

Regent Laws and Policies Review
Article 3 and Policy 3

REGENT LAW

Article 3: Officers of the University and Administration

- Part A. Officers
- Part B. Officers of the University
- Part C. Officers of the Administration

Crosswalk to current laws and policies

NEW

- Regent Law 3.A.1
- Regent Law 3.A.2

REGENT POLICY

Policy 3: Officers of the University

Policy 3A: Definitions of Officers of the University

- 3.A.1: President
- 3.A.2: University Counsel and Secretary
- 3.A.3: Treasurer
- 3.A.4: Associate Vice President of Internal Audit

- Regent Law 3.B.1
- Regent Law 3.B.2
- Regent Law 3.B.3
- Regent Law 3.B.4

Policy 3B: Definitions of Officers of the Administration

- 3.B.1 Chancellors
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- Regent Law 3.B.6
- Regent Law 3.B.5 and 3.B.7

Policy 3E: Appointments of Officers

- 3.E.1 Conditions of Appointments

Regent Law 3.C.2

Policy 3F: Evaluations for Officers

- 3.F.1: Annual Evaluations
- 3.F.2: Comprehensive Evaluations
- 3.F.3: Presidential Annual Evaluation
- 3.F.4: Annual Evaluation for all other Officers of the University

- Regent Law 3.D.1 and Regent Policy 3.G.D.1
- Regent Law 3.D.2 and Regent Policy 3.G.D.2
- Regent Policy 3K
- Regent Policy 3.G.F

Policy 3G: Officer Emeritus/Emerita

- 3.G.1: Officers of the University
- 3.G.2: Officers of the Administration

- Regent Law 9.B.2(C)
- Regent Law 9.B.2(B)

1 **REGENT LAW: Article 3: Officers of the University and Administration**

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3 **PART A: Officers**

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5 Officers are responsible for carrying out the strategic plans and policies as established or approved by the Board
6 of Regents. Officers have executive powers delegated to them in the areas of academic programs and core
7 administrative areas. Officers are subject to all federal, state and university laws and policies for University Staff.
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9 **PART B: Officers of the University**

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11 There shall be five officers of the university: 1. the president; 2. the university counsel; 3. the secretary of the
12 Board of Regents; 4. the treasurer; and 5. the associate vice president of internal audit
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14 The Board of Regents shall elect the president in accordance with the laws of the State of Colorado.
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16 The Board of Regents shall elect the secretary of the Board of Regents in accordance with the laws of the State
17 of Colorado.
18

19 The Board of Regents, in consultation with the president, shall elect the university counsel, the treasurer, and the
20 associate vice president of internal audit in accordance with the laws of the State of Colorado.
21

22 The Board of Regents may appoint a single person to serve in the offices of university counsel and secretary of
23 the Board of Regents in its discretion.
24

25 All officers of the university serve at the pleasure of the Board of Regents.
26

27 **PART C: Officers of the Administration**

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29 Officers of the administration shall be those individuals who hold the title or interim/acting title of chancellor; vice
30 president; associate vice president; vice chancellor; associate vice chancellor; associate counsel; and deans of
31 the schools, colleges, and libraries.
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33 Upon notification to the Board of Regents, the president and chancellors may designate positions of assistant vice
34 president or assistant vice chancellor as officers of the administration.
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REGENT POLICY: 3: Officers of the University and Administration

