Article 5
Part A Faculty Governance
Part B Academic Freedom
Part C Faculty Appointments and Tenure
Part D Faculty Grievance

Regent Policies
5A Faculty Governance
5B Academic Freedom
5C Faculty Appointments
5D Reappointment, Tenure, and Promotion
5E Dismissal for Cause
5F Termination of Faculty Appointments Following Program Discontinuance
5G Faculty Grievance
5H Intellectual Property (to come later; current 5J and 5K remain in effect until then)
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 of Colorado. 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 has the principal responsibility for decisions concerning teaching, curriculum, research, academic ethics, selection of faculty, and related policies. Tenured and tenure track faculty shall take the lead role in such decisions.

(C) The administration has the principal responsibility for the internal operations and external relations of the university. Internal operations includes course scheduling and course modality.

(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 5A.

5.A.2. Faculty Government

(A) The Faculty Senate is the representative shared governance body designated by the Board of Regents to speak before the board on behalf of faculty and to participate in decisions affecting the academic welfare of the university.

(B) The Faculty Senate shall determine the structure of the faculty government, membership, and operating principles and procedures. The operating principles and procedures of any faculty governance structure shall be articulated in a constitution and/or set of bylaws.

(C) The Faculty Senate shall elect a chair to be its spokesperson when addressing the Board of Regents on matters of importance to shared governance. The chair shall be a tenured member of the faculty.

(D) Consistent with the governance responsibilities articulated in Regent Policy 4A, each school/college shall have a faculty governance body. The structure and operating rules shall be determined by the school/college faculty.
Part B: Academic Freedom

5.B.1 Principles of Academic Freedom

(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. These aims can be achieved only in an atmosphere of free inquiry and discussion.

(B) 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 discipline.

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

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 various types of faculty appointments, as defined 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, must 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 5D.
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, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of nolo contendere, discrimination or sexual misconduct, fiscal misconduct, violation of the weapons control policy, 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 5E.

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

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

Part D: Faculty Grievance

5.D.1 Grievance Rights

(A) 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.

(B) Members of the Faculty Senate who believe their academic freedom or academic rights have been violated may file a grievance with the Faculty Senate grievance committee. Additionally, 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. Rights and procedures are further defined in Regent Policy 5G.
Policy 5.A  Faculty Governance

5.A.1 Principle of Shared Governance

(A) In accordance with Regent Law (Article 5, Part A), the Board of Regents recognizes the principle of shared governance.

(B) The faculty has the principal responsibility for decisions concerning teaching, curriculum, research, academic ethics, selection of faculty, and related policies. Tenured and tenure track faculty shall take the lead role in such decisions.

(1) The faculty shall have the principal role in originating academic policy and standards, including: 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 sole responsibility for conducting 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 faculty shall follow the procedures defined in Regent Policy 5D.

(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. 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) The process for reviewing budget policies and plans for resource allocation shall be a collaborative effort between the faculty and administration.

(D) 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).

(E) In 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.

(F) Unless otherwise required by law, substantive administrative 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

(A) Associated Rights

(1) Faculty members must have freedom to study, learn, and do research 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 discipline.

(2) 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 discipline. The Board of Regents and administration shall resist such pressures or interference when exerted from outside the university.

(3) The appointment, reappointment, promotion, and award of tenure shall be based on merit as demonstrated by teaching, research/creative work, leadership and service, and where relevant, clinical activity and shall not be awarded or denied based on extrinsic considerations such as a faculty member’s expression of political, social, or religious views.

(4) Faculty members are entitled to freedom in the classroom in discussing topics related to the course, within curricular bounds that may be set by the responsible faculty body.

(B) Associated Responsibilities

(1) Faculty members have the responsibility to maintain competence; to devote themselves to developing and improving their teaching, scholarship, research, writing, and speaking in accordance with the highest standards of their profession.

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

(3) Faculty members should not introduce into teaching controversial matter that is unrelated to the subject matter of the course.

(4) Academic freedom notwithstanding, all members of the university community shall comply with the standards of ethical conduct stated Article 1, Part D or Regent Policy 1C.
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 made 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.

