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19 **ARTICLE 5: FACULTY**

20 Part A: Faculty Governance

21 5.A.1 Principle of Shared Governance

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

28 (B) Tenured and tenure-track faculty with appropriate participation by instructional,  
29 research, and clinical faculty have the principal responsibility for decisions  
30 concerning pedagogy, curriculum, research, scholarly or creative work, academic  
31 ethics, and recommendations on the selection and evaluation of faculty. The  
32 development of general academic policies shall be a collaborative effort between  
33 the faculty and administration.

34 In light of the differences in expectations of faculty at the Anschutz Medical  
35 Campus, particularly those with clinical responsibilities, the practice of shared  
36 governance may differ from the other campuses. The review and evaluation of  
37 faculty and how faculty and/or faculty governance groups participate in the  
38 preparation of unit budgets may differ from the other campuses and will be  
39 incorporated into bylaws, policies and procedures that will be approved at the  
40 primary unit, school/college and campus levels using a shared governance  
41 process.

- 42 (C) The administration has the principal responsibility for the internal operations and  
43 external relations of the university. Issues concerning the academic calendar,  
44 course scheduling, and ~~appropriate~~ teaching ~~modality~~ modalities shall be  
45 determined in collaboration with the faculty.
- 46 (D) In every case, the faculty and the administration collaborate in the governance and  
47 operation of the university as provided by, and in accordance with, the laws and  
48 policies of the Board of Regents and the laws and regulations of the state of  
49 Colorado.
- 50 (E) The governance roles and responsibilities of the faculty are further elaborated in  
51 Regent Policy 5.A.

## 52 5.A.2 Faculty Government

- 53 (A) The faculty shall form a Faculty Senate for the purpose of faculty participation in  
54 shared governance and other activities deemed important by the faculty.
- 55 (1) The university president shall be the president of the Faculty Senate.
- 56 (2) Faculty Senate membership shall be defined in the Faculty Senate  
57 constitution. Voting membership shall include those members who have a  
58 faculty appointment of 0.5 FTE or greater.
- 59 (B) The Faculty Senate constitution shall provide a system for participation of faculty in  
60 the governance of the university.
- 61 (C) On specific matters of shared governance, the Faculty Senate shall assign a  
62 spokesperson to address the Board of Regents.
- 63 (D) Consistent with the governance responsibilities articulated in Regent Policy 4.A,  
64 each school/college/library shall have a faculty governance body. The structure  
65 and operating rules shall be determined by the school/college/library faculty.

## 66 Part B: Academic Freedom

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

- 68 (A) The University of Colorado was created and is maintained to afford individuals a  
69 liberal education in the several branches of literature, arts, sciences, and the  
70 professions and to create knowledge through the pursuit of research. These aims  
71 can be achieved only in an atmosphere of free inquiry and discourse.
- 72 (B) The core principle of free inquiry and discourse is recognized by the Board of  
73 Regents as academic freedom.
- 74 (C) All members of the university community have the right to free expression as stated  
75 in Article 1.E. of Regent Law and further elaborated in Regent Policy 1.D; however,  
76 this right is distinct from academic freedom.

### 77 5.B.2 Principles of Academic Freedom

- 78 (A) Academic freedom is the freedom to inquire, discover, access, publish,  
79 disseminate, and teach truth as the individual understands it, subject to no control

80 or authority save the control and authority of the rational methods by which  
81 knowledge is established in the field.

82 (B) All university employees, whose duties include independent teaching, scholarly or  
83 creative work are afforded the right of academic freedom relative to these duties  
84 (see the corresponding Administrative Policy Statement) and have the right to  
85 grieve perceived violations of academic freedom through the Faculty Senate  
86 grievance process.

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

89 Part C: Faculty Appointments and Tenure

90 5.C.1 Faculty Appointments

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

96 (B) Faculty appointments shall be made in accordance with section 2.A.4(B) of Regent  
97 Law or section 3.A.1(G)(1) of Regent Policy. Appointments may only be  
98 terminated in accordance with applicable regent laws and policies, campus  
99 policies, and applicable state and federal law.

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

103 5.C.2 Tenure

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

106 (B) A tenured appointment shall be held only by a professor or associate professor.  
107 When a faculty member is hired at the rank of associate or full professor, the award  
108 of tenure remains subject to Board of Regents approval.

109 (C) The standards and procedures to be employed in making recommendations  
110 throughout the tenure process shall be in accordance with Regent Policy 5.D.

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

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

115 (B) The Board of Regents further recognizes that each campus has a distinct role and  
116 mission that directly affects the extent and manner to which they employ the  
117 expertise of [teachinginstructional](#), research, and clinical faculty.

118 (C) The Board of Regents, subject to the framework provided in the corresponding  
119 Administrative Policy Statement, delegates to the chancellor of each campus the  
120 responsibility to ~~develop~~maintain appropriate policies for the appointment,  
121 reappointment, promotion, and termination of instructional, research, or clinical  
122 faculty. Campus policies shall also include ~~grievance~~rights of appeal and  
123 associated procedures for instructional, research, and clinical faculty. All policies  
124 shall be developed in collaboration with the appropriate faculty governance bodies  
125 and must adhere to state law, Regent Law and Policy, and any associated  
126 Administrative Policy Statements.

127 5.C.4 Dismissal for Cause

128 (A) The administration may terminate a tenured or tenure-track faculty appointment for  
129 cause when in the judgment of the Board of Regents and subject to the Board of  
130 Regents constitutional and statutory authority, the good of the university requires  
131 such action.