Policy 3A: Definitions of Officers of the University

3.A.1 President

- (A) As provided by laws of the State of Colorado, the president shall be the principal executive officer of the university, a member of the faculty, and shall carry out the policies and programs established by the Board of Regents. [Section 23-20-106 C.R.S]
- (B) As the principal executive officer, the president shall be responsible for the academic, administrative, and fiscal matters of the university and for compliance of all university matters with applicable regent Laws and policies and state and federal constitutions, laws, and regulations. The president shall be the arbiter in case of intra-university conflicts. The president may delegate the responsibility of university academic, administrative and fiscal operations, so long as the delegation is consistent with other university laws and policies and with federal and state law.
- (C) The president shall report directly to the Board of Regents, serve at its pleasure, and hold office until removed by the Board of Regents.
- (D) The president shall be the chief academic officer of the university and a member of its faculty thereof. As chief academic officer, the president shall be responsible for providing academic leadership for the university in meeting the needs of the state and shall maintain and advance the academic policies of the university.
- (E) The president shall be the chief spokesperson for the university and interpreter of university policy and shall represent and interpret the roles, goals, and needs of the university throughout the state and elsewhere.
- (F) The president shall be an ex officio member of the Faculty Council, and president of the Faculty Senate.
- (G) The president is authorized:
 - (1) to approve appointments and any subsequent related changes, including salaries, in accordance with the delegation of personnel authority approved by the Board of Regents; and
 - (2) to accept, on behalf of the Board of Regents, resignations of all university employees, except the university counsel, and secretary of the Board of Regents , treasurer, and associate vice president of internal audit.
- (H) The president is authorized to make and execute contracts on behalf of the university without the prior approval of the Board of Regents, except as may be limited by law, or when the Board of Regents has expressly provided otherwise for a specific contract or category of contracts.
- (I) The president shall advise the Board of Regents of matters that the Board of Regents should consider in meeting its policy-making responsibilities.

3.A.2 University Counsel

- (A) The university counsel shall be the general counsel of the university, and when so designated, shall act as the representative of the attorney general of the state. The university counsel shall be the legal advisor to the president and Board of Regents, and shall institute and prosecute or defend all suits on behalf of the university.
- (B) The university counsel shall report jointly to the Board of Regents and to the president. In the event of a conflict, the university counsel reports directly to the Board of Regents.

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103 **3.A.3 Secretary**

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105 (A) The secretary of the Board of Regents shall be the corporate secretary of the Board of Regents, and shall
106 perform the duties set forth in Section 23-20-108 C.R.S, and such other duties as may be assigned by the
107 Board of Regents.
108
109 (B) The secretary of the Board of Regents report to the Board of Regents and works collaboratively with the
110 president and other members of the university administration.
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112 **3.A.4 Treasurer**

- 113
114 (A) The treasurer shall perform the duties set forth in Section 23-20-109 C.R.S. The treasurer shall give bond
115 as required by the laws of the State of Colorado or such further amounts as the Board of Regents may
116 specify, conditioned for the faithful discharge of duties.
117
118 (B) The treasurer is the chief investment officer, who shall be responsible to the Board of Regents and the
119 president for all treasury functions, including investing university funds, cash management, debt
120 management, and maintaining real property records in accordance with these Laws and policies. The
121 treasurer shall perform such other duties as may be assigned by the Board of Regents, the president or
122 the Chief Financial Officer of the university.
123
124 (C) The treasurer shall advise the Board of Regents, the president, and the Chief Financial Officer (or the
125 president's designee) on treasury matters and issues.
126
127 (D) The treasurer shall report jointly to the Board of Regents and to the president or the Chief Financial
128 Officer. In the event of a conflict, the treasurer reports directly to the Board of Regents.
129

130 **3.A.5 Associate Vice President of Internal Audit**

- 131
132 (A) The associate vice president shall perform the duties set forth in the Department of Internal Audit Charter
133 as adopted and amended by the Board of Regents.
134
135 (B) The associate vice president shall report to the Board of Regents and administratively to the university
136 counsel. In the event of a conflict, the associate vice president of internal audit reports directly to the
137 Board of Regents.
138
139 (C) The associate vice president of internal audit will conduct its activities in accordance with:
140
 - 141 • Board of Regents laws and policies;
 - 142 • university policies and standards; and,
 - 143 • if consistent with the foregoing, with the Institute of Internal Auditors' *International Standards for*
144 *the Professional Practice of Internal Auditing*.
145 (D) The associate vice president of internal audit shall inform Regent's Audit Committee of the Department of
146 Internal Audit's policies, procedures and practices for conducting audits, investigations and consulting
147 activity, as well as emerging trends and successful practices in internal auditing.

