involving Conduct other than Unlawful Harassment, Discrimination, or Retaliation**

a. The University recognizes that most instances of faculty misconduct are minor and should be resolved informally whenever possible before the filing of a formal allegation.

b. Informal reports of alleged faculty misconduct should be made to the immediate supervisor of the respondent, except with an allegation filed by that supervisor, in which case the alleged misconduct should be reported with the administrator next in line.

c. If an informal resolution is not achieved, either the officer or the person reporting may invoke the formal process.

#### **2.16.9 Filing a Formal Allegation concerning Conduct other than Unlawful Harassment, Discrimination, or Retaliation**

a. A formal allegation shall require submission of a signed written statement of the allegation which specifies with reasonable particularity the alleged grounds for disciplinary action.

b. A formal allegation shall be filed with the immediate supervisor of the respondent, except with an allegation filed by that individual, in which case the allegation shall be filed with the administrator next in line to the respondent's immediate supervisor. Should the administrator to whom the allegation is reported fail to act upon the report in a manner specified by this policy within 5 working days of its receipt, then the person reporting the allegation may also file the allegation with the administrator next in line.

c. In the event that an individual attempt to file an allegation with a higher-level administrator than is authorized by this policy, that administrator shall inform the claimant of the proper procedure and direct him/her to the appropriate individual with whom to file.

d. Any member or group of members of the faculty, staff, or administration of the University may file an allegation against a member of the faculty. Student complaints concerning faculty conduct that falls under this policy should be reported by the student(s) to the appropriate administrator (usually the immediate supervisor of the respondent), who then assumes the responsibility to file an allegation as appropriate.

#### **2.16.10 Faculty Member Notification and Initial Response to Formal Allegations involving Conduct other than Unlawful Harassment, Discrimination, or Retaliation.**

a. As soon as possible and no later than five (5) working days after receiving a written allegation, the administrator with whom the allegation was filed shall provide a copy of the written allegation to the respondent(s).

b. Should there be evidence that suspension of the responding faculty member may be warranted per the guidelines stated in Section 2.17.5 (Suspension), the President shall be immediately notified of the allegation.

c. Upon notification of an allegation, the responding faculty member may submit a written response; should she/he elect not to do so at this stage of the process, the right to submit a written response at a later stage is not forfeited.

#### **2.16.11 Informal Resolution of Formal Allegations involving Conduct other than Unlawful**



## **Harassment, Discrimination, or Retaliation**

- a. Every effort shall be made to resolve the matter informally under the direction of the administrator with whom the allegation was filed. For minor issues of demeanor or professionalism, resolution may include a verbal warning which does not constitute official disciplinary action and which does not become part of the responding faculty member's personnel files. For cases involving more serious allegations which result in a verbal warning or informal resolution, a written record will become part of the responding faculty member's personnel files. All informal resolution agreements must be forwarded in writing to the Provost for review (per Section 2.16.14 of this policy).
- b. If informal resolution is not reached within ten (10) working days of faculty notification of the allegation (or sooner at the request of the responding faculty member), the administrator with whom the allegation was filed shall forward the allegation to the Provost with a written request to initiate the Hearing Process. The Dean of the respondent shall be notified of the allegation at this time, if such notification has not already occurred per the requirements of this policy.

### **2.16.12 Resolution by Written Agreement to Formal Allegations involving Conduct other than Unlawful Harassment, Discrimination, or Retaliation**

At any time in these proceedings, the Provost and the faculty member may seek to resolve the matter by agreement. If the agreement involves a demotion or reduction in pay, the agreement must be approved by the President to become effective. In all other cases, the Provost is authorized to accept the Agreement.

### **2.16.13 Hearing Procedure for Formal Allegations**

- a. Immediately upon receipt of a request to initiate the Hearing Process, the Provost shall initiate procedures for formation of an ad hoc Faculty Hearing and Review Committee to serve as a fact finding and consultative body to the Provost. This committee will be authorized to make finding of facts, to determine whether the charges are substantiated by a preponderance of evidence, and, if any charges are substantiated, to recommend appropriate sanction(s) to the Provost.
- b. Prior record of sanctions should *not* be presented or considered in the hearing process.
- c. Selection Procedure for Faculty Hearing and Review Committee

The ad hoc Faculty Hearing and Review Committee will consist of five faculty members randomly selected from among those faculty currently serving on the Faculty Disciplinary Action Board described in Section 2.16.17 of this policy. The Director of AA/EEO will be responsible for conducting this random selection process at a special meeting of the Faculty Disciplinary Action Board specifically convened for the purpose. In order to initiate this process, the Provost shall direct the Director of AA/EEO to convene a meeting of the Faculty Disciplinary Action Board within five (5) working days of receipt of a request to initiate the Hearing Process.

All members of the Faculty Hearing and Review Committee must be tenured faculty members whose appointment duties throughout their service on the Faculty Hearing and Review Committee include no more than half-time administrative duties. Faculty working under a transitional

retirement plan are eligible to serve, but faculty on sabbatical leaves are not eligible.

Members selected to serve on the Faculty Hearing and Review Committee shall recuse themselves from consideration of any faculty disciplinary action proceedings if a potential or actual conflict of interest or lack of impartiality arises. In this event, a replacement will be randomly selected by the Director of AA/EEO from the remaining members of the Faculty Disciplinary Action Board.

Faculty selected for service on an ad hoc Faculty Hearing and Review Committee will serve on that committee throughout the hearing process, irrespective of their term of service on the Faculty Disciplinary Action Board.

d. At any time in these proceedings, the Provost and the respondent may, by mutual consent, agree to waive any of the time limits provided herein.

e. Service of notice of the hearing will be made within five (5) working days following formation of the committee. Written notification shall be transmitted both as an attachment to the respondent's campus e-mail account and deposited in campus mail for transmission to the respondent. The hearing shall commence within twenty (20) working days following receipt of the notice by the respondent unless the respondent requests an earlier hearing and the Faculty Hearing and Review Committee concurs. A notice is deemed to have been received five (5) working days after it is electronically mailed and deposited in campus mail for transmission to such person.

f. The Faculty Hearing and Review Committee may hold organizational meetings, in executive session, which may include meetings with the complainant or respondent as needed, to (1) clarify the issues, (2) effect stipulations of facts, (3) provide for the exchange of documentary or other information, (4) formulate a list of potential witnesses, and (5) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious. Faculty Hearing and Review Committee meetings are not subject to Colorado Open Meeting Laws.

g. The Faculty Hearing and Review Committee may consult with the Office of General Counsel or legal counsel appointed by the General Counsel.

h. The hearing and recommendations for action will be limited to the allegations specified in the formal statement. Any additional allegations emerging during the hearing may be considered only after new statements regarding such allegations have been filed with the Hearing Committee.

i. In cases involving allegations of unlawful harassment, discrimination, or retaliation, the Faculty Hearing and Review Committee shall review the investigative report of the Director of AA/EEO, and shall give strong deference to the findings and recommendations contained therein. Additional fact finding is not required in these cases.

j. The burden of proof rests with the Administration and will be satisfied only by a preponderance of evidence at hand in the record considered as a whole; any previous allegations or sanctions shall not be admitted as evidence.

k. During the hearing, the respondent and the Faculty Hearing and Review Committee will be permitted to have an academic advisor and/or legal counsel present. Advisors and legal counsel

may provide advice, but they may not actively participate in the proceedings by making opening or closing statements, conducting examination of any party or witness, making objections or attempting to argue the case. Counsel for any participant shall be free to advise his or her client fully throughout the proceeding, including assisting the client in formulating any required written documentation and helping the client prepare for any oral presentations. Should counsel fail to adhere to these guidelines, the Faculty Hearing and Review Committee may excuse counsel from the proceedings.

l. The respondent and the Faculty Hearing and Review Committee will be afforded an opportunity to obtain the names of all witnesses to be heard in the proceedings and the nature of their proposed testimony and documentary or other evidence. The administration will cooperate with the respondent and the Faculty Hearing and Review Committee in securing witnesses and making documentary and other non-privileged tangible evidence available.

m. The respondent and the Faculty Hearing and Review Committee shall have the right to hear all testimony and question all witnesses at the hearing. Furthermore, the respondent must be afforded the opportunity to question the person(s) filing the Statement at the hearing. Witnesses, including the person(s) filing the allegation, shall not be present during the testimony of others.

n. Although Faculty Hearing and Review Committee is not bound by strict rules of legal evidence, every possible effort will be made to obtain the most reliable evidence available.

o. An electronic recording of the proceeding shall be kept. A printed copy shall be made available, without cost, to the respondent at the respondent's request. The University shall bear the cost.

p. Following completion of the hearing and/or review, the Faculty Hearing and Review Committee shall retire for private discussion and review.

i. These deliberations shall remain confidential to the extent permitted by law and shall be followed by a vote.

ii. In cases involving allegations of unlawful harassment, discrimination, or retaliation, the committee shall give strong deference to the written report of the Director of AA/EEO.

iii. No disciplinary action will be recommended unless at least 2/3 of the Faculty Hearing and Review Committee concur.

iv. Following a formal decision in favor of disciplinary action, information about prior sanctions, informal resolution agreements, or other findings regarding the same or similar conduct by the respondent, shall be provided by the provost to the Faculty Hearing and Review Committee. The Faculty Hearing and Review Committee may consider such information in making recommendations for new sanctions.

v. In cases where the committee determines there is sufficient evidence to warrant dismissal, the committee may so recommend.

vi. Recommendations of the Faculty Hearing and Review Committee shall include a comprehensive

and detailed report summarizing the relevant facts and the conclusions reached in assessing those facts. If any members of the Faculty Hearing and Review Committee disagree with the committee's recommendations, the report shall include a summary of their reasons for disagreement with the majority.

vii. A recommendation to censure shall specify the medium through which and audience to whom the public announcement of institutional rebuke shall be made.

q. The Faculty Hearing and Review Committee shall issue its report to the Provost and the respondent with recommendations concerning sanctions within eight (8) working days of completion of the hearing. Upon issuance of its report, the Faculty Hearing and Review Committee shall be disbanded.

#### **2.16.14 Imposition of Sanctions**

a. Within 5 working days of his/her receipt of the Faculty Hearing and Review Committee findings and recommendation, the Provost shall issue a written decision. This decision will indicate specific sanctions to be imposed, if any, up to and including a recommendation of dismissal.

b. If the Provost disagrees with the recommendations of the Faculty Hearing and Review Committee, it should be for compelling reasons and stated in writing.

c. If the Provost recommends dismissal, written notice of this decision shall be forwarded directly to the President for review and approval, with a copy to the respondent. If the President concurs with the provost's recommendation, written notice of dismissal must be sent from the President to the respondent by registered mail within 15 working days of receipt of the Provost's recommendations. This notice must include reasons for, evidence supporting, the effective date of dismissal, and the responding faculty member's right to an appellate review at the Board of Governor's level, in accordance with the provisions of Sections 2.17.4.4.

d. For sanctions short of dismissal, the Provost's written notice of his/her decision shall be forwarded to the respondent, and must include notification of the respondent's right to appeal a decision to sanction in accordance with the provisions of Section 2.16.15 of this Faculty Disciplinary Action Policy.

#### **2.16.15 Appeal and Review of Provost's Decision to Sanction**

a. Within 5 working days of the issuance of a decision by the Provost to impose sanctions short of dismissal, the respondent may submit written notification to the President of his/her intention to appeal the decision of the Provost.

b. If no appeal is requested, the Provost's decision shall be reviewed and approved by the President prior to becoming effective.

c. If an appeal is requested, the respondent shall submit a written statement of appeal, not to exceed

five (5) pages, to the President's Office within 15 working days of the issuance of a decision by the Provost to impose sanctions, inclusive of the 5 days specified in Section 2.16.15a of this policy. This statement shall specify the respondent's grounds for appeal, including any allegation that specific provisions of this policy were violated during disciplinary proceedings.

d. The final decision of the President shall be based only on a review of the entire record of the formal hearing, including the respondent's written statement of appeal.

e. A final decision shall be rendered by the President within 15 working days of receipt of the respondent's statement of appeal.

### **2.16.16 Written Records**

All written records, including the formal allegation and any response; committee reports and recommendations, including any minority statement; administrative reviews of committee recommendations; appeals and results of appeals; and final actions, shall become part of the respondent's permanent Personnel File.

### **2.16.17 Faculty Disciplinary Action Board**

As specified in Section [2.16.13c](#) of this policy, the members of an ad hoc Faculty Hearing and Review Committee will be randomly selected from among the members of the standing Faculty Disciplinary Action Board. The membership of the Faculty Disciplinary Action Board shall include two tenured academic faculty from each electing unit other than the Library (elected by the unit), one tenured academic faculty member from the Library (elected by the unit), and two at-large faculty members (elected by the Faculty Senate).

In addition to serving as the candidate pool for members of ad hoc Faculty Hearing and Review Committee for any case that reaches the hearing level of the process, the Faculty Disciplinary Action Board shall be responsible for meeting at least once each academic year with University legal counsel to review this Faculty Disciplinary Action Policy. The Faculty Disciplinary Action Board is also responsible for making recommendation to Faculty Senate and University administration concerning the need for changes in these faculty disciplinary action policies and procedures.