132 (1) The grounds for dismissal shall be demonstrable professional incompetence;  
133 conviction, whether by a plea or a verdict of guilty or following a plea of nolo  
134 contendere, for any felony or any offense involving moral turpitude; violation  
135 of university policies pertaining to discrimination, sexual misconduct, or fiscal  
136 misconduct; violation of the weapons control policy; material or repeated  
137 neglect of duty; or other conduct that falls below minimum standards of  
138 professional integrity.

139 (B) Dismissal for cause proceedings for tenured and tenure-track faculty shall follow  
140 the rules and procedures stated in Regent Policy 5.E. Only the Board of Regents  
141 may revoke tenure.

142 (1) Nonrenewal of a tenure-track appointment shall not be regarded as dismissal  
143 for cause and the provisions of Regent Policy 5.E shall not apply.

144 (C) Nonrenewal or termination of an instructional, research, or clinical faculty  
145 appointment is subject to campus policies and the terms of the individual's letter of  
146 offer or employment agreement, which shall align with the framework established  
147 in the corresponding Administrative Policy Statement. See Article 5.C.3(C). The  
148 provisions of Regent Policy 5.E shall not apply.

149 Part D: Faculty Grievance

150 5.D.1 Grievance Rights

151 (A) Tenured and tenure-track faculty members who are denied reappointment,  
152 promotion or tenure and believe there have been serious procedural or factual  
153 errors in the case, or the denial occurred through the material violation of the Laws  
154 of the Regents or Regent Policy, may submit a grievance to the Faculty Senate  
155 grievance committee, as specified in Regent Policy 5.G.

156 (B) Tenure and tenure-track faculty members who believe they have been unjustly  
157 dismissed for cause may submit a grievance to the Faculty Senate grievance  
158 committee, as specified in Regent Policy 5.G.

159 (C) Instructional, research, and clinical faculty members who believe they have been  
160 denied reappointment or promotion contrary to campus policies, or have been

161 terminated contrary to campus policies, may ~~file a grievance appeal~~ in accordance  
162 with campus policies. See Article 5.C.3(C). The provisions of Regent Policy 5.G  
163 shall not apply.

164 (D) Members of the Faculty Senate who believe their academic rights (as provided for  
165 in regent law and policy) have been violated may file a grievance with the Faculty  
166 Senate grievance committee, as specified in Regent Policy 5.G.

167 (E) Additionally, any university employees afforded academic freedom under Article 5,  
168 Part B, who feels their academic freedom has been violated may file a grievance  
169 with the Faculty Senate grievance committee, as specified in Regent Policy 5.G.

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

### 173 **Policy 5.A: Faculty Governance**

#### 174 5.A.1 Principle of Shared Governance

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

180 (B) Tenured and tenure-track faculty with appropriate participation by instructional,  
181 research, and clinical faculty, have the principal responsibility for decisions  
182 concerning pedagogy, curriculum, research, scholarly or creative work, academic  
183 ethics, and recommendations on the selection and evaluation of faculty. The  
184 development of general academic policies shall be a collaborative effort between  
185 the faculty and administration.

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

191 (2) The faculty shall have the principal role in making recommendations for the  
192 selection of new faculty. Hiring decisions shall be in accordance with the  
193 authority delegated by the Board of Regents.

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

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

201 In light of the differences in expectations of faculty at the Anschutz Medical  
202 Campus, particularly those with clinical responsibilities, the practice of shared  
203 governance may differ from the other campuses. The review and evaluation of  
204 faculty and how faculty and/or faculty governance groups participate in the  
205 preparation of unit budgets may differ from the other campuses and will be  
206 incorporated into bylaws, policies and procedures that will be approved at the  
207 primary unit, school/college and campus levels using a shared governance  
208 process.

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

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

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

220 (3) Faculty participation in the selection of academic administrators at the level of  
221 dean or above shall be in accordance with Regent Policy 3.E. Faculty  
222 participation in the evaluation of academic administrators at the level of dean  
223 or above shall be in accordance with school/college and campus policy,  
224 which shall be developed through a shared governance process.

225 (4) In the preparation of campus and system budgets, the administration shall  
226 have the principal role, with early collaboration with the appropriate faculty  
227 governance group(s), subject to the ultimate authority of the Board of  
228 Regents or its designee(s).

229 In light of the differences in expectations of faculty at the Anschutz Medical  
230 Campus, particularly those with clinical responsibilities, the practice of shared  
231 governance may differ from the other campuses. The review and evaluation of  
232 faculty and how faculty and/or faculty governance groups participate in the  
233 preparation of unit budgets may differ from the other campuses and will be  
234 incorporated into bylaws, policies and procedures that will be approved at the  
235 primary unit, school/college and campus levels using a shared governance  
236 process.

237 (D) The faculty shall collaborate with the administration in developing  
238 recommendations to the president or Board of Regents on system-level issues  
239 concerning the general academic welfare of the university.

240 (E) Unless otherwise required by law, the development of new policies or policy  
241 changes with respect to matters that directly affect the faculty shall be adopted only  
242 after consultation with appropriate faculty governance bodies.

243

244 **Policy 5.B: Academic Freedom**

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

247 5.B.1 Associated Rights

248 (A) All faculty members, within the scope of their faculty responsibilities, must have  
249 freedom to study, learn, and conduct scholarship and creative work within their  
250 discipline, and to communicate the results of these pursuits to others, bound only  
251 by the control and authority of the rational methods by which knowledge is  
252 established in the field. The ~~fullest exposure to conflicting opinions is the best~~  
253 ~~insurance against error~~best method for advancing the state of knowledge is  
254 engaging with the broadest range of theories, methodologies, and data.

