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OFFICE OF ACADEMIC AFFAIRS

TO: Regent Laws & Policies Stakeholders  
FROM: Michael Lightner, Vice President for Academic Affairs  
DATE: March 7, 2017  
RE: Recommended Changes to Article 4 and Related Policies, Final Draft

## Background

The regent laws and policies review project is driven by the guiding principle that laws should capture only high level statements on governance and policies should include the necessary elaborations of law but no more. The goal is to focus on the powers and responsibilities of the Board of Regents while assigning operational procedures to APS or campus policy. This goal will be pursued while keeping in mind protections currently afforded to the faculty.

The laws and policies under the main purview of academic affairs are being reviewed in a comprehensive manner. In this case, draft revisions of laws and policies related to academic organization (currently Article 4 and policies 4B-4J) are being presented together. When revisions represent significant changes to both the structure and content of current laws and policies, a redlined version becomes unreadable and, in these cases, the draft will be provided as a new document accompanied with an explanatory memo.

## Revision and Review Process

In September 2016, a number of changes were recommended for Article 4 and related policies. These recommendations were widely shared with the university community and posted on a [public website](#). Based on feedback received from faculty governance groups, individual faculty, and administrators, a second draft of Article 4 and Policies 4A and 4B was generated and distributed in January 2017. Again, feedback was received from faculty governance groups and others. The changes made following the second draft are noted at the end of this memo.

This iterative process resulted in a final draft for consideration by the Regents Laws and Policies committee on **March 20, 2017**. The final draft is available on the [public website](#). A description and justification of each proposed change is provided below.

**UPDATE:** This article is up for final approval at the June, 2017 Board of Regents meeting.

It is likely that the changes ultimately adopted by the Board of Regents will require changes to existing Administrative Policy Statements (APSs) and, perhaps, the creation of new APSs. This work will be completed before the approved changes to Regent Law and Policy will take effect.

## Recommendations for Article 4

### Part A: Colleges and Schools

- 4.A.1 Organization
  - Revise 4.A.1(A) to clearly state board authority in approving the formation and discontinuance of academic units and provide a definition of academic unit as it applies to Regent Law and Policy (draft Article 4, Part A).
    - Justification: Current law states that the Regents approve the *organization* of schools and colleges. The recommended language clarifies board authority to approve *new* schools and colleges and expands the statement to apply to departments, which is currently stated elsewhere.
  - Eliminate 4.A.1(B) and 4.A.1 (C)
    - Justification: Current law states that schools and colleges shall usually be operated as separate academic units at the campuses and then provides direction on the management of colleges and schools that operate on multiple campuses. In approving the formation of academic units, the regents review the organizational structure and management plan, therefore these statements are unnecessary in regent law.
- 4.A.2 Deans
  - Revise 4.A.2(A) to include a requirement that a Dean must be a tenured full professor, with exceptions allowed only if recommended by the provost and approved by the chancellor (draft Article 4, Part A).
    - Justification: Deans issue recommendations for tenure and promotion and therefore should be in a position to evaluate faculty of all ranks.
  - Eliminate 4.A.2(B).
    - Justification: Current law addresses the leadership structure of schools and colleges operating on multiple campuses. In approving the formation of academic units, the regents review the organizational structure and management plan, therefore these statements are unnecessary in regent law.
  - Move 4.A.2(C) regarding the role and authority of Deans to regent policy (draft Policy 4.A.1).
    - Justification: Recommended changes are based on the idea that regent law should focus on high-level governing principles. The role and authority of the dean is more appropriate to regent policy.
- 4.A.3 Council of Academic Deans
  - Eliminate 4.A.3 and subsections (A) and (B).
    - Justification: This section outlines the role of the Council of Academic Deans, which has not functioned for some time.
- 4.A.4 Faculty Membership
  - Move to regent policy (draft Policy 4.A.1).

- Justification: Current law states the right of the faculty to determine the voting membership of the faculty, which is related to the concept of shared governance of a school or college. It is appropriate to move this to the section that addresses the administration and governance of academic units.
- 4.A.5 Faculty Powers
  - Move to regent policy (draft Policy 4.A.1).
    - Justification: Current law affirms the right of the faculty to collaborate with the Dean in the governance of the school or college. It is appropriate to move this to the policy that addresses the administration and governance of academic units.