5.C.2 Tenured Faculty Appointments

(A) Tenured faculty typically engage in teaching, research/creative work, and leadership or service, and where relevant, clinical activity.

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

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

(D) Tenure resides with the university. No faculty member shall lose tenure as the result of an institutionally mandated intercampus or intracampus transfer. Voluntary transfer is subject to the approval of 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) Administrative appointments do not carry the possibility of tenure, but an administrator may hold an additional appointment as a tenured faculty member.

(G) 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: (1) facilitate continued faculty development, consistent with the academic needs and goals of the university and
the most effective use of institutional resources while operating under the principles
of academic freedom; and (2) ensure professional accountability to the university
community, to the Board of Regents, and to the public.

(H) A sabbatical assignment, which must be approved 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. In the case of the Anschutz Medical Campus,
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. A sabbatical assignment shall not be
granted more than once every seven years.

(I) 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 research/creative work; and (3) outstanding leadership and service
to the profession and to CU and/or affiliate institutions.

5.C.3 Tenure Track Faculty Appointments

(A) Tenure track faculty are typically engaged in teaching, research/creative work,
leadership or service, and, where relevant, clinical activity.

(B) In most cases, tenure track faculty have limited term appointments.

(C) Tenure track faculty members, except those identified in in section 5.C.3(C)(1),
shall be evaluated for promotion and tenure after a probationary period not to
exceed seven years and shall be evaluated in a comprehensive manner at least
once during the probationary period. See Regent Policy 5.D.

(1) Tenure track faculty members in the School of Medicine, Pharmacy and
Public Health shall be evaluated for promotion after a probationary period not
to exceed seven years and shall be evaluated in a comprehensive manner at
least once during the probationary period; however, the evaluation of tenure
is a separate and optional process with no maximum time limit. See Regent
Policy 5.D.

5.C.4 Teaching Faculty Appointments

(A) The primary responsibility of teaching faculty is instruction, however, some faculty
members in this category may engage in limited service and/or leadership activities
as assigned by the unit. Teaching faculty are usually supported by general funds.

(1) Instructional track faculty may be employed on a long-term basis and typically
hold full-time appointments.

(a) Appointments are at-will or limited. Appointments are not tenure
eligible.
(b) There shall be three faculty ranks in the instructional faculty track.

(c) Campuses are encouraged to provide multi-year contracts (limited appointments) to high performing instructional track faculty as permitted by state law and available financial resources.

(d) Full-time senior instructional track faculty may negotiate a differential workload to accommodate professional development. This policy is meant to recognize the contributions of long-serving, instructional track 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]

(2) Contingent teaching faculty are faculty members hired to teach courses on an as-needed basis and typically hold part-time appointments. Contingent faculty are at-will and are not tenure eligible.

5.C.5 Clinical Track Faculty Appointments

(A) Clinical Teaching Track faculty members participate in a broad range of teaching and/or clinical activities and provide service to the university and community based on their clinical obligations. They participate in research and scholarly activities to a limited degree.

(1) Appointments are generally at-will, but can be indeterminate or limited term if the faculty member is engaged in clinical activity more than 50% of the time. Appointments are not tenure eligible.

(B) Clinical Practice Track faculty members are focused primarily on direct patient care. Faculty members in this track must demonstrate excellence in clinical care and meritorious teaching and are encouraged, but not required, to participate in scholarship.

(1) Appointments may be at-will, limited, or indeterminate but must be at least 0.5 FTE. Appointments are not tenure eligible.

(C) Clinical Track faculty members also include practitioners or other professionals who perform teaching, research, or clinical services on a part-time (less than 0.5 FTE) or volunteer basis.

(1) Appointments are at-will and are not tenure eligible.

5.C.6 Research Track Faculty Appointments

(A) The primary responsibility of faculty members in the research faculty track is to conduct research, although some may be involved in instructional programs.

(1) Faculty members in the research track are employees at-will and are not tenure eligible.