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

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

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

266 5.B.2 Associated Responsibilities

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

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

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

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

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

281

282 **Policy 5.C: Faculty Appointments**

## 283 5.C.1 Terms and Conditions

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

287 (B) Faculty titles and a description of responsibilities associated with each title are  
288 provided in an Administrative Policy Statement.

## 289 5.C.2 Tenured and Tenure-Track Faculty Appointments

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

293 (B) Once tenured, a faculty member holds a continuous appointment until retirement or  
294 resignation unless tenure is revoked under provisions of Regent Law or Policy.

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

297 (D) Tenure resides with the university. The move of a faculty member to a new  
298 primary unit on any campus is subject to the approval of the faculty in the receiving  
299 primary unit, but does not require reconsideration of tenure by the Board of  
300 Regents. No faculty transfer can be mandated if it would result in the loss of  
301 tenure. Procedures for transferring a tenured appointment are provided in the  
302 corresponding administrative policy statement.

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

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

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

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

318 (I) A sabbatical assignment, which is subject to approval by the Board of Regents, is  
319 an important academic scholarship and professional development tool, granted for  
320 the advancement of the university, subject to the availability of resources. A  
321 tenured faculty member shall become eligible for a sabbatical assignment after six



- 322 years of service to the university. A sabbatical assignment shall not be granted  
323 more than once every seven years. Further information is provided in the  
324 corresponding Administrative Policy Statement.
- 325 (1) In the case of the Anschutz Medical Campus, subject to specific  
326 school/college rules, tenure-track faculty and specialty-track members who  
327 have attained the ranks of associate professor or full professor are also  
328 eligible for sabbatical assignment after six years of service to the university.
- 329 (J) The title of distinguished professor is extended by the Board of Regents to  
330 recognize the outstanding contributions of tenured CU faculty members to their  
331 academic disciplines. The faculty awarded this title must demonstrate  
332 accomplishments in accordance with the following criteria: (1) excellence in ~~both~~  
333 ~~classroom teaching and supervision~~the promotion of individual learning ~~and~~  
334 ~~student attainment of knowledge and skills~~; (2) distinguished performance in  
335 scholarly/creative work; and (3) outstanding leadership and service to the  
336 profession and to CU and/or affiliate institutions. Further information can be found  
337 in the corresponding Administrative Policy Statement.
- 338 5.C.3 Instructional, Research, and Clinical Faculty Appointments
- 339 (A) As provided in Article 5.C.3(C) of Regent Law, the chancellor of each campus has  
340 the responsibility to ~~develop~~maintain the appropriate policies for the appointment,  
341 reappointment, promotion, and termination, ~~and grievance rights~~ of instructional,  
342 research, or clinical faculty. Such policies shall be developed in collaboration with  
343 the appropriate faculty governance bodies.
- 344 (1) Appointments are not eligible for tenure.
- 345 (2) The terms for promotion, reappointment, and termination of instructional,  
346 research, and clinical appointments shall be established in a letter of offer or  
347 employment agreement. They shall align with the framework established in  
348 the corresponding Administrative Policy Statement.
- 349 (3) Annual performance evaluations shall be conducted consistent with Regent  
350 Policy 5.C.4(B).
- 351 (B) A faculty member's workload is negotiated with the hiring unit and shall be  
352 delineated in a letter of offer or employment agreement.
- 353 (1) To accommodate professional development, an instructional, research, or  
354 clinical faculty member may negotiate a differential workload. This is meant  
355 to recognize the contributions of long-serving faculty and allow them to  
356 enhance their professional knowledge, competence, and effectiveness. Such  
357 professional development opportunities are subject to the availability of funds.  
358 Eligibility criteria and application and approval processes are addressed in  
359 the corresponding Administrative Policy Statement. [APS to be developed]
- 360 (C) Campuses are encouraged to provide multi-year contracts to high performing  
361 faculty as permitted by state law (C.R.S. 24-19-104(1.5)(d)) and available financial  
362 resources. Additional information on eligibility for multi-year contracts is provided  
363 in the corresponding Administrative Policy Statement.

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

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

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

379 (1) At the Anschutz Medical Campus, annual faculty evaluation processes may  
380 vary from those described in section 5.C.4(B). A peer evaluation process shall  
381 be used where appropriate and normed student feedback shall be considered  
382 in the evaluation process whenever possible.

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

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

397 (D) The Board of Regents recognizes that full-time tenured and tenure-track faculty  
398 members are expected to dedicate their professional time and effort to the  
399 university. However, outside consultation, research, clinical, and other work can  
400 serve to keep faculty in contact with real problems in their profession and expand  
401 their expertise and thus, to the extent authorized by regent laws and policies, are  
402 desirable and legitimate functions.

403 Subject to university policy on conflicts of interest and commitment, and with the  
404 approval of the Dean or Dean's designee, outside consultation, research, clinical,  
405 and other work is allowed provided that it does not interfere with the faculty  
406 member's performance of assigned university responsibilities and does not involve  
407 more than one-sixth of their time (commonly referred to as the "one-sixth rule").  
408 This holds for faculty with both 9-month and 12-month appointments. Faculty  
409 members involved in outside work are permitted to receive outside remuneration

410 for this work and shall not suffer a reduction in their regular university salaries.  
411 Outside work by faculty members in schools or colleges that have alternative  
412 compensation plans approved by the Board of Regents or other contractual  
413 requirements limiting their ability to perform services for compensation shall be  
414 governed by those plans or contracts.