148 **Policy 3B: Definitions of Officers of the Administration**

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150 **3.B.1 Chancellors**

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152 The chancellor of each campus shall be the campus's chief executive officer and shall be the chief academic,
153 fiscal and administrative officer responsible to the president for the conduct of the in accordance with the policies
154 of the Board of Regents. The chancellor shall have such other responsibilities as may be required by
155 these Laws or regent policy or as may be delegated by the president.
156

157 **3.B.2 Other Officers of the Administration**

158 All other officers of the administration shall have their duties defined in the applicable position description.
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161 **Policy 3E: Appointments of Officers of the University and Officers of the Administration**

162 **3.E.1 Conditions of appointments**

- 163 (A) The terms and conditions of every appointment shall be stated in writing and shall be in the
164 possession of both the university and the appointee, whenever possible, before the appointment is
165 begun.
166
- 167 (B) Except as otherwise expressly provided in an individual employment contract, as authorized by state
168 law, officers are employees-at-will in their positions. Service as an officer is at the pleasure of the
169 appointing authority. The appointment is terminable by either the employee or the appointment
170 authority at any time.
171
- 172 (C) Officer are subject to all laws, policies and regulations for university staff.
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175 **Policy 3.F Evaluations for officers of the university and officers of the administration**

176 **3.F.1 Annual evaluations.**

- 177 (A) Officers of the university shall be evaluated on an annual basis by the Board of Regents.
178
179 (B) Officers of the administration shall be evaluated on an annual basis by their current supervisor.
180
181 (C) Evaluations shall be based upon the position description and performance planning between
182 supervisor and individual. Evaluations should provide constructive feedback on the officer's service.
183
184

185 **3.F.2 Comprehensive evaluations**

- 186 (A) The president, university counsel and secretary, treasurer, associate vice president of internal
187 audit, and chancellors shall be subject to a comprehensive evaluation at least once every five years
188 of service. However, at the discretion of the supervising or appointing authority these officers may be
189 evaluated comprehensively at any time.
190
- 191 (B) All other officers of the administration may be subject to a comprehensive evaluation per campus or
192 system procedure.
193
- 194 (C) The supervising authority directs comprehensive evaluations. In the event that an officer has more
195 than one supervising authority, the comprehensive evaluation process shall be jointly defined and
196 conducted. An assessment of the officer's fulfillment of long-term responsibilities over the
197 comprehensive evaluation period shall include consultation with appropriate individuals from inside
198 and outside of the university and consideration of the resources and other support needed to fulfill
199 responsibilities. The officer under review shall provide a statement of accomplishments, self-
200 evaluation, and long-term objectives. Upon completion of the comprehensive evaluation, the
201 supervising authority shall make any necessary changes to the officer's position description, in
202 accordance with university policies.
203

204 Information received or created, except the summary report, as a part of an evaluation shall be
205 placed in the officer's personnel file and shall be considered confidential. However, such information
206 shall be available to the individual being evaluated except for letters of reference or if the individual
207 has waived the right of access. The summary report of the evaluation shall be prepared, shall be
208 available to the public and shall be placed into the officer's personnel file.

209 **3.F.3 Presidential Annual Evaluation**

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211 (A) **Policy**

212 The Board of Regents shall evaluate the President of the University of Colorado on an annual
213 basis.

214
215 (B) **Purpose**

216 The purpose of this policy is to establish and communicate the Board of Regents' expectations of
217 the President of the University of Colorado and to establish procedures to annually evaluate
218 performance. This performance procedure is not intended to and does not displace the
219 comprehensive evaluation required by Regent Policy 3.G.