## **Part B: Departments**

- 4.B.1 Organization
  - Eliminate 4.B.1(A).
    - Justification: Current law defines departments as being organized around a single discipline or related discipline. It is not necessary to provide this definition in regent law.
  - Maintain requirement for board approval of departments (4.B.1(B)) in regent law but move to the section on the approval of academic units (draft Article 4, Part A).
    - Justification: Current law states that the regents must approve the establishment of a department. The recommendation is to move this to a section that affirms regent authority to approve of all academic units (schools, colleges, and departments).
  - Move 4.B.1(C) to regent policy (draft Policy 4.A.1).
    - Justification: Current law states that the structure and rules of departments are subject to approval by the dean and chancellor and must comply with regent policies. The recommendation is to move this to the policy that addresses the administration and governance of academic units.

## **Part C: Other Academic and Research Units**

- 4.C.1 Establishment
  - Eliminate, thereby *eliminating the requirement for presidential approval of centers, bureaus, and laboratories and board approval of institutes*. Procedural requirements are currently in APS 1008; maintain in APS or consider whether it is appropriate to move them to campus policy.
    - Justification: The units currently addressed in this section of regent law are units that do not offer degrees or roster faculty and are supported by external funds. It is recommended that the authority to approve such units lie with the chancellor.

## Part D: Accountability

- 4.D.1 Academic Program Review
  - Move to regent policy (draft Policy 4.B.1) and state that the program review requirement shall apply to degree programs (rather than academic units, as currently stated in regent law).
    - Justification: Requirements for program review are not a high-level governing principle and are appropriate to regent policy. It is recommended that regent-level program review requirements be limited to degree programs to provide the board with information on the strength and quality of board approved programs and allow campuses to manage schools, colleges and departments and to dictate requirements for other units (e.g. research centers or institutes).
- 4.D.2 Faculty Course Evaluation
  - Remove from Article 4 and address in regent policy related to faculty evaluation (in section 5).
    - Justification: Although faculty course evaluations provide some information on program quality, they are primarily used to evaluate faculty. Therefore, the recommendation is to move them to a section of regent policy that addresses faculty evaluation.
- 4.D.3 Approval of New Degree Program Proposals
  - Move statement requiring the approval of degree programs to regent law (draft Article 4, Part B).
    - Justification: Board authority to approve new degree programs is a high-level governing principle that is more appropriate to regent law.
- 4.D.4 Program Discontinuance
  - Move statement requiring the approval of academic unit or degree program discontinuance to regent law (draft Article 4, Part B).
    - Justification: Board authority to discontinue academic units or degree programs is a high-level governing principle that is more appropriate to regent law.
- 4.D.5 Classified Research
  - Eliminate, thereby *eliminating board requirement for presidential approval of classified research*. Procedural requirements are currently in APS 1023; maintain in APS or consider whether it is appropriate to move them to campus policy.
    - Justification: Campuses have the faculty and staff expertise needed to evaluate proposals for classified research and the administrative infrastructure needed to manage it.
- 4.D.6 Notification of Accreditation Status Change

- Move to regent policy (draft Policy 4.B.2). Revise to require board notification of changes to *program* accreditation only if the change results in probation or loss of accreditation.
  - Justification: The requirement to report on changes to accreditation is an important accountability mechanism but is not a high-level governing principle. It is more appropriate to regent policy.

#### **Additions to Article 4** (not addressed above)

- Draft Article 4, Part B
  - Add a requirement for board approval of other credentials (e.g. certificates) if specified by CCHE.
    - Justification: New CCHE policy allows for the recording of some certificates, which impacts the higher education funding formula. In order for certificates to be recorded by the state, they must be in regent approved programs.
  - Move from Article 9 to Article 4 the requirement that the President's Office maintain a list of all approved degrees.
    - Justification: This requirement is more appropriate to the section that addresses the board approval of degree programs.
  - Move from Article 9 to Article 4 the statement affirming that the Board of Regents awards degrees upon the recommendation of the faculty.
    - Justification: This statement is more appropriate to the section that addresses the board approval of degree programs.
  - Add a statement that only the Board of Regents has the right to revoke a degree.
    - Justification: Although regent law states that the board awards degrees, there is currently no statement that addresses the right to revoke degrees.

#### **Appendix B to the Regent Laws: Roles and Responsibilities of Department Chairs**

- Eliminate Appendix B (related to Article 4.A.2).
  - Justification: Appendix B provides operational procedures that are more appropriate to APS and are currently captured in APS 1026.