415 Normally, university facilities, equipment, and resources shall not be used for  
416 faculty members' outside work. However, faculty members may make contractual  
417 arrangements to rent university facilities at fair-market rates using campus  
418 approved procedures. Faculty members shall not use university resources to  
419 advertise their availability for private consultation.

420

421

## 422 **Policy 5.D: Reappointment (to a tenure-track position), Tenure, and Promotion**

### 423 5.D.1 Tenure Probationary Period

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

430 (1) A faculty member may apply for leave during their probationary period.  
431 The Provost shall decide whether the leave is granted and whether it  
432 affects the probationary period (except in the case of Parental Leave,  
433 see section 5.D.1(A)(2)). Any change to the probationary period because  
434 of leave will be in increments of one year.

435 (2) A faculty member who utilizes parental leave during the tenure  
436 probationary period will be granted a one-year extension of the tenure  
437 probationary period. A faculty member may irrevocably elect, no later  
438 than six months following their return to full-time service, to have the  
439 leave time count as part of the tenure probationary period. Such an  
440 election shall be made in writing and must be approved by the dean and  
441 the chancellor.

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

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

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

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

451 (C) In the Schools of Medicine, Pharmacy and Public Health, promotion and tenure are

452 separate processes, but may occur concurrently.

453 (1) Unless waived by the faculty member and approved by the dean and  
454 chancellor, a decision regarding promotion to associate professor shall be  
455 made after a maximum probationary period of seven years of continuous full-  
456 time service at the rank of assistant professor. Normally, the promotion review  
457 of a faculty member will commence at the beginning of the seventh year of  
458 service.

459 (2) School of Medicine, Pharmacy and Public Health tenure-track faculty  
460 members in the rank of associate professor or professor are eligible for  
461 consideration for tenure. There will be no maximum time limit for the award of  
462 tenure; however, the faculty member who is turned down for tenure may not  
463 be reconsidered for three years.

464 Further exceptions to the requirements stated in Regent Policy 5.D.1(A) and (B)  
465 are provided in a corresponding Administrative Policy Statement.

#### 466 5.D.2 Standards for Tenure

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

472 Additionally:

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

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

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

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

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

- 494 (B) A recommendation of tenure based on excellence in teaching or scholarly/creative  
495 work shall include evidence of impact beyond the institution, as determined in the  
496 primary unit criteria. Section 5.D(B)2 and subsection (1) are under further discussion.
- 497 (1) For the School of Medicine and the School of Pharmacy, which require  
498 excellence in both teaching and scholarship, at least one area, as specified in  
499 the primary unit criteria, must show evidence of impact beyond the institution.
- 500 (C) Effort or promise of performance shall not be a criterion for excellence or  
501 meritorious performance. Demonstrated performance and outcomes are required  
502 for tenure.
- 503 5.D.3 Primary Unit Criteria for Reappointment, Tenure, and Promotion
- 504 (A) Primary units develop criteria that define the teaching, scholarly/creative work, and  
505 leadership and service expectations for faculty, such as expectations for  
506 publications, grants for scholarly/creative work, measures of clinical excellence,  
507 etc., in terms of their scholarly field(s). These primary unit criteria are reviewed for  
508 rigor, fairness, and consistency with regent requirements and are not effective until  
509 approved by the dean and provost. In those cases where the primary unit has  
510 requested and received Board of Regents approval of specific alternative or  
511 additional criteria, those criteria shall be applied in appointment, reappointment,  
512 tenure, and promotion decisions.
- 513 (1) If new or revised primary unit criteria have been adopted during a faculty  
514 member's tenure probationary period, the faculty member may choose to be  
515 evaluated for tenure based on the new criteria or the criteria in place at the  
516 time of appointment. When a faculty member is evaluated for promotion to  
517 full professor, the current primary unit criteria shall apply. See the  
518 corresponding Administrative Policy Statement.
- 519 (a) Faculty members on the Anschutz Medical Campus who are evaluated  
520 for promotion to associate professor without a coincident evaluation of  
521 tenure may choose to be evaluated for promotion based on the primary  
522 unit criteria at the time of appointment or the current primary unit  
523 criteria (if revisions have been adopted since the date of appointment).
- 524 (B) The merit of the candidate is the only consideration in recommendations for  
525 awarding tenure. The program requirements of the primary unit shall be considered  
526 only at the time of appointment and reappointment.
- 527 (C) To be promoted to the rank of Professor (also referred to as "Full Professor"), an  
528 individual should have the terminal degree appropriate to their field or its  
529 equivalent, and:
- 530 (1) A record that, taken as a whole, may be judged to be excellent; and  
531 (2) A record of significant contribution to graduate and/or undergraduate  
532 education, unless individual or departmental circumstances can be shown to  
533 require a stronger emphasis, or singular focus, on one or the other; and  
534 (3) A record since receiving tenure or promotion to Associate Professor that  
535 indicates substantial, significant, and continued growth, development, and  
536 accomplishment in teaching, research/creative work, and leadership and  
537 service.

## 538 5.D.4 Mentoring

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

## 544 5.D.5 Review Process

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

551 (1) The primary unit criteria shall be used at every level of the review process  
552 and the criteria shall be included in the candidate's dossier.

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

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

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

563 (b) If the president does not concur, the president's decision not to award  
564 tenure is final. (See section 5.D.7 for grievance rights.)