All members of the Faculty Disciplinary Action Board must be ranked academic faculty who hold tenure at the time of appointment and whose appointment duties throughout their service on the Faculty Appeals Board include no more than half-time administrative duties. Faculty working under a transitional retirement plan are eligible to serve, but faculty on sabbatical leaves are not eligible. Vacancies in the membership of the Faculty Appeals Board shall be filled by the electing body within 10 working days.

Further details concerning the election of Faculty Disciplinary Action Board members and the duties of this board are included in Section 1.2.5.1 of the Faculty Handbook.

### **2.16.18 Relation of Disciplinary Action and Grievance Procedure**

a. A disciplinary action is distinguished from a grievance action in that a disciplinary action

generally is commenced against a faculty member based on allegations that the faculty member has engaged in conduct prohibited by this policy. A grievance action is initiated by a faculty member, typically against an administrator, who believes that he or she has suffered injury as the result of a violation of the faculty member's rights or privileges. A grievance action specifically requests the University to take appropriate action to eliminate or mitigate the faculty member's injury.

b. The imposition of sanctions outside the procedures stipulated within this policy shall constitute grounds for a grievance under Section 2.18 of the Faculty Handbook.

c. Grievances aimed at reversing the decision of a final appeal to impose sanctions under this Faculty Disciplinary Action Policy shall not be permitted under Section 2.18 of the Faculty Handbook.

d. Allegations that specific provisions of this Faculty Disciplinary Action Policy were violated during disciplinary proceedings shall not constitute grounds for a grievance under Section 2.18 of the Faculty Handbook, but shall receive due consideration at the appeal level (see Section 2.16.15 above).

#### **2.16.19 Relation of Disciplinary Action Policy and Dismissal Procedure**

If the Provost recommends dismissal and the President concurs with the Provost's recommendation, the hearing conducted under Section 2.16.13 of this policy shall serve the role of the hearing review specified in Section 2.17.4 (Dismissal). In these cases, the respondent shall maintain the right to an appellate review at the Board of Governor's level, in accordance with the provisions of Sections 2.17.4.4.

#### **2.16.20 Retaliation**

Retaliation and/or acts of reprisal against a person who makes allegations pursuant to this policy, who participates as a witness, or who serves in a decision-making capacity pursuant to this policy is strictly prohibited. Disciplinary action against a person who brings allegations pursuant to this policy in bad faith or for an improper purpose does not constitute retaliation or an act of reprisal.

### **2.17 Separation**

#### **2.17.1 Resignations**

At-will faculty who intend to resign their appointments must submit a written letter of resignation to the Department Chair at the earliest possible opportunity.

Probationary and tenured faculty who intend to resign must submit written letters of resignation to the President, with copies to the Department Chair and Dean, at the earliest possible opportunity, but not later than May 15 or fifteen (15) working days after receiving a letter of appointment for the coming academic or fiscal year, whichever date is later. In consideration of the welfare of students, faculty members should not voluntarily sever their employment relationship with the University other than at the end of their appointment period.

The President shall inform the faculty member of the action on the resignation promptly.

#### **2.17.2 Retirement**

The Board of Governors may provide Early Retirement Plans which, when formally adopted, are incorporated into this Faculty Handbook by reference and must be made available in writing to faculty.

### **2.17.3 Non-reappointment** (revised September 2012)

#### **2.17.3.1 Definitions**

"Non-reappointment" is a means of separation by which the University ends its employment relationship with probationary faculty at the end of an appointment period. The decision not to reappoint probationary faculty rests, in the final instance, with the President and is based on recommendations of the Provost, Deans, and Department Chairs.

#### **2.17.3.2 Notification**

Written notice of non-reappointment pending final approval by the President must be sent from the Provost to probationary faculty by registered mail on or before:

- a. April 15 in the first academic year of employment;
- b. April 15 in the second academic year of employment;
- c. April 15 prior to the academic year of expiration of the appointment after two (2) or more years of employment on probationary status.

##### **2.17.3.2.1 Non-reappointment**

A notice of non-reappointment is not a dismissal for cause, and probationary faculty have no contractual right to employment beyond the expiration of their appointments; therefore, the written notice need not state reasons. However, probationary faculty who receive notices of non-reappointment may request in writing from the Provost within five (5) working days of receipt of such notice a written statement of reasons. The Provost shall honor such request within five (5) working days.

Reasons for non-reappointment include, but are not necessarily limited to:

- a. formal discontinuance of a degree or program area;
- b. declining enrollments;
- c. bona fide financial exigency;
- d. overstaffing;
- e. failure to meet the expectations of basic responsibilities of employment (Section 2.7) and/or of performance, (Section 2.8) as documented in the annual performance review;
- f. incongruence, as determined by the Provost in consultation with the Dean and Department Chair, between the professional interests of the faculty member and written and published plans of the department, college, or University.

The faculty member has the right to file a Class B Grievance Complaint in accordance with the policy contained in Section 2.18.

In decisions, not to reappoint for reasons of failure to meet the expectations of basic responsibilities of employment (Section 2.7) and/or of performance as documented in the annual performance review (Section 2.9), the responsible parties named in the Grievance Complaint may include the



Chair and/or the Dean, but only if the faculty member has submitted a written response to the Chair's report and/or to the Dean's recommendation respectively per the deadlines in Section 2.9.2.

In all cases, a Grievance Complaint must be filed within 20 working days after receipt of the Provost's notification of non-reappointment.

Failure to file a grievance within twenty (20) working days of receipt of notification of a non-reappointment decision will forfeit the faculty member's right to request a Grievance Hearing Review. Mediation is not required prior to a review before a Grievance Hearing Committee.

If a Grievance Hearing Review is not requested by the faculty member within the specified timeline, and if the President concurs with the Provost's non-reappointment decision, written notification shall be sent from the President to faculty by registered mail no later than May 20. That notification shall also specify the effective date of expiration (to be determined in accordance with the provisions of Section 2.17.3.2) of the probationary appointment.

If a Grievance Hearing Review is requested by the faculty member within the specified timeline, and if the Grievance Hearing Committee concurs with the Provost's decision not to reappoint, the faculty member may submit an appeal to the President per the provisions of Section 2.18.12.9.2 (Presidential Review and Action). The President shall issue a decision to all parties to the Grievance, members of the Grievance Hearing Committee and the UGO within fifteen (15) working days after receipt of all relevant material. If the President concurs with the Provost's decision, the faculty member shall be notified of the President's non-reappointment decision by registered mail. That notification shall specify the effective date of expiration (to be determined in accordance with the provisions of Section 2.17.3.2) of the probationary appointment.

The decision of the President will be final and cannot be appealed to the CSU-System Board of Governors.

#### **2.17.4 Dismissal** (revised July 2011)

##### **2.17.4.1 Definitions**

"Dismissal" is a severance action by which the University, for adequate cause, ends its employment relationship with at-will, probationary or tenured faculty. The following are not considered dismissal for purposes of this section.

- a. Expiration of an at-will appointment and non-reappointment of a probationary faculty. Procedures for non-reappointment of probationary faculty appear in Sections 2.10.2.3 and 2.17.3.
- b. Termination of tenured and probationary faculty for reasons of prolonged mental or physical illness and/or for reasons of reduction of force related to financial exigency. Procedures related to termination for these reasons appear in Sections 2.17.6.2 and 2.17.6.3.3 respectively.

"Adequate cause" for dismissal must be directly and substantially related to the performance of the faculty member.

##### **2.17.4.2 Procedures**

- a. The President may, if circumstances justify, suspend a faculty member pending dismissal action (Section 2.17.5).
- b. Written recommendations for dismissal shall be submitted to the Provost by the appropriate Dean, who must have consulted with the Department Chair prior to its submission.
- c. Prior to the Provost's recommendation to the President on dismissal action, the faculty member shall be notified in writing by the Provost of the proposed dismissal action with stated reasons and the faculty member afforded an opportunity to request a hearing before a faculty review committee unless such a hearing has already taken place under the provisions of the Faculty Disciplinary Action Policy. A faculty member is not entitled to pursue both a Grievance Hearing Review and a Faculty Disciplinary Action Hearing Review in relation to a recommendation for dismissal.
- d. Upon receipt of the Provost's notification of a proposed dismissal action related to the performance of a tenured or probationary faculty member, the faculty member is entitled to file a formal grievance complaint in accordance with the policy contained in Section 2.18. Failure to file a formal grievance complaint within twenty (20) days of receipt of notification will forfeit the faculty member's right to a Grievance Hearing Review and the right to the appeal process specified in Section 2.17.4.4. Mediation is not required prior to a review before a Grievance Hearing Committee in these cases.

In cases related to faculty conduct for a tenure or tenure-track faculty member, the Faculty Disciplinary Action Review Hearing (conducted under the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy) will take the place of the Grievance Hearing Review specified in Section 2.18. In such cases, the faculty member has the right to the appeal process specified in Section 2.17.4.4.

At-will faculty are entitled to file a grievance complaint under the provisions of Section 2.18 only if that complaint is based on a claim that the recommendation was due to discrimination prohibited under Federal or State law or University policy. Any such complaint must be filed within twenty (20) days of receipt of the Provost's notification of a proposed dismissal action. Mediation is not required prior to a review before a Grievance Hearing Committee in these cases.

- e. In the event that a review hearing is conducted under the provisions of the Grievance Policies (Section 2.18) or under the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy, the recommendations of the Hearing Committee shall be reviewed by the Provost and President per the provisions of the applicable policy.

In cases involving the performance of a tenured or probationary faculty and in any case involving an at-will faculty member, if the faculty member does not file a formal grievance complaint within twenty (20) days of receipt of the Provost's notification of a proposed dismissal action, then the President shall issue a decision based on the Provost's recommendation within ten (10) working days. If the President concurs with the Provost's recommendation for dismissal, the faculty member shall be notified in writing of the dismissal and, in the case of tenure and tenure-track faculty, the right to an appeal in accordance with the provisions of Sections 2.17.4.4. In the case of at-will faculty, a dismissal decision by the President is final.

### **2.17.4.3 Notification**

Written notice of dismissal must be sent from the President to faculty by registered mail or by hand delivery in person to the faculty member and such notice must include reasons for, evidence supporting, the effective date of dismissal, and the faculty member's right to a review hearing. Notice of dismissal may be given at any time. Salary and benefits shall cease on the effective date of dismissal.

#### **2.17.4.3.1 Reasons for Dismissal of Tenure and Tenure-track faculty**

Dismissal for tenured and probationary faculty may occur for the following reasons:

- a. Professional incompetence that is documented by a Cumulative Performance Review (see Section 2.9.2), and in spite of prior efforts at remediation of performance;
- b. continuing record of neglect of duties or responsibilities or sustained record of deliberate violation of the rights of others, despite the imposition of sanctions and efforts at correction or remediation of conduct through the Faculty Disciplinary Action Policy; in such cases, a Faculty Disciplinary Action Review Hearing will be conducted (under the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy) in lieu of the Grievance Hearing Committee specified in Section 2.18.
- c. conduct which endangers the safety or well-being of the faculty member or other members of the University community, or which substantially impairs or substantially disrupts the normal functions of the University; in such cases, a Faculty Disciplinary Action Review Hearing will be conducted (per the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy) in lieu of the Grievance Hearing Committee specified in Section 2.18.
- d. conviction of a felony; in such cases, a Faculty Disciplinary Action Review Hearing will be conducted (under the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy) in lieu of the Grievance Hearing Committee specified in Section 2.18.
- e. continued failure to meet reasonable written and published standards for performance or conduct contained in or incorporated by reference to this Faculty Handbook, despite efforts at correction through the Annual Performance Review process (Section 2.9.1), the Cumulative Performance Review Process (Section 2.9.2), the Comprehensive Post-Tenure Review Process (Section 2.10.3.2), or the Faculty Disciplinary Action Policy (Section 2.16). In cases related to conduct, a Faculty Disciplinary Action Review Hearing will be conducted (per the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy) in lieu of the Grievance Hearing Committee specified in Section 2.18.

#### **2.17.4.3.2 Reasons for Dismissal of At-will Faculty**

Dismissal for at-will faculty during the term of an appointment may occur for the following reasons:

- a. professional incompetence;
- b. continued neglect of duties or responsibilities in spite of two or more written warnings from the Dean;
- c. conduct which endangers the safety or well-being of the faculty member or other members of the University community, or which substantially impairs or substantially disrupts the normal functions of the University;
- d. conviction of a felony;

- e. continued failure to meet reasonable written and published standards for performance or conduct contained in or incorporated by reference to this Faculty Handbook in spite of two or more written warnings from the Dean;
- f. violation of applicable university policy in spite of two or more written warnings from the Dean;
- g. economic or budgetary reasons.

#### **2.17.4.3.3 Appeal of Dismissal Decisions for Tenured and Probationary Faculty**

Review of a dismissal decision relating to tenured or probationary faculty may be sought before the Board of Governors of the Colorado State University System (Board) in accordance with the then existing Review Policy of the Board. Copies of this Policy may be obtained from the Executive Secretary of the Board. The Review Policy describes Board review requirements for submission of written statements and the process by which the Board conducts its review and makes its decisions. The faculty member should refer to the Review Policy in its entirety for a complete understanding of the Board's requirements for review of dismissal decisions.

