



University of Colorado

Boulder | Colorado Springs | Denver | Anschutz Medical Campus

BOARD OF REGENTS

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18 **ARTICLE 5: FACULTY**

19

20 **Part A: Faculty Governance**

21

22 5.A.1 Principle of Shared Governance

23

24 (A) The Regents of the University of Colorado is the governing board charged with the
25 governance of the university. It is a guiding principle of the shared governance
26 recognized by the Board of Regents that the faculty and the administration shall
27 collaborate in major decisions affecting the academic welfare of the university. The
28 nature of that collaboration, shared as appropriate with students and staff, varies
29 according to the nature of the decisions in question.

30

31 (B) Tenured and tenure-track faculty with appropriate participation by instructional,
32 research, and clinical faculty have the principal responsibility for decisions
33 concerning pedagogy, curriculum, research, scholarly or creative work, academic
34 ethics, and recommendations on the selection and evaluation of faculty. The
35 development of general academic policies shall be a collaborative effort between
36 the faculty and administration.

37

38 In light of the differences in expectations of faculty at the Anschutz Medical
39 Campus, particularly those with clinical responsibilities, the practice of shared

40 governance may differ from the other campuses. The review and evaluation of
41 faculty and how faculty and/or faculty governance groups participate in the
42 preparation of unit budgets may differ from the other campuses and will be
43 incorporated into bylaws, policies and procedures that will be approved at the
44 primary unit, school/college and campus levels using a shared governance
45 process.

46
47 (C) The administration has the principal responsibility for the internal operations and
48 external relations of the university. Issues concerning the academic calendar,
49 course scheduling, and appropriate teaching modality shall be determined in
50 collaboration with the faculty.

51
52 (D) In every case, the faculty and the administration collaborate in the governance and
53 operation of the university as provided by, and in accordance with, the laws and
54 policies of the Board of Regents and the laws and regulations of the state of
55 Colorado.

56
57 (E) The governance roles and responsibilities of the faculty are further elaborated in
58 Regent Policy 5.A.

59 60 5.A.2 Faculty Government

61
62 (A) The faculty shall form a Faculty Senate for the purpose of faculty participation in
63 shared governance and other activities deemed important by the faculty.

64
65 (1) The university president shall be the president of the Faculty Senate.

66
67 (2) Faculty Senate membership shall be defined in the Faculty Senate
68 constitution. Voting membership shall include those members who have a
69 faculty appointment of 0.5 FTE or greater.

70
71 (B) The Faculty Senate constitution shall provide a system for participation of faculty in
72 the governance of the university.

73
74 (C) On specific matters of shared governance, the Faculty Senate shall assign a
75 spokesperson to address the Board of Regents.

76
77 (D) Consistent with the governance responsibilities articulated in Regent Policy 4.A,
78 each school/college/library shall have a faculty governance body. The structure
79 and operating rules shall be determined by the school/college/library faculty.

80 81 **Part B: Academic Freedom**

82 83 5.B.1 Freedom of Inquiry and Discourse as a Core Principle of the University

84
85 (A) The University of Colorado was created and is maintained to afford individuals an
86 education in the several branches of literature, arts, sciences, and the professions
87 and to create knowledge through the pursuit of research. These aims can be
88 achieved only in an atmosphere of free inquiry and discourse.

89
90 (B) The core principle of free inquiry and discourse is recognized by the Board of
91 Regents as academic freedom.

92
93 (C) All members of the university community have the right to free expression as
94 stated in Article 1.E. of Regent Law and further elaborated in Regent Policy 1.D;
95 however, this right is distinct from academic freedom.
96

97 **5.B.2 Principles of Academic Freedom**
98

99 (A) Academic freedom is the freedom to inquire, discover, access, publish,
100 disseminate, and teach truth as the individual understands it, subject to no control
101 or authority save the control and authority of the rational methods by which
102 knowledge is established in the field.
103

104 (B) All university employees, whose duties include independent scholarly or creative
105 work, and/or are instructors of record for any course are afforded the right of
106 academic freedom relative to these duties and have the right to grieve perceived
107 violations of academic freedom through the Faculty Senate grievance process.
108

109 (C) The rights and responsibilities associated with the principles of academic freedom
110 are elaborated in Regent Policy 5.B.
111

112 **Part C: Faculty Appointments and Tenure**
113

114 **5.C.1 Faculty Appointments**
115

116 (A) The faculty directly serves the teaching, research, service, and health care
117 missions of the university and each faculty member plays a distinct role in
118 achieving these missions. The types of faculty appointments, as further discussed
119 in Regent Policy 5.C, reflect the different faculty roles and responsibilities that exist
120 within the university.
121

122 (B) Faculty appointments shall be made in accordance with sections 2.A.4(B) of
123 Regent Law or section 3.A.1(G)(1) of Regent Policy. Appointments may only be
124 terminated in accordance with applicable regent laws and policies and applicable
125 state and federal law.
126

127 (C) Faculty tenure, privileges and rights as enumerated in Regent Law and Policy,
128 shall conform to the constitutions, laws, and regulations of the United States and
129 the state of Colorado.
130

131 **5.C.2 Tenure**
132

133 (A) Tenure-track faculty are awarded tenure in the university based upon the
134 recommendation of the president and the approval of the Board of Regents.
135

136 (B) A tenured appointment shall be held only by a professor or associate professor.
137 When a faculty member is hired at the rank of associate or full professor, the award
138 of tenure remains subject to Board of Regents approval.
139

140 (C) The standards and procedures to be employed in making recommendations
141 throughout the tenure process shall be in accordance with Regent Policy 5.D.
142

143 5.C.3 Instructional, Research, and Clinical Faculty
144

- 145 (A) The Board of Regents recognizes the importance of all members of the faculty in
146 achieving the teaching, research, service, and health care missions of the
147 university.
148
- 149 (B) The Board of Regents further recognizes that each campus has a distinct role and
150 mission that directly affects the extent and manner to which they employ the
151 expertise of teaching, research, and clinical faculty.
152
- 153 (C) The Board of Regents, subject to the framework provided in the corresponding
154 Administrative Policy Statement, delegates to the chancellor of each campus the
155 responsibility to develop appropriate policies for the appointment, reappointment,
156 promotion, and termination of instructional, research, or clinical faculty. Campus
157 policies shall also include grievance rights and associated procedures for
158 instructional, research, and clinical faculty. All policies shall be developed in
159 collaboration with the appropriate faculty governance bodies and must adhere to
160 state law, Regent Law and Policy, and any associated Administrative Policy
161 Statements.
162