#### **Recommendations for related regent policies**

- **Policy 4B: Faculty Course Evaluation**
  - Remove from Article 4 and address in regent policy related to faculty evaluation (in section 5).
    - Justification: Although faculty course evaluations provide some information on program quality, they are primarily used to evaluate faculty. Therefore, the recommendation is to move them to a section of regent policy that addresses faculty evaluation.
- **Policy 4C: Academic Program Review**

- Maintain requirement in regent policy but revise to indicate that *degree programs* are subject to review, rather than all academic units (draft policy 4.B.1).
  - Justification: It is recommended that regent-level program review requirements be limited to degree programs to provide the board with information on the strength and quality of approved programs and allow campuses to manage schools, colleges and departments and to dictate requirements for other units (e.g. research centers or institutes).
- **Policy 4E: Interrelationship of Athletics and Educational Programs**
  - Eliminate.
    - Justification: There is no policy statement in 4E.
- **Policy 4F: Classified Research**
  - Eliminate.
    - Justification: Current policy provides procedural requirements for the approval of restricted, proprietary, or classified research. These are more appropriate to APS or campus policy and are currently stated in APS 1023.
- **Policy 4H: Program Discontinuance**
  - Maintain key elements in regent policy (draft policy 4.B.4) and maintain procedural requirements in APS.
    - Justification: Procedural requirements are more appropriate to APS. They are currently articulated in APS 1015.
  - Clarify which faculty and administrators must be involved in processes that lead to recommendations for program discontinuance.
    - Justification: Current policy is vague about who must be involved in the decision-making process. The recommended change clarifies that faculty and administrators who are directly involved with the unit or degree program must be included in the process.
  - State that a recommendation for program discontinuance must be brought to the Board of Regents by the chancellor.
    - Justification: Current policy allows a number of parties to recommend discontinuance, including various administrators, a program review committee, the president, and the Board of Regents. The recommended change requires that actions be brought to the board by the Chancellor, ensuring appropriate campus processes are followed.
  - Maintain processes for termination of faculty in regent policy but move to section 5. Until changes to article 5 (or the related policy) are reviewed and approved, it is recommended that the provisions related to faculty termination currently found in Regent Policy 4H be maintained as an appendix (draft Appendix 4.1).
    - Justification: The recommendation is to move provisions relating to the possible termination of tenured or tenured track faculty to the section of law or policy that addresses all conditions under which tenured or tenure track

faculty appointments may be terminated. However, until that change is made we must maintain the provisions in Regent Policy.

- Revise language in regent policy 4H (draft Appendix 1) to clarify that the policy applies to tenured and tenure track faculty.
  - Justification: Current policy uses inconsistent language, in places referring to faculty with unexpired term appointments which lacks clarity and may include individuals not on the tenure track.

- **Policy 4J: Policy and Procedures for Approving New Degree Program Proposals**

- Maintain board authority to approve new degrees (draft Article 4, Part B) but move procedural requirements to APS (a new APS to be developed).
  - Justification: Procedural requirements for new degree proposals are more appropriate to APS. Details currently found in regent policy reflect CCHE requirements that no longer apply.

- **Additions**

- Records of Degree Completion – Move language currently found in Article 9 to a new policy in section 4 (draft policy 4.B.5).
  - Justification: This statement is more appropriate to the section that addresses the board approval of degrees.
- Degree Revocation – Introduce a new policy to affirm the right of the Board of Regents to revoke a degree upon discovery that academic requirements were not met (draft policy 4.B.6).
  - Justification: The proposed policy would briefly state the justification for board action to revoke a degree. Procedural details would be captured in a new APS.
- Academic Unit and Degree Program Name Changes – Add a statement requiring Chancellor approval of academic unit or degree program name changes and board notification of approved changes (draft policy 4.B.3).
  - Justification: Although not required in law or policy, current practice is to request board approval of all academic unit and degree program name changes. The recommendation is to add a statement to address name changes. The process being suggested differs from current practice by allowing Chancellor approval with board notification.

## Changes made between the second draft and final recommendations for Article 4 and Related Policies

(section headings refer to the headings in the second draft, not current law or policy)

- Administration and Governance of Academic Units
  - The statement on shared governance and faculty voting rights was revised to affirm the authority of the faculty to determine faculty voting rights.
- Proposals for Academic Units, Degree Programs, and Other Credentials
  - The statement requiring the president's office to maintain a list of all approved degrees was moved from policy to law.
- Discontinuance of Academic Units, Degree Programs, and Other Credentials
  - The statement related to decisions to terminate an academic unit or degree program was edited to be clear that decisions should be made in collaboration with faculty (rather than consultation) and to clarify *which* faculty should be involved.
  - Wording was changed to indicate that the policy applies to tenured and tenure track faculty. The prior wording referred to tenured faculty and those on limited appointments.