Appeal of dismissal decisions before the Board is permitted only for tenured and probationary faculty.

#### **2.17.4.3.4 Procedure for Appeal before the Board**

- a. If a tenured or probationary faculty member seeks appellate review by the Board of a dismissal decision, the faculty member must submit a written appeal by certified mail to the Executive Secretary of the Board, postmarked or hand delivered within fifteen (15) working days after the receipt of the dismissal decision.
- b. The written appeal must include a copy of the dismissal decision and a statement setting forth the basis for the appeal.
- c. The role of the Board shall be that of an appellate body. The Board's review will be limited to the record on appeal. The burden of proof rests with the University.
- d. The record on appeal shall consist of the institutional record and all materials or evidence admitted in the Faculty Disciplinary Action Review Hearing or the Grievance Review Hearing, along with any written submissions or argument allowed in support of the appeal in accord with the then existing Review Policy of the Board.
- e. No new evidence will be considered by the Board. Evidence which was not submitted to the Faculty Disciplinary Action Review Hearing or the Grievance Review Hearing will not be considered by the Board in its review.

#### **2.17.5 Suspension**

A faculty member may be summarily suspended for a period not to exceed fifteen (15) calendar days, or until completion of a review hearing, upon a finding of the President that there is good cause to believe that:

- a. The continued presence on the grounds of the University would endanger the safety or well-being of the faculty member or other members of the University community.
  - b. The continued functioning of the faculty member in the position would substantially impair or substantially disrupt the normal functions of the University.
- Salary and benefits shall remain in force during the term of any suspension.

## **2.17.6 Termination**

### **2.17.6.1 Definitions**

"Termination" is a severance action by which the University terminates the service of tenured, probationary or at-will faculty for reasons of prolonged mental or physical illness or reduction in force resulting from a bona fide financial exigency or the formal discontinuance of a degree or program area. Expiration of an at-will appointment, and non-reappointment of a probationary faculty member are not termination for purposes of this section.

"Prolonged mental or physical illness" must be based upon clear and convincing medical evidence that the faculty member is unable to perform expected duties and responsibilities despite reasonable accommodation.

"Reduction in force" is the elimination of faculty appointments resulting from financial exigency or discontinuance of academic programs.

Definition of "bona fide financial exigency" exists when the financial resources of the University's educational and general budget are judged by the Board of Governors to be inadequate to maintain the fiscal solvency of University operation.

"Formal discontinuance" means the elimination of a degree or program area through action initiated by the University, the Board of Governors, or the CCHE.

"Degree" means any baccalaureate or master's degree awarded by the University.

"Program" means curriculum area or service/support area.

"Curriculum area" means clusters of courses designated by a common and approved course prefix. "Service/support areas" include all those units of the University not directly involved in delivery of instruction, for example, student services, physical plant, the University Library.

### **2.17.6.2 Prolonged Mental or Physical Illness** (revised July 2011; September 2012)

#### **2.17.6.2.1 Procedures for Termination for Prolonged Mental or Physical Illness**

- a. The President may, if circumstances justify, suspend a faculty member pending termination for mental or physical illness (Section 2.17.5).
- b. Written recommendations for termination for mental or physical illness shall be submitted to the Provost by the appropriate Dean, who must have consulted with the Department Chair prior to its

submission.

c. Prior to the Provost's recommendation to the President on termination action, notification of termination for prolonged mental or physical illness must be sent from the Provost to the faculty member by registered mail, describing the evidence supporting such action, and the right of the faculty member to be afforded an opportunity for a hearing before a faculty Hearing Review Committee.

d. Upon receipt of the Provost's notification of the proposed dismissal action, the faculty member is entitled to file a grievance complaint in accordance with the policy contained in Section 2.18. Failure to file a grievance within twenty (20) working days of receipt of notification of a termination decision will forfeit the faculty member's right to a hearing and the right to the appeal process specified in Section 2.17.6.2.3. Mediation is not required prior to a review before a Grievance Hearing Committee.

e. *If a Grievance Hearing Review is not requested by the faculty member within the specified timeline*, and if the Provost concurs with the Dean's recommendation for termination, the Provost shall forward a recommendation for termination to the President, together with a copy of the Dean's recommendation, within thirty (30) working days of the faculty member's receipt of notification of a termination decision.

If the President concurs with the Provost's recommendation, the faculty member shall be notified of termination in accordance with the provisions of Section 2.17.6.2.2.

f. *If a Grievance Hearing Review is requested by the faculty member within the specified timeline*, and if the Grievance Hearing Committee concurs with the Dean's recommendation for termination, the faculty member may submit an appeal to the Provost per the provisions of Section 2.18.12.9.1 (Provost Review and Recommendation). Within ten (10) working days of receipt of an appeal from the faculty member, if any, and not later than fifteen (15) working days of receipt of the written Grievance Hearing Committee decision, the Provost shall respond by providing to all parties to the Grievance, members of the Grievance Hearing Committee and the UGO a written statement of the decision rendered with a summary of relevant evidence and the reasoning the sustains the decision.

If the Provost concurs with the Dean's recommendation for termination, the Provost's response, together with copies of the Dean's recommendation and the report of the Grievance Hearing Committee (if any) shall also be forwarded to the President. The faculty member may submit an appeal to the President per the provisions of Section 2.18.9.2 (Presidential Review and Action). The President shall issue a decision to all parties to the Grievance, members of the Grievance Hearing Committee and the UGO within fifteen (15) working days after receipt of all relevant material. If the President concurs with the Provost's recommendation, the faculty member shall be notified of termination in accordance with the provisions of Section 2.17.6.2.2. The faculty member then has the right to appeal the Termination Decision to the CSU System Board of Governors per the provisions of Section 2.17.6.2.3.

#### **2.17.6.2.2 Notification**

Notification of termination for prolonged mental or physical illness must be sent from the President to faculty by registered mail and must specify the effective date of termination. Notice of termination for mental or physical illness may be given at any time and may take effect before expiration of academic year or fiscal year appointments.



Faculty members terminated for reasons of mental or physical illness may qualify for disability benefits and should, immediately upon receipt of notice, inquire at the Personnel/Affirmative Action Office.

#### **2.17.6.2.3 Appeal of Termination Decision**

Review of a termination decision for reasons of prolonged mental or physical illness for tenured or probationary faculty may be sought before the Board of Governors of the Colorado State University System (Board) in accordance with the then existing Review Policy of the Board. Review of a dismissal decision relating to tenured or probationary faculty may be sought before the Board of Governors of the Colorado State University System (Board) in accordance with the then existing Review Policy of the Board. Copies of this Policy may be obtained from the Executive Secretary of the Board. The Review Policy describes Board review requirements for submission of written statements and the process by which the Board conducts its review and makes its decisions. The faculty member should refer to the Review Policy in its entirety for a complete understanding of the Board's requirements for review of dismissal decisions.

Appeal procedures for terminations are identical to those for dismissal (Section 2.17.4.5).

#### **2.17.6.3 Reduction in Force**

##### **2.17.6.3.1 Priorities**

In the event of a bona fide financial exigency or the formal discontinuance of a degree or program area, the retention of viable academic programs and the protection of tenure are of primary importance. Therefore, when reasonable means for coping with bona fide financial exigency or formal discontinuance of degree or program areas have been exhausted with the exception of reduction in force of faculty members, terminations of faculty appointments shall be made by the President, based on recommendations of the Provost and appropriate Dean and in accordance with the following priorities:

- a. consideration of attrition resulting from resignation, non-reappointment, early retirement, or other severance actions;
- b. termination of at-will faculty appointments in the degree or program area being considered for reduction or discontinuance prior to termination of probationary or tenured appointments;
- c. termination of probationary or tenured faculty appointments with regard to the criteria specified in Section 2.17.6.3.2.

##### **2.17.6.3.2 Criteria**

In making decisions on reductions in force, the following criteria shall be considered:

- a. Performance of faculty members as documented in annual and cumulative performance reviews; in the event that documented performance of tenured faculty is relatively equal, seniority in the degree or program area, as determined exclusively by length of service at the University shall prevail;
- b. protection of tenured faculty;
- c. impact of terminations on students enrolled in degree or program areas;
- d. CCHE policies on program discontinuance and program review.



### **2.17.6.3.3 Procedures for Termination for Reduction in Force**

#### **2.17.6.3.3.1 Financial Exigency**

- a. Within five (5) working days of a Board of Governors declaration of bona fide financial exigency, the President shall notify the University Budget Board of such declaration and charge that Board to prepare, within thirty (30) working days of receipt of such notice, a list of degree or program areas to reduce or eliminate. If the University Budget Board does not submit a recommended plan, the President shall exercise sole discretion in responding to the financial exigency.
- b. If the plan of the University Budget Board does not require reductions in force and removes the condition of financial exigency, the President shall present the plan, together with any recommendations of the President, to the Board of Governors for its action.
- c. If the plan requires reductions in force, the President shall notify the Curriculum and Academic Programs Board that reductions in force are necessary and charge that Board to prepare within thirty (30) working days of receipt of such notice, a recommended list of degree or program areas to reduce or eliminate.
- d. If the Curriculum and Academic Programs Board does not submit a recommended list to the Faculty Senate within the time lines of this provision, the President shall charge the Faculty Senate to prepare a recommended list. If the Faculty Senate does not submit a recommended list to the President through the Provost within the time lines specified in the Constitution of the Faculty Senate (Article III, Section 4), the President, in consultation with the Provost and the Faculty Senate President, shall exercise sole discretion in preparing the termination list of degree or program areas to reduce or eliminate.
- e. The Curriculum and Academic Programs Board shall prepare the recommended list of reductions or elimination of degree or program areas in consideration of the criteria for reduction in force specified in Section 2.17.6.3.2. In the course of its deliberations, the CAPB may seek information or recommendations from departments, Department Chairs, Deans, college or departmental estate committees, individual faculty members, or other appropriate sources; it may hold open hearings.
- f. Whether or not the recommendations of the Faculty Senate concur with those of the CAPB, CAPB recommendations must be forwarded to the President with Faculty Senate's recommendations.
- g. As soon as the list of degree or program areas to be reduced or eliminated is approved by the President, the President shall transmit the approved list to the Provost, who shall direct the Dean of the college(s) housing reduced or eliminated degree or program areas to recommend names of faculty members to be reduced in force. Deans shall be guided by the priorities and criteria in Sections 2.17.6.3.1 and 2.17.6.3.2, and shall convey recommendations to the Provost for submission, with any additional recommendations by the Provost, to the President.
- h. Prior to the President's final decision on terminations for reduction in force, the affected faculty member shall be notified in writing by the President of the proposed termination action, the evidence supporting such action, and the right of the faculty members to be afforded an opportunity for a hearing before a faculty Hearing Review Committee.
- i. Upon receipt of the President's notification of the proposed termination action, the faculty member is entitled to request a Grievance Hearing review within twenty (20) working days. Failure to file a grievance within the time limit specified in Section 2.18 will forfeit the faculty member's rights to a hearing review and to the appeal process specified in Section 2.17.6.3.5. Mediation is not required prior to a review before a Grievance Hearing Committee.
- j. Following receipt of the report of the Hearing Review Panel, the President shall notify any affected

faculty members in writing of termination and, in the case of tenured faculty, the right to an appeal in accordance with the provisions of Section 2.17.6.3.5.

#### **2.17.6.3.3.2 Formal Discontinuance of Degree or Program Areas**

##### **a. Initiated within the University**

1. Formal discontinuance of existing degree or program areas initiated within the University shall occur only after a Program Review has been reviewed by the Curriculum and Academic Programs Board and only upon approval of the President.
2. Program reviews shall be conducted in accordance with CCHE policy and those procedures properly adopted by the CAPB and approved by the Faculty Senate and the President.
3. If formal discontinuance of an existing degree or program area initiated from within the University does not require reduction in force, the President shall submit the proposal to discontinue, together with any recommendations of the President, to the Board of Governors for its action.
4. If formal discontinuance initiated from within does require reduction in force, the CAPB shall submit a recommended list of degree or program areas to reduce or eliminate to the Faculty Senate. If the Faculty Senate does not submit its recommendations on reduction or elimination to the President through the Provost within the time lines specified in the Constitution of the Faculty Senate (Article III, Section 4), the President, in consultation with the Provost and the Faculty Senate President, shall exercise sole discretion in preparing the termination list of degree or program areas to reduce or eliminate.
5. Additional procedures for reduction in force for formal discontinuance initiated within the University are identical with those specified in Section 2.17.6.3.3.1 f, g, h, i and j.

##### **b. Initiated by the Board of Governors or CCHE**

1. Formal discontinuance of existing degree or program areas initiated by action of the Board of Governors or the CCHE pursuant to C.R.S. 23-1-107 (1985) shall occur only after Board of Governors consultation with the President who shall, in turn, consult with the CAPB and Faculty Senate.
2. If formal discontinuance initiated by the Board of Governors or CCHE does not require reduction in force, the President shall accomplish the discontinuance as directed.
3. If formal discontinuance initiated by the Board of Governors or CCHE does require reduction in force, the procedures stated in Section 2.17.6.3.3.2.a, 4-5 shall be followed.