163 5.C.4 Dismissal for Cause
164

- 165 (A) The administration may terminate a tenured or tenure-track faculty appointment for
166 cause when in the judgment of the Board of Regents and subject to the Board of
167 Regents constitutional and statutory authority, the good of the university requires
168 such action.
169
- 170 (1) The grounds for dismissal shall be demonstrable professional incompetence;
171 conviction, whether by a plea or a verdict of guilty or following a plea of nolo
172 contendere, for any felony or any offense involving moral turpitude; violation
173 of university policies pertaining to discrimination, sexual misconduct, or fiscal
174 misconduct; violation of the weapons control policy; material or repeated
175 neglect of duty; or other conduct that falls below minimum standards of
176 professional integrity.
177
- 178 (B) Dismissal for cause proceedings for tenured and tenure-track faculty shall follow
179 the rules and procedures stated in Regent Policy 5.E. Only the Board of Regents
180 may revoke tenure.
181
- 182 (1) Nonrenewal of a tenure-track appointment shall not be regarded as dismissal
183 for cause and the provisions of Regent Policy 5.E shall not apply.
184
- 185 (C) Nonrenewal or termination of an instructional, research, or clinical faculty
186 appointment is subject to campus policies and the terms of the individual's letter of
187 offer or employment agreement, which shall align with the framework established
188 in the corresponding Administrative Policy Statement. The provisions of Regent
189 Policy 5.E shall not apply.
190

191 **Part D: Faculty Grievance**

192

193 5.D.1 Grievance Rights

194

195 (A) Tenured and tenure-track faculty members who are denied reappointment,
196 promotion or tenure and believe there have been serious procedural or factual
197 errors in the case, or the denial occurred through the material violation of the Laws
198 of the Regents or Regent Policy, may submit a grievance to the Faculty Senate
199 grievance committee, as specified in Regent Policy 5.G.
200

201

202 (B) Tenure and tenure-track faculty members who believe they have been unjustly
203 dismissed for cause may submit a grievance to the Faculty Senate grievance
204 committee, as specified in Regent Policy 5.G.

205

206 (C) Instructional, research, and clinical faculty members who believe they have been
207 denied reappointment or promotion or have been terminated, contrary to campus
208 policies, may file a grievance in accordance with campus policies. The provisions
209 of Regent Policy 5.G shall not apply.

210

211 (D) Members of the Faculty Senate who believe their academic rights (as provided for
212 in regent law and policy) have been violated may file a grievance with the Faculty
213 Senate grievance committee, as specified in Regent Policy 5.G.

214

215 (E) Additionally, any university employees afforded academic freedom under Article 5,
216 Part B, who feels their academic freedom has been violated may file a grievance
217 with the Faculty Senate grievance committee, as specified in Regent Policy 5.G.

218

219 (F) The Faculty Senate grievance committee is authorized by the Board of Regents to
220 investigate, mediate, hear grievances, and make recommendations to the
221 administration on specific grievance cases

222 **Policy 5.A: Faculty Governance**

223

224 5.A.1 Principle of Shared Governance

225

226 (A) Colorado's Constitution vests the Regents of the University of Colorado with the
227 governance and general supervision of the University of Colorado. In accordance
228 with Regent Law (Article 5, Part A), and in recognition of the faculty's role in the
229 academic functions of the university, the Board of Regents recognizes the principle
230 of shared governance.

231

232 (B) Tenured and tenure-track faculty with appropriate participation by instructional,
233 research, and clinical faculty, have the principal responsibility for decisions
234 concerning pedagogy, curriculum, research, scholarly or creative work, academic
235 ethics, and recommendations on the selection and evaluation of faculty. The
236 development of general academic policies shall be a collaborative effort between
237 the faculty and administration.

238

239 (1) The faculty shall have the principal role in originating academic policy and
240 standards related to: the initiation and direction of all courses, curricula, and
241 degree offerings; admissions criteria, grading and standards for continuation;
242 regulation of student academic conduct; and determination of candidates for
243 honors and degrees.

244

245 (2) The faculty shall have the principal role in making recommendations for the
246 selection of new faculty. Hiring decisions shall be in accordance with the
247 authority delegated by the Board of Regents.

248

249 (3) Faculty members of the primary unit shall have principal responsibility for the
250 conduct of annual faculty performance evaluations and post-tenure reviews
251 based on procedures developed in collaboration with the administration, as
252 stated in section 5.A.1(C)(1).

253

254 (4) Evaluation relating to the reappointment, tenure, and/or promotion of tenured
255 and tenure-track faculty shall follow the procedures defined in Regent Policy
256 5.D.

257

258 In light of the differences in expectations of faculty at the Anschutz Medical
259 Campus, particularly those with clinical responsibilities, the practice of shared
260 governance may differ from the other campuses. The review and evaluation of
261 faculty and how faculty and/or faculty governance groups participate in the
262 preparation of unit budgets may differ from the other campuses and will be
263 incorporated into bylaws, policies and procedures that will be approved at the
264 primary unit, school/college and campus levels using a shared governance
265 process.

266

267 (C) The faculty shall collaborate with the campus and system administration in making
268 recommendations or decisions on faculty personnel policies, administrative
269 leadership, and resource allocation.

270

271 (1) The process for recommending policies and procedures for faculty
272 appointment, reappointment, promotion, tenure and post-tenure review, and

273 the appeal of decisions in these areas, shall be a collaborative effort between
274 the faculty and administration.

275
276 (2) Faculty participation in the selection and evaluation of department chairs and
277 school/college administrators below the level of dean shall be in accordance
278 with department and school/college policies, which shall be developed
279 through a shared governance process.

280
281 (3) Faculty participation in the selection of academic administrators at the level of
282 dean or above shall be in accordance with Regent Policy 3.E. Faculty
283 participation in the evaluation of academic administrators at the level of dean
284 or above shall be in accordance with school/college and campus policy,
285 which shall be developed through a shared governance process.

286
287 (4) In the preparation of campus and system budgets, the administration shall
288 have the principal role, with early collaboration with the appropriate faculty
289 governance group(s), subject to the ultimate authority of the Board of
290 Regents or its designee(s).

291
292 In light of the differences in expectations of faculty at the Anschutz Medical
293 Campus, particularly those with clinical responsibilities, the practice of shared
294 governance may differ from the other campuses. The review and evaluation of
295 faculty and how faculty and/or faculty governance groups participate in the
296 preparation of unit budgets may differ from the other campuses and will be
297 incorporated into bylaws, policies and procedures that will be approved at the
298 primary unit, school/college and campus levels using a shared governance
299 process.

300
301 (D) The faculty shall collaborate with the administration in developing
302 recommendations to the president or Board of Regents on system-level issues
303 concerning the general academic welfare of the university.

304
305 (E) Unless otherwise required by law, the development of new policies or policy
306 changes with respect to matters that directly affect the faculty shall be adopted only
307 after consultation with appropriate faculty governance bodies.

308

309 **Policy 5.B: Academic Freedom**

310
311 For the purposes of discussing academic freedom, “the faculty” as referred to in Policy 5.B.1
312 and 5.B.2, shall mean all those afforded academic freedom under Regent Law 5.B.