220
221 (C) **Procedures**

- 222 a. The annual evaluation period will be July 1 through June 30.
- 223
- 224 b. Goals of Performance Evaluation: The performance evaluation is intended to promote the
225 following goals:
- 226 i. To assess the president's performance in key areas.
 - 227
 - 228 ii. To increase the communication between the board and the president and to clarify
229 the board's expectations of the president.
 - 230
 - 231 iii. To ensure that the board and the president have a common understanding of and
232 commitment to addressing the priorities of the University of Colorado.
 - 233
 - 234 iv. To allow the board and the president to have a meaningful dialogue in setting the
235 criteria against which the board will measure the president's performance.
 - 236
 - 237 v. The board and the president will develop a performance plan on an annual basis.
- 238
- 239 c. Recurring Criteria: The performance plan shall include a number of criteria that the board
240 shall evaluate on an annual basis. This recurring criteria are meant to reflect core
241 competencies of the office of the president, including:
- 242
 - 243 i. Communication and relationship with the board;
 - 244
 - 245 ii. Fiscal management of the university;
 - 246
 - 247 iii. Supervision of key personnel, such as chancellors and vice-presidents;
 - 248
 - 249 iv. Governmental and community relations;
 - 250
 - 251 v. Promotion of academic excellence and student success at the university;
 - 252
 - 253 vi. Promotion of ethical conduct at the university;
 - 254
 - 255 vii. Promotion of the reputation of the university;
 - 256
 - 257 viii. Promotion of advantageous relationship with university-affiliated entities;
 - 258
 - 259 ix. Fundraising.
- 260
- 261 d. Non-recurring criteria: The performance plan shall also include a number of evaluation
262 criteria, mutually agreed upon by the board and the president, that are designed to address
263 the current needs and goals of the university. For example, the board and the president
264 could identify "increasing enrollment for university campuses by 1%" or "development of a
265 portal for online resources" as non-recurring evaluation criteria.
- 266
- 267 e. The board shall determine whether the president's performance has been:

1 - Exceeding Expectations: Consistently superior achievement reflecting a positive contribution to the University of Colorado that significantly advances the mission of the organization.

2 - Meeting Expectations: Consistent achievement demonstrating a high level of competency in the area being evaluated. Performance at this level demonstrates that the President of the University of Colorado reliably performs the duties described in the performance plan and advances the mission of the organization.

3 - Below Expectations: Performance in the area being evaluated does not consistently meet the expectations described in the performance plan,

- f. Open Records Requirement. The board overall evaluation of the president shall be available for public inspection as a “performance rating” under the Colorado Open Records Act, Section 24-72-202(4.5) C.R.S., but all other information generated or prepared during the evaluative process shall be maintained as “personnel file” records not subject to inspection or disclosure.
- g. Annual Performance Calendar: For purposes of performance evaluation, the board shall use the following schedule as recommended target dates:
 1. July 1 – First day of evaluation period.
 2. December 30 – Chair of board and president to meet to discuss year-to-date performance.
 3. First board Meeting of Calendar Year/Mid-year Review – The board and the president will discuss year-to-date performance in executive session at the regularly scheduled board meeting.
 4. May 1 – Chair of board and president meet to discuss performance evaluation and to discuss potential performance goal for next year’s evaluation.
 5. May 15 – President of university submits self-evaluation to board.
 6. June 1 or most closely scheduled board meeting – The board shall meet in executive session to discuss performance evaluation and performance goals for next year’s evaluation. Secretary of the board prepares draft of performance evaluation and draft of performance goals.
 7. June 15 – president meets with chair of the board to review performance evaluation and draft of performance goals for next year’s evaluation.
 8. June 30 – President meets with board in executive session at a regularly scheduled board meeting to finalize performance evaluation and performance goals for next year’s evaluation.
 9. July 15 – Finalized performance evaluation and performance goals transmitted to president.