## 565 5.D.6 Appeal of Decisions Regarding Tenure

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

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

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

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

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

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

584 5.D.7 Grievance Rights

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

591

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

593 5.E.1 General Provisions

594 (A) In accordance with Regent Law (Article 5, Part C), a faculty member with a tenured  
595 or tenure-track appointment may be terminated at any time during the appointment  
596 for one of the following reasons:

597 (1) Demonstrable professional incompetence; conviction, whether by a plea or a  
598 verdict of guilty or following a plea of nolo contendere, for any felony or any  
599 offense involving moral turpitude; violation of university policies pertaining to  
600 discrimination, sexual misconduct, or fiscal misconduct; violation of the  
601 weapons control policy; material or repeated neglect of duty; or other conduct  
602 that falls below minimum standards of professional integrity.

603 (B) No faculty member with a tenured or tenure-track appointment shall be dismissed  
604 for cause without the opportunity to be heard according to the provisions of this  
605 policy (5.E). The provisions of this policy only apply to tenured and tenure-track  
606 faculty.

607 (C) Termination of a tenured appointment under the provisions of this policy is  
608 contingent upon the subsequent revocation of tenure by the Board of Regents.

609 (D) A tenured or tenure-track faculty member who has been dismissed for cause, or  
610 who has been notified that dismissal for cause proceedings will be initiated, has the  
611 right to file a grievance with the Faculty Senate grievance committee, according to  
612 the procedures specified in Regent Policy 5.G.

613 5.E.2 Dismissal for Cause Procedures

614 (A) A recommendation to dismiss a faculty member for cause shall be issued by the  
615 dean and the provost to the chancellor.

616 ~~(B) When dismissal for cause is being recommended, the faculty member shall be~~  
617 ~~given written notice as far in advance as possible of the contemplated action and~~

- 618 the specific reasons the action is being considered. Such notice shall inform the  
619 faculty member of the right to file a grievance.
- 620 ~~(3)~~ If the faculty member elects to file a grievance, the filing and investigation  
621 shall follow the processes and timelines specified in Regent Policy 5.G.
- 622 ~~(D)~~(B) The chancellor shall take action on the recommendation of the dean and the  
623 provost to dismiss the faculty member.
- 624 ~~(1)~~ If the case was investigated by the Faculty Senate grievance committee, the  
625 chancellor shall review the findings, conclusions, and recommendations of  
626 that committee. Within 10 business days of receipt of the final report from the  
627 committee, the chancellor's decision shall be provided in writing to the faculty  
628 member, committee chair, and panel chair. The chancellor shall give  
629 substantial weight to the committee's recommendation and include a  
630 rationale for any decision that is inconsistent with the recommendation.
- 631 (1) If the chancellor disagrees with the recommendation of the dean and provost  
632 to dismiss, the decision is final.
- 633 (2) If the chancellor concurs with the recommendation to dismiss, the faculty  
634 member shall be given written notice of the decision. The written notice shall  
635 state the specific reasons the action is being taken and shall inform the  
636 faculty member of the right to file a grievance within 10 business days.
- 637 (a) If the faculty member elects to file a grievance, the filing and  
638 investigation shall follow the processes and timelines specified in  
639 Regent Policy 5.G.
- 640 (3) If the case was investigated by the Faculty Senate grievance committee, the  
641 chancellor shall review the findings, conclusions, and recommendations of  
642 that committee. Within 10 business days of receipt of the final report from the  
643 committee, the chancellor's final decision shall be provided in writing to the  
644 faculty member, committee chair, and panel chair. The chancellor shall give  
645 substantial weight to the committee's recommendation and include a  
646 rationale for any decision that is inconsistent with the recommendation.
- 647 ~~(2)~~(4) If the chancellor concurs with the recommendation of the dean and provost  
648 and approves dismissal, and the chancellor maintains the original decision to  
649 dismiss, and the case involves a tenured faculty member, the action to  
650 dismiss shall be contingent upon the revocation of tenure by the Board of  
651 Regents. See section 5.E.3.
- 652 ~~(3)~~(5) When dismissal is ~~recommended~~approved by the chancellor, the faculty  
653 member shall have the right to appeal to the president.
- 654 (a) If the faculty member requests a presidential review, an appeal must  
655 be filed with the Office of the President within 20 business days of  
656 being notified of the chancellor's decision to dismiss.
- 657 ~~(E)~~(C) If the faculty member appeals the chancellor's decision to dismiss, the president  
658 shall review the merits of the case.
- 659 (1) The faculty member shall be provided an opportunity to present their case to  
660 the president.
- 661 (2) The chancellor shall have an opportunity to respond to the faculty member's  
662 presentation.



- 663 (3) If the case has been reviewed by the Faculty Senate grievance committee,  
664 the panel chair or designee shall be the spokesperson for the committee  
665 before the president. The president shall consider and give substantial weight  
666 to any recommendation from the Faculty Senate grievance committee.
- 667 (4) The president shall have an opportunity to ask questions but, ordinarily, the  
668 president will not hear new evidence.
- 669 (5) The president may decide to adopt the chancellor's recommendation to  
670 dismiss for cause or may end the action against the faculty member.
- 671 (a) If the president disagrees with the recommendation to dismiss, the  
672 decision is final.
- 673 (b) If the president concurs with the chancellor's recommendation and  
674 approves dismissal, and the case involves a tenured faculty member,  
675 the action to dismiss shall be contingent upon the revocation of tenure  
676 by the Board of Regents. See section 5.E.3.
- 677 (c) If the president concurs with the chancellor's recommendation and  
678 approves dismissal, and the case involves a tenure-track faculty  
679 member, the president's decision is final and the case shall be closed.
- 680 (6) If the case has been reviewed by the Faculty Senate grievance committee,  
681 within 10 business days of the final decision, the president's decision shall be  
682 provided in writing to the faculty member, chancellor, committee chair, and  
683 panel chair. If the president and panel do not concur, the president's  
684 recommendation to the Board shall include the reasons for the president's  
685 disagreement with the panel.