313
314 **5.B.1 Associated Rights**

- 315
316 (A) All faculty members, within the scope of their faculty responsibilities, must have
317 freedom to study, learn, and conduct scholarship and creative work within their
318 discipline, and to communicate the results of these pursuits to others, bound only
319 by the control and authority of the rational methods by which knowledge is
320 established in the field. The fullest exposure to conflicting opinions is the best
321 insurance against error.
322
323 (B) Faculty members shall not be subjected to direct or indirect pressures in an
324 attempt to influence their work in a manner that would conflict with professional
325 standards of the field. The Board of Regents and administration shall not impose
326 such pressures or influence and shall resist such pressures or interference when
327 exerted from outside the university.
328
329 (C) The appointment, reappointment, promotion of all faculty, and award of tenure to
330 tenure-track faculty, shall not be awarded or denied based on extrinsic
331 considerations such as a faculty member’s expression of political, social, or
332 religious views.
333
334 (D) Subject to the responsibilities identified in section 5.B.2(C), faculty are afforded
335 freedom in achieving the goals of their assigned courses.
336

337 **5.B.2 Associated Responsibilities**

- 338
339 (A) Faculty members have the responsibility to maintain competence; to devote
340 themselves to developing and improving their teaching, scholarship, research,
341 creative work, clinical activities, writing, and speaking; and to act with integrity, in
342 accordance with the highest standards of their profession.
343
344 (B) While academic freedom affords faculty members wide latitude in defining their
345 scholarly activities, their teaching, scholarship, and creative work shall be
346 assessed by reference to the criteria of the faculty member’s primary unit(s).
347
348 (C) Faculty members are responsible for requirements (e.g., course content, topic
349 order, course schedule, assessment mechanisms) specified by responsible faculty
350 bodies, such as curriculum committees.
351
352 (D) Faculty members should be able to justify, in terms of curriculum and student
353 learning, all materials introduced into the classroom.
354
355 (E) All members of the university community shall comply with the standards of ethical
356 conduct stated in Article 1, Part D or Regent Policy 1.C.
357

358 **Policy 5.C: Faculty Appointments**

359

360 5.C.1 Terms and Conditions

361

362 (A) The terms and conditions of every faculty appointment shall be stated in writing
363 and be in the possession of both the university and the appointee, whenever
364 possible, before the appointment start date.

365

366 (B) Faculty titles and a description of responsibilities associated with each title are
367 provided in an Administrative Policy Statement.

368

369 5.C.2 Tenured and Tenure-Track Faculty Appointments

370

371 (A) Tenured and tenure-track faculty typically engage in teaching, scholarly/creative
372 work, and leadership or service, and where relevant, other activities relative to their
373 specific units (e.g., clinical activity, librarianship).

374

375 (B) Once tenured, a faculty member holds a continuous appointment until retirement or
376 resignation unless tenure is revoked under provisions of Regent Law or Policy.

377

378 (C) Only the Board of Regents may award tenure and only the Board of Regents may
379 revoke tenure.

380

381 (D) Tenure resides with the university. The move of a faculty member to a new
382 academic unit on any campus is subject to the approval of the faculty in the
383 receiving academic unit, but does not require reconsideration of tenure by the
384 Board of Regents. No faculty transfer can be mandated if it would result in the loss
385 of tenure. Procedures for transferring a tenured appointment are provided in the
386 corresponding administrative policy statement.

387

388 (E) The process leading to the award of tenure is an evaluation of a faculty member's
389 cumulative performance and is a process that is separate and distinct from the
390 annual performance evaluation.

391

392 (F) As further detailed in Regent Policy 5.D, a recommendation on tenure shall be
393 made after a defined probationary period and tenure-track faculty shall be
394 evaluated in a comprehensive manner at least once during the probationary
395 period. As noted in section 5.D.1(C) of Regent Policy 5.D, exceptions to this
396 requirement have been approved for the Schools of Medicine, Pharmacy, and
397 Public Health.

398

399 (G) Administrative appointments do not carry the possibility of tenure, but an
400 administrator may hold an additional appointment as a tenured faculty member.

401

402 (H) After award of tenure, a comprehensive performance evaluation that emphasizes
403 performance-based measurements shall be completed every five years. The
404 purposes of the post-tenure review process are to facilitate continued faculty
405 development, and to ensure professional accountability to the university
406 community, the Board of Regents, and the public.

407

408 (I) A sabbatical assignment, which is subject to approval by the Board of Regents, is
409 an important academic scholarship and professional development tool, granted for

410 the advancement of the university, subject to the availability of resources. A
411 tenured faculty member shall become eligible for a sabbatical assignment after six
412 years of service to the university. A sabbatical assignment shall not be granted
413 more than once every seven years. Further information is provided in the
414 corresponding Administrative Policy Statement.

415
416 (1) In the case of the Anschutz Medical Campus, subject to specific
417 school/college rules, tenure-track faculty and specialty-track members who
418 have attained the ranks of associate professor or full professor are also
419 eligible for sabbatical assignment after six years of service to the university.

420
421 (J) The title of distinguished professor is extended by the Board of Regents to
422 recognize the outstanding contributions of tenured CU faculty members to their
423 academic disciplines. The faculty awarded this title must demonstrate
424 accomplishments in accordance with the following criteria: (1) excellence in both
425 classroom teaching and supervision of individual learning; (2) distinguished
426 performance in scholarly/creative work; and (3) outstanding leadership and service
427 to the profession and to CU and/or affiliate institutions. Further information can be
428 found in the corresponding Administrative Policy Statement.

429 430 5.C.3 Instructional, Research, and Clinical Faculty Appointments

431
432 (A) As provided in Article 5.C.3(C) of Regent Law, the chancellor of each campus has
433 the responsibility to develop the appropriate policies for the appointment,
434 reappointment, promotion, and termination, and grievance rights of instructional,
435 research, or clinical faculty. Such policies shall be developed in collaboration with
436 the appropriate faculty governance bodies.

437
438 (1) Appointments are not eligible for tenure.

439
440 (2) The terms for promotion, reappointment, and termination of instructional,
441 research, and clinical appointments shall be established in a letter of offer or
442 employment agreement. They shall align with the framework established in
443 the corresponding Administrative Policy Statement.

444
445 (3) Annual performance evaluations shall be conducted consistent with Regent
446 Policy 5.C.4(B).

447
448 (B) A faculty member's workload is negotiated with the hiring unit and shall be
449 delineated in a letter of offer or employment agreement.

450
451 (1) To accommodate professional development, an instructional, research, or
452 clinical faculty member may negotiate a differential workload. This is meant
453 to recognize the contributions of long-serving faculty and allow them to
454 enhance their professional knowledge, competence, and effectiveness. Such
455 professional development opportunities are subject to the availability of funds.
456 Eligibility criteria and application and approval processes are addressed in
457 the corresponding Administrative Policy Statement. [APS to be developed]

458
459 (C) Campuses are encouraged to provide multi-year contracts to high performing
460 faculty as permitted by state law (C.R.S. 24-19-104(1.5)(d)) and available financial

461 resources. Additional information on eligibility for multi-year contracts is provided
462 in the corresponding Administrative Policy Statement.

