



TO: Regents Governance Committee
FROM: Jeremy Hueth, Vice President, University Counsel and Secretary of the Board of Regents
DATE: March 9, 2023
RE: Notice of Intent to Review Various Regent Laws and Policies

Overview

The Board of Regents, through its Governance Committee, is reviewing all Regent Laws and Policies. The purpose of the review is to simplify existing laws and policies, make sure that those laws and policies are still needed and reflect current legal and institutional requirements, and better align the laws and policies with other policy documents.

The current Governance Committee workplan lists the laws and policies that still need to be reviewed. This memo lists the next group of laws and policies which are now ready to review, and the proposed actions for each. This notice of intent to review includes the following laws and policies by major categories. As such, we recommend the following actions:

Misc. Board of Regents (Revise)

This section proposes changes to the policies regarding miscellaneous board of regent policies:

1. *2.D: Regent Awards*
2. *2.A: Conflict of Interest – Board of Regents*

Policy 2.D: Regent Awards.

The recommended changes to Regent Policy 2.D are in five areas:

1. Clarify roles and responsibilities assigned to the Regents Awards Canvassing Committee (currently named the Chancellor's Canvassing Committee).
2. Nominations will only be accepted through the online nomination form maintained by the Office of the Board of Regents.
3. Each canvassing committee, based on their evaluation of a nomination, is authorized to recommend a more appropriate award category than that of the original nomination. Additionally, the Regents Awards Selection Committee is authorized to recommend a different award category than that of the recommendation from a canvassing committee.
4. Members of a canvassing committee who submit a nomination or provide a letter of support for an individual being considered by the committee must recuse themselves from commenting and voting on that nomination. Additionally, members of the Regents Awards Selection Committee who submit a nomination or provide a letter of support for a nomination must recuse themselves from commenting and voting on that nomination.
5. An Appendix to the policy which:
 - a. outlines user-experience requirements for the online nomination form maintained by the Office of the Board of Regents, and



- b. details Campus Canvassing Committee reconciliation if a nomination is received by multiple campuses.

Policy 2.A: Conflict of Interest.

The changes to this policy are intended to make the policy read more clearly. The defined terms are moved to the end of the policy, so they are located all in one place.

Instead of separating out “dependents” and “nondependents”, family is defined to include a spouse, dependents, and anyone else living in the household and sharing expenses.

The language “A Regent is not deemed to have a conflict of interest if the matter affects the entire membership of a class to which the Regent belongs” is added to clarify that a regent needs to be specifically affected for there to be a conflict.

Nonsubstantive changes & continue the laws and policies coordinating committee (Revise)

Staff proposes to continue the work of the system administration laws and policies coordinating committee and requests the authority to make nonsubstantive cleanups to regent laws and policies as needed. To do this, we propose a regent resolution and revisions to the following law and policy:

1. *Resolution to continue the laws and policies coordinating committee*
2. *Article 2.E: Amendments to the Laws of the Regents*
3. *Policy 2.N: Approval, Revisions or Repeal of Regent Policy*

The proposed changes to Regent Law Article 2.E and the corresponding Policy 2.N would allow the laws and policies coordinating committee to make nonsubstantive changes to regent law and policy without a vote of the board. The goal is to help streamline the process and allow staff to make necessary changes to make laws and policies more understandable and consistent. The types of changes anticipated to fall under this category include conforming amendments, formatting changes, numbering and typographical error corrections, and consistency of terms.

Diversity and Nondiscrimination (New, Move, Rescind)

Judi Díaz Bonacquisti and Valerie Simons convened a cross-system group of representatives from DEI offices, HR offices, and equity offices to review and revise Regent Policy 10. The group has focused on the crafting of a new Diversity, Equity, and Inclusion (DEI) statement, as the Non-Discrimination statement is already codified in Regent Law 8.A.

In January, the group began having philosophical discussions about aspects of the current policy that were strong and the content from other universities that would be valuable as CU embarked on this journey. After each individual wrote their own DEI statement, the group discussed aspects of each statement and took the strongest ideas to create a new draft statement. This draft was then socialized at the system office and on each campus by the work group. In addition, Judi shared this draft statement with faculty council; staff council;



and Axel Brown, chair of the Intercampus Student Forum; and received initial feedback. On March 2 the group reconvened with the initial feedback received from shared governance groups, the campuses, and system staff to incorporate into a new draft version that was reviewed by system communications. This is the version you have before you.

The iterative feedback process is not yet complete. Below is a simplified timeline of what has occurred, and what is yet to occur.