### 686 5.E.3 Tenure Revocation

- 687 (A) If a dismissal for cause case involves a faculty member with tenure, the revocation  
688 of tenure, based on the case for dismissal for cause, is subject to approval by the  
689 Board of Regents upon recommendation by the president.
- 690 (1) If the president recommends tenure revocation, the faculty member shall be  
691 notified concurrently with the transmittal of the recommendation to the Board  
692 of Regents.
- 693 (2) All supporting documentation shall be forwarded to the Board of Regents.  
694 The president's recommendation shall include the rationale for tenure  
695 revocation.
- 696 (B) Action by the Board of Regents
- 697 (1) The chair of the Board of Regents shall notify the faculty member when the  
698 board receives a presidential recommendation for tenure revocation. If the  
699 case has been reviewed by the Faculty Senate grievance committee, the  
700 chair of the Board of Regents shall also notify the panel chair of the  
701 president's recommendation for tenure revocation.
- 702 (2) Within 20 business days of receiving notice from the chair of the Board of  
703 Regents, the faculty member shall be given an opportunity to respond in  
704 writing to the president's recommendation to revoke tenure. In that response,  
705 the faculty member shall indicate if they request a hearing before the board.  
706 If the faculty member requests a hearing before the board, the hearing shall  
707 be held in executive session.

- 708 (a) The faculty member shall be provided an opportunity to present their  
709 case to the Board of Regents during the hearing.
- 710 (b) The administration shall have an opportunity, as directed by the  
711 board, to respond to the faculty member's presentation.
- 712 (c) If the case has been reviewed by the Faculty Senate grievance  
713 committee, the panel chair or designee shall be the spokesperson for  
714 the committee before the Board of Regents.
- 715 (d) The members of the board shall have an opportunity to ask questions  
716 of the faculty member, the administration, and the panel chair but,  
717 ordinarily, the board will not hear new evidence.
- 718 (3) Upon conclusion of the hearing before the board and after consideration of all  
719 of the information provided to it, the board shall take action.
- 720 (a) The board may decide to adopt the president's recommendation to  
721 revoke tenure or may end the action against the faculty member.
- 722 (b) If the board votes to revoke tenure, the board may, at its discretion,  
723 also vote to grant one year of severance pay.
- 724 (c) In taking any action, the board shall consider any recommendation  
725 from the Faculty Senate grievance committee.
- 726 (4) The board's action, which shall be taken in a public meeting, is final.  
727

## 728 **Policy 5.F: Termination of Faculty Appointments Following Program Discontinuance**

### 729 5.F.1 Academic Unit or Degree Program Discontinuance

- 730 (A) In accordance with Regent Policy 4.B.4, the Board of Regents may discontinue an  
731 academic unit or degree program for educational, strategic, realignment, resource  
732 allocation, or financial reasons, or a combination of these reasons.
- 733 (1) Termination of faculty appointments, including tenured and tenure-track  
734 appointments, may occur as the result of formal discontinuance of an  
735 academic unit or degree program.
- 736 (B) Upon a decision by the Board of Regents to terminate an academic unit or degree  
737 program, the chancellor shall develop a plan for discontinuance, including the  
738 disposition of faculty appointments.
- 739 (1) ~~Recommendations~~ Decisions on termination of appointments of individual  
740 faculty members due to degree program or academic unit discontinuance will  
741 be made by the chancellor in consultation with appropriate faculty members  
742 and administrators.
- 743 (C) The termination of a tenured faculty appointment is contingent upon Board of  
744 Regents approval of the revocation of tenure.
- 745 (D) One year's formal notice will be provided to tenured and tenure-track faculty  
746 members whose appointments are to be terminated.

- 747 (E) One year's formal notice will be provided to full-time (1.0 FTE) given to all  
748 instructional, research, and clinical faculty members whose appointments are to be  
749 terminated, with provided they have at least seven years of continuous half-time  
750 (0.5 FTE) service to the university ~~whose appointments are to be terminated.~~
- 751 (F) Obligations to Tenured Faculty
- 752 (1) Unless there is a compelling academic reason to do otherwise, no tenured  
753 faculty member will be considered for termination until the appointments of  
754 faculty members in the unit without tenure have been considered for  
755 termination.
- 756 (2) Before terminating a tenured appointment due to program discontinuance,  
757 reasonable efforts will be made to find another suitable position for the faculty  
758 member within the university. Inter-departmental or inter-campus transfers  
759 may be made only if mutually acceptable. Retraining for faculty members  
760 during the notice year should be provided under the sponsorship of the  
761 campus where the program is discontinued if, in the judgment of the campus  
762 and the faculty member, such retraining will prepare the faculty member for  
763 another suitable University of Colorado position. Any retraining opportunities  
764 shall not interfere with the faculty member's assigned teaching and other  
765 professional obligations during the notice year. Faculty members meeting age  
766 and service requirements as specified in university policy have the option to  
767 retire.
- 768 (3) After exhaustion of efforts to find another suitable position within the  
769 university, a tenured appointment may be terminated with applicable  
770 severance pay. Faculty members who elect to resign or retire from the  
771 university are not eligible to receive severance pay.
- 772 (a) Upon termination, severance pay equal to the individual's base salary  
773 for one academic year will be provided to faculty members with 9-  
774 month contracts and one fiscal year to faculty members with 12-month  
775 contracts.
- 776 (4) If a program is reinstated within three years at the campus where it was  
777 discontinued, tenured faculty members whose appointments were terminated  
778 will have a right to reinstatement with tenure, provided positions are available  
779 and the position is substantially similar in responsibilities to the one previously  
780 held by the faculty member.
- 781 (G) Rights of All Faculty
- 782 (1) A faculty member who is terminated for reasons of program discontinuance  
783 will be eligible to participate in the university group insurance program for 18  
784 months following the date of termination under the conditions of the  
785 Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) if the  
786 faculty member is enrolled in the university's group insurance program at the  
787 time of termination.
- 788 (2) Faculty members will be provided counseling regarding employment  
789 opportunities outside of the university if they request it.

