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ARTICLE 5: FACULTY

Part A: Faculty Governance

5.A.1. Principle of Shared Governance

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

(B) The faculty (tenured and tenure track faculty with appropriate participation by instructional, research, and clinical faculty) has the principal responsibility for decisions concerning pedagogy, curriculum, research, academic ethics, and the selection and evaluation of faculty. The development of general academic policies shall be a collaborative effort between the faculty and administration.

(C) The administration has the principal responsibility for the internal operations and external relations of the university. Internal operations includes course scheduling. Issues concerning the academic calendar and appropriate teaching modality shall be addressed in collaboration with the faculty.

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

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

5.A.2. Faculty Government

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

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

(2) Voting membership in the Faculty Senate shall include those faculty members who have a faculty appointment of .5 FTE or greater.

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

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

Part B: Academic Freedom

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

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

(B) The core principle of free inquiry and discourse is recognized by the Board of Regents as academic freedom. For faculty, academic freedom pertains to their teaching, scholarly, and creative work.

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

5.B.2 Principles of Academic Freedom

(A) Academic freedom is the freedom to inquire, discover, access, publish, disseminate, and teach truth as the faculty member understands it, subject to no control or authority save the control and authority of the rational methods by which truth is established in the field.

(B) All members of the university community, when engaged in teaching, scholarly or creative work within the scope of their responsibilities, are afforded the right of academic freedom and have the right to grieve perceived violations of academic freedom through the Faculty Senate grievance process.

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

Part C: Faculty Appointments and Tenure

5.C.1 Faculty Appointments

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

(B) Faculty appointments shall be made in accordance with subsections 2.A.4(B) or 3.A.1(G)(1) of these Laws. Appointments may only be terminated in accordance with applicable regent laws and policies and applicable state and federal law. Appointment terms and conditions are defined in Regent Policy 5.C.

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

5.C.2 Tenure

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

(B) A tenured appointment shall be held only by a professor or associate professor. When a faculty member is hired at the rank of associate or full professor, the award of tenure remains subject to Board of Regents approval.
(C) The standards and procedures to be employed in making recommendations throughout the tenure process shall be in accordance with Regent Policy 5.D.

5.C.3 Dismissal for Cause

(A) The administration may terminate a tenured or tenure track faculty appointment for cause.

(1) The grounds for dismissal shall be demonstrable professional incompetence; conviction, whether by a plea or a verdict of guilty or following a plea of nolo contendere, for a felony or 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) Dismissal for cause proceedings for tenured and tenure track faculty shall follow the rules and procedures stated in Regent Policy 5.E.

(1) Other faculty appointments, including other limited, indeterminate, and at-will appointments, are not subject to the provisions of Regent Policy 5.E.

(C) Only the Board of Regents may revoke tenure.

Part D: Faculty Grievance

5.D.1 Grievance Rights

(A) Tenured and tenure track faculty members who believe they have been unjustly denied reappointment, tenure, or promotion or unjustly dismissed for cause may file a grievance with the Faculty Senate grievance committee.

(B) Members of the Faculty Senate who believe their academic rights (as delineated in regent law and policy) have been violated may file a grievance with the Faculty Senate grievance committee.

(C) Additionally, any member of the university community afforded academic freedom under Article 5, Part B who feels their academic freedom has been violated may file a grievance with the Faculty Senate grievance committee.

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

(E) Rights and procedures are further defined in Regent Policy 5.G.
Policy 5.A  Faculty Governance

5.A.1 Principle of Shared Governance

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

(B) The faculty (tenured and tenure track faculty with appropriate participation by instructional, research, and clinical faculty) has the principal responsibility for decisions concerning pedagogy, curriculum, research, academic ethics, and selection and evaluation of faculty. The development of general academic policies shall be a collaborative effort between the faculty and administration.

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

(2) In the selection of faculty, the faculty shall have the principal role, with final approval given in accordance with the authority delegated by the Board of Regents.

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

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

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

(1) The process for recommending policies and procedures for faculty appointment, reappointment, promotion, tenure and post-tenure review, and the appeal of decisions in these areas, shall be a collaborative effort between the faculty and administration.