463
464 5.C.4 Other Terms and Conditions of Faculty Appointments

- 465
466 (A) Faculty may hold more than one faculty appointment (e.g., museum faculty)
467 beyond the primary appointment.
468
- 469 (B) Annual performance evaluations for all faculty members shall be conducted by
470 each campus, using a peer evaluation process. Consistent with the faculty
471 member's duties, their contribution to teaching, scholarly/creative work, leadership
472 and service, and, where applicable, other activities specific to their unit (e.g.,
473 clinical activity, librarianship), shall be evaluated based on written performance
474 standards developed by the faculty of the academic unit (primary unit annual
475 evaluation criteria) and any additional written expectations agreed to by the faculty
476 member and the unit. Teaching evaluations shall use multiple measures, including
477 normed student feedback (e.g. Faculty Course Questionnaires), as further
478 explained in the corresponding Administrative Policy Statement. In annual merit
479 evaluations, the assigned workload of a faculty member shall be considered.
480 [Normed Student Evaluation APS to be developed]
481
- 482 (1) At the Anschutz Medical Campus, annual faculty evaluation processes may
483 vary from those described in section 5.C.4(B). A peer evaluation process shall
484 be used where appropriate and normed student feedback shall be considered
485 in the evaluation process whenever possible.
486
- 487 (C) Tenured and tenure-track faculty workloads may be negotiated consistent with the
488 university's commitment to teaching, scholarly/creative work, leadership and
489 service, and where applicable, other activities specific to a unit (e.g., clinical
490 activity, librarianship) based on individual faculty needs (e.g., career development,
491 tenure and promotion); conventions in particular academic disciplines; academic
492 unit program needs; and the goals and objectives of the school/college and
493 campus.
494
- 495 (1) Faculty governance leadership and service shall be considered in the annual
496 merit evaluation as in other evaluation processes. Differential workloads may
497 also be negotiated when faculty governance roles exceed the time normally
498 expected for leadership and service. Appropriate compensation within the
499 limits of system administration and campus policies shall be negotiated for
500 the leadership and service of faculty governance officers and committee
501 chairs.
502
- 503 (D) The Board of Regents recognizes that full-time tenured and tenure-track faculty
504 members are expected to dedicate their professional time and effort to the
505 university. However, outside consultation, research, clinical, and other work can
506 serve to keep faculty in contact with real problems in their profession and expand
507 their expertise and thus, to the extent authorized by regent laws and policies, are
508 desirable and legitimate functions.
509

510 Subject to university policy on conflicts of interest and commitment, and with the
511 approval of the Dean or Dean's designee, outside consultation, research, clinical,
512 and other work is allowed provided that it does not interfere with the faculty

513 member's performance of assigned university responsibilities and does not involve
514 more than one-sixth of their time (commonly referred to as the "one-sixth rule").
515 This holds for faculty with both 9-month and 12-month appointments. Faculty
516 members involved in outside work are permitted to receive outside remuneration
517 for this work and shall not suffer a reduction in their regular university salaries.
518 Outside work by faculty members in schools or colleges that have alternative
519 compensation plans approved by the Board of Regents or other contractual
520 requirements limiting their ability to perform services for compensation shall be
521 governed by those plans or contracts.
522

523 Normally, university facilities, equipment, and resources shall not be used for
524 faculty members' outside work. However, faculty members may make contractual
525 arrangements to rent university facilities at fair-market rates using campus
526 approved procedures. Faculty members shall not use university resources to
527 advertise their availability for private consultation.
528

VERSION 1.0

529 **Policy 5.D: Reappointment (to a tenure-track position), Tenure, and Promotion**

530

531 5.D.1 Tenure Probationary Period

532

533 (A) A recommendation on tenure shall be made after a probationary period of
534 continuous full-time or full-time equivalent service as a professor, associate
535 professor, or assistant professor. The probationary period shall not exceed seven
536 years, unless an extension has been approved by the dean and chancellor or the
537 chancellor's designee. If an individual's professional accomplishments warrant, the
538 probationary period may be waived and tenure may be recommended upon hire.

539

540 (1) A faculty member may apply for leave during their probationary period. The
541 Provost shall decide whether the leave is granted and whether it affects the
542 probationary period (except in the case of Parental Leave, see section
543 5.D.1(A)(2)). Any change to the probationary period because of leave will be
544 in increments of one year.

545

546 (2) A faculty member who utilizes parental leave during the tenure probationary
547 period will be granted a one-year extension of the tenure probationary period.
548 A faculty member may irrevocably elect, no later than six months following
549 their return to full-time service, to have the leave time count as part of the
550 tenure probationary period. Such an election shall be made in writing and
551 must be approved by the dean and the chancellor.

552

553 (B) Each tenure-track faculty member shall be evaluated in a comprehensive manner
554 at least once during the tenure probationary period apart from the review for award
555 of tenure. The comprehensive review typically occurs during the fourth year of full-
556 time service. The comprehensive review results in one of two outcomes:

557

558 (1) the faculty member is reappointed to a tenure-track position, or

559

560 (2) the faculty member is informed that they will be given a one-year terminal
561 appointment and the tenure-track appointment will not be continued.

562

563 The faculty member shall be informed in writing of the results of the comprehensive
564 review.

565

566 (C) In the Schools of Medicine, Pharmacy and Public Health, promotion and tenure are
567 separate processes, but may occur concurrently.

568

569 (1) Unless waived by the faculty member and approved by the dean and
570 chancellor, a decision regarding promotion to associate professor shall be
571 made after a maximum probationary period of seven years of continuous full-
572 time service at the rank of assistant professor. Normally, the promotion
573 review of a faculty member will commence at the beginning of the seventh
574 year of service.

575

576 (2) School of Medicine, Pharmacy and Public Health tenure-track faculty
577 members in the rank of associate professor or professor are eligible for
578 consideration for tenure. There will be no maximum time limit for the award
579 of tenure; however, the faculty member who is turned down for tenure may
580 not be reconsidered for three years.