790 (3) A faculty member whose appointment is terminated for reasons of program  
791 discontinuance has the right to appeal to the Faculty Senate grievance  
792 committee under established policies and procedures. See Regent Policy  
793 5.G.3(A)(3).

794 (H) Detailed procedures on program discontinuance can be found in the corresponding  
795 Administrative Policy Statement.

796

797 **Policy 5.G: Faculty Grievance**

798 5.G.1 Grievance Rights

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

803 (B) As provided in Article 5, Part D, and further articulated in Regent Policy 5.D, any  
804 tenured or tenure-track faculty member who is denied reappointment, tenure, or  
805 promotion and believes that there have been serious procedural or factual errors in  
806 the case, or the denial occurred through the material violation of the Laws of the  
807 Regents or Regent Policy, may file a grievance with the Faculty Senate grievance  
808 committee.

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

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

815 5.G.2 Faculty Senate Authority to Hear Grievances

816 (A) The authority granted to the Faculty Senate grievance committee by the Board of  
817 Regents is the result of a collaborative process between the faculty, administration,  
818 and regents to ensure an appropriate role for faculty governance in disciplinary  
819 actions taken against faculty members and in addressing violations of a faculty  
820 member's academic freedom or academic rights.

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

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

829 5.G.3 The Faculty Senate Grievance Process

- 830 (A) Jurisdiction
- 831 (1) The jurisdiction of the Faculty Senate grievance committee is expressly  
832 limited to the review of those grievances described in section 5.G.1.
- 833 (2) The committee shall not substitute its judgment about an individual's  
834 academic merit for that of other authorized committees and administrators.  
835 The committee shall only consider whether proper procedures were followed.
- 836 (3) In cases involving faculty personnel decisions resulting from program  
837 discontinuance, the committee shall not consider the validity of the program  
838 discontinuance decision. The committee shall consider only whether proper  
839 procedures were followed in taking these personnel actions.
- 840 (4) In disciplinary matters, the committee shall consider the merits of the matter  
841 before it, as well as the process.
- 842 (5) The investigation of certain matters may be reserved to another entity or  
843 official within the University of Colorado by law or university policy, such as  
844 the investigation of allegations of discrimination and harassment by the  
845 relevant campus office that deals with matters of equity and discrimination,  
846 the investigation of allegations of research misconduct by the Standing  
847 Committee on Research Misconduct, or the investigation of fiscal misconduct  
848 by the Internal Audit Department. In those cases, the Faculty Senate  
849 grievance committee shall defer to those offices to complete their  
850 investigations and shall be bound by the factual and policy determinations of  
851 those investigations absent reliable evidence that those determinations  
852 resulted from: (1) material and prejudicial error during the course of the  
853 investigation; (2) manifest bias upon the part of the investigating official or  
854 entity; or (3) fraud, misrepresentation or misconduct by a party to the  
855 proceedings. In making these determinations, the Faculty Senate grievance  
856 committee shall not consider new evidence challenging the factual and policy  
857 determinations except for evidence that could not, in the exercise of  
858 reasonable diligence, have been presented in the earlier proceedings. The  
859 Faculty Senate grievance committee shall not consider a grievance until  
860 these processes are completed. The Faculty Senate grievance committee is  
861 not bound by the recommendation of sanctions made by any investigating  
862 official or entity and may propose alternative sanctions to the administration  
863 or Board of Regents.
- 864 (6) The recommendations of the Faculty Senate grievance committee shall be  
865 considered before final action is taken; however, the ultimate authority rests  
866 with the administration or Board of Regents. In all cases, a report shall be  
867 issued to the grievance committee chair that identifies the final action taken  
868 and the rationale for such action.
- 869 (B) Time Limits for Filing a Grievance
- 870 (1) Dismissal for Cause Grievance Filings
- 871 (a) If the administration is initiating dismissal for cause proceedings to  
872 terminate a tenured or tenure-track faculty member, the faculty member  
873 shall be given written notification and may request, within 10 business

874 days of receipt of notification, that the president or chancellor refer the  
875 matter to the Faculty Senate grievance committee. Upon receipt of such  
876 a request, the president or chancellor shall refer the matter to the  
877 grievance committee within 5 business days. If the individual concerned  
878 does not request referral to the grievance committee within 10 business  
879 days, the faculty member shall be deemed to have forfeited the right to  
880 such proceedings.

881 (b) If the faculty member files a grievance, they may respond in writing to  
882 the notice of intent to dismiss, contesting the grounds for dismissal. If  
883 the faculty member elects to respond, the response shall be provided to  
884 the grievance committee chair no later than 20 business days after  
885 receipt of the notice of the intent to dismiss.

886 (2) All other Grievance Filings

887 (a) In cases involving promotion, tenure, or non-reappointment, grievance  
888 statements must be received by the grievance committee chair within 60  
889 calendar days following the faculty member's receipt of written  
890 notification of final action by the chancellor or other person with final  
891 administrative authority over the matter at issue.