#### **2.17.6.3.4 Notifications**

Notification of termination for reduction in force must be sent from the President to faculty by registered mail and must specify the reasons for, evidence supporting, the effective date of termination and faculty member's right to a review hearing. Notice of termination for reduction in force due to financial exigency may be given at any time and may take effect before expiration of academic or fiscal year appointments, provided that a minimum of sixty (60) calendar days expires between the date of notification and the effective date of termination. Notice of termination for reduction in force due to formal discontinuance of degree or program areas must be given not later than one (1) calendar year in advance of its effective date.

#### **2.17.6.3.5 Appeal of Termination Decisions for Tenured Faculty** (revised July 2011)

Review of a termination decision for a tenured faculty member due to reduction of force related to financial exigency may be sought before the Board of Governors of the Colorado State University System (Board) in accordance with the then existing Review Policy of the Board. Copies of this

Policy may be obtained from the Executive Secretary of the Board. The Review Policy describes Board review requirements for submission of written statements and the process by which the Board conducts its review and makes its decisions. The faculty member should refer to the Review Policy in its entirety for a complete understanding of the Board's requirements for review of dismissal decisions.

#### **2.17.6.3.5.1 Procedures for Appeal of Termination Decisions for Reduction in Force**

Appeal procedures for terminations are identical to those for dismissal (Section 2.17.4.5)

#### **2.17.6.3.6 Reinstatement Provisions**

If tenured faculty are terminated for reduction in force, they shall automatically receive notice of all faculty vacancies advertised within a three-year (3) period of the effective date of termination. If terminated tenured faculty seek reinstatement and believe they are qualified for the vacancy, they shall have the right to request reinstatement from the President.

If, in the judgment of the President, who must consult with the Provost and the appropriate Dean and Department Chair, faculty who seek reappointment meet or exceed qualifications for the vacancy as stated in the position announcement, they shall be immediately reinstated to the announced position at the rank they held at the time of termination and at a comparable salary.

If, in the judgment of the President, faculty who seek reappointment are not qualified for the vacancy, they shall be notified in writing and not reinstated.

#### **2.17.6.3.7 Retrenchment Efforts**

In the event of scheduled terminations of tenured faculty, the University shall, in the period between notification and the effective date, assist faculty members to prepare for assignment to other degree or program areas where vacancies exist or are anticipated. Assistance may include, but need not be limited to, awarding of a development or enhancement leave or participation in other faculty development programs; provision of outplacement seminars dealing with employment search strategies, career changes, and the like; use of University resources, as approved by the Provost, in the employment search; and other appropriate services offered through the Office of the Provost for a period of six months from the effective date of termination.

### **2.18 Grievance and Mediation Policy and Procedures** (new policy adopted July 2011; revised September 2012)

#### **2.18.1 Purpose of and General Information Pertaining to Mediation and the Grievance Process**

##### **2.18.1.1 Informal Resolution**

All problems or disputes should be resolved informally whenever possible. Open communication between all members of the campus community, and especially between administrators and faculty, is encouraged so that resort to formal mediation and grievance procedures will not be necessary.

##### **2.18.1.2 Mediation**

Mediation is a mechanism by which the University seeks to provide a resolution of grievable conflicts among its academic faculty members. Mediation can be requested by either party in a

grievable conflict if the grievable conflict is not resolved informally.

### **2.18.1.3 Grievance Process**

The purpose of the Grievance Procedure is to assure a rapid and fair process for the resolution of grievable conflicts which are not resolved through mediation. It shall be the responsibility of the University, through the Offices of the Provost and the President, to assure that the grievance procedures, review processes, and mediation provisions herein established are appropriately supported, respected, and enforced.

### **2.18.2 Resort to Other Procedures**

In recognition of the fact that the commitment of the University and the grievant to this process is necessary in order to achieve its designed objectives, if the grievant seeks resolution of the subject matter of a pending grievance in any forum or by any set of procedures other than those established in this section, except in cases where Federal and State law gives persons the right to institute action without first exhausting internal administrative remedies, the University shall be under no obligation to continue with the process outlined in this grievance procedure. This Grievance Procedure replaces and supersedes all grievance procedures found in department or college codes.

### **2.18.3 Relation of Grievance Procedure to Faculty Disciplinary Action Policy**

a. Disciplinary action procedures are distinguished from grievance procedures in that disciplinary action is generally commenced against a tenure and tenure-track faculty member based on allegations that the faculty member has engaged in conduct prohibited by the Faculty Disciplinary Action Policy. Grievance procedures are initiated by a faculty member, typically against an administrator, who believes that he or she has suffered injury as the result of a violation of the faculty member's rights or privileges. A grievance complaint specifically requests the University to take appropriate action to eliminate or mitigate the faculty member's injury.

b. The decisions reached under the Faculty Disciplinary Action Policy are final, except for the appeal procedure described in Section 2.16.15 of that policy.

c. Failure to proceed through the procedures stipulated within the Faculty Disciplinary Action Policy prior to a decision to impose sanctions for tenured and probationary faculty conduct shall constitute grounds for a grievance complaint under Section 2.18 of the Faculty Handbook against the administrator(s) responsible for the decision to impose said sanctions.

d. Grievances aimed at reversing the decision of a final appeal to impose sanctions under the Faculty Disciplinary Action Policy shall not be permitted under Section 2.18 of the Faculty Handbook.

e. Allegations that specific provisions of this Faculty Disciplinary Action Policy were violated during disciplinary proceedings shall not constitute grounds for a grievance under Section 2.18 of the Faculty Handbook, but shall receive due consideration at the appeal level specified in Section 2.16.15 of the Faculty Disciplinary Action Policy.

f. If the Provost recommends dismissal of a tenure or tenure-track faculty member under the Faculty Disciplinary Action Policy and the President concurs with the Provost's recommendation, the hearing conducted under Section 2.16.15 of the Faculty Disciplinary Action Policy shall serve the role of the

Grievance Hearing Committee specified in Section 2.17.4 of the Dismissal Procedures. In these cases, the respondent shall maintain the right to appeal the President's decision to dismiss to the Board of Governors of the Colorado State University System in accordance with the provisions of Section 2.17.4.

#### **2.18.4 Relation of Grievance Procedure to Affirmative Action, Equal Opportunity and Non-Discrimination Policy**

a. The Affirmative Action, Equal Opportunity and Non-Discrimination Policy is distinguished from the Grievance contained in Section 2.18 in that the Affirmative Action Board maintains responsibility for the development and implementation of policies and procedures related to affirmative action, equal opportunity, and nondiscrimination. (See Section 2.7.1.2 of the Faculty Handbook.)

b. Internal University procedures appropriate for filing allegations of unlawful harassment, discrimination, or retaliation should be followed before any action is taken pursuant to the Grievance Process contained in Section 2.18. Information concerning these procedures is available from the office of the Director of AA/EEO.

#### **2.18.5 Relation of Grievance Procedure to Dismissal and Termination Procedures**

a. Per the provisions of Section 2.17.4 (Dismissal), a Provost recommendation to dismiss tenured or probationary faculty is only allowed for one of the following reasons:

i. professional incompetence that is documented by a Cumulative Performance Review (see Section 2.9.2), and in spite of prior efforts at remediation of performance; in such cases, the faculty member is entitled to a Grievance Hearing Review under the provisions of Section 2.18.

ii. continuing record of neglect of duties or responsibilities or sustained record of deliberate violation of the rights of others, despite the imposition of sanctions and efforts at correction or remediation of conduct through the Faculty Disciplinary Action Policy; in such cases, a Faculty Disciplinary Action Review Hearing will be conducted under the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy.

iii. conduct which endangers the safety or well-being of the faculty member or other members of the University community, or which substantially impairs or substantially disrupts the normal functions of the University; in such cases, a Faculty Disciplinary Action Review Hearing will be conducted under the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy.

iv. conviction of a felony; in such cases, a Faculty Disciplinary Action Review Hearing will be conducted under the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy.

v. continued failure to meet reasonable written and published standards for performance or conduct contained in or incorporated by reference to this Faculty Handbook, despite efforts at correction through the Annual Performance Review process (Section 2.9.1), the Cumulative Performance Review Process (Section 2.9.2), the Comprehensive Post-Tenure Review Process (Section 2.10.3.2), or the Faculty Disciplinary Action Procedure (Section 2.16). In cases related to conduct, a Faculty

Disciplinary Action Review Hearing will be conducted (per the provisions of Section 2.16.13 of the Faculty Disciplinary Action Policy). In all other cases, the faculty member is entitled to a Grievance Hearing Review under the provisions of Section 2.18.

b. Per the provisions of Section 2.17.4 (Dismissal), an at-will faculty member is entitled to a Faculty Hearing Review of a Provost recommendation for dismissal during the term of appointment only in the case of a claim that the Provost's recommendation was due to discrimination prohibited under Federal or State law or University policy.

c. Per the provisions of Section 2.17.6, a Provost recommendation to terminate tenured or probationary faculty is only allowed for reasons of prolonged mental or physical illness (see Section 2.17.6.2) or for reasons of Reduction in Force due to financial exigency (see Section 2.17.6.3). In both cases, a tenured or probationary faculty member is entitled to request a Grievance Hearing Review under the provisions of Section 2.18.

d. In any recommendation for dismissal or termination, regardless of the reason or the status of the faculty member, mediation is not required.

e. Provisions for appellate review at the Board of Governors level for dismissal and termination decisions involving tenured or probationary faculty are described in Sections 2.17.4, 2.17.6.2.3 and 2.17.6.3.5. Board review of decisions to dismiss at-will faculty is not permitted.

## **2.18.6 Description of Terms**

### **a. Administrative Duties**

With respect to qualification to serve on the Grievance Panel or as a mediator, administrative duty or duties refers to the service of those members of the academic faculty acting as the administrators responsible for the various administrative units, departments, colleges, and the University, and responsible for budgets and supervising and evaluating personnel other than state classified personnel. The term shall cover persons having the title "Assistant" or "Associate" Dean. However, service by members of the academic faculty as chairs of faculty committees, as the administrators responsible for the various interdisciplinary programs existing on or off-campus, or as Principal Investigators on contracts and grants shall not be considered to be administrative duties.

### **b. Burden of Proof**

Burden of proof refers to the obligation a party has to prove their claims, assertions or defenses by a preponderance of the evidence. Preponderance of the evidence means to prove that a claim, assertion or defense (s) is more probably true than not. See Section 2.18.8 a, b and c concerning which party assumes the burden of proof for each class of grievance.

### **c. Complaint**

A written statement submitted by the Grievant to the University Grievance Officer which shall:

- i. Identify the nature of the Grievable Action.
- ii. Name the parties to the grievable conflict.



- iii. Describe how the action being complained of is unfair, unreasonable, arbitrary, capricious, or discriminatory, and/or is contrary to normal administrative procedures as described in the Faculty Handbook and/or violates academic freedom.
- iv. Identify how the decision or action adversely affects the Grievant in his or her present or future academic and/or professional capacity, and/or professional capacity and/or negatively affect the integrity or quality of the academic program.
- v. Describe the desired redress and justify its appropriateness relative to the specific complaints identified in items (iii) and (iv) above.

A completed and signed copy of the Grievance Complaint Form provided in Appendix G of the Faculty Handbook shall be included with the Complaint.

#### **d. Computation of Time**

In computing any period of time prescribed or allowed by this policy, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. Actions required by that last day must be completed by 11:59 p.m.

#### **e. Confidentiality**

The confidentiality of grievance complaints and proceedings shall be maintained as allowed by law throughout the process and after the final decision, subject only to the need of the responsible individuals and others at the University to comply with the processes specified herein. (See Section 2.18.11.6 and Section 2.18.16.)

#### **f. Discovery**

Discovery is that point in time when the individual knew or should have known that a basis for a grievance exists. (See Section 2.18.8.)

#### **g. Grievants**

Individuals who file a formal grievance complaint in compliance with the requirements stated in Section 2.18.7. Any ranked or titled academic faculty member as defined in Section 2.2.1 is entitled to grieve under the terms and conditions of this policy. The four academic ranks approved by the University include Instructor, Assistant Professor, Associate Professor, and Professor; all ranked academic faculty are employed on tenured or probationary appointments and may submit Class A or Class B Grievant Complaints as stipulated in Section 2.18.8. The six academic titles approved by the University include Lecturer, Adjunct Professor, Visiting Professor, Faculty/Research Associate, Faculty-in-Residence, and Endowed Chair/Professorship; all titled academic faculty are employed on at-will appointments and may only submit Class C Grievant Complaints as stipulated in Section 2.18.8.

#### **h. Grievable Actions / Grievable Conflict**



“Grievable Actions” refers to actions or decisions as described in Section 2.18.8 that can be the basis of a formal grievance complaint. “Grievable Conflict” refers to a situation arising as a result of such an action or decision.