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

(3) Faculty participation in the selection of academic administrators at the level of dean or above shall be in accordance with Regent Policy 3.E. Faculty participation in the evaluation of academic administrators at the level of dean or above shall be in accordance with school/college and campus policy, which shall be developed through a shared governance process.
(4) In the preparation of campus and system budgets, the administration shall have the principal role, with early collaboration with the appropriate faculty governance group(s), subject to the ultimate authority of the Board of Regents or its designee(s).

(D) On board or system-level issues concerning the general academic welfare of the university, the faculty shall collaborate with the administration in developing recommendations to the president.

(E) Unless otherwise required by law, policy changes with respect to matters that directly affect the faculty shall be adopted only after consultation with appropriate faculty governance bodies.
Policy 5.B  Academic Freedom

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

5.B.1 Associated Rights

(A) All faculty members, within the scope of their faculty responsibilities, must have freedom to study, learn, and conduct scholarship and creative work within their discipline, and to communicate the results of these pursuits to others, bound only by the control and authority of the rational methods by which truth is established in the field. The fullest exposure to conflicting opinions is the best insurance against error.

(B) Faculty members shall not be subjected to direct or indirect pressures in an attempt to influence their work in a manner that would conflict with professional standards of the field. The Board of Regents and administration shall not impose such pressures or influence and shall resist such pressures or interference when exerted outside the university.

(C) The appointment, reappointment, promotion of all faculty, and award of tenure to tenure track faculty, shall not be awarded or denied based on extrinsic considerations such as a faculty member’s expression of political, social, or religious views.

(D) Subject to the responsibilities identified in section 5.B.2(C), faculty are afforded freedom in achieving the goals of their assigned courses.

5.B.2 Associated Responsibilities

(A) Faculty members have the responsibility to maintain competence; to devote themselves to developing and improving their teaching, scholarship, research, creative work, clinical activities, writing, and speaking, and to act with integrity, in accordance with the highest standards of their profession.

(B) While academic freedom affords faculty members wide latitude in defining their scholarly activities, their teaching, scholarship, and creative work shall be assessed by reference to the criteria of the faculty member’s primary unit(s).

(C) Faculty members may be responsible for requirements (e.g. course content, topic order, course schedule, assessment mechanisms) specified by responsible faculty bodies, such as curriculum committees.

(D) Faculty members should be able to justify, in terms of curriculum and student learning, all materials introduced into the classroom.

(E) All members of the university community shall comply with the standards of ethical conduct stated Article 1, Part D or Regent Policy 1.C.
Policy 5.C Faculty Appointments

5.C.1 Terms and Conditions

(A) The terms of a faculty appointment shall be either continuous, limited, indeterminate, or at-will.

(1) Continuous (tenured) appointments are active until termination by resignation, retirement, or revocation through applicable regent laws and policies.

(2) Limited appointments are for a specified period of time.

(3) Indeterminate appointments are made for an indefinite period of time and their continuance is dependent upon inclusion in the approved budget and available funding and continued meritorious performance.

(4) At-will appointments are contractual agreements for a specified period of time and can be terminated without notice and without a determination of just cause.

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

(C) Faculty titles and a description of responsibilities associated with each title are provided in an Administrative Policy Statement. [to be developed]

5.C.2 Tenured and Tenure Track Faculty Appointments

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

(B) In most cases, tenure track faculty have limited term appointments. Once tenured, a faculty member holds a continuous appointment until retirement or resignation unless tenure is revoked under provisions of Regent Law or Policy.

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

(D) Tenure resides with the university. No faculty member shall lose tenure as the result of an institutionally mandated intercampus or intracampus transfer. The transfer of a faculty member to a new primary unit is subject to the approval of the faculty in the receiving academic unit, but does not require reconsideration of tenure by the Board of Regents. Procedures for transferring a tenured appointment are provided in the corresponding administrative policy statement. [APS to be developed]

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

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

(G) The Board of Regents delegates to the administration the responsibility for determining the required qualifications and processes to promote a faculty member to the rank of full professor.

