



# University of Colorado

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## BOARD OF REGENTS

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### 5. FACULTY

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

##### 5.E.1 General Provisions

- (A) In accordance with regent law (article 5, part C), a faculty member with a tenured or tenure-track appointment may be terminated at any time during the appointment for one of the following reasons:
  - (1) Demonstrable professional incompetence; conviction, whether by a plea or a verdict of guilty or following a plea of nolo contendere, for any felony or any offense involving moral turpitude; violation of university policies pertaining to discrimination, sexual misconduct, or fiscal misconduct; violation of the weapons control policy; material or repeated neglect of duty; or other conduct that falls below minimum standards of professional integrity.
- (B) No faculty member with a tenured or tenure-track appointment shall be dismissed for cause without the opportunity to be heard according to the provisions of this policy (5.E). The provisions of this policy only apply to tenured and tenure-track faculty.
- (C) Termination of a tenured appointment under the provisions of this policy is contingent upon the subsequent revocation of tenure by the Board of Regents.
- (D) A tenured or tenure-track faculty member who has been dismissed for cause, or who has been notified that dismissal for cause proceedings will be initiated, has the right to file a grievance with the Faculty Senate grievance committee, according to the procedures specified in regent policy 5.G.

##### 5.E.2 Dismissal for Cause Procedures

- (A) A recommendation to dismiss a faculty member for cause shall be issued by the dean and the provost to the chancellor.
- (B) The chancellor shall take action on the recommendation of the dean and the provost to dismiss the faculty member.
  - (1) If the chancellor disagrees with the recommendation of the dean and provost to dismiss, the decision is final.
  - (2) If the chancellor concurs with the recommendation to dismiss, the faculty member shall be given written notice of the decision. The written notice shall

state the specific reasons the action is being taken and shall inform the faculty member of the right to file a grievance within 10 business days.

(a) If the faculty member elects to file a grievance, the filing and investigation shall follow the processes and timelines specified in regent policy 5.G.

~~(a)(b)~~ If the faculty member does not file a grievance within 10 business days, the chancellor will notify the president of the decision to dismiss the faculty member and will forward the case and associated materials to the president for review.

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

~~(3)~~

~~(a)~~

~~If the chancellor maintains the original decision to dismiss, and the case involves a tenured faculty member, the action to dismiss shall be contingent upon the revocation of tenure by the Board of Regents. See section 5.E.3.~~

If the chancellor maintains the original decision to dismiss,

the chancellor will notify the president of the decision to dismiss the faculty member and will forward the case and associated materials to the president for review.

(4) If the case involves a tenured faculty member, the action to dismiss shall be contingent upon the revocation of tenure by the Board of Regents.- See section 5.E.3.

~~(3)~~

~~(C)~~ When dismissal is approved by the chancellor, the faculty member shall have the right to appeal to the president.

~~(C)~~

~~The chancellor will notify the president of the decision to dismiss the faculty member and forward the case and associate materials to the president for review. If the faculty member requests a presidential review~~

~~(a)(1)~~ , An appeal must be filed with the Office of the President within 20 business days of being notified of the chancellor's decision to dismiss.

(D) If the faculty member appeals the chancellor's decision to dismiss, the president shall review the merits of the case.

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- (1) The faculty member shall be provided an opportunity to present their case to the president.
- (2) The chancellor shall have an opportunity to respond to the faculty member's presentation.
- (3) If the case has been reviewed by the Faculty Senate grievance committee, the panel chair or designee shall be the spokesperson for the committee before the president. The president shall consider and give substantial weight to any recommendation from the Faculty Senate grievance committee.
- (4) The president shall have an opportunity to ask questions but, ordinarily, the president will not hear new evidence.
- (5) The president may decide to adopt the chancellor's recommendation to dismiss for cause or may end the action against the faculty member.
  - (a) If the president disagrees with the recommendation to dismiss, the decision is final.
  - (b) If the president concurs with the chancellor's recommendation and approves dismissal, and the case involves a tenured faculty member, the action to dismiss shall be contingent upon the revocation of tenure by the Board of Regents. See section 5.E.3.
  - (c) If the president concurs with the chancellor's recommendation and approves dismissal, and the case involves a tenure-track faculty member, the president's decision is final and the case shall be closed.
- (6) If the case has been reviewed by the Faculty Senate grievance committee, within 10 business days of the president's final decision, the president's decision shall be provided in writing to the faculty member, chancellor, committee chair, and panel chair. If the president and panel do not concur, the president's recommendation to the Board of Regents shall include the reasons for the president's disagreement with the panel.

### 5.E.3 Tenure Revocation

- (A) If a dismissal for cause case involves a faculty member with tenure, the revocation of tenure, based on the case for dismissal for cause, is subject to approval by the Board of Regents upon recommendation by the president.
  - (1) If the president recommends tenure revocation, the faculty member shall be notified concurrently with the transmittal of the recommendation to the Board of Regents.
  - (2) All supporting documentation shall be forwarded to the Board of Regents. The president's recommendation shall include the rationale for tenure revocation.

(B) Action by the Board of Regents

- (1) The chair of the Board of Regents shall notify the faculty member when the board receives a presidential recommendation for tenure revocation. If the case has been reviewed by the Faculty Senate grievance committee, the chair of the Board of Regents shall also notify the panel chair of the president's recommendation for tenure revocation.
- (2) Within 20 business days of receiving notice from the chair of the Board of Regents, the faculty member shall be given an opportunity to respond in writing to the president's recommendation to revoke tenure. In that response, the faculty member shall indicate if they request a hearing before the board. If the faculty member requests a hearing before the board, the hearing shall be held in executive session.
  - (a) The faculty member shall be provided an opportunity to present their case to the Board of Regents during the hearing.
  - (b) The administration shall have an opportunity, as directed by the board, to respond to the faculty member's presentation.
  - (c) If the case has been reviewed by the Faculty Senate grievance committee, the panel chair or designee shall be the spokesperson for the committee before the Board of Regents.
  - (d) The members of the board shall have an opportunity to ask questions of the faculty member, the administration, and the panel chair but, ordinarily, the board will not hear new evidence.
- (3) Upon conclusion of the hearing before the board and after consideration of all of the information provided to it, the board shall take action.
  - (a) The board may decide to adopt the president's recommendation to revoke tenure or may end the action against the faculty member.
  - (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.

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**History:**

- Adopted: September 14, 2018 (Moved from the old article 5.B, 5.C and policy 5.I); Became effective July 1, 2020.
- Revised: N/A.
- Last Reviewed: September 14, 2018.