#### **i. Grievance Hearing Committee**

A committee consisting of five (5) members of the Grievance Panel assigned to review a specific Complaint as described in Sections 2.18.12 and 2.18.14.3.

#### **j. Grievance Panel**

The Grievance Panel consists of a pool of eligible Grievance Hearing Committee members consisting of fifteen (15) tenured academic faculty members as described in Section 2.18.14.1. Individuals serving as members of the Grievance Panel are not permitted to simultaneously serve as University Mediators.

#### **k. Parties to a Grievance**

Parties to a grievance include only the Grievant and the Responsible Individual.

#### **l. Response**

A written statement prepared by a Responsible Individual (see Section 2.18.6m) in response to a written Request for Formal Grievance Hearing Review which must be submitted to the Grievant and the UGO no later than five (5) working days after receiving the Request for Formal Grievance Hearing Review, per Section 2.18.12.1.

#### **m. Responsible Individual**

The individual responsible for the decision or action which constitutes the basis of a grievance complaint.

#### **n. Request for Formal Grievance Hearing Review**

A written statement submitted by the Grievant to the University Grievance Officer which shall include

- i. A completed and signed copy of the Request for Formal Grievance Hearing Review provided in Appendix G of the Faculty Handbook
- ii. A copy of the Complaint
- iii. A summary of the evidence that the Grievant is prepared to submit to support the claim.

See Section 2.18.12 for further information concerning materials provided as evidence for a Hearing Review.

#### **o. Right to Counsel**

Parties to Grievances may seek the aid and assistance of counsel, either legal and/or peer, who may

participate in formal Grievance Hearing proceedings as described in Sections 2.18.12.5. Legal counsel refers to those counselors selected by the parties who are licensed to practice law, whether members of the academic faculty or not. Peer counsel refers to those counselors selected by the parties who are not licensed to practice law. Counselors shall not have standing to speak.

#### **p. Settlement Agreement**

A written agreement to settle a grievable conflict reached either during the mediation period or at some point following the mediation period but prior to the issuance of a written Hearing Review Committee Decision. See Sections 2.18.11.5b and 2.18.12.4 for information concerning legal and administrative review and approval.

#### **q. Working Day**

Any day of normal University operations based upon the five (5) day, Monday through Friday week, except all official University holidays. See Section 2.18.10 concerning possible postponements of mediation and grievance procedures during the summer months.

#### **r. University Mediators (UMs)**

Individuals responsible for conducting mediation as described in Section 2.18.11. Individuals serving as members of the Grievance Panel are not permitted to simultaneously serve as University Mediators.

#### **s. University Grievance Officer (UGO)**

Individual responsible for coordinating and facilitating the activities of the UMs, the Grievance Panel, and the Grievance Hearing Committees. Detailed responsibilities of and selection process for the UGO are described in Section 2.18.13.

### **2.18.7 The Right to Grieve**

#### **2.18.7.1 Persons Entitled to Grieve**

Any ranked or titled academic faculty member as defined in Section 2.2.1 may initiate a Grievance, subject to the requirements set forth above (Mediation) and as further provided below. Grievances by more than one (1) faculty member from a single administrative unit or department or committee thereof may be joined in a common grievance if, in the discretion of the UGO, their Grievances have sufficient commonality to be heard collectively. Persons entitled to grieve under the terms and conditions of this policy are referred to as “Grievants.” Matters that can be subject of Grievances are described in Section 2.18.8 and are called “Grievable Actions.”

#### **2.18.7.2 Provision of Due Process to Grievants**

No action that may deprive a faculty member of a constitutional right shall be taken unless such a member has first been accorded due process of law.

#### **2.18.8 Forms of Grievable Actions**

Grievable Actions will be in the form of three (3) separate classes of Grievances.

Class A and B Grievances, as more fully described below, must involve a complaint by a tenured or probationary faculty member that a Grievable Action has occurred because a decision, recommendation, or action of an administrator is unfair, unreasonable, arbitrary, capricious, or discriminatory, and/or is contrary to normal administrative procedures as described in the Faculty Handbook, and/or violates academic freedom, and that it does or will adversely affect the Grievant in his or her academic and/or professional capacity and/or negatively affect the integrity or quality of the academic program, excepting those matters set forth in Section 2.18.3 and Section 2.18.4.

Class C Grievances, as more fully described below, must involve a complaint by an at-will faculty member whose employment was terminated by the University.

The determination of whether a Grievance is considered a Class A, Class B or Class C Grievance shall be made by a majority vote of the Grievance Hearing Committee appointed to the grievance.

a. Class A Grievances are those that involve complaints by a tenure or probationary faculty member about the following actions: termination of contractual rights, reduction of salary, demotion, actions violative of academic and intellectual freedom, or assignment of unreasonable workloads. The burden of proof in Class A Grievances falls upon the individual initiating the decision or the action which constitutes the basis of the grievance (“Responsible Individual”). (For description of Burden of Proof, see Section 2.18.6b.)

b. Class B Grievances pertain to a complaint by a tenure or probationary faculty member concerning a term or condition of employment other than those that may be the basis for a Class A or Class C Grievance, such as reappointment, amount of salary increase, denial of promotion, denial of tenure, abuse of discretion, lower evaluation than deserved on annual review, or denial of sabbatical leave. The burden of proof in Class B Grievances falls upon the Grievant. (For description of Burden of Proof, see Section 2.18.6b.)

c. Class C Grievances involve a claim by an at-will faculty member that the Provost’s recommendation to the President regarding termination was due to discrimination prohibited under Federal or State law or University policy. The burden of proof in Class C Grievances shall fall upon the Grievant. (For description of Burden of Proof, see Section 2.18.6b.)

Tenure and tenure-track faculty requests for a salary adjustment related to equity or salary compression do not form the basis of a grievance complaint, but shall be considered under the provisions of Section 2.13.2.2. Regarding Class A and Class B complaints related to salary, see also Section 2.13.3.

## **2.18.9 Overview of Grievance Process.**

### **Step 1 Informal Resolution**

Prior to referring a grievable conflict to the University Grievance Officer (hereinafter referred to as “UGO”) per the provision of Step 2, the Grievant is encouraged to seek to resolve the dispute informally through discussions with the responsible individual(s) and the immediate supervisor of the responsible individual(s). Failure to seek informal resolution within twenty (20) working days after the date of the decision or action giving rise to the grievable conflict or Discovery of the decision or

action shall not be grounds for denying access to the formal mediation and grievance procedures described in Section 2.18.

### **Step 2 Filing of a Grievance Complaint with University Grievance Officer**

If informal resolution is not achieved, then a formal Grievance Complaint shall be submitted by the faculty member to the UGO no later than twenty (20) working days after the date of the decision or action giving rise to the grievable conflict or Discovery of the decision or action. For Class B Grievance Complaints involving lower evaluation than deserved on annual review, amount of salary increase, denial of promotion, denial of tenure, or non-reappointment, Discovery shall be based on the dates specified in Sections 2.9.1.2j, 2.9.2.1k, and 2.17.3.2.1. See Section 2.18.6 for details concerning Discovery and the preparation of a Grievance Complaint.

### **Step 3 Referral of Grievable Conflicts to University Mediators**

The UGO shall assign a University Mediator (hereinafter referred to as “UM”) from the pool within five (5) working days after receiving a Grievance Complaint. A first meeting with mediation participants will take place within ten (10) working days after that assignment, except in the case of an objection to the assignment of the UM. If the UM has reason to believe that mediation efforts are likely to produce a resolution of the grievable conflict, the mediation period will be shall be continued. If the mediation period does not produce a resolution of a grievable conflict within thirty (30) working days of the date of the UM assignment, the UM will provide a written statement to that effect to the parties indicating the termination of mediation. Mediation shall be required in all Grievance Complaints except for Class A Grievance Complaints involving Dismissal (Section 2.17.4.2d), Class A Grievance Complaints involving Termination for Prolonged Mental or Physical Illness (Section 2.17.6.2.1d), Class A Grievance Complaints involving Termination for Reduction in Force (Section 2.17.6.3.3.1i) and Class B Grievance Complaints involving denial of tenure (Section 2.9.2.1k). In these cases, mediation may take place at the request of the Grievant. See Section 2.18.11 for additional details concerning the Mediation Time Line and Procedures.

### **Step 4 Request for Formal Grievance Hearing Review**

Within fifteen (15) working days after the date of the written notice of termination of mediation, the Grievant shall submit a written Request for a Formal Grievance Hearing Review to the Responsible Individual and the UGO. In those cases where mediation is not required (see Step 3), a Request for Formal Grievance Hearing Review must be filed within fifteen (15) working days of filing the Grievance Complaint form. See Section 2.18.6n for further details concerning the preparation of a Request for Formal Grievance Hearing Review.

### **Step 5 Written response by Responsible Individual**

Upon receipt of the Request for a Formal Grievance Hearing Review from the Grievant, the Responsible Individual shall prepare a written response (“the Response”) and submit it to the Grievant and the UGO no later than five (5) working days after receiving the Request for a Formal Grievance Hearing Review. This Response should be limited to addressing the claim made in the Request for a Formal Grievance Hearing Review.

### **Step 6 Commencement of the Grievance Hearing Review**

The UGO shall forward the Request for a Formal Grievance Hearing Review and the Response to the Grievance Hearing Committee (hereinafter referred to as “the Committee”). The first hearing session shall take place no later than ten (10) working days following a Grievant's request for a formal

hearing and culminate in a written decision from the Grievance Hearing Committee within ten (10) working days of the date of the last hearing session. See 2.18.12 for further details concerning the Grievance Hearing Review Procedures.

### **Step 7 Administrative Review of the Grievance Hearing Review Committee Decision**

Decisions of the Grievance Hearing Committee adverse to the Grievant are final unless the Grievant chooses to appeal the committee decision. All other decisions of the Grievance Hearing Committee must be reviewed and approved by the Provost and President before they become final, unless the Provost or the President is a party to the Grievance. If the Provost is a party to the Grievance, but the President is not, the review shall be made only by the President. If the President is a party to the Grievance, the review shall be made only by the Board of Governors as detailed in Step 10 below.

### **Step 8 Provost Review and Recommendation**

The Provost shall consider the recommendations of the Grievance Hearing Committee concerning a Grievance only on the basis of the written record accumulated to that point, together with an appeal, if any, by the Grievant. An appeal by the Grievant must be submitted to the Provost within five (5) working days after receipt of the written decision of the Grievance Hearing Committee and must provide reasons for the appeal. Within ten (10) working days of an appeal from the Grievant or a Grievance Hearing Committee decision that was not appealed, the Provost shall respond in writing. See Section 2.18.12.9.1 for details on Provost Review.

### **Step 9 Presidential Review and Action**

The President shall consider the recommendations of the Grievance Hearing Committee and the Provost (unless the latter was a party to the Grievance) and any appeals by the Grievant. An appeal by the Grievant must be submitted to the President within five (5) working days after receipt of the written statement from the Provost (or the written decision of the Grievance Hearing Committee if the Provost was a party to the Grievance) and must provide reasons for the appeal. Failure of the Grievant to file an appeal within this period shall constitute acceptance of the decision of the Provost (or the decision of the Grievance Hearing Committee if the Provost was a party to the Grievance). The President shall issue a decision to all parties, members of the Grievance Hearing Committee and the UGO within fifteen (15) working days after receipt of all relevant material. See Section 2.18.12.9.2 for details on Presidential Review and Action.

### **Step 10 Appeal to the Board in Cases Involving the President as a Party to the Grievance or in Cases Involving Dismissal/Termination of a Tenured or Probationary Faculty Member**

If the President was a party to the Grievance, or if the President recommends dismissal or termination of a tenured or probationary faculty member, the Grievant may submit an appeal to the CSU-System Board of Governors. See Section 2.18.12.9.3 for details concerning the Board appeals process.

### **2.18.10 Time Limitations**

By written agreement of the parties, or in the event of pressing emergencies, subject to the written approval of the UGO, the time limits set forth in Section 2.18 may be extended for reasonable periods.

In the absence of such an agreement, the following shall apply when any action which is required to be taken within a specified time period is not taken in time:

- a. If the Grievant fails to act within the time limits provided herein, the University shall have no responsibility to process the grievance and it shall be deemed withdrawn.
- b. In the case where the Responsible Individual or UGO fails to act in time, the grievant may proceed to the next level of the procedure and any subsequently issued decision on the matter at the bypassed level shall be void, with the following exceptions:
  - i. In the case of a Complaint that is filed less than forty (40) working days before the end of the academic year or during the summer, mediation and hearing procedures may be postponed until the beginning of the following academic year by the UGO who shall make this decision based on the nature and seriousness of the grievable action or conflict. The written decision of the UGO to postpone mediation and hearing procedures will be provided to all Parties within five (5) working days of receipt of the Complaint.
  - ii. In the case of a Request for Formal Grievance Hearing Review which is filed less than fifty (50) working days before the end of the academic year or during the summer, hearing procedures may be postponed until the beginning of the following academic year by the UGO who shall make this decision based on the nature and seriousness of the grievable action or conflict. The written decision of the UGO to postpone hearing procedures will be provided to all Parties within five (5) working days of receipt of the Request for Formal Grievance Hearing Review.
  - iii. In the case of a decision by the UGO that Mediation and/or Hearing Review should continue during summer months, the individual(s) appointed as a University Mediator and/or as a member of a Hearing Review Committee may receive compensation, as determined by the Provost, for service during summer months.