581
582 Further exceptions to the requirements stated in Regent Policy 5.D.1(A) and (B)
583 are provided in a corresponding Administrative Policy Statement.
584

585 5.D.2 Standards for Tenure
586

- 587 (A) Tenure may be awarded only to faculty members with demonstrated meritorious
588 performance in each of the three areas of: teaching (or librarianship),
589 scholarly/creative work, and leadership and service (to the university, profession
590 and/or public); and demonstrated excellence in either teaching, or
591 scholarly/creative work.
592

593 Additionally:
594

- 595 (1) In the School of Medicine, tenure may be awarded only to faculty members
596 with national and international reputations for academic excellence who are
597 among the best in their field of academic endeavor and who have
598 demonstrated excellence in scholarship and demonstrated excellence in, and
599 dedication to, teaching (as further defined in the rules of the School of
600 Medicine).
601

602 Professional/administrative leadership and service and/or clinical activities
603 should be weighed into any decision regarding tenure, but such activities in
604 the absence of significant accomplishments in both teaching and scholarship
605 are not an adequate basis for tenure.
606

- 607 (2) The Colorado School of Public Health may consider in its tenure
608 recommendations public health practice/clinical activity and scholarly activity,
609 as further defined in its bylaws.
610

- 611 (3) In the School of Pharmacy, tenure may be awarded only to faculty members
612 who have demonstrated excellence in scholarship and demonstrated
613 excellence in, and dedication to, teaching (as further defined in the
614 appointment, reappointment, promotion and tenure policy of the School of
615 Pharmacy).
616

- 617 (4) Candidates at the University of Colorado Colorado Springs may also be
618 evaluated on professional practice, in which case they shall also demonstrate
619 meritorious performance in that area.
620

- 621 (B) A recommendation of tenure based on excellence in teaching or scholarly/creative
622 work shall include evidence of impact beyond the institution, as determined in the
623 primary unit criteria.
624

- 625 (1) For the School of Medicine and the School of Pharmacy, which require
626 excellence in both teaching and scholarship, at least one area, as specified in
627 the primary unit criteria, must show evidence of impact beyond the institution.
628

- 629 (C) Effort or promise of performance shall not be a criterion for excellence or
630 meritorious performance. Demonstrated performance and outcomes are required
631 for tenure.
632

633 5.D.3 Primary Unit Criteria for Reappointment, Tenure, and Promotion

634
635 (A) Primary units develop criteria that define the teaching, scholarly/creative work, and
636 leadership and service expectations for faculty, such as expectations for
637 publications, grants for scholarly/creative work, measures of clinical excellence,
638 etc., in terms of their scholarly field(s). These primary unit criteria are reviewed for
639 rigor, fairness, and consistency with regent requirements and are not effective until
640 approved by the dean and provost. In those cases where the primary unit has
641 requested and received Board of Regents approval of specific alternative or
642 additional criteria, those criteria shall be applied in appointment, reappointment,
643 tenure, and promotion decisions.

644
645 (1) If new or revised primary unit criteria have been adopted during a faculty
646 member's tenure probationary period, the faculty member may choose to be
647 evaluated for tenure based on the new criteria or the criteria in place at the
648 time of appointment. When a faculty member is evaluated for promotion to
649 full professor, the current primary unit criteria shall apply. See the
650 corresponding Administrative Policy Statement.

651
652 (a) Faculty members on the Anschutz Medical Campus who are evaluated
653 for promotion to associate professor without a coincident evaluation of
654 tenure may choose to be evaluated for promotion based on the primary
655 unit criteria at the time of appointment or the current primary unit criteria
656 (if revisions have been adopted since the date of appointment).

657
658 (B) The merit of the candidate is the only consideration in recommendations for
659 awarding tenure. The program requirements of the primary unit shall be
660 considered only at the time of appointment and reappointment.

661
662 (C) To be promoted to the rank of Professor (also referred to as "Full Professor"), an
663 individual should have the terminal degree appropriate to their field or its
664 equivalent, and:

665
666 (1) A record that, taken as a whole, may be judged to be excellent; and

667
668 (2) A record of significant contribution to graduate and/or undergraduate
669 education, unless individual or departmental circumstances can be shown to
670 require a stronger emphasis, or singular focus, on one or the other; and

671
672 (3) A record since receiving tenure or promotion to Associate Professor that
673 indicates substantial, significant, and continued growth, development, and
674 accomplishment in teaching, research/creative work, and leadership and
675 service.

676
677 5.D.4 Mentoring

678
679 (A) While the candidate is responsible for developing a professional record that
680 warrants tenure, the department/unit and administration have certain obligations to
681 mentor tenure-track faculty and to help them navigate the processes of review
682 (comprehensive review, reappointment, tenure and promotion). Mentoring
683 opportunities will be provided by primary units and/or colleges/schools.

684

685 5.D.5 Review Process

686
687 (A) The case for reappointment, tenure and promotion of a tenure-track faculty
688 member and promotion of a tenured faculty member is evaluated at multiple levels.
689 The expertise of the primary unit is balanced by the broader perspective introduced
690 at other levels of review. At each stage of the review process, the candidate
691 should be informed of the outcome as expeditiously as possible. Detailed review
692 procedures are provided in the corresponding Administrative Policy Statement.

- 693
- 694 (1) The primary unit criteria shall be used at every level of the review process
695 and the criteria shall be included in the candidate's dossier.
696
 - 697 (2) A decision on reappointment or promotion shall be issued by the chancellor.
698 The chancellor's decision is final, unless a denial of promotion coincides with
699 a denial of tenure, in which case both decisions can be appealed in
700 accordance with section 5.D.6.
701
 - 702 (3) A decision to recommend or deny tenure shall be issued by the chancellor.
703 The chancellor's decision on tenure is final if the decision is negative. (See
704 section 5.D.6 for information on the appeals process.) The chancellor shall
705 forward positive tenure decisions to the president for review.
706
- 707 (a) If the president concurs with a recommendation to award tenure, a
708 positive recommendation is issued to the Board of Regents.
709
 - 710 (b) If the president does not concur, the president's decision not to award
711 tenure is final. (See section 5.D.7 for grievance rights.)
712

713 5.D.6 Appeal of Decisions Regarding Tenure

714
715 (A) Within 10 business days of receipt of notification, a candidate denied tenure by the
716 chancellor may request a review by the president. The only grounds for a
717 presidential review are: (1) procedural errors of sufficient magnitude that they may
718 have affected the outcome; (2) factual errors of sufficient magnitude that they may
719 have affected the outcome; or (3) the material violation of the Laws of the Regents
720 or Regent Policy; or some combination of these grounds.
721

- 722 (1) The president may determine there are no grounds for appeal and uphold the
723 decision to deny tenure. In this circumstance, the case is closed.
724
 - 725 (2) If the president determines there are grounds for an appeal:
726
- 727 (a) The president may remand the case to the campus to rectify errors and
728 require the chancellor to then revise or reaffirm the original
729 recommendation.
730
 - 731 (b) The president may overrule the campus decision and recommend
732 tenure to the Board of Regents.
733
 - 734 (c) The president may convene a faculty advisory committee to review the
735 case and issue a recommendation. Ultimately, the president will either

736 make the final decision to deny tenure or will recommend tenure to the
737 Board of Regents.
738

739 5.D.7 Grievance Rights
740

741 (A) If a candidate is denied reappointment, promotion, or tenure and believes that
742 there have been serious procedural or factual errors in the case, or the denial
743 occurred through the material violation of the Laws of the Regents or Regent
744 Policy, the candidate may submit a grievance to the Faculty Senate grievance
745 committee in accordance with Regent Policy 5.G. A grievance may not be filed
746 until all available administrative appeals have been exhausted.
747

VERSION 1.0

748 **Policy 5.E: Tenured and Tenure-Track Faculty Dismissal for Cause**

749

750 5.E.1 General Provisions

751

752 (A) In accordance with Regent Law (Article 5, Part C), a faculty member with a tenured
753 or tenure-track appointment may be terminated at any time during the appointment
754 for one of the following reasons:

755

756 (1) Demonstrable professional incompetence; conviction, whether by a plea or a
757 verdict of guilty or following a plea of nolo contendere, for any felony or any
758 offense involving moral turpitude; violation of university policies pertaining to
759 discrimination, sexual misconduct, or fiscal misconduct; violation of the
760 weapons control policy; material or repeated neglect of duty; or other conduct
761 that falls below minimum standards of professional integrity.