3.F.4 Annual Evaluation for all other Officers of the University

All other officers of the University with reporting roles to the Board of Regents will be evaluated and receive a performance rating on an annual basis. Individual performance evaluations and ratings provide the basis for annual merit and other pay adjustments. The process for such evaluations shall be as follows:

- (A) The performance evaluation of the individual shall begin with the individual’s self-assessment of performance. This self-assessment will be based on defined goals and objectives previously

established and agreed by the relevant board member and the individual. This relevant board member for each position is as follows.

- The chair of the Board of Regents for the university counsel
- The chair of the Board of Regents for secretary of the Board of Regents
- The chair of the Regent Audit Committee for the associate vice president of internal audit
- The chair of the Regent Budget and Finance Committee for the university treasurer

(B) The completed self-assessment will be provided to both the relevant board member and to the appropriate officer as follows:

- The president, in consultation with the chancellors, shall review the self-assessment and provide comments to the university counsel and secretary of the Board of Regents.
- The vice president, university counsel and secretary of the Board of Regents, in consultation with the president and the chancellors, shall review and provide comments to the associate vice president of internal audit.
- The vice president and chief financial officer, in consultation with the vice chancellors and campus chief financial officers, shall review and provide comments to the university treasurer.

(C) The University of Colorado officer reviewing the self-assessment shall meet with the individual to discuss the assessment and the related feedback.

(D) The appropriate University of Colorado officer shall prepare a confidential memorandum that discusses the self-assessment, the meeting and the feedback received on the individual's performance during the evaluation period, and will make a preliminary recommendation of the performance rating to be assigned to the individual, discuss potential goals for the upcoming evaluation period, and, if appropriate, recommend any merit or other pay adjustments.

(E) The president shall transmit the memorandum related to the university counsel and secretary of the Board of Regents to the chair of the Board of Regents.

(F) The vice president, university counsel and secretary of the Board of Regents shall transmit the memorandum related to the associate vice president of internal audit to the chair of the Regent Audit Committee.

(G) The vice president and chief financial officer shall transmit the memorandum related to the university treasurer to the chair of the Regent Budget and Finance Committee.

(H) The regent who receives the memorandum shall meet with the individual to discuss the assessment. The assigned regent shall consult with the relevant committee members and, if appropriate, the entire board, before assigning a performance rating to the individual, defining goals for the upcoming evaluation period, or recommending any merit or other pay adjustments.

(I) The assigned regent shall transmit the performance rating and any recommended merit or other pay adjustments to the Board of Regents for approval.

(J) Upon approval by the Board of Regents, the chair of the Board of Regents shall document the performance rating on the University Staff Annual Performance Rating Form.

(K) The individual has the right to append a response to the rating if he or she so desires.

(L) The chair of the Board of Regents and the individual will sign the performance rating form to acknowledge that the rating has been discussed.

- 385 (M) The Board of Regents will retain the original signed rating form and provide the rated employee a
386 copy of the signed form.
387
- 388 (N) The performance rating form will be placed in the employee's personnel file. The performance
389 rating is subject to disclosure under the Colorado Open Records Act. Any written justification for the
390 performance rating may also be placed in the personnel file but will not be disclosed to anyone
391 other than the employee and university personnel with a demonstrated business need. Human
392 resources offices are responsible for approving such access.
393
- 394 (O) The performance rating is only one item of information that may be used, consistent with the *Laws*
395 *of the Regents* and university policy, in the annual salary setting process or in comprehensive
396 administrative evaluations.
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399 **3.G Officer Emeritus/ Emerita**
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401 **3.G.1 Officers of the University**

402 Any officer reporting directly the Board of Regents may be allowed, upon retirement and approval by the Board of
403 Regents, to retain his/her title with the description "emeritus/emerita."
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405 **3.G.2 Officers of the Administration**

406 Any officer except those reporting directly to the Board of Regents, may be allowed, upon retirement and approval
407 by the president, to retain his/her title with the description "emeritus/emerita."
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