## **2.18.11 Mediation Process**

### **2.18.11.1 Summary of Mediation Process**

The persons responsible for conducting mediation under this section will be referred to as “University Mediators” (hereinafter referred to as “UMs”). The UMs will be responsible for mediating grievable conflicts involving academic faculty members. There will be a pool of UMs. The assigning of UMs is set forth in Section 2.18.11.3. Upon such assignment, the UM shall meet with the mediation participants. If, after meeting with the mediation participants, the UM reasonably believes that mediation efforts may result in a resolution of the grievable conflict, the mediation participants shall enter into a written agreement for a mediation period of a specified duration, not to exceed 30 working days from the date of the assignment of the UM, with the UM to attempt to resolve the grievable conflict.

An administrator’s decision which gave rise to a grievable conflict may be altered through the mediation process. Possible outcomes of the mediation process as regards an administrator’s decision are:

- a. Acceptance of the decision;
- b. Modification of the decision;
- c. Repeal of the decision;



- d. Proceeding to grievance due to a lack of resolution;
- e. Other outcomes agreed to between the parties during the mediation process.

If the mediation process does not produce a resolution of a grievable conflict within a reasonable time period (not to exceed 30 working days from the date of the assignment of the UM), or if the UM finds that it is unlikely to do so, the faculty member shall be entitled to file a Request for a Formal Grievance Review Hearing in accordance with Step 4 of Section 2.18.9.

### **2.18.11.2 University Mediators**

#### **2.18.11.2.1 Qualifications of University Mediators**

Each UM for academic faculty members shall be a tenured, full-time member of the academic faculty with at least the rank of associate professor or shall be a faculty member with a transitional appointment who previously held such a rank or shall be a retired faculty member who previously held such a rank. Retired faculty who serve as UMs must be within three years of retirement at the time of their initial appointment and may serve up to three additional one-year appointments provided they are within six years of retirement throughout their term of appointment. A UM shall have no administrative duties (see Section 2.18.6a) throughout the term of service. Individuals serving as members of the Grievance Panel are not permitted to simultaneously serve as University Mediators.

#### **2.18.11.2.2 Selection and Terms of University Mediators for Academic Faculty**

The President of Faculty Senate and the Provost shall solicit nominations for UMs from the academic faculty members prior to the end of each academic year. In consultation with the Faculty Senate, the Council of Deans, and any other appropriate groups, the President of Faculty Senate and the Provost shall jointly forward recommendations to the President. The President shall appoint at least two (2) academic faculty UMs for the upcoming year, with the number of appointments made in any given year sufficient to maintain a pool of at least six UMs at all times. All appointees must be chosen from the recommendation list prepared by the President of Faculty Senate and the Provost. The UMs for academic faculty members normally shall take office on July 1 following their appointment by the President.

As appropriate, individuals appointed as UMs may have their effort distributions adjusted, as negotiated with their immediate supervisor, to reflect their involvement in the mediation process; or they may receive reassigned time from their academic obligations, or compensation, as determined by the Provost, if mediation is required beyond their appointment periods, during summer months, or if they are retired.

The term of office for a UM shall be three (3) consecutive one (1) year appointments, with each appointment beginning on July 1 and ending on June 30 of the following calendar year. There is no limit to the number of terms a UM may serve. If the position becomes vacant before the expiration of the term, the President of Faculty Senate and the Provost shall recommend jointly an interim appointment to the President to serve until a new UM is selected and takes office the next July 1. Individuals appointed as an interim UM should either have training as mediators per the provisions of Section 2.18.11.2.3, or receive such training immediately upon appointment.

#### **2.18.11.2.3 University Mediators' Training**



The UMs must attend periodic mediation training sessions to be eligible to participate in the University's mediation process. Training sessions shall be arranged by the Provost no less frequently than the beginning of each Academic Year, and be held by experienced mediation professionals, as determined by the Provost in consultation with the President of Faculty Senate.

#### **2.18.11.3 Referral of Grievable Conflicts to University Mediators**

Within five (5) working days after receiving a Complaint, the UGO shall assign a UM from the pool. The mediation participants shall have five (5) working days from the date of the assignment of the UM to object to such an assignment. An objection can only be raised based on a potential or actual conflict of interest arising from the UM's prior or current relationship with the mediation participants or knowledge of previous related grievable conflicts. The UGO shall make the final decision on the assignment of a UM.

#### **2.18.11.4 Mediation Procedures/Time Line**

- a. The UM shall attempt to mediate potential grievable conflicts involving faculty members by meeting with the mediation participants, discussing their respective positions, and reviewing relevant information. Such action shall occur within ten (10) working days following assignment of a grievable conflict to a UM.
- b. If, after meeting with the mediation participants, the UM has reason to believe that mediation efforts are likely to produce a resolution of the grievable conflict, the mediation period shall be continued. If the mediation period does not produce a resolution of a grievable conflict within thirty (30) working days from the date of the UM appointment, the mediator shall issue a written notice of termination of the mediation.
- c. Within fifteen (15) working days of the date of the notice of termination of mediation, the grievant shall file a written request for a formal Grievance Review Hearing with the Responsible Individual and the UGO. The UM may continue to work with the mediation participants even after a written Request for a Formal Grievance Review Hearing is filed under Section 2.18.12. The UM's mediation efforts must, however, cease at the time that a Review Hearing commences. Grievable conflicts that are not referred for mediation within twenty (20) working days of Discovery or for which a Request for a Formal Grievance Review Hearing is not filed within fifteen (15) working days following the termination of the mediation period (see Section 2.18.11.4b) are not eligible to be heard by a Grievance Hearing Committee under the provisions of Section 2.18.12.
- d. Mediation shall be required in all Grievance Complaints except for Class A Grievance Complaints involving Dismissal (Section 2.17.4.2d), Class A Grievance Complaints involving Termination for Prolonged Mental or Physical Illness (Section 2.17.6.2.1d), Class A Grievance Complaints involving Termination for Reduction in Force (Section 2.17.6.3.3.1i) and Class B Grievance Complaints involving denial of tenure (Section 2.9.2.1k). In these cases, mediation may take place at the request of the Grievant. Should the Grievant in such a case decline mediation, a Request for Formal Grievance Hearing Review must be filed within 15 working days of filing the Grievance Complaint form,

#### **2.18.11.5 Documentation**

- a. The UGO and/or the UM assigned to the case may request from the participants, and is entitled to receive promptly, any and all materials that either one may deem relevant to the grievable conflict.
- b. Any resolution reached during mediation by participants must be reduced to writing and titled as a Settlement Agreement. Such Agreements are subject to approval by the Provost and the President and review by the Office of General Counsel for legal sufficiency.

#### **2.18.11.6 Admissibility of Communication with the University Mediators**

Documentation and other communication created specifically in connection with the resolution of a grievable conflict shall constitute a part of the faculty member's personnel file pursuant to the Dispute Resolution Act, C.R.S. 13-22-301 et seq. Accordingly, such communication is intended to be confidential to the full extent permitted by law and not be disclosed, except as may otherwise be required by law or by agreement of the mediation participants. When a resolution is reached, documentation and other communication created during the mediation process shall be forwarded to the UGO, who shall retain the materials for a minimum of 8 years. For purposes of admissibility in a grievance hearing, records created by a Faculty member or a Responsible Individual prior to a faculty member's initiation of the mediation process are not considered confidential communication.

#### **2.18.12 Grievance Hearing Review Procedure**

The faculty member is required to participate in the mediation process set forth above prior to requesting a Grievance Hearing Review. If a satisfactory resolution is not achieved through the mediation process, or if the UM determines that mediation will not be successful, the faculty member may then file a Request for Formal Grievance Hearing Review using the procedure below.

##### **2.18.12.1 Time and Manner of Initiating a Grievance Hearing Review**

A Grievance Hearing Review must be initiated by submitting a written Request for a Hearing Review to the Responsible Individual and the UGO no later than fifteen (15) working days after the date of notice of termination of the mediation period, as described in Section 2.18.11.4d.

The Request for Formal Grievance Hearing Review shall include:

- a. A completed and signed copy of the Request for Formal Grievance Hearing Review provided in Appendix G of the Faculty Handbook
- b. A copy of the Complaint
- c. A summary of the evidence that the Grievant is prepared to submit to support the claim.

The UGO shall have the right to question and determine the applicability, reasonableness, and relevance of any material to the Grievance, but must relate any such concerns to the Grievant and provide the Grievant an opportunity to improve the materials. One week after this communication, the UGO shall forward the Grievant's complaint to the Committee with a statement that, in the opinion of the UGO, the Grievant has or has not produced relevant and/or reasonable evidence.

Upon receipt of the Request for Formal Hearing Review from the Grievant, the Responsible Individual shall prepare a written response ("the Response") and submit it to the Grievant and the UGO no later than five (5) working days after receiving the Request for Formal Hearing Review. This Response should be limited to addressing the claim made in the Request for Formal Hearing Review.

#### **2.18.12.2 Receipt of Request for Formal Hearing Review by Grievance Hearing Committee**

The UGO shall forward the written Request for Formal Hearing Review and the Response (see Section 2.18.12.1) to the Grievance Hearing Committee.

The Committee may, either at the request of a party, or on its own initiative:

- a. Instruct the parties to file further written statements explaining their respective positions.
- b. Direct the parties to produce all relevant documents and to identify all possible witnesses summarizing their expected testimony

The Committee may decide a Class B grievance without a hearing if the Committee determines that the Complaint lacks substantive merit under the criteria specified in Section 2.18.8. Prior to rendering a decision on a Class B grievance without a hearing, the Committee Chairperson shall relate the Committee concerns to the UGO and the Grievant in writing and provide the Grievant an opportunity to supplement the materials provided and further explain his/her position. Within five (5) working days of receipt of a request for supplemental materials, the Grievant shall forward a response to the Committee Chairperson and the UGO. Should the Committee find that the Grievant's response does not adequately address Committee concerns about the merit of the Complaint, the Committee may render a decision without a hearing. The faculty member shall have the right to appeal to the Provost a decision rendered by the Committee without a hearing, unless the Provost is a party to the Grievance, in which case the President shall consider the appeal.

#### **2.18.12.3 Right to Clerical Assistance**

Any person requesting a formal Grievance Hearing Review has the right to clerical support from University personnel for preparation of documents for use in the Grievance process. Because maintenance of confidentiality is an important element of the procedure, the clerical support should come from a unit at the next higher level than the one in which the Grievant is housed (e.g., from the dean, for an academic faculty member; from a vice president, for a dean; etc.).

#### **2.18.12.4 Resolution by Settlement Agreement**

At any time in these proceedings, the Parties to a grievance may seek to resolve the matter by mutual agreement. A Settlement Agreement must be forwarded in writing to the Provost for administrative review and approval per the procedures in Section 2.18.12.9. In the event that the Settlement Agreement is not approved by the Provost and the President, Grievance Hearing Procedures will recommence within five (5) working days.

#### **2.18.12.5 Conduct of Grievance Hearings**

Evidentiary rules that are applicable to all hearings are given in Section 2.18.12.7. The rules and procedure outlined below shall apply in all formal hearings conducted by a Grievance Hearing Committee.