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

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

(J) A sabbatical assignment, which is subject to approval by the Board of Regents, is an important academic scholarship and professional development tool, granted for the advancement of the university, subject to the availability of resources. A tenured faculty member shall become eligible for a sabbatical assignment after six years of service to the university. A sabbatical assignment shall not be granted more than once every seven years. Further information is provided in the corresponding Administrative Policy Statement.

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

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

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

(A) The Board of Regents recognizes the importance of all members of the faculty in achieving the teaching, research, service, and health care missions of the university.

(B) The Board of Regents delegates to the administration the responsibility to determine the processes for hiring, reappointing, and promoting faculty members with instructional, research, or clinical appointments.

(1) Appointments are not eligible for tenure and therefore may not be continuous appointments.

(2) The terms for promotion, reappointment, and termination of instructional,
research, and clinical appointments shall be established in employment contracts.

(C) A faculty member's workload is negotiated with the hiring unit and shall be delineated in the employment contract.

(1) A faculty member may negotiate a differential workload to accommodate professional development. This is meant to recognize the contributions of long-serving faculty and allow them to enhance their professional knowledge, competence, and effectiveness. Such professional development opportunities are subject to the availability of funds. Eligibility criteria and application and approval processes are addressed in the corresponding Administrative Policy Statement. [APS to be developed]

(D) Campuses are encouraged to provide multi-year contracts (limited appointments) to high performing faculty as permitted by state law (C.R.S. 24-19-104(1.5)(d)) and available financial resources. Additional information on eligibility for multi-year contracts is provided in an Administrative Policy Statement.

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

(A) Faculty may hold more than one faculty appointment (e.g. museum faculty) beyond the primary appointment.

(B) Annual merit performance evaluations for all faculty members shall be conducted by each campus, using a peer evaluation process. A faculty member's contribution to teaching, scholarly/creative work, leadership and service, and, where applicable, other activities specific to their unit (e.g. clinical activity, librarianship), shall be evaluated based on written performance standards developed by the faculty of the academic unit and any additional written expectations agreed to by the faculty member and the unit. Teaching evaluations shall use multiple measures, including normed student feedback (e.g. Faculty Course Questionnaires), as further explained in the corresponding Administrative Policy Statement. In annual merit evaluations, the assigned workload of a faculty member shall be considered. [FCQ APS to be developed]

(C) Faculty workloads may be negotiated consistent with the university's commitment to teaching, scholarly/creative work, leadership and service, and where applicable, other activities specific to a unit (e.g. clinical activity, librarianship) based on individual faculty needs (e.g. career development, tenure and promotion); conventions in particular academic disciplines; academic unit program needs; and the goals and objectives of the school/college and campus.

(1) Faculty governance leadership and service shall be considered in the annual merit evaluation as in other evaluation processes. Differential workloads may also be negotiated when faculty governance roles exceed the time normally expected for leadership and service. Appropriate compensation within the limits of system administration and campus policies shall be negotiated for the leadership and service of faculty governance officers and committee chairs.

(D) Subject to university policy on conflicts of interest and commitment, outside consultation, research, clinical, and other work is allowed provided that it does not interfere with the faculty member's performance of assigned university
responsibilities and does not involve more than one-sixth of their time (commonly referred to as the “one-sixth rule”). This holds for faculty with both 9-month and 12-month appointments. Faculty members involved in outside work are permitted to receive outside remuneration for this work and shall not suffer a reduction in their regular university salaries. Outside work by faculty members in schools or colleges that have alternative compensation plans approved by the Board of Regents or other contractual requirements limiting their ability to perform services for compensation shall be governed by those plans or contracts.

Normally, university facilities, equipment, and resources shall not be used for faculty members’ outside work. However, faculty members may make contractual arrangements to rent university facilities at fair-market rates using campus approved procedures. Faculty members shall not use university resources to advertise their availability for private consultation.
Policy 5.D  Reappointment (to a tenure track position), Tenure, and Promotion

5.D.1  Tenure Probationary Period

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

(1) A faculty member may apply for leave during their probationary period. The Provost shall decide whether the leave is granted and whether it affects the probationary period. Any change to the probationary period because of leave will be in increments of one year.

(B) In the Schools of Medicine, Pharmacy and Public Health, promotion and tenure are separate processes, but may occur concurrently. Exceptions to the requirements stated in Regent Policy 5.D.1(A) are provided in a corresponding Administrative Policy Statement.