(2) All faculty members in the research track shall be supported by non-general funds.
5.C.7 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. A peer evaluation process shall be used at all campuses except the Anschutz Medical Campus. A faculty member's contribution to teaching, research/creative work, leadership and service, and, where applicable, clinical activity, shall be evaluated based on performance standards developed by each academic unit and any written expectations agreed to by the faculty member and the unit. Teaching evaluations must use multiple measures, including normed student feedback. In annual merit evaluations, the assigned workload shall be appropriately considered.

(C) Faculty workloads may be negotiated consistent with the university's commitment to teaching, research/creative work, leadership and service, and where applicable, clinical activity 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 college/school and campus.

(1) Faculty governance leadership and service shall be included for consideration 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"). 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. The period of time for any outside commitment shall not cumulate to large amounts of consecutive time but shall be employed in such reasonably short periods as will not interfere with the faculty member's regular university duties. 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.

(E) Any faculty member with the rank of Professor, Associate Professor, Assistant Professor, Senior Instructor, or Instructor may be allowed, upon retirement, to retain their title with the description "emeritus/emerita." Nomination for this distinction must follow campus-defined procedures and be approved by the chancellor.
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 service (not including approved leaves) as a professor, associate professor, or assistant professor. The probationary period shall not exceed seven years, unless an extension was approved by the dean and chancellor.

(B) In the Schools of Medicine, Pharmacy and Public Health, promotion and tenure are separate processes, but may occur concurrently.

(1) A decision regarding promotion to associate professor shall be made after a probationary period of continuous full-time service (not including approved leaves) at the rank of assistant professor. Normally, the promotion review of a faculty member will commence at the beginning of the seventh year of service. The probationary period shall not exceed seven years unless an extension was approved by the dean and chancellor.

(2) Tenure track faculty members in the rank of associate professor or professor are eligible for consideration for tenure. There is no maximum time limit for the award of tenure; however, a faculty member who is denied tenure may not be reconsidered for tenure for three years.

(C) The tenure probationary period shall begin when the faculty member is first appointed to the rank of assistant professor or a higher rank. However, a faculty member appointed to the rank of assistant professor without a terminal degree may decide at the time of initial appointment whether the probationary period will begin at the time of initial appointment or upon receipt of the terminal degree. Such a decision shall be made in writing and must be approved by the dean and the chancellor.

(D) Typically, up to three years of full-time service in the ranks of assistant professor, associate professor, or professor at other institutions may be included in the probationary period. If an individual’s professional accomplishments warrant, the probationary period may be waived and tenure may be recommended upon hire.

(E) 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, research/creative work, and leadership and service (to the university, profession and public), and demonstrated excellence in either teaching, or research/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 must also demonstrate meritorious performance in that area.

(B) A recommendation of tenure based on excellence in teaching or research/creative work must include external 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 explicate the teaching, research/creative work, and leadership and service expectations for faculty, such as expectations for articles, books, and/or 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 Board of Regents has approved 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 award of 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.

(B) Candidate Dossier

(1) In consultation with the primary unit head, the candidate prepares a dossier containing relevant information on which the evaluators will base their decision. Primary unit criteria are included in the candidate’s dossier and shall guide evaluation at every level of review.

(2) Candidates are entitled to submit any material or information they believe will be helpful in their evaluation at any stage of the review process.

(3) Candidates are entitled to have access to all performance evaluation documents in their own files, excluding letters of recommendation solicited from outside the primary unit, which are treated as confidential.

(C) Levels of Review

(1) First Level Reviews occur at the school/college, library, or department level; they include a review by the primary unit and the chair, the dean’s review committee, and the dean.

(a) Only members of the primary unit holding tenure may vote on decisions relating to tenure.

(b) Only members of the primary unit with the rank of full professor may vote on decisions to promote a faculty member to a rank of full professor or hire a faculty member at a rank of full professor.

(c) Results of the first level review are forwarded to the provost.

(2) Second Level Reviews occur at the campus level; they include a review and recommendation by the provost’s advisory committee, the provost, and the final decision or recommendation of the chancellor.

(a) Reappointment and promotion decisions are completed at the second level. Recommendations are forwarded to the chancellor for a final decision.

(b) Tenure decisions are completed at the second level if the chancellor’s decision concerning the award of tenure is negative. In such cases, the chancellor’s decision is final. See section 5.D.7 for information on the appeals process.