892 (b) In cases involving suspension and other disciplinary actions, excluding  
893 dismissal for cause, grievance statements must be received by the  
894 grievance committee chair within 30 calendar days after the faculty  
895 member's receipt of written notification of the action.

896 (c) In cases of alleged violations of academic freedom or academic rights,  
897 grievance statements must be received by the grievance committee  
898 chair within 30 calendar days after the faculty member is advised of the  
899 administrative action or decision, which is the basis of the complaint.

900 (d) The time for filing a grievance may be extended by the grievance  
901 committee chair for up to an additional 60 calendar days if the faculty  
902 member is not reasonably able to file the grievance within the prescribed  
903 period. Verification of the faculty member's inability to file may be  
904 required.

905 (e) The grievance committee chair shall notify the chancellor, in writing, that  
906 a grievance has been filed. This notification shall occur within 10  
907 business days of receiving the grievance request.

908 (3) In all cases, the faculty member's receipt of notification is determined by:

909 (a) the date of delivery, if the notice is sent by personal delivery;

910 (b) the date acknowledged by signature on a receipt, if the notice is sent  
911 by certified or registered mail, return receipt requested, or by  
912 alternative delivery service, with signature required for delivery;

913 (c) 5 business days following the mailing date, if the notice is sent by U.S.  
914 Postal Service to the last address on record;

915 (d) 5 business days following the shipping date, if the notice is sent by  
916 alternative delivery service to the last address on record.

917 (C) Grievance Proceedings

- 918 (1) In order to provide for the expeditious review of grievances, grievants and  
919 administrators shall cooperate by providing current contact information, by  
920 making themselves available during investigations and hearings as requested  
921 by the committee, and by providing relevant documents. A failure to  
922 cooperate shall be documented and considered in the evaluation of the case.
- 923 (2) The faculty member shall be permitted to have counsel and the opportunity to  
924 present and question witnesses according to the rules of procedure  
925 established by the grievance committee.
- 926 (3) In dismissal for cause grievance cases, the administration shall bear the  
927 burden of proof by clear and convincing evidence. In all other grievance  
928 cases, the faculty member shall bear the burden of proof by a preponderance  
929 of the evidence.
- 930 (4) In accordance with the confidentiality expected of the grievance process and  
931 as permitted by law, all parties in the grievance process and the committee  
932 members shall maintain the confidentiality of the grievance proceeding.
- 933 (5) Mediation shall be available during the grievance process as a means of  
934 resolving faculty grievances. Mediation shall not unreasonably delay the  
935 resolution of a case.
- 936 (6) If the grievance committee chair determines that the Faculty Senate  
937 grievance committee does not have jurisdiction over the case, the chair shall  
938 close the case and notify all parties.
- 939 (7) If an investigative panel of the grievance committee concludes that there are  
940 no reasonable grounds for believing that a violation of academic rights,  
941 privileges or tenure have occurred, the chair shall close the case and notify  
942 all parties.
- 943 (8) If, at any point during the grievance process, the faculty member and the  
944 administration reach a resolution, the grievance committee chair shall close  
945 the case.
- 946 (9) A faculty member who files a grievance may withdraw the complaint at any  
947 time during the grievance process, at which point the committee chair shall  
948 close the case.

#### 949 5.G.4 Findings and Recommendations

##### 950 (A) Grievance Cases Involving Dismissal for Cause

- 951 (1) At the conclusion of grievance proceedings, the Faculty Senate grievance  
952 committee will share its final report with all involved parties and forward its  
953 findings and recommendations to the president [or chancellor](#).
- 954 (a) Findings and recommendations shall be sent to the president [or](#)  
955 [chancellor](#) within 90 business days of referral to the faculty grievance  
956 committee chair, unless an extension has been granted by the  
957 president [or chancellor](#).

- 958 (2) Decisions shall be made in accordance with Regent Policy 5.E.
- 959 (B) All Other Grievance Cases
- 960 (1) At the conclusion of grievance proceedings, the grievance committee chair  
961 will share the committee's findings and final recommendations with all parties.
- 962 (a) Findings and recommendations shall be sent to the chancellor no  
963 more than 180 calendar days after the grievance statement has been  
964 received by the grievance committee chair.
- 965 (2) The chancellor shall provide a response to the committee chair within 10  
966 business days of receiving the findings and recommendations. The  
967 chancellor's response shall address each of the grievance committee's  
968 recommendations, indicating what action the chancellor intends to take in  
969 response to the recommendations and an explanation for such action.
- 970 (a) If the grievance committee determines that the chancellor's response  
971 satisfactorily addresses the committee's recommendations, the chair  
972 shall notify all parties and close the case.
- 973 (b) If the grievance committee is not satisfied with the chancellor's  
974 response, the committee chair shall, within 10 business days, report  
975 the disagreement and the basis thereof and forward a copy of the  
976 record of the case to the president for review.
- 977 (c) The president's decision is final.
- 978 (3) If the grievance case relates to the denial of tenure by the president (following  
979 a positive recommendation by the chancellor), the president shall consider  
980 the recommendations of the grievance committee, but retains authority for the  
981 final decision.
- 982 ~~(3)~~(4) Upon the final resolution of a case, the president shall provide the Faculty  
983 Senate grievance committee chair with a written report of the final action  
984 taken. The report shall include a detailed rationale for actions inconsistent  
985 with the grievance committee's recommendation.
- 986 (C) In all cases, the chancellor, president, or Board of Regents shall take such action  
987 deemed to be in the best interests of the university and in accordance with regent  
988 laws, regent policies, and applicable federal and state laws, rules and regulations.
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