762

763 (B) No faculty member with a tenured or tenure-track appointment shall be dismissed
764 for cause without the opportunity to be heard according to the provisions of this
765 policy (5.E). The provisions of this policy only apply to tenured and tenure-track
766 faculty.

767

768 (C) Termination of a tenured appointment under the provisions of this policy is
769 contingent upon the subsequent revocation of tenure by the Board of Regents.

770

771 (D) A tenured or tenure-track faculty member who has been dismissed for cause, or
772 who has been notified that dismissal for cause proceedings will be initiated, has the
773 right to file a grievance with the Faculty Senate grievance committee, according to
774 the procedures specified in Regent Policy 5.G.

775

776 5.E.2 Dismissal for Cause Procedures

777

778 (A) A recommendation to dismiss a faculty member for cause shall be issued by the
779 dean and the provost to the chancellor.

780

781 (B) When dismissal for cause is being recommended, the faculty member shall be
782 given written notice as far in advance as possible of the contemplated action and
783 the specific reasons the action is being considered. Such notice shall inform the
784 faculty member of the right to file a grievance.

785

786 (1) If the faculty member elects to file a grievance, the filing and investigation
787 shall follow the processes and timelines specified in Regent Policy 5.G.

788

789 (C) The chancellor shall take action on the recommendation of the dean and the
790 provost to dismiss the faculty member.

791

792 (1) If the case was investigated by the Faculty Senate grievance committee, the
793 chancellor shall review the findings, conclusions, and recommendations of
794 that committee. Within 10 business days of receipt of the final report from the
795 committee, the chancellor's decision shall be provided in writing to the faculty
796 member, committee chair, and panel chair. The chancellor shall give
797 substantial weight to the committee's recommendation and include a
798 rationale for any decision that is inconsistent with the recommendation.

799

- 800 (2) If the chancellor disagrees with the recommendation of the dean and provost
801 to dismiss, the decision is final.
802
- 803 (3) If the chancellor concurs with the recommendation of the dean and provost
804 and approves dismissal, and the case involves a tenured faculty member, the
805 action to dismiss shall be contingent upon the revocation of tenure by the
806 Board of Regents. See section 5.E.3.
807
- 808 (4) When dismissal is recommended, the faculty member shall have the right to
809 appeal to the president.
810
- 811 (a) If the faculty member requests a presidential review, an appeal must be
812 filed with the Office of the President within 20 business days of being
813 notified of the chancellor's decision to dismiss.
814
- 815 (D) If the faculty member appeals the chancellor's decision to dismiss, the president
816 shall review the merits of the case.
817
- 818 (1) The faculty member shall be provided an opportunity to present their case to
819 the president.
820
- 821 (2) The chancellor shall have an opportunity to respond to the faculty member's
822 presentation.
823
- 824 (3) If the case has been reviewed by the Faculty Senate grievance committee,
825 the panel chair or designee shall be the spokesperson for the committee
826 before the president. The president shall consider and give substantial
827 weight to any recommendation from the Faculty Senate grievance committee.
828
- 829 (4) The president shall have an opportunity to ask questions but, ordinarily, the
830 president will not hear new evidence.
831
- 832 (5) The president may decide to adopt the chancellor's recommendation to
833 dismiss for cause or may end the action against the faculty member.
834
- 835 (a) If the president disagrees with the recommendation to dismiss, the
836 decision is final.
837
- 838 (b) If the president concurs with the chancellor's recommendation and
839 approves dismissal, and the case involves a tenured faculty member,
840 the action to dismiss shall be contingent upon the revocation of tenure
841 by the Board of Regents. See section 5.E.3.
842
- 843 (c) If the president concurs with the chancellor's recommendation and
844 approves dismissal, and the case involves a tenure-track faculty
845 member, the president's decision is final and the case shall be closed.
846
- 847 (6) If the case has been reviewed by the Faculty Senate grievance committee,
848 within 10 business days of the final decision, the president's decision shall be
849 provided in writing to the faculty member, chancellor, committee chair, and
850 panel chair. If the president and panel do not concur, the president's

851 recommendation to the Board shall include the reasons for the president's
852 disagreement with the panel.

853
854 5.E.3 Tenure Revocation

855
856 (A) If a dismissal for cause case involves a faculty member with tenure, the revocation
857 of tenure, based on the case for dismissal for cause, is subject to approval by the
858 Board of Regents upon recommendation by the president.

859
860 (1) If the president recommends tenure revocation, the faculty member shall be
861 notified concurrently with the transmittal of the recommendation to the Board
862 of Regents.

863
864 (2) All supporting documentation shall be forwarded to the Board of Regents.
865 The president's recommendation shall include the rationale for tenure
866 revocation.

867
868 (B) Action by the Board of Regents

869
870 (1) The chair of the Board of Regents shall notify the faculty member when the
871 board receives a presidential recommendation for tenure revocation. If the
872 case has been reviewed by the Faculty Senate grievance committee, the
873 chair of the Board of Regents shall also notify the panel chair of the
874 president's recommendation for tenure revocation.

875
876 (2) Within 20 business days of receiving notice from the chair of the Board of
877 Regents, the faculty member shall be given an opportunity to respond in
878 writing to the president's recommendation to revoke tenure. In that response,
879 the faculty member shall indicate if they request a hearing before the board.
880 If the faculty member requests a hearing before the board, the hearing shall
881 be held in executive session.

882
883 (a) The faculty member shall be provided an opportunity to present their
884 case to the Board of Regents during the hearing.

885
886 (b) The administration shall have an opportunity, as directed by the board,
887 to respond to the faculty member's presentation.

888
889 (c) If the case has been reviewed by the Faculty Senate grievance
890 committee, the panel chair or designee shall be the spokesperson for
891 the committee before the Board of Regents.

892
893 (d) The members of the board shall have an opportunity to ask questions of
894 the faculty member, the administration, and the panel chair but,
895 ordinarily, the board will not hear new evidence.

896
897 (3) Upon conclusion of the hearing before the board and after consideration of all
898 of the information provided to it, the board shall take action.

899
900 (a) The board may decide to adopt the president's recommendation to
901 revoke tenure or may end the action against the faculty member.

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- (b) If the board votes to revoke tenure, the board may, at its discretion, also vote to grant one year of severance pay.
 - (c) In taking any action, the board shall consider any recommendation from the Faculty Senate grievance committee.
- (4) The board's action, which shall be taken in a public meeting, is final.