(c) The chancellor shall forward positive tenure decisions to the president for a third level review.
(3) Third Level Review occurs at the presidential level and applies only to tenure cases.

(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.

(D) If a candidate is denied tenure, they will be given a one-year terminal appointment and the tenure track appointment will not be continued.

5.D.6 Appeal of Decisions Regarding Reappointment and Promotion

(A) The chancellor's decision on reappointment or promotion is final.

(B) If a candidate is denied reappointment or promotion and believes that there have been substantive procedural 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 5G.

5.D.7 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) substantive 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.

(B) If the appeals process results in a decision by the president to deny tenure and the candidate believes that there have been serious procedural 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 5G.
5.D.8 Integrity of the Process

(A) The integrity of reappointment, tenure, and promotion depend upon the consistent and knowledgeable application of university processes by the faculty and academic administrators. Participants in the process shall be familiar with and follow all related policies and procedures.

(B) Participants are expected to have no conflict of interest in the case and to keep the deliberations of the proceedings confidential.

(C) If errors are discovered during the process, they should be remedied, if possible, before the dossier moves to the next level of review.
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, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of nolo contendere, discrimination or sexual misconduct, fiscal misconduct, violation of the weapons control policy, 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.

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 5G.

(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 shall provide written notification of their decision to the faculty member, committee chair, and hearing officer.

(2) If the chancellor disagrees with the recommendation to dismiss, the decision is final but the chancellor shall provide a rationale to the committee chair.

(3) If the chancellor concurs with the recommendation of the dean and provost and approves dismissal, 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.
(b) If the case involves a tenured faculty member, the action to dismiss, regardless of whether the case is appealed to the president, is contingent upon the revocation of tenure, which must be approved by the Board of Regents. See section 5.E.3.

(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.

(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, which must be approved 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 shall provide written notification 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, must be approved 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, in 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 must 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 tenured faculty appointments are contingent upon board 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) 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 may not 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.

(F) 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 denial of specified rights to the Faculty
Senate grievance committee under established policies and procedures.
5.G Faculty Grievance

5.G.1 Grievance Rights

(A) As provided in Article 5, Part D and further articulated in Regent Policy 5E, 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 5D, 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 academic freedom or academic rights, including, but not limited to, those arising during an annual evaluation or post-tenure review process.

5.G.2 Faculty Senate Authority

(A) The Faculty Senate grievance committee shall be constituted as provided in the Faculty Senate constitution and shall investigate, mediate and hear grievances that are submitted to it by members of the faculty and make recommendations to the administration on specific grievance cases.

(B) 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.

(C) The authority granted to the Faculty Senate grievance committee by the Board of Regents is a result of a collaborative process involving faculty leaders and regents to determine the appropriate role of faculty governance in considering disciplinary actions taken against faculty members or possible violations of a faculty member’s academic freedom or academic rights.

(D) Limits to Authority

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

(a) The grievance committee shall not have jurisdiction over an
administrator’s grievance related to the performance of administrative
duties unless there are alleged direct consequences for the
administrator’s academic freedom or academic rights.

(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.
(a) In disciplinary matters, the committee shall consider the merits of the matter before it as well as the process.

(4) 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 were the result of fraud, misrepresentation or misconduct by a party to the proceedings or newly discovered evidence that could not, in the exercise of reasonable diligence, been presented in the earlier proceedings. The Faculty Senate grievance committee shall not consider a grievance until these processes are completed.

(5) 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.

5.G.3 Time Limits for Filing a Grievance

(A) Dismissal for Cause Grievance Filings

(1) If the administration is initiating dismissal for cause proceedings to terminate a 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.

(2) 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.

(B) All other Grievance Filings

(1) In cases involving promotion, tenure, or non-reappointment, grievance statements shall 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.

(2) 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.

(3) In cases of other 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.

(4) 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.

(5) 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.

(C) Notification

(1) In all cases, receipt of notification to the faculty member 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.

5.G.4 Grievance Proceedings

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(E) 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.
(F) 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.

(G) 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.

(H) 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.

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

5.G.5 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 made in accordance with Regent Policy 5E.

(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 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.