- a. The Formal Grievance Review Hearing shall commence no later than ten (10) working days following a Grievant's Request for a Formal Hearing. Each party has the right to request a delay of no more than ten (10) working days upon showing a necessity to allow the proper development of the evidence and arguments, and the UGO shall have the authority to delay hearings to facilitate joining of complaints as provided for in Section 2.18.7.1. Grievance hearings are closed to the public. The Chairperson of the Grievance Committee shall decide all procedural and evidentiary issues during the proceedings.

b. Prior to the start of the grievance hearing, the Grievance Hearing Committee chairperson shall provide the opportunity to both parties to challenge for cause members of the Grievance Hearing Committee sitting to hear the Grievance.

i. Challenge for cause shall be defined to mean a showing that the challenged member of the Grievance Hearing Committee has a conflict of interest and, either through involvement with the original decision or involvement with the parties (one or both), may be incapable of rendering an impartial decision.

ii. The Grievance Hearing Committee chairperson shall have the authority to decide all such challenges other than those involving the chairperson. Such latter decisions shall be made by the UGO. Members successfully challenged shall be excused from hearing the Grievance.

iii. If, because of challenge or excuse, a member of a Grievance Hearing Committee is unable to sit the next succeeding Grievance Panel member in the rotation order shall sit to hear the Grievance.

c. Parties to the Grievance shall have the right to legal and/or peer counsel (see Section 2.18.6o). Parties shall identify their counsel no later than the beginning of the grievance hearing and shall not have the right to delay their proceedings because of the lack of counsel, except in the case of emergencies (as determined by the Grievance Hearing Chairperson) occur. In cases where the Office of General Counsel provides an advisor to an administrator against whom a grievance has been filed, a separate representative from the Office of General Counsel would be assigned to advise the Grievance Hearing Committee, thereby preventing a conflict of interest.

d. Once initiated, the hearings shall continue on a daily or nightly basis depending on the convenience of the parties and in all cases, shall be concluded within ten (10) working days unless extended by the Grievance Hearing Committee.

e. Parties to a Grievance have the responsibility to attend all scheduled hearings. No substitutes for the parties shall be allowed. If a party is unwilling to attend any hearing, the proceedings may be held *ex parte*. Parties to a grievance shall have the right to delay proceedings in the event that they are unable to be present due to an emergency (as determined by the Grievance Hearing Chairperson). A scheduled hearing session may not take place without all five members of the Committee present. The presence of the UGO at a hearing session is not required.

f. Parties to Grievances and counsel for such parties are responsible for abiding by the procedures herein established. Those parties failing to adhere to the procedures, or failing to assure that their counsel adhere to the procedures, may be excluded from participation in the hearings by a majority of the Grievance Hearing Chairperson and shall have written decision rendered without the presence of those parties.

g. The Grievance Hearing Committee Chairperson (see Section 2.18.14.4) shall open the hearing by determining that the parties are present and by identifying the legal and/or peer counsel chosen by the parties. Such advisors or counsels are free to fully advise respective clients to the dispute throughout the proceedings, to assist in formulating any required written documentation, and to help prepare for any oral presentation, but may not actively participate in the proceedings by making objections, by examining witnesses, or attempting to argue the case. The attorneys may not offer unsolicited advice

to the Committee. Only the committee members, UGO, parties to the Grievance, and witnesses called shall have standing to speak.

h. The Grievance Hearing Committee chairperson shall provide the opportunity to all members of the Grievance Hearing Committee to excuse themselves from service prior to a hearing on grounds of conflict of interest or such intimate involvement in or with the original decision of the parties (one or both) as to be incapable of rendering an impartial judgment concerning the alleged Grievance.

#### **2.18.12.6 Order of Proceedings for Grievance Hearings**

The sequence during the hearings shall vary in accordance with the allocation of the burden of proof. In all instances, the party having the burden of proof shall have the right and responsibility to present first. Subject to Section 2.18.12.5 above, the following persons are entitled to be present during the hearings:

- a. The parties and their advisors and representatives (see Section 2.18.6o).
- b. The UGO, Committee members, and their counsel.
- c. Witnesses when testifying.
- d. Such other persons as are specifically authorized by the Grievance Hearing Committee, unless their presence is objected to by either party and sustained by the UGO.

The hearing process normally should proceed as follows:

- a. Statement by the party having the burden of proof.
- b. Statement by the other party.
- c. Presentation of evidence, either through direct testimony or in authenticated documentary form, by the party carrying the burden of proof (see Section 2.18.12.7 for Evidentiary Rules). The opposing party shall have the right to challenge the relevancy of testimony and written evidence, or to impugn the authenticity of the testimony or evidence presented, and to cross-examine the parties and all witnesses following their original testimony and questioning by the party calling them. All decisions on challenges shall be rendered by the Committee chairperson. Challenges of procedural decisions rendered by the chairperson shall be decided by a majority vote of the remaining members of the Grievance Hearing Committee, with all tie votes sustaining the chairperson.
- d. Presentation of evidence, as described immediately above, by the opposing party with the same rights and arrangements as outlined immediately above for both parties.
- e. Direct rebuttal of arguments made by each party.
- f. Members of the Grievance Hearing Committee sitting to hear the Grievance shall have the right to direct questions to witnesses called or to the parties during the presentation of evidence. Where a witness cannot or will not appear, but the Grievance Hearing Committee determines that the interest of justice requires admission of his/her statement, then the Grievance Hearing Committee will attempt to arrange for a deposition. An affidavit or statement from a witness proffered by one party, where the witness is not available for cross-examination, shall not be introduced into the record except by agreement of the non-proffering party.

g. Summary arguments by the party having the burden of proof, followed by summary arguments of the opposing party.

h. The members of the Grievance Hearing Committee shall have the authority to direct any further questions to either or both parties following argument and summary, to schedule further hearings to develop points not yet clarified or call additional witnesses requested by the Grievance Hearing Committee if the Committee feels the need to do so. A decision to require further hearings shall be made by the majority vote of the Committee, and such decision shall be announced by the Committee chairperson to the parties with instructions as to the points of evidence or argument requiring further clarification.

#### **2.18.12.7 Evidentiary Rules for Grievance Hearings**

The following rules shall apply in all hearings before a Grievance Hearing Committee:

a. It shall be the responsibility of the party seeking to introduce the evidence to demonstrate to the satisfaction of the Committee the pertinence, legitimacy, authenticity and relevance of the evidence presented.

b. Witnesses called to testify shall have direct and personal knowledge of the points attested to and shall be subject to challenge on the ground that they lack such knowledge. Parties seeking to introduce the testimony of witnesses shall first establish the foundation for (access to pertinent evidence) and the relevancy of the testimony of witnesses.

c. Either party also may object during the questioning or cross questioning of witnesses to the relevancy of the line of questioning pursued. In such an event, the questioner shall show the relevance of the questioning to the Grievance to the satisfaction of the Committee. All hearings shall be recorded and upon request either party shall have the right to a copy of the record.

d. Communications and documents prepared and produced solely in connection with the Mediation process shall not be admissible at the Hearing.

e. The UM for a specific case cannot attend or be called as a witness in a grievance hearing for that case.

f. In cases involving allegations of unlawful harassment, discrimination, or retaliation, the Grievance Hearing Committee shall review the investigative report of the Director of AA/EEO, and shall give strong deference to the findings and recommendations contained therein.

g. No offer of settlement of a grievance by either party to the grievance will be admissible as evidence in later grievance proceedings or elsewhere.

h. No settlement of a grievance will constitute a binding precedent in settlement of similar grievances, unless otherwise agreed.

#### **2.18.12.8 Grievance Hearing Committee Decision**



- a. Following the hearing, the Grievance Hearing Committee shall retire for the purpose of discussion, conference, and decision. These deliberations shall remain confidential to the full extent permitted by law. The Grievance Hearing Committee shall not substitute its judgment on the substantive merits of the decision which is the basis of the Grievance but will review the decision or action of the Responsible Individual solely to determine whether the action is unfair, unreasonable, arbitrary, capricious, or discriminatory, and/or is contrary to normal administrative procedures as described in the Faculty Handbook and/or violates academic freedom.
- b. When a majority decision has been attained, the Committee chairperson shall have the responsibility to oversee the formulation of a written statement of the decision that summarizes the relevant evidence and explains the reasoning that supports the decision. It also shall state specifically any action necessitated by the decision and identify any proposed relief to be provided. Should the Committee chairperson not concur in the majority decision, the members of the majority shall choose from among their number a person to oversee the formulation of the written statement of the decision.
- c. In all cases, the written decision of the Committee shall be rendered within ten (10) working days of the adjournment for discussion and conference. Dissenting opinions, if any, shall follow the same guidelines and shall be rendered within the same time limits. The Committee chairperson shall transmit the written decision(s) of the Committee to the UGO.
- d. The UGO shall notify both parties when a written decision has been rendered. Within two (2) working days after notice of a decision has been given, the UGO shall announce the decision to both parties. Written copies of the decision or decisions shall be provided to the parties and to the immediate supervisor of the Responsible Individual for administrative review.
- e. Upon request, any party to the conflict is entitled at no cost to a copy of all written or documentary evidence introduced at the hearing.

#### **2.18.12.9 Administrative Review and Approval**

Decisions of the Grievance Hearing Committee adverse to the Grievant are final unless the Grievant chooses to appeal the committee decision. All other decisions of the Grievance Hearing Committee must be reviewed and approved by the Provost and President before they become final, unless the Provost or the President is a party to the Grievance. If the Provost is a party to the Grievance, but the President is not, the review shall be made only by the President. If the President is a party to the Grievance, the review shall be made only by the Board.

##### **2.18.12.9.1 Provost Review and Recommendation**

The Provost shall consider the written decision of the Grievance Hearing Committee concerning a Grievance only on the basis of the record accumulated to that point, together with an appeal, if any, by the Grievant. An appeal by the Grievant must be submitted to the Provost within five (5) working days after receipt of the written decision of the Grievance Hearing Committee and must provide reasons for the appeal. Failure of the Grievant to file an appeal within this period shall constitute acceptance of the Grievance Hearing Committee decision. No party may introduce new substantive issues for the Provost's review. The Provost shall overturn a decision of the Grievance Hearing Committee only if there is a finding that the decision of the Grievance Hearing Committee was unfair, unreasonable, arbitrary, capricious, or discriminatory.



Within ten (10) working days of receipt of an appeal from the Grievant, if any, and no later than fifteen (15) working days of receipt of the written Grievance Hearing Committee decision, the Provost shall respond by providing to all parties to the Grievance, members of the Grievance Hearing Committee and the UGO a written statement of the decision rendered with a summary of relevant evidence and the reasoning that sustains the decision. A decision to reject the Grievance Hearing Committee's decision shall be based upon a determination that the decision was unfair, unreasonable, arbitrary, capricious, or discriminatory. The Provost shall issue a written statement of the decision, complete with a recounting or summary of the pertinent evidence, a recitation of the relevant policy or policies, and an explanation of the reasoning behind the refusal to accept the Grievance Hearing Committee decision.

#### **2.18.12.9.2 Presidential Review and Action**

a. The President shall consider the written decision of the Grievance Hearing Committee and the Provost (unless the latter was a party to the Grievance) and any appeals by the Grievant. An appeal by the Grievant must be submitted to the President within five (5) working days after receipt of the written statement from the Provost (or the written decision of the Grievance Hearing Committee if the Provost was a party to the Grievance) and must provide reasons for the appeal. Failure of the Grievant to file an appeal within this period shall constitute acceptance of the decision of the Provost (or the decision of the Grievance Hearing Committee if the Provost was a party to the Grievance). Appeals to the President shall include a written summary of the basis for the appeal, not to exceed two (2) pages, and include copies of the Complaint, the original decision upon which the Grievance was based, the decision of the Grievance Hearing Committee, and all administrative decisions made with respect to the decision of the Grievance Hearing Committee. The UGO shall assist the Grievant in obtaining any such documentation, if necessary.

Appropriate action by the President refers to the President's decision to accept or reject the decision of the Provost (or Grievance Hearing Committee if the Provost was a party to the Grievance).

i. A decision to accept a Grievance Hearing Committee decision in favor of a Grievant shall require that the President issue the appropriate instructions through the administrative chain leading to the administrator with whom the grievance initially was filed to make the appropriate redress of the grievance.

ii. A decision to accept the Grievance Hearing Committee's decision against the Grievant shall require a statement to that effect.

iii. A decision to reject the Grievance Hearing Committee's decision shall be based upon a determination that the decision was unfair, unreasonable, arbitrary, capricious, or discriminatory. The President shall issue a written statement of the decision, complete with a recounting or summary of the pertinent evidence, a recitation of the relevant policy or policies, and an explanation of the reasoning behind the refusal to accept the Grievance Hearing Committee decision. To provide redress in cases where the Presidential decision favors the Grievant, the President shall issue the appropriate instructions through the administrative chain leading to the administrator with whom the grievance initially was filed.

b. The President shall issue a decision to all parties, members of the Grievance Hearing Committee and the UGO within fifteen (15) working days after receipt of all relevant material. Except as set forth below, the decision of the President is final:

i. Appellate review of a dismissal decision for tenured or probationary faculty may be sought before the Board of Governors of the Colorado State University System in accordance with the Dismissal Policy in Section 2.17.4.

ii. Appellate review of a termination decision for tenured or probationary faculty for reasons of prolonged mental or physical illness may be sought before the Board of Governors of the Colorado State University System in accordance with the Termination Policy in Section 2.17.6.2.

iii. Appellate review of a termination decision for tenured faculty for reasons of reduction of force for reasons of financial exigency may be sought before the Board of Governors of the Colorado State University System in accordance with the Termination Policy in Section 2.17.6.3.3.

#### **2.18.12.9.3 Appeals Process in Cases Involving the President as a Party to the Grievance or in Cases Involving Dismissal/Termination of a Tenured or Probationary Faculty Member**

If the President was a party to the Grievance, or if the President recommends dismissal or termination of a tenured or probationary faculty member, the Grievant may submit an appeal to the CSU System Board of Governors (Board).

An appeal to the Board must be made in accordance with the then existing Review Policy of the Board. Copies of this Policy may be obtained either from the UGO or the Executive Secretary of the Board. The Review Policy describes Board review requirements for submission of written statements and the process by which the Board conducts its review and makes its decisions. The faculty member should refer to the Review Policy in its entirety for a complete understanding of the Board's requirements for review of dismissal decisions.

Board decisions in favor of the Grievant shall include an appropriate remedy for the Grievance, whether through special Board action or in the form of instruction for appropriate administrative relief. Decisions by the Board, whether to approve or disapprove recommendations by the Grievance Hearing Committee or to sustain or reject appeals made by Grievant, are final.