VERSION 1.0

911 **Policy 5.F: Termination of Faculty Appointments Following Program Discontinuance**

912

913 5.F.1 Academic Unit or Degree Program Discontinuance

914

915 (A) In accordance with Regent Policy 4.B.4, the Board of Regents may discontinue an
916 academic unit or degree program for educational, strategic, realignment, resource
917 allocation, or financial reasons, or a combination of these reasons.

918

919 (1) Termination of faculty appointments, including tenured and tenure-track
920 appointments, may occur as the result of formal discontinuance of an
921 academic unit or degree program.

922

923 (B) Upon a decision by the Board of Regents to terminate an academic unit or degree
924 program, the chancellor shall develop a plan for discontinuance, including the
925 disposition of faculty appointments.

926

927 (1) Recommendations on termination of appointments of individual faculty
928 members rostered in the program or academic unit slated for discontinuance
929 will be made by the chancellor in consultation with appropriate faculty
930 members and administrators.

931

932 (C) The termination of a tenured faculty appointment is contingent upon Board of
933 Regents approval of the revocation of tenure.

934

935 (D) One year's formal notice will be provided to tenured and tenure-track faculty
936 members whose appointments are to be terminated.

937

938 (E) One year's formal notice will be provided to full-time (1.0 FTE) instructional faculty
939 members with at least seven years of continuous service to the university whose
940 appointments are to be terminated.

941

942 (F) Obligations to Tenured Faculty

943

944 (1) Unless there is a compelling academic reason to do otherwise, no tenured
945 faculty member will be considered for termination until the appointments of
946 faculty members in the unit without tenure have been considered for
947 termination.

948

949 (2) Before terminating a tenured appointment due to program discontinuance,
950 reasonable efforts will be made to find another suitable position for the faculty
951 member within the university. Inter-departmental or inter-campus transfers
952 may be made only if mutually acceptable.

953

954 (3) After exhaustion of efforts to find another suitable position within the
955 university, a tenured appointment may be terminated with applicable
956 severance pay. Faculty members who elect to resign or retire from the
957 university are not eligible to receive severance pay.

958

959 (a) Upon termination, severance pay equal to the individual's base salary
960 for one academic year will be provided to faculty members with 9-month
961 contracts and one fiscal year to faculty members with 12-month
962 contracts.

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- (4) If a program is reinstated within three years at the campus where it was discontinued, tenured faculty members whose appointments were terminated will have a right to reinstatement with tenure, provided positions are available and the position is substantially similar in responsibilities to the one previously held by the faculty member.

(G) Rights of All Faculty

- (1) A faculty member who is terminated for reasons of program discontinuance will be eligible to participate in the university group insurance program for 18 months following the date of termination under the conditions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) if the faculty member is enrolled in the university's group insurance program at the time of termination.
- (2) Faculty members will be provided counseling regarding employment opportunities outside of the university if they request it.
- (3) A faculty member whose appointment is terminated for reasons of program discontinuance has the right to appeal to the Faculty Senate grievance committee under established policies and procedures. See Regent Policy 5.G.3(A)(3).

(H) Detailed procedures on program discontinuance can be found in the corresponding Administrative Policy Statement.

990 **Policy 5.G: Faculty Grievance**

991
992 5.G.1 Grievance Rights

- 993
994 (A) As provided in Article 5, Part D, and further articulated in Regent Policy 5.E, a
995 faculty member on a tenured or tenure-track appointment who is facing dismissal
996 for cause has the right to file a grievance with the Faculty Senate grievance
997 committee.
998
999 (B) As provided in Article 5, Part D, and further articulated in Regent Policy 5.D, any
1000 tenured or tenure-track faculty member who is denied reappointment, tenure, or
1001 promotion and believes that there have been serious procedural or factual errors in
1002 the case, or the denial occurred through the material violation of the Laws of the
1003 Regents or Regent Policy, may file a grievance with the Faculty Senate grievance
1004 committee.
1005
1006 (C) As provided in Article 5, Part D, any member of the Faculty Senate may file a
1007 grievance for perceived violations of their academic rights (as delineated in Regent
1008 Law or policy), including, but not limited to, those arising during an annual
1009 evaluation or post-tenure review process.
1010
1011 (D) As provided in Article 5, Part D, any individual afforded the right of academic
1012 freedom, may file a grievance for perceived violations of academic freedom.
1013

1014 5.G.2 Faculty Senate Authority to Hear Grievances

- 1015
1016 (A) The authority granted to the Faculty Senate grievance committee by the Board of
1017 Regents is the result of a collaborative process between the faculty, administration,
1018 and regents to ensure an appropriate role for faculty governance in disciplinary
1019 actions taken against faculty members and in addressing violations of a faculty
1020 member's academic freedom or academic rights.
1021
1022 (B) The Faculty Senate grievance committee shall be constituted as provided in the
1023 Faculty Senate constitution and shall investigate, mediate and hear grievances
1024 submitted by members of the faculty and make recommendations to the
1025 administration on specific grievance cases, consistent with regent law and policy.
1026
1027 (C) The committee shall have the authority to develop its internal administrative rules
1028 consistent with regent law and policy. The policies and procedures of the Faculty
1029 Senate grievance committee shall be provided in the Faculty Senate constitution
1030 and bylaws.
1031

1032 5.G.3 The Faculty Senate Grievance Process

- 1033
1034 (A) Jurisdiction
1035
1036 (1) The jurisdiction of the Faculty Senate grievance committee is expressly
1037 limited to the review of those grievances described in section 5.G.1.
1038
1039 (2) The committee shall not substitute its judgment about an individual's
1040 academic merit for that of other authorized committees and administrators.
1041 The committee shall only consider whether proper procedures were followed.

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- (3) In cases involving faculty personnel decisions resulting from program discontinuance, the committee shall not consider the validity of the program discontinuance decision. The committee shall consider only whether proper procedures were followed in taking these personnel actions.
 - (4) In disciplinary matters, the committee shall consider the merits of the matter before it, as well as the process.
 - (5) The investigation of certain matters may be reserved to another entity or official within the University of Colorado by law or university policy, such as the investigation of allegations of discrimination and harassment by the relevant campus office that deals with matters of equity and discrimination, the investigation of allegations of research misconduct by the Standing Committee on Research Misconduct, or the investigation of fiscal misconduct by the Internal Audit Department. In those cases, the Faculty Senate grievance committee shall defer to those offices to complete their investigations and shall be bound by the factual and policy determinations of those investigations absent reliable evidence that those determinations resulted from: (1) material and prejudicial error during the course of the investigation; (2) manifest bias upon the part of the investigating official or entity; or (3) fraud, misrepresentation or misconduct by a party to the proceedings. In making these determinations, the Faculty Senate grievance committee shall not consider new evidence challenging the factual and policy determinations except for evidence that could not, in the exercise of reasonable diligence, have been presented in the earlier proceedings. The Faculty Senate grievance committee shall not consider a grievance until these processes are completed. The Faculty Senate grievance committee is not bound by the recommendation of sanctions made by any investigating official or entity and may propose alternative sanctions to the administration or Board of Regents.
 - (6) The recommendations of the Faculty Senate grievance committee shall be considered before final action is taken; however, the ultimate authority rests with the administration or Board of Regents. In all cases, a report shall be issued to the grievance committee chair that identifies the final action taken and the rationale for such action.
- (B) Time Limits for Filing a Grievance
- (1) Dismissal for Cause Grievance Filings
 - (a) If the administration is initiating dismissal for cause proceedings to terminate a tenured or tenure-track faculty member, the faculty member shall be given written notification and may request, within 10 business days of receipt of notification, that the president or chancellor refer the matter to the Faculty Senate grievance committee. Upon receipt of such a request, the president or chancellor shall refer the matter to the grievance committee within 5 business days. If the individual concerned does not request referral to the grievance committee within 10 business days, the faculty member shall be deemed to have forfeited the right to such proceedings.