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

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

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

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

5.D.2  Standards for Tenure

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

Additionally:

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

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

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

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

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

(B) A recommendation of tenure based on excellence in teaching or scholarly/creative work shall include evidence of impact beyond the institution.

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

5.D.3 Primary Unit Criteria

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

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

5.D.4 Mentoring

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

5.D.5 Review Process

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

(1) A decision on reappointment or promotion shall be issued by the chancellor.
The chancellor’s decision is final, unless a denial of promotion coincides with a denial of tenure, in which case both decisions can be appealed in accordance with section 5.D.6.

(2) A decision to recommend or deny tenure shall be issued by the chancellor. The chancellor’s decision on tenure is final if the decision is negative. (See section 5.D.6 for information on the appeals process.) The chancellor shall forward positive tenure decisions to the president for review.

(a) If the president concurs with a recommendation to award tenure, a positive recommendation is issued to the Board of Regents.

(b) If the president does not concur, the president’s decision not to award tenure is final.

5.D.6 Appeal of Decisions Regarding Tenure

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

(1) The president may determine there are no grounds for appeal and uphold the decision to deny tenure. In this circumstance, the case is closed.

(2) If the president determines there are grounds for an appeal:

(a) The president may remand the case to the campus to rectify errors and require the chancellor to then revise or reaffirm the original recommendation.

(b) The president may overrule the campus decision and recommend tenure to the Board of Regents.

(c) The president may convene a faculty advisory committee to review the case and issue a recommendation. Ultimately, the president will either make the final decision to deny tenure or will recommend tenure to the Board of Regents.

5.D.7 Grievance Rights

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

5.E.1 General Provisions

(A) In accordance with Regent Law (Article 5, Part C), a faculty member with a continuous (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 a felony or 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 (continuous) or tenure track appointment shall be dismissed without the opportunity to be heard according to the provisions of this policy. The provisions of this policy only apply to tenured and tenure track faculty.

(C) Termination of a continuous (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 5G.

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

(1) 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.

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

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

(2) If the chancellor disagrees with the recommendation of the dean and provost to dismiss, the decision is final.

(3) If the chancellor concurs with the recommendation of the dean and provost and approves dismissal, and the case involves a tenured faculty member, the
(4) When dismissal is recommended, the faculty member shall have the right to appeal to the president.

(a) If the faculty member requests a presidential review, 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.

(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 hearing officer or designee shall be the spokesperson for the committee before the president. The president shall consider and give appropriate 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 faculty member on a limited appointment, 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 final decision, the president’s decision shall be provided in writing to the faculty member, chancellor, committee chair, and hearing officer.

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 hearing officer 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 hearing officer 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 hearing officer 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.
Policy 5.F  Termination of Faculty Appointments Following Program Discontinuance

5.F.1  Academic Unit or Degree Program Discontinuance

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

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

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

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

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

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

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

(F) Obligations to Tenured Faculty

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

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

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

(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.2(D)(3).

(H) Detailed procedures on program discontinuance can be found in the corresponding Administrative Policy Statement.
Policy 5.G  Faculty Grievance

5.G.1 Grievance Rights

(A) As provided in Article 5, Part D and further articulated in Regent Policy 5.E, a faculty member on a continuous (tenured) or tenure track appointment who is facing dismissal for cause has the right to file a grievance with the Faculty Senate grievance committee.

(B) As provided in Article 5, Part D and further articulated in Regent Policy 5.D, any tenured or tenure track faculty member who is denied reappointment, tenure, or promotion and believes that such action is unjustified and constitutes a specific encroachment upon their rights may file a grievance with the Faculty Senate grievance committee.

(C) As provided in Article 5, Part D, any member of the Faculty Senate may file a grievance for perceived violations of their academic rights (as delineated in Regent Law or policy), including, but not limited to, those arising during an annual evaluation or post-tenure review process.

(D) As provided in Article 5, Part D, any member of the university community afforded the right of academic freedom, may file a grievance for perceived violations of academic freedom.