- December—Work group meets and has preliminary discussions.
- January—Work group reviews readings and statements of other universities. Has philosophical discussion on what to recommend for CU. Develops initial draft.
- February—Drafts socialized with campus stakeholders. Feedback collected.
- March 2—Committee discusses feedback at standing meeting time. Incorporates into new draft policy. Legal department joins work group. Policy review by system communications.
- March 15—Draft policy presented to the Regents Governance Committee. Regents provide feedback, and policy revised. Policy posted to website for feedback from the greater community. This feedback will be incorporated, policy again revised, and presented in May to governance committee.
- May 18—Final draft presented to Regents Governance Committee.
- June 22 to 23—Assuming support, to full board for approval

The proposed new Diversity, Equity, and Inclusion (DEI) statement will include the following repurposed sections of existing Regent Policy 10:

- Today, however, it is recognized that passive non-discrimination is not enough.
- University personnel have spent considerable time in self-appraisal and working out the details of where we are now, where we should be, and how to get there.
- We must move swiftly to identify and correct inequities and to design recruiting, training, and career advancement programs
- To achieve equity in all aspects of policies and practices for all university employees
- It will be the policy of the University of Colorado to continually assess its progress toward these goals for its own use and for regular reporting as required by law.
- These policies and goals will remain in effect until "underutilization" and inequities no longer exist.

Staff proposes the following actions relating to the new Diversity, Equity, and Inclusion (DEI) statement:

1. Policy 10.A: Diversity, Equity, and Inclusion Statement (New)
2. Policy 10.A: Discrimination/Affirmative Action General Policy Statement and Long Range Goals (Rescind)
3. Policy 10.H: Portion of Letter to Representative Gonzalez Adopted by Regents (Rescind)
4. Policy 10.M: Commitment to Needs of Persons with Disabilities (Keep as is for now; initiating systemwide review focused on disability policies)
5. Policy 10.P: Diversity (Rescind)
6. Policy 10.E: Compensation Principles (Keep as is; Renumber to Policy 11.A)

Compensation-Related (Revise)



This section proposes changes to compensation-related laws and policies. The review included the following policies with proposed actions listed in parenthesis:

1. Article 11.A: Salaries (Revise)
2. Article 11.B: Insurance and Leave Benefits (Revise)
3. Article 11.C: Retirement (Revise)
4. Policy 11.B: Faculty Salary (Revise)
5. Policy 11.C: University Staff Salary (Revise)
6. APS 5061-Compensation Changes (New)

Article 11.A: Salaries (Revise)

Updates to Regent Article 11.A create a streamlined statement on salaries for faculty and staff without specific details found in Regent Policy 11.B and 11.C and the newly created APS 5061.

Article 11.B: Insurance and Leave Benefits (Revise, Combine) and Article 11.C: Retirement (Revise, Combine)

Updates to Regent Article 11.B create a streamlined statement on Insurance, Benefits and Leave which combines Article 11.C on retirement.

Policy 11.A: Compensation Principles (Move)

This Regent Policy is moving the full Regent Policy 10.E without editing content.

Policy 11.B: Faculty Salary (Revise)

Revisions to Regent Policy 11.B were drafted initially in 2019. At the time, the draft updates received two rounds of feedback from faculty and other stakeholders, but the 2019 version was not moved forward for Regent approval because a separate review for compliance with the Equal Pay for Equal Work Act became the priority. The policy was revised for compliance with the EPEWA in 2020-21, with Regent approval occurring in February of 2022. The version of Policy 11.B currently presented is a fourth draft (Versions 1 and 2 were drafted in 2019, Version 3 was approved by Regents in 2022) and is inclusive of the previous work and stakeholder review.

Updates to Regent Policy 11.B are intended to streamline language, eliminate redundant statements, remove details that are outdated, no longer accurate, or too detailed for regent policy, and bring precision where language was previously unclear. The draft document retains the key principles for awarding faculty salary adjustments, affirms the commitment to a peer review process for faculty as part of an annual merit evaluation (consistent with Regent Policy 5.C, adopted by the Regents in September 2018), clarifies the process by which salary adjustments are awarded, and retains in reorganized form language about appeal processes.



Policy 11.C: University Staff Salary (Revise)

Updates to Regent Policy 11.C are intended to streamline language, eliminate redundant statements, remove details that are outdated, no longer accurate, or too detailed for regent policy, and bring precision where language was previously unclear. The draft document provides clarity surrounding the different types of compensation and aligns with the Colorado Equal Pay for Equal Work Act (EPEWA).

APS 5061-Compensation Changes (New)

The creation of APS 5061 brings more detail to each compensation type and will house more detailed information that was removed from Regent Policy 11.C. This document will assist in defining processes used on each campus.