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- (b) If the faculty member files a grievance, they may respond in writing to the notice of intent to dismiss, contesting the grounds for dismissal. If the faculty member elects to respond, the response shall be provided to the grievance committee chair no later than 20 business days after receipt of the notice of the intent to dismiss.
 - (2) All other Grievance Filings
 - (a) In cases involving promotion, tenure, or non-reappointment, grievance statements must be received by the grievance committee chair within 60 calendar days following the faculty member's receipt of written notification of final action by the chancellor or other person with final administrative authority over the matter at issue.
 - (b) In cases involving suspension and other disciplinary actions, excluding dismissal for cause, grievance statements must be received by the grievance committee chair within 30 calendar days after the faculty member's receipt of written notification of the action.
 - (c) In cases of alleged violations of academic freedom or academic rights, grievance statements must be received by the grievance committee chair within 30 calendar days after the faculty member is advised of the administrative action or decision, which is the basis of the complaint.
 - (d) The time for filing a grievance may be extended by the grievance committee chair for up to an additional 60 calendar days if the faculty member is not reasonably able to file the grievance within the prescribed period. Verification of the faculty member's inability to file may be required.
 - (e) The grievance committee chair shall notify the chancellor, in writing, that a grievance has been filed. This notification shall occur within 10 business days of receiving the grievance request.
 - (3) In all cases, the faculty member's receipt of notification is determined by:
 - (a) the date of delivery, if the notice is sent by personal delivery;
 - (b) the date acknowledged by signature on a receipt, if the notice is sent by certified or registered mail, return receipt requested, or by alternative delivery service, with signature required for delivery;
 - (c) 5 business days following the mailing date, if the notice is sent by U.S. Postal Service to the last address on record;
 - (d) 5 business days following the shipping date, if the notice is sent by alternative delivery service to the last address on record.

1143 (C) Grievance Proceedings

- 1144
- 1145 (1) In order to provide for the expeditious review of grievances, grievants and
- 1146 administrators shall cooperate by providing current contact information, by
- 1147 making themselves available during investigations and hearings as requested
- 1148 by the committee, and by providing relevant documents. A failure to
- 1149 cooperate shall be documented and considered in the evaluation of the case.
- 1150
- 1151 (2) The faculty member shall be permitted to have counsel and the opportunity to
- 1152 present and question witnesses according to the rules of procedure
- 1153 established by the grievance committee.
- 1154
- 1155 (3) In dismissal for cause grievance cases, the administration shall bear the
- 1156 burden of proof by clear and convincing evidence. In all other grievance
- 1157 cases, the faculty member shall bear the burden of proof by a preponderance
- 1158 of the evidence.
- 1159
- 1160 (4) In accordance with the confidentiality expected of the grievance process and
- 1161 as permitted by law, all parties in the grievance process and the committee
- 1162 members shall maintain the confidentiality of the grievance proceeding.
- 1163
- 1164 (5) Mediation shall be available during the grievance process as a means of
- 1165 resolving faculty grievances. Mediation shall not unreasonably delay the
- 1166 resolution of a case.
- 1167
- 1168 (6) If the grievance committee chair determines that the Faculty Senate
- 1169 grievance committee does not have jurisdiction over the case, the chair shall
- 1170 close the case and notify all parties.
- 1171
- 1172 (7) If an investigative panel of the grievance committee concludes that there are
- 1173 no reasonable grounds for believing that a violation of academic rights,
- 1174 privileges or tenure have occurred, the chair shall close the case and notify
- 1175 all parties.
- 1176
- 1177 (8) If, at any point during the grievance process, the faculty member and the
- 1178 administration reach a resolution, the grievance committee chair shall close
- 1179 the case.
- 1180
- 1181 (9) A faculty member who files a grievance may withdraw the complaint at any
- 1182 time during the grievance process, at which point the committee chair shall
- 1183 close the case.
- 1184

1185 5.G.4 Findings and Recommendations

1186 (A) Grievance Cases Involving Dismissal for Cause

- 1187
- 1188
- 1189 (1) At the conclusion of grievance proceedings, the Faculty Senate grievance
- 1190 committee will share its final report with all involved parties and forward its
- 1191 findings and recommendations to the president.
- 1192

- 1193 (a) Findings and recommendations shall be sent to the president within 90
1194 business days of referral to the faculty grievance committee chair,
1195 unless an extension has been granted by the president.
1196
- 1197 (2) Decisions shall be made in accordance with Regent Policy 5.E.
1198
- 1199 (B) All Other Grievance Cases
1200
- 1201 (1) At the conclusion of grievance proceedings, the grievance committee chair
1202 will share the committee's findings and final recommendations with all parties.
1203
- 1204 (a) Findings and recommendations shall be sent to the chancellor no more
1205 than 180 calendar days after the grievance statement has been
1206 received by the grievance committee chair.
1207
- 1208 (2) The chancellor shall provide a response to the committee chair within 10
1209 business days of receiving the findings and recommendations. The
1210 chancellor's response shall address each of the grievance committee's
1211 recommendations, indicating what action the chancellor intends to take in
1212 response to the recommendations and an explanation for such action.
1213
- 1214 (a) If the grievance committee determines that the chancellor's response
1215 satisfactorily addresses the committee's recommendations, the chair
1216 shall notify all parties and close the case.
1217
- 1218 (b) If the grievance committee is not satisfied with the chancellor's
1219 response, the committee chair shall, within 10 business days, report the
1220 disagreement and the basis thereof and forward a copy of the record of
1221 the case to the president for review.
1222
- 1223 (c) The president's decision is final.
1224
- 1225 (3) Upon the final resolution of a case, the president shall provide the Faculty
1226 Senate grievance committee chair with a written report of the final action
1227 taken. The report shall include a detailed rationale for actions inconsistent
1228 with the grievance committee's recommendation.
1229
- 1230 (C) In all cases, the chancellor, president, or Board of Regents shall take such action
1231 deemed to be in the best interests of the university and in accordance with regent
1232 laws, regent policies, and applicable federal and state laws, rules and regulations.