5.G.2 Faculty Senate Authority to Hear Grievances

(A) The processes of the Faculty Senate grievance committee are the result of a collaborative effort between faculty leaders and regents to determine the appropriate limits and procedures for the evaluation of faculty grievances.

(B) The Faculty Senate grievance committee shall be constituted as provided in the Faculty Senate constitution and shall investigate, mediate and hear grievances submitted by members of the faculty and make recommendations to the administration on specific grievance cases, consistent with regent law and policy.

(C) The committee shall have the authority to develop its internal administrative rules consistent with regent law and policy. The policies and procedures of the Faculty Senate grievance committee shall be provided in the Faculty Senate constitution and bylaws.

5.G.3 The Faculty Senate Grievance Process

(A) Jurisdiction

(1) The jurisdiction of the Faculty Senate grievance committee is expressly limited to the review of those grievances described in section 5.G.1.

(2) The committee shall not substitute its judgment about an individual's academic merit for that of other authorized committees and administrators. The committee shall only consider whether proper procedures were followed.

(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 complaints of discrimination and harassment by the Office of Institutional Equity and Discrimination, the investigation of complaints 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 investigation absent clear and convincing evidence that those determinations resulted from: (1) material and prejudicial procedural 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 unless 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.

(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.

(C) Grievance Proceedings

(1) In order to provide for the expeditious review of grievances, grievants and administrators shall cooperate by providing current contact information, by making themselves available during investigations and hearings as requested by the committee, and by providing relevant documents. A failure to cooperate shall be documented and considered in the evaluation of the case.

(2) The faculty member shall be permitted to have counsel and the opportunity to present and question witnesses according to the rules of procedure established by the grievance committee.

(3) In dismissal for cause grievance cases, the administration shall bear the burden of proof by clear and convincing evidence. In all other grievance cases, the faculty member shall bear the burden of proof by a preponderance of the evidence.
(4) In accordance with the confidentiality expected of the grievance process and as permitted by law, all parties in the grievance process and the committee members shall maintain the confidentiality of the grievance proceeding.

(5) Mediation shall be available during the grievance process as a means of resolving faculty grievances. Mediation shall not unreasonably delay the resolution of a case.

(6) If the grievance committee chair determines that the Faculty Senate grievance committee does not have jurisdiction over the case, the chair shall close the case and notify all parties.

(7) If an investigative panel of the grievance committee concludes that there are no reasonable grounds for believing that a violation of academic rights, privileges or tenure have occurred, the chair shall close the case and notify all parties.

(8) If, at any point during the grievance process, the faculty member and the administration reach a resolution, the grievance committee chair shall close the case.

(9) A faculty member who files a grievance may withdraw the complaint at any time during the grievance process, at which point the committee chair shall close the case.

5.G.4 Findings and Recommendations

(A) Grievance Cases Involving Dismissal for Cause

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

(a) Findings and recommendations shall be sent to the president within 90 business days of referral to the faculty grievance committee chair, unless an extension has been granted by the president.

(2) Decisions shall be made in accordance with Regent Policy 5.E.

(B) All Other Grievance Cases

(1) At the conclusion of grievance proceedings, the grievance committee chair will share the committee’s findings and final recommendations with all parties.

(a) Findings and recommendations shall be sent to the chancellor no more than 180 calendar days after the grievance statement has been received by the grievance committee chair.

(2) The chancellor shall provide a response to the committee chair within 10 business days of receiving the findings and recommendations.

(a) If the grievance committee determines that the chancellor’s response satisfactorily addresses the committee’s recommendations, the chair shall notify all parties and close the case.
(b) If the grievance committee is not satisfied with the chancellor’s response (or the chancellor fails to respond), the committee chair may request that the findings and recommendations be reviewed by the president.

i. A request for presidential review shall be submitted in writing by the committee chair within 10 business days of receiving the chancellor’s response.

(c) The president’s decision is final.

(3) Upon the final resolution of a case, the president shall provide the Faculty Senate grievance committee chair with a written report of the final action taken. The report shall include a detailed rationale for actions inconsistent with the grievance committee’s recommendation.

(C) In all cases, the chancellor, president, or Board of Regents shall take such action deemed to be in the best interests of the university and in accordance with regent laws, regent policies, and applicable federal and state laws, rules and regulations.