#### **2.18.12.9.4 Procedural Violations of Grievance Hearing Proceedings**

Allegations that specific provisions of this Grievance Policy were violated during Grievance Hearing proceedings shall not constitute grounds for a grievance under the provisions of Section 2.18, but shall receive due consideration at the appeal level. The sole exception to this provision shall be violations of the confidentiality provisions in Section 2.18.16, which shall be grievable.

#### **2.18.13 University Grievance Officer**

The UGO is responsible for coordinating and facilitating the activities of the UMs, the Grievance Panel, and the Grievance Hearing Committees (see Sections 2.18.11 and 2.18.14). The UGO also assures that the procedures herein established are followed reasonably and accurately and decides procedural issues as set forth herein. Any departure from these procedures shall occur only with the written approval of the UGO.

### **2.18.13.1 Selection, Qualifications, and Term of the University Grievance Officer**

The UGO shall be a tenured, full-time member of the academic faculty with at least the rank of associate professor and shall have no administrative duties (see Section 2.18.6a) throughout the term of service. The term of office shall be three (3) consecutive one (1) year appointments of July 1 – June 30. There is no limit to the number of terms a UGO may serve.

The UGO shall be evaluated on an annual basis throughout the three-year term. In October of each year of the three-year term, the Executive Committee of Faculty Senate and the Provost shall evaluate the UGO's performance. At the end of the first year and second year appointments of the three-year term, continuation of the term of the UGO into the subsequent one-year appointment shall require approval by a majority vote of the Executive Committee of Faculty Senate and separate approval by the Provost.

In October of the third-year appointment of the three-year term of a UGO, the Committee on Shared Governance shall solicit nominations for UGO. Nominations must be approved by a majority vote of the Faculty Senate. When at least two nominations have received this approval, the names will be submitted to the President through the Provost. The President will select the UGO during the second week of February and the UGO will take office on the following July 1. The UGO will provide administrative reports to the Provost and the Faculty Senate.

If the position of UGO becomes vacant before the expiration of the three-year term, the Grievance Panel shall recommend an interim appointment to the President, through the Provost, to serve until a confirmed UGO, selected the following February through the procedure specified in the previous paragraph, takes office on July 1. During the interim appointment, the Interim UGO shall serve all the duties of the UGO as specified in Section 2.18.13.4. Whenever possible, an individual appointed as an Interim UGO should have prior experience with the Grievance Procedure either as an UGO or as a member of the Grievance Panel, and should be provided with release time or other compensation commensurate with the duties to be performed.

### **2.18.13.2 Oversight of the University Grievance Officer**

The UGO shall be responsible to the Grievance Panel (see Section 2.18.14.1) which shall be authorized to adopt procedural guidelines necessary to implement provisions of Section 2.18 as well as to assure that the UGO meets his or her responsibilities under Section 2.18.13.4.

### **2.18.13.3 Service of the University Grievance Officer**

The UGO shall be appointed part-time, depending upon the work load, with a minimum appointment fraction of 0.25. The appointment fraction and associated funds shall be negotiated at least annually among the UGO, the Provost, and the UGO's department head and may be reviewed as necessary during the year. Adequate secretarial and expense support shall be provided by the Provost.

### **2.18.13.4 Duties of the University Grievance Officer**

The UGO shall be responsible for:

- a. Maintaining a record of actions taken with the Grievance process.
- b. Coordinating and facilitating the activities of the Grievance Panel by maintaining the records of

the Panel, scheduling all meetings of the Panel for informational and organizational purposes, scheduling meetings of its Grievance Hearing Committees, calling individuals to appear before the Grievance Hearing Committees, and establishing the rotation order for service by the members of the Grievance Panel on Grievance Hearing Committees.

c. Overseeing the grievance procedures, review processes, and mediation system hereby established to insure its effectiveness and to prepare reports to the Grievance Panel, including recommendations for improving the system.

d. Assuring that academic faculty members are familiar with the provisions, components, purposes, and procedures of the Grievance Procedures, review processes, and mediation system.

e. Making recommendations to the Committee regarding guidelines for the Committee to operate under pursuant to Section 2.18.

f. Advising potential and active parties to a Grievance of their prospects for sustaining a Grievance, including their responsibilities for following the procedural rules of Section 2.18.12.

g. Facilitating the conduct of Hearings and decision.

h. Preparing, in consultation with the Grievance Panel, an annual report which summarizes activities and recommendations during the previous year each June for the Faculty Senate.

i. Maintaining and updating the list of UMs.

j. Appointing appropriate UMs to mediate grievable conflicts involving academic faculty members.

#### **2.18.13.5 Temporary Special University Grievance Officer**

In the event of a conflict of interest by the UGO in a Grievance, or in the event that the UGO becomes a Grievant or requests to be recused, the Provost shall appoint, with the approval of the Grievance Panel and the President, a Special UGO for that Grievance. The Special UGO shall have all the duties herein of the UGO for the duration of the specific Grievance for which he or she is appointed, but only for that specific Grievance. Whenever possible, an individual appointed as a Special UGO should have prior experience with the Grievance Procedure either as an UGO or as a member of the Grievance Panel, and should be provided with release time or other compensation commensurate with the special duties to be performed. The Provost may extend time limits as necessary until the Special UGO has been appointed.

#### **2.18.14 Grievance Panel and Grievance Hearing Committees**

##### **2.18.14.1 Grievance Panel**

The Grievance Panel shall be a pool of eligible Grievance Hearing Committee members consisting of fifteen (15) tenured academic faculty members with at least one (1) from the Library and two (2) from every other academic unit. No person having administrative duties, as described in Section 2.18.6a, shall be qualified to serve on the Grievance Panel. Individuals serving as members of the Grievance Panel are not permitted to simultaneously serve as University Mediators. Faculty working under a transitional retirement plan are eligible to serve, but faculty on sabbatical leaves are not

eligible. See also Section 1.2.5.2 concerning policies for individuals who expect to be fully retired by the end of that academic year and faculty who expect to have a sabbatical leave during the subsequent academic year.

The Grievance Panel shall meet at least once each academic year with University legal counsel to review the Grievance Procedures and Grievance Panel bylaws, with the first such meeting taking place as soon as possible following the appointment of new members to the Grievance Panel.

The Grievance Panel shall operate under a set of bylaws that describes the operating procedures of the Grievance Panel and Grievance Hearing Committees. These bylaws shall be prepared by the Grievance Panel in consultation with the UGO, or subcommittee thereof, and shall be reviewed annually and modified as appropriate.

The Grievance Panel in consultations with the UGO shall also be responsible for making recommendation to Faculty Senate and University administration concerning the need for changes in these grievance policies and procedures.

The Grievance Panel shall elect an ad hoc chairperson for each meeting. The UGO shall be an *ex officio* and non-voting member of the Grievance Panel during its meetings.

#### **2.18.14.2 Election of Grievance Panel Members**

Faculty serving as representatives of their academic unit to the Grievance Panel shall be elected by the faculty in their academic unit, with new representatives elected no later than the first regular Faculty Senate meeting in the fall semester.

Faculty serving as at-large members of the Grievance Panel shall be elected by the Faculty Senate. Nominations for at-large members shall be solicited by the Committee on Shared Governance; self-nomination shall be permitted. Election of new at-large members on the Grievance Panel members shall take place at the first regular Faculty Senate meeting in the Fall semester. At least one week prior to that meeting, the Chairperson of the Committee on Shared Governance shall circulate the names of all nominees to all members of the faculty in order to provide faculty with an opportunity to provide feedback to their representatives on Faculty Senate concerning the nomination slate.

#### **2.18.14.3 Service on the Grievance Panel and Filling of Vacancies**

Service on the Grievance Panel shall be for a three (3) year term, the staggering of terms having been established by lot when the Panel began. Panel members who have served two (2) consecutive terms shall be ineligible for reappointment for a period of two (2) years. When vacancies occur, the Committee on Shared Governance shall fill the vacancy by appointment, in accordance with the constituency of the vacant member within ten (10) working days, unless the vacancy occurs within one (1) month before the regular election. The unexpired term shall then be filled at the next regular election.

#### **2.18.14.4 Organization and Functioning of Grievance Hearing Committees and Selection of Chairperson**

The UGO shall establish a rotation schedule for the members of the Grievance Panel to serve on Grievance Hearing Committees which shall consist of five (5) persons. Each Grievance Hearing

Committee scheduled to hear a Grievance shall select from its membership a chairperson who shall be a voting member of the Committee, preside over the hearing, maintain orderly procedures, and supervise the preparation of the written decision concerning the Grievance. When the chairperson shall be in the minority in a divided vote, the person who supervises the preparation of the written decision shall serve as the spokesperson for the Grievance Hearing Committee in the event of rejection or appeal of the decision rendered.

If, because of absences or successful challenges, the five members required for Grievance Hearing Committee functioning cannot be attained or maintained, the next succeeding person(s) in the rotation order shall sit to hear the Grievance. If the chairperson shall be challenged and excused, the members sitting to hear the Grievance shall select another from among their number to be chairperson. In the event, it is impossible to establish a full Committee from the remaining membership of the Grievance Panel, the parties shall nominate two (2) persons each for every vacant position, and the UGO shall name the replacements from among those names submitted by the parties, subject to further challenge for cause as provided in Section 2.18.12.5b.

#### **2.18.15 Expectations for Members of the University Community**

- a. Cooperation and participation by the members of the University community in the resolution of a complaint under these procedures is necessary.
- b. All witnesses shall be truthful in their testimony. Failure to comply with this expectation may result in the imposition of University sanctions.
- c. No person shall restrain, interfere with, coerce, attempt to intimidate, or take any reprisal against a participant under these procedures. Failure to comply with this expectation may result in the imposition of University sanctions.

#### **2.18.16 Confidentiality**

- a. Confidentiality provisions for allegations of unlawful harassment are governed by a separate policy; information concerning these provisions is available from the office of the Director of AA/EEO.
- b. The confidentiality of grievance complaints and proceedings shall be maintained as allowed by law throughout the process and after the final decision, subject only to the need of the responsible individuals and others at the University to comply with the processes specified herein, to present evidence concerning the complaint in other administrative or judicial proceedings, and to implement a decision by the President to provide redress as described in Section 2.18.11.9a(iii).

#### **2.18.17 University Accountability**

If in any consecutive twenty-four-month period, the President or the Provost does not accept Grievance Hearing Committee findings that favor the Grievant in three or more cases and/or does not provide appropriate redress to the Grievant within that time period, the UGO shall notify the Executive Committee of the Faculty Senate. The administrator in question shall then meet with the Executive Committee of the Faculty Senate in a closed and confidential session. If the administrator in question does not provide an explanation acceptable by a vote to the majority of that committee, or



if that administrator refuses to meet with that committee, an automatic motion of No Confidence shall be introduced in the Faculty Senate as a whole and a vote on the motion shall be taken at a Special Meeting of Faculty Senate to take place within four weeks in a closed and confidential session.

#### **2.18.18 Summary of Timing Limitations Within the Mediation System and the Grievance Review Process**

See Appendix G of Faculty Handbook.

#### **2.18.19 Flowchart of the Grievance Procedures**

See Appendix G of Faculty Handbook.

### **2.19 Procedures for Amendment of Chapter 2 of the Faculty Handbook** (revised August 2013)

Amendments to this Chapter may be proposed by the Faculty Handbook Committee, any duly constituted Board or Estate Committee, an individual faculty member, the University administration or the Board of Governors for the Colorado State University System. Proposed amendments initiated by faculty members or their representative committees or by the boards shall be reviewed by the Faculty Senate Executive Committee and forwarded to the Faculty Senate as an action item for review and approval per the provisions of the Bylaws of the Faculty Senate Constitution (Section [1.1.2](#)). Prior to being called for a vote in the Faculty Senate, proposed amendments to Chapter 2 shall also be reviewed by the Office of General Counsel and the Provost per the procedure stated in Section 1.1.2.7, Article VII, Section 5 of the Faculty Senate Bylaws. All amendments shall be presented with Faculty Senate recommendations to the ranked faculty in referendum. Amendments, upon approval by a majority vote of the ranked faculty voting in the referendum, shall be presented to the Provost for transmission to the President. The President shall submit proposed amendments to the Board of Governors with recommendation for the Board of Governors' consideration at the earliest possible date in accordance with the then existing Board procedures. Any such amendments approved by the Board of Governors shall become effective the subsequent July 1, unless an earlier effective date is mutually agreed to by the Board of Governors and the Faculty Senate, and shall be posted on the University's website in a timely manner by the Provost's office. The Chair of the Faculty Handbook Committee shall be responsible for verifying that the necessary changes have been made in the subsequent edition of the Faculty Handbook.

All amendments initiated by the Board of Governors for the Colorado State University System will be submitted to the Faculty Senate for its review and recommendations before final adoption by the Board. The Board of Governors shall, by resolution, send proposed amendments to the Faculty Senate and state a time period within which the Faculty Senate shall provide its recommendations. Upon receipt of such recommendations or expiration of such time period, the Board of Governors may adopt the proposed amendments in their original or modified form.

This amendment procedure is binding in the case of amendments initiated by the faculty. In consideration of the principles of participatory governance and the well being of the institution, amendments initiated by the Board of Governors will follow this procedure to the extent allowed by Colorado law.